



# AGENDA

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## TRAILS AND LANDSCAPING COMMITTEE [CITIZENS OVERSIGHT COMMITTEE]

**Monday, January 28, 2019**

**7:00 p.m.**

**Hoyer Hall**

**Clayton Community Library City Hall**

*6125 Clayton Road  
Clayton, CA 94517*

### COMMITTEE MEMBERS

Maryann Carroll-Moser  
Carin Kaplan  
William Wiggins

Howard Kaplan, Chair  
Ted Sudderth  
Doris Ward

*Vice Mayor Julie Pierce  
(Ex-Officio)*

*Mayor Tuija Catalano  
(Ex-Officio Alternate)*

Staff: Laura Hoffmeister, Asst. to the City Manager  
Jim Warburton, Maintenance Supervisor  
Juan Gonzalez, Senior Maintenance Worker

- A complete packet of information containing staff reports and exhibits related to each item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Committee meeting or on the City Website at [www.cityofclayton.net](http://www.cityofclayton.net).
- 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.cityofclayton.net](http://www.cityofclayton.net)
- Any writings or documents provided to a majority of the Committee 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.

# \* TRAILS AND LANDSCAPING COMMITTEE \*

January 28, 2019

## 1. CALL TO ORDER & ROLL CALL –Chair H. Kaplan

- (a) Selection of Chair
- (b) Selection of Vice Chair

Recommended Action: Select Chair and Vice Chair to serve through December 2019.

## 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

*Any member **from the audience** may address the Committee on items within the Committee's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it to the Chair. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called by the Chair, the speaker shall advance to 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 Committee may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.*

Public comment and input on Consent Calendar, Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the Committee.

## 3. CONSENT CALENDAR

*Consent Calendar items are typically routine in nature and **all items are considered together for approval by the Committee with one single motion.** Members of the Committee, Audience, or Staff may remove an item from the Consent Calendar for purpose of public comment; question or input may request so through the Chair. After discussion of the item the entire Consent Calendar can be approved together in one single motion.*

- (a) Minutes of the December 10, 2018 Trails and Landscape Committee meeting.
- (b) Landscape Maintenance District Staff Activity Report for Dec. 11, 2018 to Jan. 28, 2019.
- (c) Status of Landscape Maintenance District Projects.

Recommended Action: Approve the Consent Calendar.

## 4. BUSINESS ITEMS

- (a) Review of the status of Landscape Maintenance District FY 18/19 budget expenses/revenues for July 1, 2018 – December 31, 2018.  
(Asst. to the City Manager Hoffmeister)

Recommended Action: Review status and staff recommendations and provide input and TLC recommendations to City Council for their mid-year budget consideration.

- (b) Discussion of the fire suppression activities with regards to the open space and trails weed abatement performed by the Landscape Maintenance District.  
(No written materials with Agenda Packet)
- (c) Review of the City Council approved Donor / Memorial Program for trash/recycling containers and doggie mitt station.  
(Asst. to the City Manager)

Recommended Action: Review information.

5. **CORRESPONDENCE** – review of incoming and outgoing correspondence  
**- Informational Only- No Action**
- (a) December 20, 2018 – Ms. J Butticci *email*
  - (b) January 8, 2019 - Paul Schnurr *email*
  - (c) January 23, 2019 – Kristen Burkhardt *email*
  - (d) January 24, 2019 – Whitney Street *email*
6. **COMMITTEE ITEMS** – limited to requests and directives for future meetings:
- (a) Selection of Committee member to Report to the City Council at its February 5, 2019 and/or February 19, 2019 meeting.
  - (b) Future Agenda Items and dates: (all future agendas will include minutes; Maintenance staff Activity Report for the District; LMD Projects status report as applicable; latest FY to date budget expenses)
    - February 19, 2019 – City Council mid-year budget Review for FY 2018-19
    - **May 13, 2019 – possible TLC meeting for proposed LMD budget for FY 19-20**
    - May 21, 2019 – City Council meeting for proposed budget for FY 19-20
    - June 4, 2019 City Council adoption of budget
    - **Sept. 2019 - TLC meeting** for FY 2018-19 actual year-end review and select Committee Member(s) to prepare draft FY 17-18 Annual Report
    - **Nov./Dec. 2019 - TLC meeting** FY 2018-19 TLC prepared Annual Report review
  - (c) Committee Member communications – general information not requiring any action by the TLC
  - (d) Staff Communications/Announcements – general information not requiring any action by the TLC – Indemnification of the Citizens Oversight Committee for the Landscape Maintenance District (ie: the Trails and Landscape Committee) for their activities in this capacity.
7. **ADJOURNMENT** – Upon call by the Chair the meeting shall be adjourned.

