



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

\* \* \*

**TUESDAY, March 1, 2016**

**7:00 P.M.**

*Hoyer Hall, Clayton Community Library  
6125 Clayton Road, Clayton, CA 94517*

**Mayor:** Howard Geller

**Vice Mayor:** Jim Diaz

### **Council Members**

Keith Haydon

Julie K. Pierce

David T. Shuey

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

# \* CITY COUNCIL \*

March 1, 2016

1. **CALL TO ORDER AND ROLL CALL** – Mayor Geller.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Geller.

3. **CONSENT CALENDAR**

*Consent Calendar items are typically routine in nature and are considered for approval by one single motion of the City Council. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or further input may request so through the Mayor.*

- (a) Approve the minutes of the City Council's regular meeting of February 16, 2016. ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. ([View Here](#))
- (c) Adopt a Resolution approving the Notice of Completion for the Trail Bridges Renovation Project (CIP No. LMD 2015-4; Landscape Maintenance District funds) and the replacement of the exterior wood stairway at the side of Clayton City Hall performed by Graniterock Company, and authorize the City Clerk to record the Notice of Completion. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to Dominic and Derek Vines for their construction of a 4-hole sandbag filling station for the City to earn the Webelos Conservation Project Badge and "Build It" pin (Boy Scouts of America). ([View Here](#))
- (b) Certificates of Recognition to public school students selected for exemplifying the "Do the Right Thing" character trait of "Self-Discipline" in January/February 2016. ([View Here](#))

5. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
- (e) Other

**6. PUBLIC COMMENT ON NON - AGENDA ITEMS**

*Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.*

*Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.*

**7. PUBLIC HEARINGS**

- (a) Public Hearing on a proposed June 2016 ballot measure for the recommended continuation of the existing City of Clayton Community Facilities District 2007-1's (Citywide Landscape Maintenance District) real property annual special tax for an additional period of 10 years to fund the on-going operations and maintenance of the City's trails system, public roadway landscaping, open space and exotic weed abatements, and other related expenses. ([View Here](#))  
(Assistant to the City Manager)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** Adopt the Resolution ordering the placement of a City-initiated ballot measure on the June 7, 2016 ballot for local voter consideration to continue the existing annual special parcel tax of the Landscape Maintenance District for an additional ten years using the same tax rate methodology of the current District (Community Facilities District CFD 2007-1).

- (b) Consider the Introduction and First Reading of proposed City-initiated Ordinance No. 461 amending Title 17 Zoning of the *Clayton Municipal Code* establishing the prohibition of cannabis testing laboratories and the delivery of cannabis within the city of Clayton. ([View Here](#))  
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Following Council discussion or any amendments to the proposed Ordinance, approve a motion to have the City Clerk read Ordinance No. 461 by title and number only and waive further reading; and **4)** Following the City Clerk's reading, by motion approve Ordinance No. 461 for introduction with findings the action does not constitute a project under CEQA.

**8. ACTION ITEMS**

- (a) Consider the report and a Resolution approving the City's 2015 Annual Report on its progress of implementing the City's Housing Element policies and programs. (Community Development Director) ([View Here](#))

Staff Recommendation: Following staff presentation and opportunity for public comments, adopt the Resolution with direction to staff to file the City's 2015 Annual Report with the State Department of Housing and Community Development, Division of Housing Policy Development.

**9. COUNCIL ITEMS** – limited to requests and directives for future meetings.

**10. CLOSED SESSION**

- (a) *Government Code Section 54956.9(d)(2)* – Significant Exposure to Litigation. Conference with Legal Counsel: Anticipated Litigation (1 case).

Report out from Closed Session: Mayor Geller

**11. ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be March 15, 2016.

# # # # #

**MINUTES**  
OF THE  
REGULAR MEETING  
CLAYTON CITY COUNCIL

Agenda Date: 3-01-2016

Agenda Item: 3a

TUESDAY, February 16, 2016

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmembers Haydon, Pierce, and Shuey. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Maintenance Supervisor John Johnston, Finance Manager Kevin Mizuno, Community Development Director Mindy Gentry, Assistant to the City Manager Laura Hoffmeister, and City Clerk/HR Manager Janet Brown.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Geller.

3. **CONSENT CALENDAR**

**It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).**

- (a) Approved the minutes of the City Council's regular meeting of February 2, 2016.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution 09-2016 appointing Maryann Carroll-Moser and Nancy Morgan to the citizens advisory Trails and Landscaping Committee for terms of office to expire December 31, 2017.
- (d) Approved the NJPA competitive-bid award of contract to Garton Tractor, Inc. in the amount of \$46,242.70 for the purchase of a 2016 Ford New Holland Mini-Excavator using FY 2014-15 General Fund net excess reserves.
- (e) Approved the award of contracts to Paining by Ken (\$19,140), Floorscapes Quality hardwood Flooring (\$5,472.50), J&R Services (\$6,150), and Ross Recreation Equipment (\$20,045.75, for the re-painting of Endeavor Hall (interior and exterior) and City Hall (exterior only), re-finishing of wood floor in Endeavor Hall, re-sealing of concrete floors at Endeavor Hall and at Clayton Community Park restrooms, and the purchase of ten (10) additional trash receptacles and three (3) replacement BBQs for Clayton Community Park, respectively, using FY 2014-15 General Fund net excess reserves.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Recognitions to outgoing Trails and Landscape Committee Members Larry Casagrande, Robert Erich, Howard Glazier, and Harun Simbirdi in appreciation for their valued civic services to the Clayton community.

Mayor Geller presented outgoing Trails and Landscaping Committee members Larry Casagrande, Howard Glazier, and Harun Simbirdi with a City plaque in appreciation of their valued civic services. Mayor Geller requested staff mail Mr. Robert Erich his plaque as he was not present this evening.

5. **REPORTS**

- (a) Planning Commission – Commissioner David Bruzzone summarized the Commission’s meeting of February 9, 2016. He noted its agenda included recommendation of a Zoning Ordinance amendment prohibiting cannabis testing laboratories and the delivery of cannabis in the city. A Use Permit for massage therapy services located at the existing Frontier Beauty Salon in Clayton’s Town Center was also approved.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff  
City Manager – No Report.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Vice Mayor Diaz attended a press conference held by State Senator Glazier regarding a proposed Bay Area Rapid Transit Bond Measure to improve the system. Mr. Diaz also attended the Contra Costa County Mayors’ Conference hosted by the City of Oakley and a Clayton Business and Community Association sub-committee meeting for its upcoming Art and Wine Festival.

Councilmember Pierce attended meetings of the Contra Costa Transportation Authority, Associated Bay Area Government (ABAG), Metropolitan Transportation Commission (MTC), joint meetings of ABAG and MTC, and the Contra Costa County Mayors’ Conference hosted by the City of Oakley.

Councilmember Shuey did not provide a report.

Councilmember Haydon attended the Contra Costa County Mayors’ Conference hosted by the City of Oakley, a Clayton Budget Committee mid-year review with staff, and advised that he and Vice Mayor Diaz conducted interviews with two citizens to serve on the Trails and Landscaping Committee. Councilmember Haydon also toured the Clayton Museum’s Civil War exhibit.

Mayor Geller attended the press conference held by State Senator Glazier regarding a proposed Bay Area Rapid Transit Bond Measure to improve the system, the Contra Costa County Mayors’ Conference hosted by the City of Oakley, and the Clayton Budget Committee mid-year review with staff. He also booked the bands for the 2016 Saturday Concerts in The Grove series.

- (e) Other – None.

6. **PUBLIC COMMENT ON NON - AGENDA ITEMS** – None.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider a Resolution denying the final map for the Oak Creek Canyon project, a six-lot subdivision located north of the intersection of Diablo Parkway and east Marsh Creek Road.

Community Development Director Mindy Gentry presented a slide show summarizing the history and chronology of processing the Oak Creek Canyon Project and the applicant's progress in compliance with the conditions of approval and mitigation measures. She noted the particular and various Mitigation Measures and Conditions of Approval that were not completed by the expiration of the tentative map, which date was January 21, 2016. Ms. Gentry also noted a letter was received prior to this evening's meeting from the developer's attorney expressing its disagreement with the staff-proposed recommendation to deny the map's filing of completion.

Councilmember Pierce asked City Attorney Mala Subramanian for clarification regarding the developer's letter received this evening; it indicates contention that the tentative map for Oak Creek Canyon has not expired and remains valid. Is that the case? Ms. Subramanian advised the tentative map is still open for that consideration if they can demonstrate compliance with the conditions; as of this evening it is still not valid. This evening is to determine if they have complied.

Councilmember Pierce then asked about the reference in the letter indicating the City Council is not required to take action on this item this evening. Is action required this evening? Ms. Subramanian advised the tentative map's life cannot be extended to grant them additional time to comply with the unmet conditions of approval since it expired on January 21, 2016.

Councilmember Pierce inquired if the conditions of approval are not met will the developer need to re-submit the entire package? Ms. Subramanian confirmed the developer will have to resubmit the entire package and she encouraged the City Council to take action this evening.

Mayor Geller opened the item to receive public comments; no public comments were offered.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to adopt Resolution No. 10-2016 denying approval of a Final Map for the Oak Creek Canyon Project (MAP 04-03). (Passed; 5-0 vote).**

- (b) Review of the City's Mid-Year Budget status report for Fiscal Year 2015-2016.

Finance Manager Kevin Mizuno presented the staff report providing background on the Fiscal Year 2015-16 Budget noting at the time of its adoption the projected General Fund Revenues and authorized total General Fund appropriations anticipated a surplus of \$28,516. Since adoption there were two amendments made to the FY 2015-16 Budget consisting of a change order to the 2015 Neighborhood Street Project to add the Lower Easley Trail repaving component, and approval of a contract to Graniterock Company for the replacement of 7 trail bridges' wood decking.

There is a slight difference in General Fund revenues for mid-year due to the RDA's dissolution and other non-recurring matters. Mr. Mizuno provided a 3-year trend of

General Fund Revenues at mid-year; the City's share of the RDA's return of All Other Funds Due Diligence Review tax increment monies to the County coupled with the State's funding of old SB90 mandated reimbursement claims from FY 2002 through FY 2004 reveals actual City revenues are exceeding projections by approximately \$251,000. Mr. Mizuno continued his report to indicate General Fund Expenditures at mid-year are collectively below the authorized expenditure mark at mid-year.

The Successor Agency's All Other Funds Due Diligence Review was finally approved by the California Department of Finance (DOF) on November 30, 2015 resulting in an additional negative "claw-back" of monies from the City's General Fund of \$230,786 in lawful RDA expenses incurred at the time that were retrospectively denied by the state imposed RDA-dissolution process (AB1484). Mr. Mizuno concluded by recommending no budgetary action is necessary at this time, a recommendation concurred with by the City Council's Budget Committee.

Vice Mayor Diaz inquired if the General Fund Revenues at mid-year (slide 8) are imbedded in the 3-year trend of General Fund Revenues at mid-year (slide 6)? Mr. Mizuno advised the \$87,393 is contained in the Redevelopment Property Tax Trust Fund (RPTTF) (slide 6).

Councilmember Haydon commented this is essentially a summary of the City's budget at mid-year and he thanked Mr. Mizuno and Mr. Napper for being available to answer any questions the Council sub-committee had regarding the City's Budget status.

Mayor Geller added his thanks to Finance Director Kevin Mizuno for concisely covering highlights and key points of the City's Budget.