The Committee's next regularly-scheduled meeting is will be called as needed. At 7:00 p.m. in Hoyer Hall, Clayton Community Library. Please contact the City Clerk at 673-7300 to verify actual date/and location.

# Memo



Agenda Date: 1/28/19

Agenda Item: 1(a) & 1(b)

**To:** Trails and Landscape Committee members  
**From:** Laura Hoffmeister, Asst. to the City Manager  
**Meeting Date:** January 28, 2019  
**Re:** Selection of Chair and Vice Chair

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## Background:

The current Chair Howard Kaplan was selected at the TLC Sept., 2017 meeting, to replace then Chair AJ Chippero who was appointed to the Planning Commission, through December 2018. Due to reappointment consideration by the City Council of expiring terms of TLC members the Vice Chair, Ted Sudderth, was selected at the February 12, 2018 TLC meeting.

The TLC Chair and Vice Chair terms were determined by the TLC to be for a one year time frame concluding December 31, 2018, coinciding with the members terms appointments.

The TLC may select any of its members to serve as Chair and Vice Chair the term would be through December 2019. The Vice Chair serves as Chair in absence of the Chair. The Duties of these are listed below.

## Procedure for Selecting Chair and Vice Chair :

The Chair will ask for nomination/volunteers for the Chair position. Once all nominations are identified then the Chair will call for a vote for the Chair. The nominee with the most votes, provided it is a majority of the votes, will become the Chair. If there is not a majority of votes then the top voted nominees will be re-voted until a nominee received a majority of votes. If there is only one nominee a motion/second and vote can be called.

The selected Chair will then call for nomination/volunteers for the Vice Chair. Once all nominations are identified then the Chair will call for a vote for the Vice Chair. The nominee with the most votes, provided it is a majority of the votes, will become the Vice Chair. If there is not a majority of votes then the top voted nominees will be re-voted until a nominee received a majority of votes. If there is only one nominee a motion/second and vote can be called.

## Duties:

### **Chair:**

The Chairs duties include chairing the TLC meetings.

Calling each item on the agenda, ask for staff to present report; ensure all members have opportunity to ask questions/comments; ask for any public comment on the agenda items; close public comment; ask if any further questions/discussion by members; then ask for a motion on the item, ask for a second, then call for the vote "all those in favor say aye"; "opposed say no."

State if the motion has passed or failed.

After the TLC has approved, signing the minutes of the meetings that staff has prepared.

Signing any other letters or items that may require the Chairs signature related to TLC matters, and preparing the Chairs message for inclusion in the TLC Annual Report.

### **Vice Chair:**

The Vice Chair handles the above duties of the Chair in absence of the Chair.



Agenda Date: Jan. 28, 2019

Agenda Item: 3(a)

**ACTION MINUTES**  
**OF THE**  
**REGULAR MEETING**  
**TRAILS AND LANDSCAPING COMMITTEE**  
**[Citizens Oversight Committee]**

**December 10, 2018**

**1. CALL TO ORDER & ROLL CALL – Chair Howard Kaplan**

Chair H. Kaplan called the meeting to order at 7:04 p.m. at Hoyer Hall 6125 Clayton Road, Clayton CA .

Committee Members Present: Howard Kaplan, Carin Kaplan, Ted Sudderth, Doris Ward, Bill Wiggins; Mayor Tulia Catalano- Ex-Officio Alternate

Committee Members Absent: Maryann Carroll-Moser

Staff Present: Assistant to the City Manager Laura Hoffmeister; Maintenance Supervisor Jim Warburton.

**2. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

No public comments.

**3. CONSENT CALENDAR**

- (a) *Minutes of the May 21, 2018 Trails and Landscape Committee meeting.*
- (b) *Minutes of the November 27, 2018 Trails and Landscape Committee meeting.*
- (c) *Landscape Maintenance District Staff Activity Report for May 21, 2018 to December 10, 2018.*
- (d) *Status of Landscape Maintenance District Projects.*

Motion by Committee member C. Kaplan, seconded by Committee member Ward, to approve the consent calendar with amendment to the Minutes of November 27, 2018. Motion passed 5-0.

#### 4. BUSINESS ITEMS

- (a) *Review of the status of Landscape Maintenance District FY 18/19 expenses through November 30, 2018.*

The Committee reviewed the information provided in the Agenda packet.

- (b) *Citizens Oversight Committee Annual Report for FY 2017/18*

Chair H. Kaplan reviewed the draft Annual Report that he had prepared noting that he incorporated the comments received from the Committee members at the last meeting. The Committee members felt the report was acceptable and to include limited attachments as the report would speak for itself. The attachments could include copies of the LMD activity reports and the FY 17-18 adopted budget and FY 17-18 year end LMD budget numbers.

Asst. to the City Manager Hoffmeister stated the report could be transmitted as a formal presentation agenda item by the Chair and/or Committee members, or it could be included in the City Council Consent Calendar where typically there is not any formal oral report provided.

After discussion the Committee concurred to have the item submitted to the City Council on their consent calendar.

Motion by Committee member C. Kaplan, seconded by Committee member Sudderth, to approve the transmittal of the FY 17-18 Annual Report by the TLC serving as the Citizens Oversight Committee for the Landscape Maintenance District Measure H. Motion passed 5-0.

5. CORRESPONDENCE – *review of incoming and outgoing correspondence*  
None

6. COMMITTEE ITEMS – *limited to requests and directives for future meetings:*

- (a) *Selection of Committee member to Report to the City Council at its December 18, 2018 meeting.*

No Committee member would be available to report. The Committee agreed that the Annual Report will be a consent calendar item to the City Council, there is no need for Chair or member to present a formal verbal report.

- (b) *Future tentative meeting dates/Agenda Items: (all future agendas will include minutes; Maintenance staff Activity Report for the District; LMD Projects status report as applicable; latest FY to date budget expenses. -- These dates may be adjusted due to timing of information and quorum availability.*

- *Dec. 2018/Jan. 2019 – City Council meeting -TLC Annual Report FY 17-18 submittal*
- **January/February 2019 – TLC meeting** for FY 2018-19 mid-year LMD budget review
- *February City Council mid-year budget review (including LMD mid-year budget)*
- **May 20, 2019 – TLC meeting** for review of proposed LMD FY 19-20 Budget introduction to City Council June 4, 2019; and City Council adoption of budget June 18, 2019)
- **Sept. 2019 - TLC meeting** for FY 2018-19 actual year-end review and select Committee Member to prepare draft Annual Report for FY 17-18
- **Nov./Dec. 2019 - TLC meeting** FY 2018-19 TLC prepared Annual Report review

It was noted that TLC members and/or staff would not be available on February 11 or February 18<sup>th</sup> for mid-year budget review. It was suggested to do at the end of January prior to the City Council review of the mid-year budget so that any TLC comments/recommendations can be conveyed timely to the City Council. It was suggested that possibly May 20<sup>th</sup> could be a meeting date. Staff would check with the City’s Finance Manager about the schedule dates.