Mayor Geller invited public comment regarding this Mid-Year Budget Report; no public comments were offered.

**It was moved by Councilmember Haydon, seconded by Councilmember Shuey, to accept the City's Mid-Year Budget Report for FY 2015-16 without any mid-year adjustments. (Passed; 5-0 vote).**

- (c) Consider and draft proposed Ballot Measure language for local voter consideration at the June 7, 2016 election, regarding extension of the Citywide Landscape Maintenance District special annual tax for a time period of ten years commencing FY 2017-2018 through 2026-2027.

Assistant to the City Manager presented the staff report providing a brief summary of the Trails and Landscaping Committee's recommendation to continue the existing Citywide Landscape Maintenance District special annual tax. She then outlined three possible options for the Ballot Measure language. The citizens' advisory Committee preferred using the word "current" over "existing" and "continued" over "extended". They also felt the maintenance of the City trails system should be mentioned early in the wording as many residents use the very popular public trails system. And lastly the advisory Committee recommends continuance of the special tax for an additional period of ten years.

Ms. Hoffmeister further advised the City Council may wish to select up to of its two members to work with staff on refining the ballot wording for final consideration at its March 1 public hearing. She noted the current parcel tax amount is included in the proposed Ballot Measure language.



Vice Mayor Diaz inquired if today's rate of \$234.84 per year has remained the same? Ms. Hoffmeister advised the current special tax rate has been adjusted annually to an amount no more than the Consumer Price Index allowable rate increase of 3% per year.

Mayor Geller opened the item to receive public comments; no public comments were offered.

Councilmember Pierce indicated she prefers the general tone of the Option 2 proposed Ballot Measure language as it includes the listing of maintenance performed with the collection of the special tax funds.

Vice Mayor Diaz also prefers Option 2 because the question is asked in the beginning rather than after the preamble. Councilmember Haydon also preferred Option 2.

Ms. Hoffmeister asked if the Council wishes to select up to two members to work with staff on refining ballot wording for final consideration by Council at the March 1, 2016 public hearing. Councilmembers Haydon and Pierce volunteered to work with staff on the final ballot wording.

No City Council action was taken.

- (d) Consider for approval the re-landscape conceptual designs for public medians located at Eagle Peak Drive and Oakhurst Drive (south), Keller Ridge Drive and Eagle Peak Drive, Eagle Peak Drive and Oakhurst Drive (north), Peacock Creek Drive at Clayton Road (first median), Regency Drive at Marsh Creek Road, Entry to City on Marsh Creek Road at Diablo Parkway, and Marsh Creek Road east side from Town Center sign to Center Street using approved Citywide Landscape Maintenance District project funds from FY 2015-16.

Maintenance Supervisor John Johnston presented a slideshow detailing the proposed entry median redesigns using a combination of hardscape, boulders, lighting, signage and shrubs. Mr. Johnston included uniform design features, specific species of plants best for Clayton's soil, and outlined the challenges posed at each of the public medians regarding power or water access.

Mayor Geller opened the item to receive public comments.

Kahni Horton, 100 Forest Hill Drive, expressed her concern with vehicle accidents that have occurred on the median going up Peacock Creek Drive which has removed numerous trees in the median. Mrs. Horton would like to know when replacement trees were scheduled for re-planting as she sees them as an additional safety measure to the recent collisions.

Toni Hegemier, 172 Brandywine Place, expressed her concerns with the deteriorating signage, blight, weeds and trees not being pruned for years along the Peacock Creek Drive entrance and medians. Ms. Hegemier is also concerned with the missing median trees not being replaced in a timely manner as it presents a dangerous condition. She requested consistent and more frequent maintenance of the medians in her neighborhood.

Dane Horton, 100 Forest Hill Drive, expressed his concerns with the existing plants in the median not being properly watered and trees not being replanted. Mr. Horton indicated the whole front lawn by the entrance sign is full of weeds and looks like crap;

this neighborhood pays a lot in property taxes, is the most prestigious neighborhood in the city, and should receive better attention by the City on its maintenance.

No further public comments were offered.

Councilmember Shuey asked if any of the concerned residents have made contact with the City or its Maintenance Department to express these concerns? Mr. Horton advised he has seen John Johnston of the Maintenance Department out on the trails and has complimented him on the continued maintenance of the trail system. Councilmember Shuey suggested any maintenance questions be given to Maintenance Supervisor Johnston via telephone or email.

Councilmember Haydon noted the citizens' Trails and Landscaping Committee is responsible for recommending where the Landscape Maintenance District's funds are used; perhaps contact with those members would also be helpful. Ms. Hoffmeister indicated the Trails and Landscaping Committee is scheduled to have its next meeting in March or April.

Mayor Geller further suggested Mr. Horton apply for a position on the Trails and Landscaping Committee where if appointed, he can provide input for use of these funds.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to accept the Trails and Landscaping Committee's and staff's recommended designs for re-landscaping of the selected subdivision entry medians. (Passed; 5-0 vote).**

- (e) Consider the Vice Mayor's request to hold seven (7) Classic Car Shows in the off-street City parking lot on Main Street in conjunction with four (4) Wednesday night Concerts in The Grove during select dates in 2016 to be funded by private donations.

Vice Mayor Diaz presented the proposed Wednesday night Classic Car Show and concert dates occurring every two weeks during the summer starting in June 2016. The concerts would continue to be funded by private donations.

Councilmember Haydon inquired about any potential parking or safety conflicts with Kindercare patrons picking up their kids in the same parking lot during the proposed Wednesday Classic Car shows. Vice Mayor Diaz responded the classic cars show up around 6 o'clock p.m. in the designated parking area and should not have an impact on the patrons of Kindercare during their earlier pick-up times.

Mayor Geller inquired on the expected number of cars participating in the Car Shows? Vice Mayor Diaz advised the car show is expected to have up to twelve vehicle entries per show.

Mayor Geller opened the item for public comments. No public comments were offered.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to authorize the use of City properties for seven (7) Classic Car Shows in the off-street City parking lot on Main Street in conjunction with four (4) Wednesday night Concerts in The Grove during select dates in 2016 to be funded by private donations. (Passed; 5-0 vote).**

- (f) City Council discussion to determine topics and subject matters for its annual joint special meeting with the Mount Diablo Unified School District Board of Education to be held in a Special Joint Meeting Monday, February 29, 2016.

City Manager Napper opened the discussion by suggesting possible talking points between the City Council and the Mt. Diablo Unified School District Board of Trustees. Staff recommends a report on the disposition and success of the collaboration of a solution to the drainage, and discussion of opportunities to establish neighborhood notification of outdoor school and/or Parent-Faculty Clubs events occurring during non-traditional school hours. Mr. Napper requested the City Council by motion include the purposes, date, time and location of the proposed special joint meeting with the Mt. Diablo School Board of Trustees.

Councilmember Pierce commented on the continued unsafe traffic hazards situations routinely occurring by drivers at Mount Diablo Elementary School during drop off and pick up times. City Manager Napper indicated a public school does not have jurisdiction over drivers on public streets and the subject would likely boomerang back to the City to resolve. Councilmember Haydon indicated he believed there was value in having the discussion anyway as the School District might have some solutions to share from its other campuses.

Councilmember Shuey would like to discuss the relationship between Clayton Valley Charter High School and Mt. Diablo Unified School District and the need for a performing arts studio in the Clayton Valley area.

Mayor Geller opened the item to receive public comments; no public comments were offered.

**It was moved by Councilmember Pierce, and seconded by Councilmember Shuey, to approve a City Council special joint meeting with the Mt. Diablo Unified School District Board of Trustees on February 29, 2016 at 6:30 pm in Hoyer Hall located at 6125 Clayton Road, Clayton, CA to include the six City agenda items outlined below:**

- 1. Report on the success of an inter-agency stormwater runoff containment project performed on MDUSD school property and on City property adjacent to the asphalt public trail rimming the Mt. Diablo Elementary School.**
- 2. Discuss opportunities for improved protocols for area neighborhood notification when outdoor school and/or Parent-Faculty Club events on school campuses occur during non-traditional school hours.**
- 3. Discuss unsafe driving issues occurring with the Mt. Diablo Elementary School traffic during drop-off and pick-up hours. Has MDUSD mitigated similar problems at other schools it can share with the City?**
- 4. Report/Update from MDUSD regarding the inaugural year of its after-school intermural sports programs at Diablo View Middle School.**
- 5. Share information/feedback regarding the Clayton Valley Charter High School relationship. How is the relationship going with the Charter School? Is there any way the City Council can help in that relationship?**
- 6. There seems to be a need for a performing arts studio in the Clayton Valley area; what might be done to address this?**

**(Passed; 5-0 vote).**

9. **COUNCIL ITEMS**- None.

10. **CLOSED SESSIONS**

Mayor Geller announced the City Council would go into a closed session to discuss the subject matters listed below (9:45 p.m.):

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiator.  
Real Property: 6055 Main Street, Clayton, CA (APN 119-011-003).  
Instructions to City Negotiator: City Manager Gary Napper, concerning price and terms of payment.  
Negotiating Party: Clayton Community Church (Shawn Robinson).
- (b) *Government Code Section 54956.8*, Conference with Real Property Negotiator.  
Real Property: 6055 Main Street, Clayton, CA (APN 119-011-003).  
Instructions to City Negotiators: Mayor Geller and Council Member Pierce, and Ed Del Beccaro, Managing Director, Transwestern, concerning price and terms of payment.  
Negotiating Party: Pacific Union Land Company (Joshua Reed).

Report out from Closed Session (10:04 p.m.)

Mayor Geller reported the City Council received information from its negotiator regarding these matters but no reportable action was taken.

11. **ADJOURNMENT**- on call by Mayor Geller, the City Council adjourned its meeting at 10:05 p.m.

The next regularly scheduled meeting of the City Council will be March 1, 2016.