- (c) *Committee Member communications – general information not requiring any action by the TLC*  
None.
- (d) *Staff Communications/Announcements – general information not requiring any action by the TLC*  
None

## **8. ADJOURNMENT –**

Upon call by Chair H. Kaplan the meeting was adjourned at 8:00 pm

Minutes prepared by:

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Laura Hoffmeister, Asst. to the City Manager

APPROVED BY THE COMMITTEE

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Howard Kaplan, Chair



Agenda Date: Jan 28, 2019

Agenda Item: 3 (b)

## TRAILS & LANDSCAPING MAINTENANCE DISTRICT

### ACTIVITY REPORT

12/11/2018 to 1/28/2019

- Leaves throughout the city removed where could cause drainage obstructions or slippage issues
- Completed pre-emergent spraying
- Outside contractor - Pond Solutions - replaced the pump motor on filter pump on the Clayton fountain water feature
- Along sections of the Cardinet trail east of Lydia Park bicycle jumps removed
- Trimmed shrubs on Peacock Creek and on Clayton Road between Library and City Hall
- Installed 2 new replacement irrigation controllers at the base of Eagle Peak Drive
- Administered the contract of Eucalyptus trees removal project (Lydia, Cardinet Trail at end of and El Portal / Regency Drive.
- Removed a large fallen branch from a California Pepper tree that fell into the road way due to the storm on 12/16; and removed dead tree that fell into creek along El Portal near Malibu Ct.
- Trimming was performed on Daffodil Hill and on the trail between Easley Drive and Marsh Creek Road.
- Working on upgrading irrigation controller program with the cities IT consultant





Agenda Date: Jan. 28, 2019

Agenda Item: 3(c)

## Memo

**To:** Trail and Landscape Committee  
**From:** Asst. to the City Manager  
**Date:** January 28, 2019  
**Re:** Landscape Maintenance District Project Updates

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The following is the status of Landscape District approve projects

- The Eucalyptus trees removal project is wrapping up with only 3 or 4 trees to have limbs removed. Two still need to have trunks sectioned. Upon removal it was found that many of the trees had brown rot inside the trunk, some root rot, longitudinal stress cracks on branches and roots, and beetles. All trees on Lydia Lane have been removed; all but three trees along El Portal Drive and Regency have been removed; and two trees remaining to be removed at Black Point Ct. The remaining trees will be removed the last week of January followed by stump grinding where possible.



- The downtown Planter Boxes are still in progress with the plan and documentation to be reviewed by the City Engineer, and additional plans/documents needed for complete bid package will be prepared. The City Engineer anticipates plan evaluation being completed by late February. This project will need to go through public bidding process.
- The second phase of the Clayton Road median east of Lydia Lane replanting has been delayed due to weather. To date the irrigation heads have been changed from 6 inch pop ups to 12 inch and have been moved from the edge of the curb to 12 inches form back of curb. The plant count and planting should be completed by the end of February. The plants will continue with the same general types that were used in the first phase: purple fountain grass plants; red carpet roses, and Armeria Maritima; and 2" plus of mulch top dressing.

Agenda Date: Jan. 28, 2019

Agenda Item: 4(a)

# Memo

**To:** Trails and Landscaping Committee  
**From:** Assistant to the City Manager, Laura Hoffmeister  
Maintenance Supervisor, Jim Warburton  
**Date:** January 28, 2019  
**Re:** Mid-Year Budget Status and Maintenance Supervisor Recommendation

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Attached is the Landscape Budget information detail. Since the review by the TLC in June and subsequent adoption by the City Council there have not been any budget adjustments. Expenses at mid-year are generally what is anticipated at this time or on track and staff does not foresee any issues at this time.

Water expenses are likely to be more with recent increase of water district rates and new zone rates. However it is not possible until next year has concluded to know how much as the bills are on a two month cycle, after usage from June through November.

A minimum of \$400,000 is needed fund balance as the initial property tax revenues are not received until late December. The funds used to arrive in November – now mid to late December. The projected fund balance at the end of FY 18-19 is anticipated \$764,455, this is slightly lower than what was in the adopted budget, as the year end close the projected fund balance was slightly higher than the actual and the attached budget numbers have been adjusted to account for the updated fund balance carry forward from FY 17-18. After accounting for \$400,000 needed for the reserve minimum, there is about \$350,000 remaining fund balance available for the use of one time project or needs – non recurring needs.