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Respectfully submitted,

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Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

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Howard Geller, Mayor

# # # # #



Agenda Date 3/1/2016

Agenda Item: 3b

Approved:   
\_\_\_\_\_  
Gary A. Napper  
City Manager

# STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 3/1/16

SUBJECT: INVOICE SUMMARY

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## RECOMMENDATION:

Approve the following Invoices:

2/26/2016	Obligations	\$ 176,845.43
2/16/2016	Payroll, PPE 2/14/16, Week 07	\$ 81,244.26
	Total	<u>\$ 258,089.69</u>

### Attachments:

Cash Requirements Report dated 2/26/2016 (4 pages)

ADP payroll report for week 07 (1 page)

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>ADP, LLC</b>								
ADP, LLC	3/1/2016	3/1/2016	469166887	Payroll fees PPE 2/14/16	\$159.00	\$0.00		\$159.00
				<i>Totals for ADP, LLC:</i>	<i>\$159.00</i>	<i>\$0.00</i>		<i>\$159.00</i>
<b>American Fidelity Assurance Company</b>								
American Fidelity Assurance Company	3/1/2016	3/1/2016	B427042	March Supplemental Insurance	\$435.38	\$0.00		\$435.38
American Fidelity Assurance Company	3/1/2016	3/1/2016	1183557B	November 2015	\$526.66	\$0.00		\$526.66
American Fidelity Assurance Company	3/1/2016	3/1/2016	1183558A	December 2015	\$526.66	\$0.00		\$526.66
				<i>Totals for American Fidelity Assurance Company:</i>	<i>\$1,488.70</i>	<i>\$0.00</i>		<i>\$1,488.70</i>
<b>AT&amp;T (CalNet3)</b>								
AT&T (CalNet3)	3/1/2016	3/1/2016	7720115	service 1/22/16-2/21/16	\$1,654.80	\$0.00		\$1,654.80
				<i>Totals for AT&amp;T (CalNet3):</i>	<i>\$1,654.80</i>	<i>\$0.00</i>		<i>\$1,654.80</i>
<b>Bay Area Barricade Serv.</b>								
Bay Area Barricade Serv.	3/1/2016	3/1/2016	0335411-IN	signs	\$1,741.43	\$0.00		\$1,741.43
Bay Area Barricade Serv.	3/1/2016	3/1/2016	0335469-IN	2 way pavement markers	\$54.50	\$0.00		\$54.50
				<i>Totals for Bay Area Barricade Serv.:</i>	<i>\$1,795.93</i>	<i>\$0.00</i>		<i>\$1,795.93</i>
<b>Best Best &amp; Kreiger LLP</b>								
Best Best & Kreiger LLP	3/1/2016	3/1/2016	766052	January 2016 Retainer	\$8,000.00	\$0.00		\$8,000.00
Best Best & Kreiger LLP	3/1/2016	3/1/2016	766058	January Services	\$435.00	\$0.00		\$435.00
Best Best & Kreiger LLP	3/1/2016	3/1/2016	766059	January Services	\$110.00	\$0.00		\$110.00
Best Best & Kreiger LLP	3/1/2016	3/1/2016	766060	January Services	\$1,127.50	\$0.00		\$1,127.50
Best Best & Kreiger LLP	3/1/2016	3/1/2016	766061	January Services	\$2,007.50	\$0.00		\$2,007.50
				<i>Totals for Best Best &amp; Kreiger LLP:</i>	<i>\$11,680.00</i>	<i>\$0.00</i>		<i>\$11,680.00</i>
<b>Jessica Boscacci</b>								
Jessica Boscacci	3/1/2016	3/1/2016	2/15/16	Petty Cash Reconciliation	\$332.39	\$0.00		\$332.39
				<i>Totals for Jessica Boscacci:</i>	<i>\$332.39</i>	<i>\$0.00</i>		<i>\$332.39</i>
<b>CalPERS Health</b>								
CalPERS Health	3/1/2016	3/1/2016	1964	March Medical	\$37,335.28	\$0.00		\$37,335.28
				<i>Totals for CalPERS Health:</i>	<i>\$37,335.28</i>	<i>\$0.00</i>		<i>\$37,335.28</i>
<b>CalPERS Retirement</b>								
CalPERS Retirement	3/1/2016	3/1/2016	CC 2/24/16	City Council Retirement ending 2/24/16	\$178.32	\$0.00		\$178.32
CalPERS Retirement	3/1/2016	3/1/2016	2/14/16	retirement PPE 2/14/16	\$13,491.35	\$0.00		\$13,491.35
				<i>Totals for CalPERS Retirement:</i>	<i>\$13,669.67</i>	<i>\$0.00</i>		<i>\$13,669.67</i>
<b>Caltronics Business Systems, Inc</b>								
Caltronics Business Systems, Inc	3/1/2016	3/1/2016	1953974	contract 1/17/16-2/16/16	\$389.07	\$0.00		\$389.07
				<i>Totals for Caltronics Business Systems, Inc:</i>	<i>\$389.07</i>	<i>\$0.00</i>		<i>\$389.07</i>
<b>Contra Costa Transportation Authority</b>								
Contra Costa Transportation Authority	3/1/2016	3/1/2016	Prop 111	Prop 111 FY 2015 share	\$1,025.00	\$0.00		\$1,025.00

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Contra Costa Transportation Authority:</i>					\$1,025.00	\$0.00		\$1,025.00
<b>CR Fireline, Inc</b>								
CR Fireline, Inc	3/1/2016	3/1/2016	104410	Replace fire alarm panel, plans, & permit, EH	\$8,575.00	\$0.00		\$8,575.00
<i>Totals for CR Fireline, Inc:</i>					\$8,575.00	\$0.00		\$8,575.00
<b>Crop Production Svcs</b>								
Crop Production Svcs	3/1/2016	3/1/2016	28906134	Order # 5881329	\$3,769.40	\$0.00		\$3,769.40
<i>Totals for Crop Production Svcs:</i>					\$3,769.40	\$0.00		\$3,769.40
<b>De Lage Landen Financial Services, Inc.</b>								
De Lage Landen Financial Services, Inc.	3/1/2016	3/1/2016	49036255	contract for March	\$342.17	\$0.00		\$342.17
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					\$342.17	\$0.00		\$342.17
<b>Gary Duncan</b>								
Gary Duncan	3/1/2016	3/1/2016	CAP0168	Deposit refund for 3 Seminary Ridge Place	\$2,761.37	\$0.00		\$2,761.37
<i>Totals for Gary Duncan:</i>					\$2,761.37	\$0.00		\$2,761.37
<b>J&amp;R Floor Services</b>								
J&R Floor Services	3/1/2016	3/1/2016	two 2016	February billing 2016	\$4,940.00	\$0.00		\$4,940.00
<i>Totals for J&amp;R Floor Services:</i>					\$4,940.00	\$0.00		\$4,940.00
<b>LarryLogic Productions</b>								
LarryLogic Productions	3/1/2016	3/1/2016	1559	City Council Meeting 2/16/16	\$375.00	\$0.00		\$375.00
<i>Totals for LarryLogic Productions:</i>					\$375.00	\$0.00		\$375.00
<b>Lassiter Excavating Inc</b>								
Lassiter Excavating Inc	3/1/2016	3/1/2016	CAP0184	Deposit refund for 1176 Easley Dr	\$1,904.54	\$0.00		\$1,904.54
<i>Totals for Lassiter Excavating Inc:</i>					\$1,904.54	\$0.00		\$1,904.54
<b>Marken Mechanical Services Inc</b>								
Marken Mechanical Services Inc	3/1/2016	3/1/2016	1838	City Hall maintenance for January 2016	\$332.50	\$0.00		\$332.50
Marken Mechanical Services Inc	3/1/2016	3/1/2016	1837	Library maintenance for January	\$502.17	\$0.00		\$502.17
Marken Mechanical Services Inc	3/1/2016	3/1/2016	1742	Library maintenance Aug, Oct, Nov, Dec 201	\$600.00	\$0.00		\$600.00
Marken Mechanical Services Inc	3/1/2016	3/1/2016	1737	City Hall maintenance for December 2015	\$150.00	\$0.00		\$150.00
<i>Totals for Marken Mechanical Services Inc:</i>					\$1,584.67	\$0.00		\$1,584.67
<b>Matrix Association Management</b>								
Matrix Association Management	3/1/2016	3/1/2016	2689	management services for February 2016	\$4,375.00	\$0.00		\$4,375.00
<i>Totals for Matrix Association Management:</i>					\$4,375.00	\$0.00		\$4,375.00
<b>Neopost (add postage)</b>								
Neopost (add postage)	3/1/2016	3/1/2016	2/18/16	postage added	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage):</i>					\$300.00	\$0.00		\$300.00
<b>Northern California's Emergency Vehicle Installations</b>								
Northern California's Emergency Vehicl	3/1/2016	3/1/2016	1610	outfit new Sgt 's vehicle	\$11,651.82	\$0.00		\$11,651.82

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Northern California's Emergency Vehicle Installations:</i>					<i>\$11,651.82</i>	<i>\$0.00</i>		<i>\$11,651.82</i>
<b>PERMCO, Inc.</b>								
PERMCO, Inc.	3/1/2016	3/1/2016	10523	general city engineering services 2/6/16-2/19/16	\$3,552.00	\$0.00		\$3,552.00
PERMCO, Inc.	3/1/2016	3/1/2016	10524	review soils report	\$450.00	\$0.00		\$450.00
PERMCO, Inc.	3/1/2016	3/1/2016	10525	Inspections 2/6/16-2/19/16	\$199.50	\$0.00		\$199.50
PERMCO, Inc.	3/1/2016	3/1/2016	10526	review correspondence, meet with developer	\$1,275.00	\$0.00		\$1,275.00
PERMCO, Inc.	3/1/2016	3/1/2016	10527	prep of plans & bid pkgs for CalTrans	\$2,705.25	\$0.00		\$2,705.25
PERMCO, Inc.	3/1/2016	3/1/2016	10528	prepare prelim plans/cost est., etc...	\$3,991.25	\$0.00		\$3,991.25
<i>Totals for PERMCO, Inc.:</i>					<i>\$12,173.00</i>	<i>\$0.00</i>		<i>\$12,173.00</i>
<b>PG&amp;E</b>								
PG&E	3/1/2016	3/1/2016	2/16/16	Service 1/14/16-2/15/16	\$18,729.79	\$0.00		\$18,729.79
PG&E	3/1/2016	3/1/2016	2/22/16	service 1/21/16-2/21/16	\$11.95	\$0.00		\$11.95
PG&E	3/1/2016	3/1/2016	2/17/16	service 1/16/16-2/17/16	\$3,145.14	\$0.00		\$3,145.14
<i>Totals for PG&amp;E:</i>					<i>\$21,886.88</i>	<i>\$0.00</i>		<i>\$21,886.88</i>
<b>Ross Recreation Equipment, Co., Inc</b>								
Ross Recreation Equipment, Co., Inc	3/1/2016	3/1/2016	98238	10 - 124-31PL	\$18,295.50	\$0.00		\$18,295.50
<i>Totals for Ross Recreation Equipment, Co., Inc:</i>					<i>\$18,295.50</i>	<i>\$0.00</i>		<i>\$18,295.50</i>
<b>Roto-Rooter Sewer/Drain Service</b>								
Roto-Rooter Sewer/Drain Service	3/1/2016	3/1/2016	B-582-16	Work Order 3 C389628	\$538.00	\$0.00		\$538.00
Roto-Rooter Sewer/Drain Service	3/1/2016	3/1/2016	B-778-16	Work Order C389436	\$1,319.69	\$0.00		\$1,319.69
<i>Totals for Roto-Rooter Sewer/Drain Service:</i>					<i>\$1,857.69</i>	<i>\$0.00</i>		<i>\$1,857.69</i>
<b>Tractor Service</b>								
Tractor Service	3/1/2016	3/1/2016	EH013016	Endeavor Hall deposit refund for 1/30/16	\$500.00	\$0.00		\$500.00
<i>Totals for Tractor Service:</i>					<i>\$500.00</i>	<i>\$0.00</i>		<i>\$500.00</i>
<b>US Bank - Corp Pmt System CalCard</b>								
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	back cushion for chair	\$65.08	\$0.00		\$65.08
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	employee recognition awards	\$1,332.84	\$0.00		\$1,332.84
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	employee recognition awards	\$1,107.74	\$0.00		\$1,107.74
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	name badge	\$17.99	\$0.00		\$17.99
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	recording fees	\$57.50	\$0.00		\$57.50
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	ICMA annual prof membership 2016	\$1,400.00	\$0.00		\$1,400.00
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	keys for fire proof cabinet	\$35.00	\$0.00		\$35.00
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	CEQA Class for Milan	\$500.00	\$0.00		\$500.00
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	central storage rent	\$105.00	\$0.00		\$105.00
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	ink, calendars, rat traps, shop supplies	\$374.66	\$0.00		\$374.66
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	smog F450 repair 99 F450	\$269.11	\$0.00		\$269.11
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	landscape supplies	\$805.19	\$0.00		\$805.19
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	replace arms, Grove Park	\$1,018.00	\$0.00		\$1,018.00
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	tractor Hose	\$134.54	\$0.00		\$134.54
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	front tires for F450	\$845.55	\$0.00		\$845.55



## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	fuel	\$164.56	\$0.00		\$164.56
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	landscape fuel	\$845.27	\$0.00		\$845.27
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	M/C Helmet	\$406.99	\$0.00		\$406.99
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	credit report	\$9.95	\$0.00		\$9.95
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	postage	\$44.90	\$0.00		\$44.90
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	toner for fax & copier	\$113.76	\$0.00		\$113.76
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	battery for duty light, locker name plate, taser	\$174.41	\$0.00		\$174.41
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	fuel	\$1,848.84	\$0.00		\$1,848.84
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	parking, lunches - training	\$41.69	\$0.00		\$41.69
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	battery for transmitter #1733	\$11.91	\$0.00		\$11.91
US Bank - Corp Pmt System CalCard	3/1/2016	3/1/2016	Stmt 1/22/16	optic mounts	\$184.20	\$0.00		\$184.20
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					<i>\$11,914.68</i>	<i>\$0.00</i>		<i>\$11,914.68</i>
<b>Zee Medical Company</b>								
Zee Medical Company	3/1/2016	3/1/2016	724600474	First Aid cabinet refill - PW	\$108.87	\$0.00		\$108.87
<i>Totals for Zee Medical Company:</i>					<i>\$108.87</i>	<i>\$0.00</i>		<i>\$108.87</i>
<b>GRAND TOTALS:</b>					<b>\$176,845.43</b>	<b>\$0.00</b>		<b>\$176,845.43</b>

# Earnings Statement

0 Employees With Overflow Statement  
0 Overflow Statement 1 Total Statement  
Tot Cks/Vchrs:00000000034 Tot Docs in all:00000000037  
First No. Last No. Total  
Checks: ADPCHECK ADPCHECK 00000000003  
Vouchers: 00000070001 00000070031 00000000031

Z7L TOTAL DOCUMENT  
CITY OF CLAYTON  
LOCATION 0001

## CHECK STUFFING, RECONCILIATION

81244.26 GROSS  
58163.76 NET PAY (INCLUDING ALL DEPOSITS)  
9352.63 FEDERAL TAX  
138.91 SOCIAL SECURITY  
1110.37 MEDICARE  
.00 MEDICARE SURTAX  
.00 SUI TAX  
3044.65 STATE TAX  
.00 LOCAL TAX  
66780.04 DEDUCTIONS  
817.66 NET CHECK

COMPANY CODE Z7L  
CITY OF CLAYTON  
TOTAL DOCUMENT  
LOCATION 0001

COPY

COPY

VERIFY DOCUMENT AUTHENTICITY - COLORED AREA MUST CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM

NON-NEGOTIABLE - VOID - NON-NEGOTIABLE  
NON-NEGOTIABLE - VOID - NON-NEGOTIABLE  
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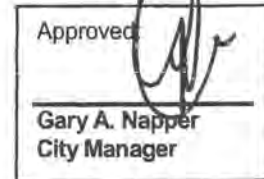
THE ORIGINAL DOCUMENT HAS AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT.



Agenda Date: 3-01-2016

Agenda Item: 3c

# STAFF REPORT



**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: MAINTNENANCE SUPERVISOR**

**DATE: MARCH 1 2016**

**SUBJECT: RESOLUTION ACCEPTING THE REPLACEMENT OF DECKING ON SEVEN (7) TRAIL PEDESTRIAN BRIDGES ALONG THE CARDINET AND EASLEY TRAILS AND REPLACEMENT OF WOOD STEPS ON SIDE EXTERIOR CITY EMPLOYEE STAIRWAY TO CITY HALL AS COMPLETE, ORDERING THE FILING OF A NOTICE OF COMPLETION.**

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## RECOMMENDATION

Adopt Resolution.

## BACKGROUND

The contractor, Graniterock Company, has completed removal and replacement of the decking on seven (7) Trail Pedestrian Bridges along the Cardinet and Easley Trails and replacement of wood steps on side exterior City employee stairway to City Hall and has requested acceptance of the work. The City's Maintenance Department has completed inspection of the new improvements and recommend acceptance of the work as complete.

## FISCAL IMPACT

On September 15, 2015, the City Council approved the contract budget in the amount of \$101,780.00 for the replacement of the decking on seven (7) Trail Pedestrian bridges along the Cardinet and Easley Trails and replacement of wood steps on exterior City employee stairway to City Hall. Source of funds was from The Landscape Maintenance District budgeted and unobligated fund (Fund 210) in the amount of \$79,030.00 for the replacement of decking on seven (7) Trail Pedestrian Bridges and from unassigned interest earnings (Fund 601) in the amount of \$22,750.00 for the exterior City employee stairway to City Hall. The project was completed at the total allocated budget amount of \$101,780.00.

## CONCLUSION

The project is complete and the work performed has satisfied the project's specifications. Therefore, Staff recommends approval of this Resolution accepting the work as complete,

Subject: Acceptance of replacement of decking on seven (7) Pedestrian Bridges along the Cardinet and Easley Trails and replacement of wood stairs on side exterior City employee stairway to City hall

Date: March 1 2016

Page 2 of 2

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ordering the filing of a Notice of Completion and the payment of all retained funds 35 days after filing of the Notice.

Attachments:      Resolution  
                            Notice of Completion

RESOLUTION NO. - 2016

**A RESOLUTION ACCEPTING THE REPLACEMENT OF DECKING ON SEVEN (7) TRAIL PEDESTRIAN BRIDGES ALONG THE CARDINET AND EASLEY TRAILS AND REPLACEMENT OF WOOD STEPS ON SIDE EXTERIOR CITY EMPLOYEE STAIRWAYS TO CITY HALL AS COMPLETE AND ORDERING THE FILING OF A NOTICE OF COMPLETION**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, on September 15, 2015 the City Council of Clayton did award a competitive contract to Graniterock Company, for the replacement of decking on seven trail pedestrian bridges and replacement of wood steps on side exterior of City Hall, to be known as the Replacement of decking on seven (7) Trail Pedestrian Bridges along the Cardinet and Easley Trails and replacement of wood steps on the side exterior City employee stairway to City Hall; and

**WHEREAS**, Graniterock Company, has now represented their work is complete and they are requesting acceptance by the City; and

**WHEREAS**, the City's Maintenance Department has inspected the work performed, has declared the contract has been fulfilled in accordance with project specifications, and City staff now requests the City Council to accept the work as complete and authorize the filing of a Notice of Completion in order to release retained project funds to the contractor;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California does hereby accept as completed, as of the date of adoption of this Resolution, the Replacement of decking on seven (7) Trail pedestrian Bridges along Cardinet and Easley Trails and replacement of wood steps on the side exterior City employee stairway to City Hall, hereby authorizes the City Clerk to file a Notice of Completion with the County Recorder, and further authorizes the release of the contract retention funds after the required 35 day waiting period.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 1st day of March 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Howard Geller, Mayor

ATTEST:

\_\_\_\_\_  
Janet Brown, City Clerk

# # # # #

I hereby certify that the foregoing Resolution was duly and regularly passed by the City Council of the City of Clayton at its regular public meeting held on March 1, 2016.

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Janet Brown, City Clerk

Recorded at the request of:

City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517

**NOTICE OF ACCEPTANCE  
AND COMPLETION OF PUBLIC WORKS**

NOTICE IS HEREBY GIVEN that the City of Clayton did, on or about September 16, 2015, contract with Graniterock Company, P.O. Box 50001, Watsonville, CA. 95077 for the replacement of decking on seven (7) trail pedestrian bridges along the Cardinet and Easley trails and replacement of wood steps on side exterior City employee stairways to City Hall in accordance with the plans and specifications prepared by the City of Clayton.

NOTICE IS FURTHER GIVEN that the City of Clayton Maintenance Supervisors. has inspected said work of the Contractor and reported that the work complies with the approved plans and specifications and recommended its acceptance as complete; also that the City Council of the City of Clayton, California, by adopting Resolution No. \_\_\_\_ on March 1 2016, accepted said public work as complete.

I hereby certify that the foregoing is true and correct and that the aforesaid action of the City Council of the City of Clayton, in accepting said public work as completed, was duly entered on the minutes of said Council's meeting of March 1 2016, I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 1, 2016, at Clayton, California.

\_\_\_\_\_  
Janet Brown, City Clerk

**MICHAEL ALBERT**  
for  
"Doing the Right Thing"  
at  
Mt. Diablo Elementary School  
by exemplifying great "Self-Discipline"  
January and February 2016

Agenda Date: 3-01-2016

Agenda Item: 4b



**AVA CHAN**  
for  
"Doing the Right Thing"  
at  
Mt. Diablo Elementary School  
by exemplifying great "Self-Discipline"  
January and February 2016

**VANESSA MAYORGA**

for

"Doing the Right Thing"


at

Clayton Valley Charter High School  
by exemplifying great "Self-Discipline"  
January and February 2016

**SEHAJ SAHOTA**  
for  
"Doing the Right Thing"  
at  
Clayton Valley Charter High School  
by exemplifying great "Self-Discipline"  
January and February 2016


**ALEXANDRIA UY**  
for  
"Doing the Right Thing"  
at  
Clayton Valley Charter High School  
by exemplifying great "Self-Discipline"  
January and February 2016



Agenda Item: 7A
Approved: 
Gary A. Napper City Manager

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** Laura Hoffmeister, Assistant to the City Manager 

**MEETING DATE:** March 1, 2016

**SUBJECT:** Public Hearing to consider a proposed 10-year continuance to the existing Community Facilities District's (CFD's) annual real property special parcel tax that funds the Citywide Trails and Landscape District annual operation and maintenance by placement of a local ballot measure on the June 2016 General Primary Election.

## RECOMMENDATION

Upon conclusion of the staff report, and any public comments received from the public hearing, it is recommended the City Council:

1. Adopt the attached Resolution associated with placing a ballot measure for a 10 year continuance of the operation and maintenance of the existing Citywide Trails and Landscape District's [Community Facilitates District (CFD) 2007-1], special parcel tax for voter consideration at the voters on the June 7, 2016 election.
2. By motion establish an ad-hoc committee of the City Council to prepare and submit the ballot argument in support of the measure, and any rebuttal argument.

## BACKGROUND

Generally citywide public landscaping services on roadways, trails and open space have always been funded by a special revenue levied on private properties throughout the City. Prior to 1997, the City of Clayton had two (2) special tax districts for the care and maintenance of public roadway landscaping, trails and open space. The "Clayton Landscape Maintenance District" covered neighborhoods in the original sections of town and had an annual tax rate of \$112.20. A newer second District known as the "Oakhurst Landscape Maintenance District" was created with the residential Oakhurst Development and had an initial annual special parcel tax rate of \$205.00. In addition there were other sections of the City that were not included in any landscape maintenance district (e.g. Dana Hills), although they received similar general benefits for the common care and maintenance of citywide roadway landscaping, trails and open space.

To correct this inconsistency and establish one (1) uniform special tax rate for the maintenance of the general benefit areas, voters in November 1997 passed Measure E that created a Citywide Landscape Maintenance District (CFD 1997-1) for a ten (10) year period. That special parcel tax was replaced by CFD 2007-1 in June 2007.

Subject: Consider a proposed 10-year continuance to an existing special real property special parcel tax supporting and funding the Citywide Trails and Landscape operation and maintenance by a local ballot measure on the June 2016 Primary Election.

Meeting Date: March 1, 2016

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In 2007 a new Community Facilities District (CFD) was established to replace the old 1997 Landscape Maintenance District. The City Council and Clayton voters established (CFD) 2007-1, to receive dedicated maintenance and operation funds if the public voted for a special parcel tax. The tax revenue pays for costs related to the operation, maintenance, repair and replacement landscaping, irrigation, roadway landscaping, trails and open space including fire breaks. City parks are not maintained by this special tax (but through the General Fund). In June 2007 a ballot measure for such dedicated funds was placed before the voters for the special tax known as Measure "B" for a 10 year period through FY 16/17. It received 82.94% voter approval (more than the minimum 66.66% required for a special tax). The special tax has been levied on the real property tax bills since FY 07/08. The City Council also set forth a Citizens Oversight Committee for the Landscape Maintenance District. The Citizens Advisory Committee has met frequently and has guided the use of the funds over the last 10 years; and produces an independent Annual Public Report on the funds received and the use of the funds.

The Trails and Landscape Committee (TLC) reviewed and considered this funding continuance matter at three public meetings: March 16, 2015, June 6, 2015 and January 11, 2016. The TLC unanimously recommended:

- The CFD 2007-1 Landscape Maintenance District's extension be placed before the voters in the June 2016 election.
- The time period be for 10 years
- The tax rate methodology remain as it currently exists.
- Retain the citizens oversight committee

At its January 19, 2016 public meeting the City Council directed staff to move forward on the June 2016 election, the consideration of a continuance of the Citywide Trails and Landscape District [Community Facilitates District (CFD) 2007-1], special parcel tax with the same tax rate and methodology, and formally adopted a Resolution [No. 06-2016] to schedule the required ballot measure public hearing for March 1, 2016.

## DISCUSSION

At the January 19, 2016 meeting the City Council did authorize an ad-hoc group of the legislative body (Councilmembers Pierce and Haydon) to work with staff on the ballot measure wording. The March 1, 2016 public hearing is the last step in the process to place the ballot measure before the voters on the upcoming election. The City Council will be taking final action on directing the placement of the ballot on the June 7, 2016 election, the final ballot wording (included in the Resolution), directing the City Attorney to prepare the required impartial analysis; and authorize an ad hoc committee of the legislative body to prepare the ballot argument in support of the measure. As long as less than half of all affected property owners do not submit written protests regarding the proposal at this hearing, the City Council can at this meeting submit the measure to the voters at the June primary election. The measure requires two-thirds (66.66%) voter support to be approved as a special purpose tax.

Subject: Consider a proposed 10-year continuance to an existing special real property special parcel tax supporting and funding the Citywide Trails and Landscape operation and maintenance by a local ballot measure on the June 2016 Primary Election.

Meeting Date: March 1, 2016

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The ballot measure continues the same tax rate methodology and the same annual adjustment in the Consumer Price Index but in no event can the annual rate increase be higher than 3% over the previous year.

This special tax serves as the sole funding source for the Citywide Trails and Landscape Operations and Maintenance – known officially as Community Facilities District (CFD) 2007-1. There are not sufficient funds elsewhere in the General Fund budget to undertake the ongoing \$1,029,751 operational and maintenance costs of the trails, public roadway open space weed abatement. The tax revenue pays for costs related to the operation, maintenance, repair and replacement landscaping, irrigation, hardscape, lights, water, electricity, weed abatement, etc. City parks are not maintained by this special tax (but through the General Fund, except for The Grove Park which has its own separate voter approved funding special tax).

The rate for FY 15/16 is \$234.84 per year for single-family residential parcels and per non-residential parcel or fraction thereof. The non-residential parcels the current rate is \$234.84 per parcel or fraction thereof. The amounts may be increased by vote of the City Council in accord with the annual increase of the CPI annually with a maximum cap of 3% annual increase.

Currently there are approximately 4,103 parcels subject to the special tax; of these 4,043 are residential and approximately 60 are non-residential. The total amount of revenue received from this tax for FY 2015-16 is \$1,029,751. These tax revenues are placed into a Special Revenue (restricted use) Fund (No. 210) through which all eligible expenses are tracked, paid and audited. Allowable expenses include only that for the purposes of the Landscape District Operation and Maintenance District such as materials, supplies, equipment, utilities, labor, and administration (currently \$33,863/year; 3.3%).

If the special tax is not placed before the voters the last tax levy will occur in FY 16/17 and thereafter there is no funding to continue its operations and maintenance. It is improbable to imagine the City's \$4 million General Fund budget could absorb this annual \$1 million service considering Police operations use 51.7% of the General Fund Budget.

No general fund monies will be expended in connection with this ballot measure; cost for the ballot portion related to the Landscape Maintenance Tax would be paid for out of the CFD Funds.

All revenues generated by the CFD's annual special tax have been and would continue to be used solely for the operation and maintenance of the Citywide Trails and Landscape District annual operation and maintenance. The CFD's funds cannot be spent for any other purpose by the City and cannot be "stolen" by state budget schemes. All tax revenues remain local with the exception of an annual fee that must be paid by the CFD for the County's collection of this special tax with the property tax bills. With voter approval, the CFD's special tax would commence in tax year 2017-2018 and would expire at the end of tax year 2026-2027 (June 30, 2027).

Subject: Consider a proposed 10-year continuance to an existing special real property special parcel tax supporting and funding the Citywide Trails and Landscape operation and maintenance by a local ballot measure on the June 2016 Primary Election.

Meeting Date: March 1, 2016

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## **BALLOT MEASURE AND ELECTION PROCEDURES**

The City Council, by virtue of calling the election and the author of the ballot measure, retains the authority to write the actual ballot measure text. The Resolution calling the Election incorporates the text of the ballot measure itself that will appear on the voter's actual ballot and in the Voter Information Pamphlet.

The measure's text including ballot title (except city name and measure letter) is limited to 75 words, as counted pursuant to the CA Elections Code. New legislation (effective January 1, 2016) also requires the ballot measure to include the total amount of revenue generated per year to be included in the ballot measure wording. The City Council may modify the proposed ballot measure prior to adoption of this Resolution, provided the modifications result in a text not exceeding 75 words. An ad-hoc committee of the City Council (Pierce and Haydon) worked with the City staff to craft the recommended ballot wording contained in the attached Resolution.

The City Attorney is also directed by the enactment of this Resolution to prepare an impartial analysis of the proposed ballot measure. The impartial analysis will be printed in the local Voter Information Pamphlet provided to each registered voter in Clayton, and must be filed with the City Clerk by the August 19<sup>th</sup> deadline.

Further, the Resolution calling the Election establishes a deadline date of August 24, 2016 for submittal of any Arguments For or Against the proposed measure. (Corresponding Rebuttal Arguments must be filed with the City Clerk by August 29, 2016).

As author and proponent of the ballot measure, the City Council may authorize two of its members to author the Argument In Favor of the ballot measure, in addition to penning the Rebuttal Argument if any. In doing such this argument is for printing in the Voter Pamphlet (ie: Election Guide), and is placed above any interested citizens or individual members of Council acting on their own.

## **FISCAL IMPACT**

No General Fund monies will be expended in connection with this ballot measure; cost for the ballot portion related to the Citywide Trails and Landscape Maintenance District special parcel tax would be paid from the CFD 2007-1 Funds. The cost for this election is less expensive as it will be combined with a consolidated primary election cycle rather than off year (i.e.: 2017) or special election cycle. If the election is unsuccessful the last opportunity would be to place a different measure on the next general election cycle (November 2016); thereafter if unsuccessful there would be no opportunity to place it on a future election without a gap in the funding stream and resultant loss of public services paid by this Fund.

With the consolidation benefit, the election cost for the ballot measure is only the incremental expense for printing and distribution of a Voter Information Pamphlet about the ballot measure to each registered voter in Clayton. The County Elections Office has informed our City Clerk they expect this cost to be approximately \$10,000 (for 2-6 pages of ballot information). The cost of this ballot measure election must be paid by the Citywide Trails and



Subject: Consider a proposed 10-year continuance to an existing special real property special parcel tax supporting and funding the Citywide Trails and Landscape operation and maintenance by a local ballot measure on the June 2016 Primary Election.

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Landscape District Fund and such expenditure was incorporated into the Citywide Trails and Landscape District annual operation and maintenance budget in FY 15/16 adopted by the City Council. The attached Resolution also includes in Section 9, appropriate language to ensure the funding for the election costs of the ballot measure are paid from The Trails and Landscape Maintenance District's (CFD 2007-1) special funds.

The actual collection of the tax is done by the County, and the County collection costs are also paid for by the CFD. Established in the current voter-approved tax is the authorization after the initial year, to increase the assessment by the CPI with a maximum cap of 3% annually. The proposed ballot measure would continue this same formula for an additional 10 years.

Attachment:

1. Resolution calling an Election for Extension of the existing special tax subject to the same adjustment methodology for Community Facilities District 2007-1 Citywide Trails and Landscape District annual operations and maintenance for 10 years (through FY 2026/2027).

RESOLUTION NO. \_\_\_ - 2016

A RESOLUTION CALLING AN ELECTION TO CONTINUE  
THE EXISTING SPECIAL PARCEL TAX SUBJECT TO THE SAME  
ADJUSTMENT METHODOLOGY FOR  
COMMUNITY FACILITIES DISTRICT (CFD) 2007-1  
"CITYWIDE TRAILS AND LANDSCAPE MAINTENANCE DISTRICT"  
FOR TEN YEARS

THE CITY COUNCIL  
City of Clayton, CA  
Community Facilities District 2007-1  
[Citywide Trails and Landscape Operation and Maintenance District]

**WHEREAS**, the City of Clayton has established Community Facilities District 2007-1 [Citywide Trails and Landscape Operations and Maintenance District] ("CFD") within the City of Clayton, authorized the levy of a special parcel tax on real property within the CFD and established an initial appropriations limit for the CFD; and

**WHEREAS**, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

**WHEREAS**, on January 19, 2016, the City Council adopted Resolution No. 07-2016, a Resolution of Consideration, to continue the existing special parcel tax within the CFD for ten years from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2026/2027 (i.e., ending June 30, 2027); and

**WHEREAS**, the City Council scheduled a public hearing on such proposed special parcel tax continuance for March 1 2016; and

**WHEREAS**, at the DULY-NOTICED public hearing, less than a majority of affected property owners protested the extension of the special parcel tax; and

**WHEREAS**, the City Council wishes to submit the proposed special parcel tax continuance to the voters as required by Government Code section 53338.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:**

**SECTION 1. Findings and Background.** The City Council finds that the preceding recitals are correct and are incorporated into this Resolution.

**SECTION 2. Determinations.** It is hereby determined by this City Council that:

- A. All prior proceedings pertaining to the formation of the CFD and continuation of the special parcel tax proposed herein were valid and taken in conformity with the requirements of the law, and specifically the provisions of the Community Facilities District Law.