Maintenance Supervisor Jim Warburton has assessed the District status and recommends the following one time higher priority projects be added to the list at mid-year:

Street Tree trimming: [\$100,000] – Clayton Road, Marsh Creek Road, Oakhurst Blvd, Clayton Road. Branches are getting loopy and can break off, additionally the canopy needs lifting in areas as trucks are hitting and breaking off branches, which can impact the health of the tree, as well as cause vehicle damage.

Removal of dead trees, stump grind and replant trees, and replace irrigation: [\$100,000] – Marsh Creek Road median from Diablo View Lane to Regency Drive.

Clear dead brush, trim/thin brush along creek areas and trails: [\$100,000]

New replacement Irrigation controllers: [\$50,000]

City of Clayton					
Mid Year Budget-to-Actual Report Landscapæ Maintenance District					
For Six Month Period July 1, 2018- December 31, 2018					
Line Item No.	Line Item Description	Actual thru 12/31/18	FY 18-19 adopted	Variance (\$)	Variance (%)
<b>210 - Landscape Maintenance District (CFD 2007-1)</b>					
<b>Revenues</b>					
210-4604-00	Clayton LMD Special Parcel Tax	616,956	1,121,746	(504,790)	55.00%
210-5601-00	Interest	11,554	15,000	(3,446)	77.03%
<b>Total Revenues</b>		<b>628,510</b>	<b>1,136,746</b>	<b>(508,236)</b>	<b>55.29%</b>
<b>Operating Expenses</b>					
210-7111-00	Regular Salaries	102,105	211,000	108,895	48.39%
210-7112-00	Temporary Salaries	2,879	46,000	43,121	6.26%
210-7113-00	Overtime	605	1,000	395	60.50%
210-7218-00	Long/Short Term Disability Insurance	1,159	2,400	1,241	48.29%
210-7220-00	PERS Retirement	10,650	25,200	14,550	42.26%
210-7221-00	PERS Retirement - Unfunded Liability	13,483	28,290	14,807	47.66%
210-7231-00	Workers' Compensation	14,257	11,600	(2,657)	122.91%
210-7232-00	Unemployment Compensation	1,293	2,900	1,607	44.59%
210-7233-00	FICA Taxes	1,216	6,600	5,384	18.42%
210-7246-00	Benefit Insurance	21,238	43,400	22,162	48.94%
210-7301-00	Recruitment/Pre-employment	5	1,000	995	0.50%
210-7311-00	General Supplies	23,975	50,000	26,025	47.95%
210-7316-00	Landscape Replacement	6,216	40,000	33,784	15.54%
210-7335-00	Gas & Electricity	14,474	29,600	15,126	48.90%
210-7338-00	Water Services	118,202	157,000	38,798	75.29%
210-7341-00	Buildings/Grounds Maintenance	6,859	20,000	13,141	34.30%
210-7342-00	Machinery/Equipment Maintenance	3,976	12,000	8,024	33.13%
210-7343-00	Vehicle Maintenance	7,282	20,000	12,718	36.41%
210-7344-00	Vehicle Gas, Oil, and Supplies	8,296	13,000	4,704	63.82%
210-7381-00	Property Tax Admin. Costs	2,057	4,000	1,943	51.43%
210-7411-00	Legal Services Retainer	-	2,000	2,000	0.00%
210-7419-00	Other Professional Services	3,518	7,000	3,482	50.26%
210-7429-00	Animal/Pest Control Services	-	5,000	5,000	0.00%
210-7435-00	Contract Seasonal Labor	90,218	100,000	9,782	90.22%
210-7440-00	Tree Trimming Services	7,405	60,000	52,595	12.34%
210-7445-00	Weed Abatement Services	4,089	128,100	124,011	3.19%
210-7486-00	CERF Charges/Depreciation	20,070	20,070	-	100.00%
210-7520-00	Landscape Projects	18,672	487,157	468,485	3.83%
210-7615-00	CCC Property Tax	2,874	2,900	26	99.10%
210-8101-00	Transfer To General Fund	18,629	37,258	18,629	50.00%
210-8113-00	Transfer to Stormwater Fund	1,050	1,050	-	100.00%
<b>Total Operating Expenses</b>		<b>526,752</b>	<b>1,575,525</b>	<b>1,048,773</b>	<b>33.43%</b>
<b>Beginning Fund Balance - Audited Actual</b>		<b>1,203,234</b>	<b>1,203,234</b>		
<b>Net Increase/(Decrease) in Fund Balance</b>		<b>101,758</b>	<b>(438,779)</b>		
<b>Ending Fund Balance - At Mid Year</b>		<b>1,304,992</b>	<b>764,455</b>		