- B. The written protests received, if any, do not represent a majority protest as defined by the applicable provisions of the Community Facilities District Law and, therefore, the special parcel tax proposed to be extended has not been precluded by majority protest pursuant to Section 53337 of the Government Code.
- C. The City Council now submits the question of whether to continue the special parcel tax within the CFD as set forth herein to the registered voters of the CFD as required by Government Code section 53326. Each registered voter within the CFD shall be entitled to one vote. The Special Parcel Tax will be approved if two-thirds of the votes cast upon the question of levying the special parcel tax are in favor of levying the special parcel tax.
- D. The City of Clayton boundaries are the same as those in the previous City election.

**SECTION 3. Election.** The City Council hereby calls an election on June 7, 2016 and submits the extension of the levy of the existing special parcel tax within the CFD to the qualified electors of the CFD. As set forth in the Resolution of Consideration, Resolution No. 07-2016, the City Council proposes continuing the existing special parcel tax, at its current and existing rate and method of apportionment, for ten years from Fiscal Year 2017/2018 through Fiscal Year 2026/2027 ("Special Tax"). As such, all references to the expiration or term of the Special parcel Tax in the rate and method of apportionment shall reflect the new expiration date of Fiscal Year 2026/2027. The rate and method of apportionment for the Special Parcel Tax, subject to the continued term set forth in this section, is more particularly described and set forth in Resolutions No. 06-2007 and 07-2007.

**SECTION 4. Election Consolidation.** The City requests the Contra Costa County Board of Supervisors consolidate the election on the Special Parcel Tax with the Statewide election on June 7, 2016. The City requests and authorizes the Contra Costa County elections official to provide the services necessary to implement the election and to consolidate the election on the June 7, 2016 Election Ballot for the County of Contra Costa. The elections official is hereby authorized to take any and all steps necessary for holding the above election. The elections official shall perform and render all services and proceedings incidental to and connected with the conduct of the election, including but not limited to, the following:

- A. Prepare and furnish the necessary election supplies for the conduct of the election.
- B. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms.
- C. Furnish official ballots for the qualified electors of the CFD.

- D. Cause the official ballots to be presented to the qualified electors, as required by law.
- E. Receive the returns of the election and supplies.
- F. Sort and assemble the election material and supplies in preparation for the canvassing of the returns.
- G. Canvass the returns of the election.
- H. Furnish a tabulation of the number of votes given in the election.
- I. Conduct and handle all other matters relating to the proceedings and conduct of the election in the manner and form as required by law

**SECTION 5. Ballot Measure.** Pursuant to Elections Code section 10403, the ballot forms shall have printed on them the following words with regard to the measure:

<b>CITY OF CLAYTON - MEASURE: ____.</b>		
CITYWIDE TRAILS AND LANDSCAPE MAINTENANCE DISTRICT CONTINUATION OF EXISTING SERVICES AND SPECIAL PARCEL TAX  Shall the existing Community Facility District 2007-1 (Trails and Landscape Maintenance District) be continued, with a Citizens Oversight Committee, for ten years to fund on-going operations and maintenance of the trails system, roadway landscape, open space weed abatement, and related expenses at the current annual special tax's rate and methodology (presently \$234.84/year per parcel or fraction thereof initially generating approximately \$1,029,751 annually), for FY's 2017-2027?	<b>YES</b>	
	<b>NO</b>	

**SECTION 6. Impartial Analysis.** Pursuant to Government Code section 53327 and Elections Code section 9280, the City Clerk shall transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed with the City Clerk by August 19, 2016.

**SECTION 7. Ballot Arguments.** Arguments in favor of and in opposition to the ballot measure and rebuttal arguments shall be permitted, and the City hereby adopts the provisions of Elections Code sections 9282 and 9285(a), regarding the acceptance of arguments relating to ballot measures. Primary arguments shall be filed with the City Clerk by August 24, 2016. Rebuttal arguments shall be filed with the City Clerk by August 29, 2016.

**SECTION 8. Special Parcel Tax Accountability Measures.** Pursuant to and in compliance with the provisions of Government Code Section 50075.1, this Board hereby establishes the following accountability measures pertaining to the levy by the CFD of the proposed Special Tax:

- A. The Special Parcel Tax shall be levied for the specific purposes set forth in the Resolution of Consideration and Section 9 below.
- B. The proceeds of the levy of each such special parcel tax shall be applied only to the specific applicable purposes set forth in the Resolution of Consideration (Resolution No. 07-2017) and Section 9 below.
- C. The City shall establish a separate account into which the proceeds of the Special Parcel Tax shall be deposited.
- D. The City Manager or his or her designee, acting for and on behalf of the CFD, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

**SECTION 9. Additional Actions.** The City Manager and City Clerk are hereby authorized and directed to take all necessary and appropriate steps to place the measure on the ballot. The City may recover the costs of the election and related procedures to place the Special Parcel Tax on the ballot from the proceeds of such Special Parcel Tax or the existing special parcel tax as an incidental expense of the CFD. The City Council hereby amends Exhibit "A" of Resolution No. 06-2007 to clarify that the election expenses set forth in this Section as permissible costs of the operation and maintenance of the Citywide Trails and Landscape District.

**SECTION 10. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Clayton, California, at a regular public meeting thereof held on March 1, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Howard Geller, Mayor


ATTEST:

\_\_\_\_\_  
Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on March 1, 2016.

\_\_\_\_\_  
Janet Brown, City Clerk



Agenda Item: 7b
Approved: 
Gary A. Mapper City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR  
MALA SUBRAMANIAN, CITY ATTORNEY**

**DATE: MARCH 1, 2016**

**SUBJECT: AN ORDINANCE PROHIBITING CANNABIS DELIVERY AND TESTING LABORATORIES (ZOA-01-16)**

## RECOMMENDATIONS

It is recommended the City Council:

1. Adopt a motion to have the City Clerk read the Ordinance No. 461 by title and number only and waive further reading; and
2. Following the City Clerk's reading, by motion approve Ordinance No. 461 for Introduction (**Attachment 1**).

OR

3. Provide direction regarding the preparation of an Ordinance to regulate, rather than prohibit, marijuana delivery and testing laboratory regulations.

## BACKGROUND

On February 9, 2016, the Planning Commission conducted a noticed public hearing and considered the subject ordinance. Following questions and a discussion, the Planning Commission passed a resolution recommending the City Council adopt an ordinance banning cannabis delivery services and cannabis testing facilities (**Attachment 2**).

The City's Municipal Code currently bans medical marijuana dispensaries, per Clayton Municipal Code ("CMC") 17.36.080, which was enacted in 2013. CMC Section 17.04.138 defines a medical marijuana dispensary to mean "a facility or location where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5." The City also prohibits the outdoor cultivation of medical marijuana and prohibits some indoor cultivation of medical marijuana. The CMC currently allows medical marijuana to be cultivated indoors "in residential zones within a detached, fully-enclosed and secure secondary structure or within a primary residential structure at a location legally inhabited by a qualified patient or primary caregiver as defined in Health and Safety Code section 11362.7." (CMC 17.36.080(d)). However, the current regulations are arguably not sufficient to apply to mobile medical marijuana delivery services and testing labs. As a result and consistent with past City Council policy action and direction on this subject, Staff recommends the Council ban delivery services and testing laboratories or provide direction on how and whether to regulate such.

The California Legislature recently adopted legislation identified as the Medical Marijuana Regulation and Safety Act (AB 243, AB 266, and SB 643)(MMRSA) to comprehensively regulate medical marijuana (medical cannabis). The MMRSA recognizes and preserves local control to regulate or ban medical cannabis cultivation, transportation, and distribution. The MMRSA confirms and clarifies that, in addition to the complete land use control over retail dispensaries recognized in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, municipalities have the power to regulate or ban the cultivation and distribution of medical marijuana. *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975.

Although the MMRSA allows municipalities to regulate or ban cannabis cultivation, manufacturing, transportation, and distribution of medical cannabis within their jurisdictions, it requires some local enabling legislation to accomplish some aspects of this. If a city chooses to regulate these activities comprehensively, it must adopt an overlay of local regulatory standards that are at least as strict as the state's default regulations.

## **DISCUSSION**

The transportation and distribution of marijuana can create problems relating to public health and safety, crime, water and air quality, and energy consumption. Marijuana uses can create nuisance activity such as loitering and criminal activity in business and residential districts. Specifically, mobile delivery can create issues relating to responsibilities and resources to monitor and enforce state law, questions of patient qualification, and risks relating to the high use of large sums of cash for mobile transactions. For example, in Antioch a medical marijuana dispensary delivery person was robbed of \$8,000 worth of product (**Attachment 3**).

Staff recommends the Council adopt a ban for marijuana transportation. Mobile delivery of products consistently creates issues for cities because of the inherent transitory nature of the activity. A quick search of weedmaps.com identifies at least ten cannabis delivery services that currently offer service in Clayton. These mobile delivery services are often attempts to avoid the effects of local dispensary bans. State law, which permits mobile dispensaries, will regulate the delivery of medical marijuana unless delivery is explicitly prohibited by local ordinance. There is no time limit for a city to adopt a local ordinance. In light of the foregoing, the City has the option to ban or regulate mobile delivery. Regulations could include hours of operation, amount of money or marijuana that can be carried at one time, and time spent at one location.

Staff recommends the Council also adopt a ban for marijuana testing laboratories. Marijuana testing laboratories pose many of the same risks as dispensaries, delivery services, or cultivation, including strong odors, loitering, illegal sales, distribution of marijuana, trespassing, theft, violent crime such as robberies or attempted robberies, fire hazards, and problems associated with mold, fungus, and pests. Allowing testing laboratories in the City introduces many of the risks the City has hoped to avoid through its longstanding regulation of marijuana dispensaries and cultivation.

#### **FISCAL IMPACT**

None.

#### **ATTACHMENTS**

1. Ordinance No. 461 [5 pp.]
2. Minutes from the February 9, 2016 Planning Commission Meeting [3 pp.]
3. Contra Costa Times Article on Robbery of Medical Marijuana Dispensary Driver [1 pp.]



ATTACHMENT 1

**ORDINANCE NO. 461**

AN ORDINANCE AMENDING CLAYTON MUNICIPAL CODE  
TITLE 17, PROHIBITING MEDICAL CANNABIS DELIVERIES AND CANNABIS  
TESTING LABORATORIES

**THE CITY COUNCIL**  
**City of Clayton, California**

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 et seq. and entitled "The Compassionate Use Act of 1996"); and

WHEREAS, the intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law; and

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program ("MMP"), codified as Health and Safety Code Section 11362.7 et seq., which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the Penal Code; and

WHEREAS, neither the Compassionate Use Act ("CUA") nor the MMP require nor impose an affirmative duty or mandate upon local governments to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction; and

WHEREAS, in May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, holding that cities have the authority to regulate or ban outright medical marijuana land uses; and

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 et seq., the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law; and

WHEREAS, the Act becomes effective January 1, 2016 and contains provisions which allow for local governments to regulate licenses and certain activities thereunder; and

WHEREAS, the Act contains a provision which sets forth that the State shall become the sole authority for regulation under certain parts of the Act, unless local governments have "land use regulations or ordinances regulating or prohibiting the cultivation of marijuana..." (Health and Safety Code §11362.777(c)(4); and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing, and distribution uses, including offensive odors, illegal sales, and distribution of

marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests; and

WHEREAS, the adverse effects of other marijuana uses also apply to the presence of cannabis testing laboratories, which also present the possibility of offensive odors, illegal sales, distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests; and

WHEREAS, cannabis delivery and cannabis testing laboratories pose risks to the public health, safety, and welfare that must be mitigated by banning these uses within the City; and

WHEREAS, based on the findings above, the potential establishment of delivery of cannabis and cannabis testing facility uses in the City without regulation poses a current and immediate threat to the public health, safety and welfare in the City due to the negative land use and other impacts of such uses as described above; and

WHEREAS, the issuance or approval of business licenses, subdivisions, use permits, variances, building permits, or any other applicable entitlement for delivery of cannabis and cannabis testing facilities will result in the aforementioned threat to public health, safety, or welfare; and

WHEREAS, it is the City Council's intention that nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Act, nor to otherwise permit any activity that is prohibited under that Act. It is further the City Council's intention that nothing in this Ordinance shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance, (2) allow the use of marijuana for non-medical purposes, or (3) allow any activity relating to the cultivation, distribution, or consumption of marijuana that is illegal under state law.

**THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:**

**Section 1. Incorporation of Recitals.**

The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

**Section 2. Amendment to Clayton Municipal Code Section 17.04.138.** Clayton Municipal Code Section 17.04.138 is hereby amended to read in its entirety as follows:

Medical cannabis uses.

For purposes of this code, the following definitions shall apply.

A. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt,

derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972.

B. "Cannabis dispensary" means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.

C. "Cannabis manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or cannabis products or labels or relabels its container.

D. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

E. "Delivery" means the commercial or noncommercial transfer of cannabis or cannabis products.

F. "Testing laboratory" means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state; and

(2) Registered with the State Department of Public Health.

**Section 5. Amendment to Clayton Municipal Code Section 17.36.080.** Clayton Municipal Code Section 17.36.080 is hereby amended to read in its entirety as follows:

**17.36.080 Prohibited Uses and Activities.** The following uses and activities are prohibited in all zoning districts;

(a) Any use or activity which is prohibited by local, regional, state, or federal law;  
(b) Establishment or operation of cannabis dispensaries, as defined in Section 17.04.138;  
(c) Cultivation or production of medical cannabis, as defined in Section 17.04.138;  
(d) Cannabis manufacturers, and delivery of cannabis, as defined in Section 17.04.138;  
(e) Cannabis testing laboratories, as defined in Section 17.04.138, or other facilities that store or maintain marijuana as part of their operations, whether commercial or non-commercial; and

(f) Other use or activities as may be determined by the Planning Commission to be of the same general character as those specifically prohibited.

**Section 6. Action to Challenge This Ordinance**

Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after its effective date.

**Section 7. Conflicting Ordinances Repealed**

Any ordinance or part thereof, or regulations in conflict with the provisions of this ordinance, are hereby repealed. The provisions of this ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this ordinance.

**Section 8. Severability**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase thereof be declared unconstitutional, invalid or ineffective.

**Section 9. CEQA.**

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment.

**Section 10. Notice of Exemption**

The City Council directs staff to prepare and file a Notice of Exemption no more than five (5) working days after adoption of this ordinance.

**Section 11. Effective Date and Publication**

This ordinance shall become effective thirty (30) days after its adoption by the city council. Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause a copy of the ordinance, including the names of the City Council members voting for and against it, to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on \_\_\_\_\_, 2016.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on \_\_\_\_\_, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Howard Geller, Mayor

ATTEST

\_\_\_\_\_  
Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

\_\_\_\_\_  
Malathy Subramanian, City Attorney

\_\_\_\_\_  
Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on \_\_\_\_\_, 2016, was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Janet Brown, City Clerk

**Minutes  
Clayton Planning Commission Meeting  
Tuesday, February 9, 2016**

**1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**

Chair David Bruzzone called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, California.

Present: Chair David Bruzzone  
Vice Chair Sandra Johnson  
Commissioner Gregg Manning  
Commissioner Tuija Catalano

Absent: Commissioner Dan Richardson

Staff: Community Development Director Mindy Gentry  
Assistant Planner Milan Sikela, Jr.

**2. ADMINISTRATIVE**

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Chair Dave Bruzzone to report at the City Council meeting of February 16, 2016.

**3. PUBLIC COMMENT**

None

**4. MINUTES**

- 4.a. Approval of the minutes for the January 26, 2016 Planning Commission meeting.

**Commissioner Manning moved and Vice Chair Johnson seconded a motion to approve the minutes, as submitted. The motion passed 4-0.**

**5. PUBLIC HEARINGS**

- 5.a. **ZOA-01-16, Zoning Ordinance Amendment, City of Clayton.** Review and consideration of a City-initiated Ordinance amending the Clayton Municipal Code Title 17, prohibiting cannabis testing laboratories and delivery of cannabis. This ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Director Gentry presented the staff report.  
Commissioner Manning had the following questions:

- For licensed medical marijuana purposes, is there a requirement to have a minimum or maximum number of dispensaries per a certain amount of population? Director Gentry responded that, currently, State law allows local governments to regulate their own jurisdictions and either prohibit or allow medical marijuana dispensaries.
- What about someone who needed medical marijuana delivered because they do not have access to a vehicle or public transportation? Director Gentry indicated that an argument could be made that some might not be able to travel to obtain their prescription and would need delivery services.

Commissioner Catalano inquired about the definition of “retail sales” as related to medical marijuana or cannabis dispensaries.

Director Gentry responded that State law would regulate transaction sales related to medical marijuana and cannabis dispensaries. However, in terms of the land use aspects, the City prohibits cannabis dispensaries in areas where retail uses are permitted by right such as in the Town Center or Clayton Station.

Vice Chair Johnson asked if staff had been contacted by members of the public regarding this Zoning Ordinance Amendment.

Director Gentry responded that no comments or questions have been received by staff.

Chair Bruzzone asked if cannabis delivery services are occurring now in Clayton.

Director Gentry indicated that, according to weedmaps.com, there are ten delivery services providing deliveries to Clayton.

Chief of Police Chris Wenzel indicated the following:

- There is no true existing legislation regarding cannabis deliveries. The State defers to local jurisdictions to address this type of service.
- It is extremely difficult to enforce. Currently, the maximum amount allowed to be in a vehicle delivering cannabis is eight ounces. When an officer pulls a delivery vehicle over, he has to check the amount of marijuana by weighing it with a scale, verify the driver is licensed for cannabis—it is very time consuming and not an effective method of enforcement.

Commissioner Catalano asked if there was a way to regulate the type of transactions such as wholesale sales.

Chief Wenzel had the following responses:

- Marijuana is often just sent in the mail; there is no regulation on this type of service.
- If a bank knows that money is from a dispensary, they do not accept the money.
- It is a difficult situation for law enforcement as there have been situations where police officers have tried to interpret the marijuana delivery laws and faced lawsuits where plaintiffs have claimed officers have violated their rights.

Chair Bruzzone asked if other cities have prohibitions of cannabis dispensaries.

Chief Wenzel responded that Antioch, Oakley, Brentwood, Lafayette, and Danville all have prohibitions on cannabis dispensaries and deliveries.

The public hearing was opened.

There was no public comment.

The public hearing was closed.

Chair Bruzzone indicated that it seems like enforcement of this issue would bring undue burden on the Police Department, but would be good to address testing laboratories.

Commissioner Manning asked what was the impetus for processing this Zoning Ordinance Amendment.

This Zoning Ordinance Amendment is a result of State law and because the City's ordinance does not address cannabis testing laboratories and delivery of cannabis and, instead, defers to local jurisdictions to establish regulations or prohibitions. If a local jurisdiction does not establish regulations or prohibitions, then a jurisdiction would have to default to State law.

By consensus, the Planning Commission expressed support of the Zoning Ordinance Amendment as a good way to address the City's current marijuana regulations since they do not address cannabis testing laboratories and delivery of cannabis.

**Commissioner Manning moved and Vice Chair Johnson seconded a motion to adopt Resolution 01-16, recommending City Council approval of an Ordinance banning cannabis delivery services and cannabis testing facilities. The motion passed 4-0.**

- 5.b. **UP-01-16, Use Permit, Sylvia Philis, 6064 Main Street (APN: 119-014-007).** Review and consideration of a Use Permit for massage therapy services ("Simple Health Massage and Wellness") at the existing Frontier Beauty Salon in Clayton's Town Center. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 – Existing Facilities, the project is categorically exempt from CEQA.

Assistant Planner Sikela presented the staff report.

Commissioner Catalano had the following questions:

- Is the Use Permit valid only for the applicant or for the property? Director Gentry indicated that the Use Permit runs with the land.
- Is the certification of each massage therapist handled by the City or the State? Director Gentry indicated that massage therapy certification is handled by the State.

Vice Chair Johnson had the following questions:

- Was there a previous Use Permit approval for massage therapy services located in the Town Center? Assistant Planner Sikela indicated that the Planning Commission approved a Use Permit for massage therapy services in 2001 directly west of this location on Main Street.



## Antioch: Marijuana delivery boy robbed of \$8,000 worth of weed

By Nate Gartrell  
ngartrell@bayareanewsgroup.com

Contra Costa Times

Posted: Mon Feb 08 11:55:41 MST 2016

ANTIOCH – A marijuana dispensary delivery driver was called out to provide a small quantity of marijuana, but when he arrived he was greeted by two armed robbers who made off with \$8,000 worth of marijuana products, police said.

Investigators are still looking for suspects.

The incident occurred during the afternoon hours of Jan. 29, when an unidentified person called a medical marijuana dispensary delivery service in Pleasant Hill and asked for one one-eighth ounce of marijuana, along with some edible marijuana products to be delivered to a home on Magnolia Way, police said.

When the driver arrived, two male robbers – one brandishing a gun – demanded he give up his belongings. So he handed over his keys to the car, money, marijuana, his wallet and his phone, before running away, police said.

When police arrived at the scene, the car was gone. The driver later told officers it contained roughly \$8,000 in marijuana products.

As officers continued to look for suspects, a pit bull came out from a nearby residence unrelated to the incident, and officers tasered it, police said. The owner later came out and took back the dog, police said.

Over the past few months, city leaders in Antioch, Brentwood and Oakley have passed laws either heavily restricting or banning most medical marijuana practices in the area.

Contact Nate Gartrell at 925-779-7174 or follow him at [Twitter.com/NateGartrell](https://twitter.com/NateGartrell).

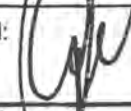
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Send To Printer



Agenda Date: 3-01-2016

Agenda Item: 8a

Approved:   
\_\_\_\_\_  
Gary A. Napper  
City Manager

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR <sup>MB</sup>  
**DATE:** MARCH 1, 2016  
**SUBJECT:** 2015 HOUSING ELEMENT ANNUAL PROGRESS REPORT (CDD-04-16).

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## RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution approving the 2015 Housing Element Annual Progress Report (APR) and direct staff to file the report with the State Department of Housing and Community Development, Division of Housing Policy Development.

## BACKGROUND

Government Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's Housing Element using forms and definitions adopted by the HCD.

HCD uses the APR as a tool to facilitate implementation of a community's Housing Element as well as for the tracking and monitoring of progress in addressing housing needs and goals. The APR includes information on the jurisdiction's progress to address the Regional Housing Needs Allocation (RHNA), including the number of housing units permitted by income level, the status of programs in the Housing Element, and efforts to remove government constraints. HCD may also use submittal of the report as one of its threshold requirements to qualify for certain State grants or program funds.