	12/31/19 Actual	Budget FY 18-19
<b>7311 General Supplies</b>		
Bay Area Barricade	507	4,000
Cole Supply		-
Concord Garden Equipment		500
Contra Costa Topsoil		1,500
Nutrien AG	7,061	5,000
Fertilizer		5,000
Grainger		-
Herbicides		8,000
Ross Recreation		8,000
Site One Landscape	7,157	8,000
Zee Medical Supply	138	-
Misc Supplies (Calcard - US Bank)	9,112	10,000
	<b>23,975</b>	<b>50,000</b>
<b>7341 Building/Grounds Maintenance</b>		
Martell Water Systems (Well pump rep)	1,996	5,000
Pond M Solutions (\$650x12 water feature maintenance)	3,250	8,000
Pond M Solutions (extra repairs)	866	5,000
Spraytec Maintenance (wastewater)	747	2,000
Supplies for maintenance		-
	<b>6,859</b>	<b>20,000</b>
<b>7342 Machinery/Equipment Maintenance</b>		
Concord Garden Equip/Supplies		5,000
Concord Trailer World		2,000
Contra Costa Tractor	1,692	2,000
Turf Star	107	1,000
US Bank (Calcard)	2,177	2,000
	<b>3,976</b>	<b>12,000</b>
<b>7419 Other Professional Services</b>		
CCC Fire Protection - Operation Permit		1,000
EBRCSA-Radio Mtn PW radio's	1,450	1,500
NBS Admin Fees+Del letters	2,068	4,500
Misc		-
	<b>3,518</b>	<b>7,000</b>
<b>7445 Weed Abatement Services</b>		
<b>Nutrien AG - Weed killer</b>	4,089	
Environtech Enterprises (non-native invasive weed abatement - Oakhurst Mitigation EIR)		65,100
Waraner Bros Svc 1 x per yr+2 x trails (Fire Protection)		63,000
	<b>4,089</b>	<b>128,100</b>
<b>7520 Landscape Projects</b>		
Upgrade irrigation controllers (annual until all complete)	18,672	20,000
Sub Division/City Entry Signs (contingency)		2,000
LMD2015-1 - Downtown Planters (\$35,000 increased to \$300,000)		280,157
LMD2015-2 - Jeffrey Ranch Relandscaping (\$6,000)		-
LMD2015-3 -Keller Ridge Tree rep. (B-\$46,000)		-
LMD 2018-1 - Removal of 18 Eucalyptus trees in Open Space Hills (\$185,000)		185,000
LMD 2018-2 - Cardinet Trail Repairs Behind Westwood (\$20,000)		-
		-
	<b>18,672</b>	<b>487,157</b>