## DISCUSSION

The APR for the City of Clayton covers the reporting period of January 1, 2015 to December 31, 2015. The 2015 APR reflects that no new housing units were constructed in the City during 2015. However, the City did experience a substantial number of residential home improvement and energy efficiency projects, consisting of solar power systems, swimming pools, accessory buildings, window replacements, heating and air-conditioning units, bathroom and kitchen remodels and home additions.

2015 was the City's first full year of the latest Housing Element cycle and the City has taken steps in implementing the approved programs of the adopted and certified 2015-2023 Housing Element. On June 6, 2015, the Clayton City Council passed Resolutions agreeing to participate in the Property Assessment Clean Energy (PACE) program through agreements with CaliforniaFirst, Fig Tree, and HERO. In addition, the City continues to implement the ongoing and annual programs such as encouraging universal design, participating in regional planning efforts, and continuing to promote and encourage the preservation of existing affordable housing opportunities in discussions with housing developers.

**FISCAL IMPACT**

Nominal costs associated with staff time and printing costs will be associated with filing this report.

**ATTACHMENTS**

1. Resolution Approving the 2015 Housing Element Annual Progress Report with APR Attached [12 pp.]

**RESOLUTION NO. \_\_\_-2016**

**A RESOLUTION APPROVING THE CITY OF CLAYTON 2015 HOUSING ELEMENT ANNUAL PROGRESS REPORT**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, Government Code Section 65400 requires the City Council of Clayton, California to prepare an annual report on the status and progress in implementing the City's Housing Element using forms and definitions adopted by the California Department of Housing and Community Development; and

**WHEREAS**, the 2015 Housing Element Annual Progress Report includes the information on the City of Clayton's progress in addressing the Regional Housing Needs Allocations (RHNA), including the number of housing units permitted by income level, the status of programs in the Housing Element, and efforts to remove government constraints for the reporting period; and

**WHEREAS**, this Resolution shall become effective immediately upon its passage and adoption.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California does hereby approve its 2015 Housing Element Annual Progress Report, a copy of which is attached hereto labeled as Attachment A and incorporated herein as if fully set forth, and does herewith authorize it to be filed with the State of California Department of Housing and Community Development.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 1<sup>st</sup> day of March 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

---

HOWARD GELLER, Mayor

ATTEST:

---

JANET BROWN, City Clerk

Attachment:

A. 2015 Housing Element Annual Progress Report

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***

(CCR Title 25 §6202 )

Jurisdiction CLAYTON  
Reporting Period 01/01/2015 - 12/31/2015

Pursuant to GC 65400 local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). By checking the "Final" button and clicking the "Submit" button, you have submitted the housing portion of your annual report to HCD only. Once finalized, the report will no longer be available for editing.

The report must be printed and submitted along with your general plan report directly to OPR at the address listed below:

**Governor's Office of Planning and Research**  
**P.O. Box 3044**  
**Sacramento, CA 95812-3044**

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

**Table A**  
**Annual Building Activity Report Summary - New Construction**  
**Very Low-, Low-, and Mixed-Income Multifamily Projects**

Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions			
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
<b>(9) Total of Moderate and Above Moderate from Table A3</b>				0	0						
<b>(10) Total by Income Table A/A3</b>			0	0	0	0					
<b>(11) Total Extremely Low-Income Units*</b>			0								

\* Note: These fields are voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

**Table A2**  
**Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

\* Note: This field is voluntary



**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units**  
**(not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for <b>Moderate</b>	0	0	0	0	0	0	0
No. of Units Permitted for <b>Above Moderate</b>	0	0	0	0	0	0	0

\* Note: This field is voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

**Jurisdiction**            CLAYTON  
**Reporting Period**    01/01/2015    -    12/31/2015

**Table B**  
**Regional Housing Needs Allocation Progress**  
**Permitted Units Issued by Affordability**

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.												Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	51	0	0	0	0	0	0	0	0	0	0	51
	Non-Restricted		0	0	0	0	0	0	0	0	0		
Low	Deed Restricted	25	0	0	0	0	0	0	0	0	0	0	25
	Non-Restricted		0	0	0	0	0	0	0	0	0		
Moderate		31	0	0	0	0	0	0	0	0	0	0	31
Above Moderate		34	0	0	0	0	0	0	0	0	0	0	34
Total RHNA by COG. Enter allocation number:		141											
Total Units ▶▶▶			0	0	0	0	0	0	0	0	0	0	141
Remaining Need for RHNA Period ▶▶▶▶▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

**Table C**

**Program Implementation Status**

Program Description (By Housing Element Program Names)	<b>Housing Programs Progress Report - Government Code Section 65583.</b> Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Implementation Measure IV.2.1	The City will provide information on proposed affordable housing projects to the public through the City's public hearing process in the form of study sessions, public hearings, and public meetings.	12/31/15	The City ensures the public is notified for any City hearings on development projects, including affordable housing projects. For any hearings, a notice would be placed in a local newspaper of general circulation and the property owners within a 300' radius would be notified.
Implementation Measure IV.3.1	The City shall continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the California Fair Employment and Housing Council.	12/31/15	The City currently distributes and will continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs.  The City approved a Reasonable Accommodation request which allowed the homeowner to encroach into a required setback in order to allow a disabled person better access within her home.
Implementation Measure IV.3.2	The City will continue to implement its universal design ordinance and continue to distribute its brochure on universal design standards, resources for design, and compliance with City requirements.	12/31/15	The City continues to implement its universal design ordinance as projects come forward as well as continues to distribute brochures on universal design.

Implementation Measure V.1.1	The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library.	12/31/15	The City provides and will continue to provide energy conservation brochures at City Hall and at the Clayton Community Library.
Implementation Measure V.1.3	The City will explore home energy and water efficiency improvement financing opportunities available through PACE programs, such as HERO or Figtree PACE.	12/31/15	The City has opted into three different PACE programs HERO, Figtree, and CaliforniaFirst.
Implementation Measure VI.1.1	The City shall continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for transferred units.	12/31/15	The City supports and will continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for transferred units.
Implementation Measure VI.1.2	The City shall continue to participate in regional efforts addressing housing, employment, and transportation.	12/31/15	The City participates in regional efforts addressing housing, employment, and transportation issues by being involved in ABAG's Plan Bay Area process and TRANSPAC (regional transportation planning committee for central Contra Costa).
Implementation Measure VI.1.3	The City shall continue cooperation with the regional/countywide housing task force.	12/31/15	The City cooperates and will continue to cooperate with the regional/countywide housing task force.
Implementation Measure VI.1.4	The City shall continue to work with the Association of Bay Area Governments on FOCUS program implementation.	12/31/15	The City shall continue to work with ABAG on program implementation for FOCUS. The City supports and encourages infill development, housing near transit centers, and a jobs and housing balance.
Implementation Measure I.1.1	To ensure adequate available sites to meet the City's RHNA, the City will maintain an inventory of sites available and appropriate for residential development for households at all income levels.	12/31/15	The City continues to maintain adequate sites available and appropriate for residential development for households at all income levels.
Implementation Measure I.2.1	For residential projects of 10 or more units, developers will be required to develop an Affordable Housing Plan that requires a minimum of 10% of the units to be built or created as affordable housing units.	12/31/15	The City has established Affordable Housing Plan guidelines, which are contained in the City's Housing Element. Further, the City continues to inform potential housing developers of this requirement.

Implementation Measure I.3.1	The City shall continue to promote the development of second units and will aim to approve two second dwelling units a year.	12/31/15	The City continues to promote second dwelling units and provides informational handouts. No second units were approved during the 2015 reporting period.
Implementation Measure I.4.1	Encourage development of mixed-use projects in the Town Center, the City has adopted the Specific Plan which details policy direction, standards, and guidelines that encourage mixed-use and second-story residential. The City will promote development opportunities in the Town Center. The City will facilitate the development of at least one mixed-use project within the planning period.	12/31/15	The City continues to promote and encourage mixed-use development in the Town Center through the availability of the Specific Plan and discussions with potential developers. The Town Center Specific Plan is available at City offices as well as on the City's website.
Implementation Measure II.1.1	Work with housing providers to address special housing needs for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and developmental disabilities, farmworkers, and homeless individuals and families. The City will aim to work with housing providers on at least one project serving a special needs group during the planning period.	12/31/15	The City continues to discuss special needs populations with housing providers.
Implementation Measure II.1.2	The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts.	12/31/15	The City's current Zoning Ordinance does not prohibit or restrict employee housing and the City has not amended the Zoning Ordinance to specifically permit six or fewer residents within residential zoning districts. Staff is aware of this requirement and will be drafting an ordinance for consideration during 2016.
Implementation Measure II.2.1	City shall authorize regulatory incentives and concessions for development projects that include extremely low-, very low-, and low-income households and special needs groups including disabled and developmental disabled persons. These incentives and concessions include flexibility in development standards, reduction or deferral of certain development fees, priority application processing, and density bonus. The City	12/31/15	The City's Zoning Ordinance allows for flexibility in standards as well as a density bonus for affordable housing developments. The City will also continue to consider regulatory incentives and concessions such as a reduction or deferral in certain development fees and priority application processing. An affordable or special needs project was not built during this reporting year.

	will aim to facilitate the development of at least one affordable or special needs project during the planning period.		
Implementation Measure II.2.2	City shall monitor the impact of development fees and consider waiving or deferring fees for affordable housing projects, if and when funding is available.	12/31/15	The City continues to monitor the impact of development fees and will consider waiving or deferring fees if there is funding available.
Implementation Measure III.1.1	City shall continue to refer interested persons to the Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City will continue to disseminate information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available.	12/31/15	The City continues to promote assistance for first-time home buyers and lower-income renters by referring inquires to County programs and by disseminating information as it becomes available.
Implementation Measure III.1.2	City shall seek funding to develop and implement a down payment assistance program for first-time home buyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate Program, new inclusionary units or alone.	12/31/15	The City explored funding sources such as CalHome and HOME and did not find any funding sources available. The City will continue to seek funding in order to implement a down payment assistance program for first time home buyers.
Implementation Measure III.1.3	The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.	12/31/15	HOME funds were not available during this reporting period and the City did not have any eligible projects.
Implementation Measure III.2.1	The City will continue to maintain and annually update the inventory of affordable housing projects and identify those that may be at-risk of converting to market rate in the future.	12/31/15	The City continues to maintain and annually update the inventory of affordable housing, which includes the date the affordability expires. Annual reports from the privately owned affordable housing units are required to be submitted to the City.
Implementation Measure IV.1.1	The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.	12/31/15	The City continually reviews its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws. The City makes updates and changes when necessary to ensure compliance.

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***

(CCR Title 25 §6202 )

**Jurisdiction**            CLAYTON  
**Reporting Period**    01/01/2015       -    12/31/2015

**General Comments:**

The City is continuing to take steps in implementing the approved programs of the adopted and certified 2015-2023 Housing Element. On June 6, 2015, the Clayton City Council passed resolutions agreeing to participate in the Property Assessment Clean Energy (PACE) program through agreements with CaliforniaFirst, Fig Tree, and HERO.

In addition, the City continues to implement the ongoing programs such as encouraging universal design, participating in regional planning efforts, and continues to promote and encourage the preservation of existing affordable housing opportunities in discussions with housing developers.