Replacement Projects Landscape Maintenance District (Measure B 2007-08 through 2016-17; Measure H 2017-18 through 2026-27)		amount -apx.	year -apx
<b>Completed:</b>			
<b>Landscaping</b>			
mediain tree replacement clayton road mitchell cym to Atchinson stage (14 sycamore trees) donations paid for these	\$ 2,500	2008	
Oakhurst Drive decorative pavers in narrow median noses, redo irrigation and replanting	\$ 70,000	2010	
Clayton Water Feature replanting/redo irrigation	\$ 114,000	2010	
March Creek Circle landscape berm mitigation irrigation upgrades replanting	\$ 19,400	2011	
Clayton Road median (Oakhurst to Mitchell Cym) and retaining wall from CVS to Daffodil Hill irrigation installation and new landscaping	\$ 328,011	2012	
Daffodil Hill new irrigation and new planting (\$27,500 donated by CBCA)	\$ 29,000	2012	
Deferred Tree Trimming City Wide (\$20,000 annually)	\$ 160,000	2010-2018	
Peacock Creek Dr. Median Tree replacement (partial cost of LMD remainder from traffic accident/insurance recovery fund)	\$ 2,000	2016	
Keller Ridge Drive street tree replacements	\$ 58,670	2016	
Peacock Creek entry sign replanting project	\$ 11,100	2016	
Jeffrey Ranch/Caulfield Ct island replant/hardscape	\$ 6,000	2018	
	subtotal \$800,681		
<b>Trails:</b>			
Peacock Creek install new headboards, apply new 1/4 x dust gravel and compact, install waterboard weir drainage	\$ 20,000	2008	
Upper Easley - Bruce Lee - Trail from old Marsh Ck to Center Street , and Lower Easley - El Molino- from old Marsh Ck rd to Weatherly_	\$ 60,000	2013	
trail crack sealing/repair	\$ 10,000	2013	
Lower Easley old Marsh Ck to Village Oaks	\$ 30,000	2015	
Mt Diablo Elem School Hill Trail	\$ 19,800	2015	
pedestrial Trail Bridge surface replacement	\$ 79,000	2015	
Cardinet Trail erosion repair	\$ 75,000	2016	
	subtotal \$ 393,800		
<b>Other:</b>			
Purchase New Irrigation Control Vehicle (Capital Equipment and Replacement Fund)	\$ 35,000	2007/08	
open space tree canopy trim and lifting	\$ 30,000	2012/13-15	
Purchase new Tractor \$75,000 with 50% from LMD)	\$ 37,500	2016	
Master Remote Computer Controller for all Irrigation Systems	\$ 30,000	2012/13	
replace irrigation system central control field panel	\$ 20,000	2016	
replace irrigation system central control field panel	\$ 20,000	2017	
replace irrigation system central control field panel	\$ 20,000	2018	
	subtotal \$ 192,500		
Adopt a Trail (from donations only) project suspended by TLC in July 2017			
trail sponsorship signs and plaques (incl posts/signs and installation)	\$ 3,827	2009	
installation of new uprights and electrical at oak trees - cardinet trail east side of library	\$ 4,400	2011/12	
	subtotal \$ 8,227		
<b>To be done:</b>			
<b>Landscaping</b>			
various subdivision entry redesign relandscape including hardscape	\$ -	project postponed	
downtown Main St planter boxes	\$ 300,000	2018	
deferred Tree Trimming City Wide 2018-19 (\$20,000 annually)	\$ 20,000	2019	
general various replacement planting	\$ 40,000	2018/19	
	subtotal \$ 360,000		
<b>Other:</b>			
replace irrigation system central control field panel	\$ 20,000	2019	
replace subdivision/city entry sign if needed (contingency)	\$ 2,000		
eucluptus tree removal in various open space	\$ 185,000	2018	
	subtotal \$ 207,000		
<b>total reinvestment to Landscape Maintenance District through 6/30/18</b>	<b>\$ 1,295,208</b>		
<b>total additional reinvestment planned through 2017-18</b>	<b>\$ 567,000</b>		
<b>total est reinvestment through 6/30/19</b>	<b>\$ 1,862,208</b>		





6000 Heritage Trail, Clayton, CA 94517  
Ph: 925-673-7300

### CITY OF CLAYTON DONOR AND MEMORIAL RECOGNITION PROGRAM

The Donor and Memorial Recognition Program allow a person to contact the City and buy a designated item that is already in use within the City.

These items are benches, picnic table, trees, trash and or recycling receptacles, doggie mitt station.

The purchased items would be installed within the City for use in our existing Downtown, parks, and Trail system.

A plaque no larger than 3"x5" is include in the price and would be attached to or installed next to the donated item. Plaque to be engraved metal brass like; or to be dark brown with white lettering if metal plaques can not be mounted on the item or near it, this likely for trees, trash or recycling receptacles or doggie stations.

The plaque can state either the recognition of the remembrance to the person and the donor (if desired), or the donors name or business name and City location (if desired).

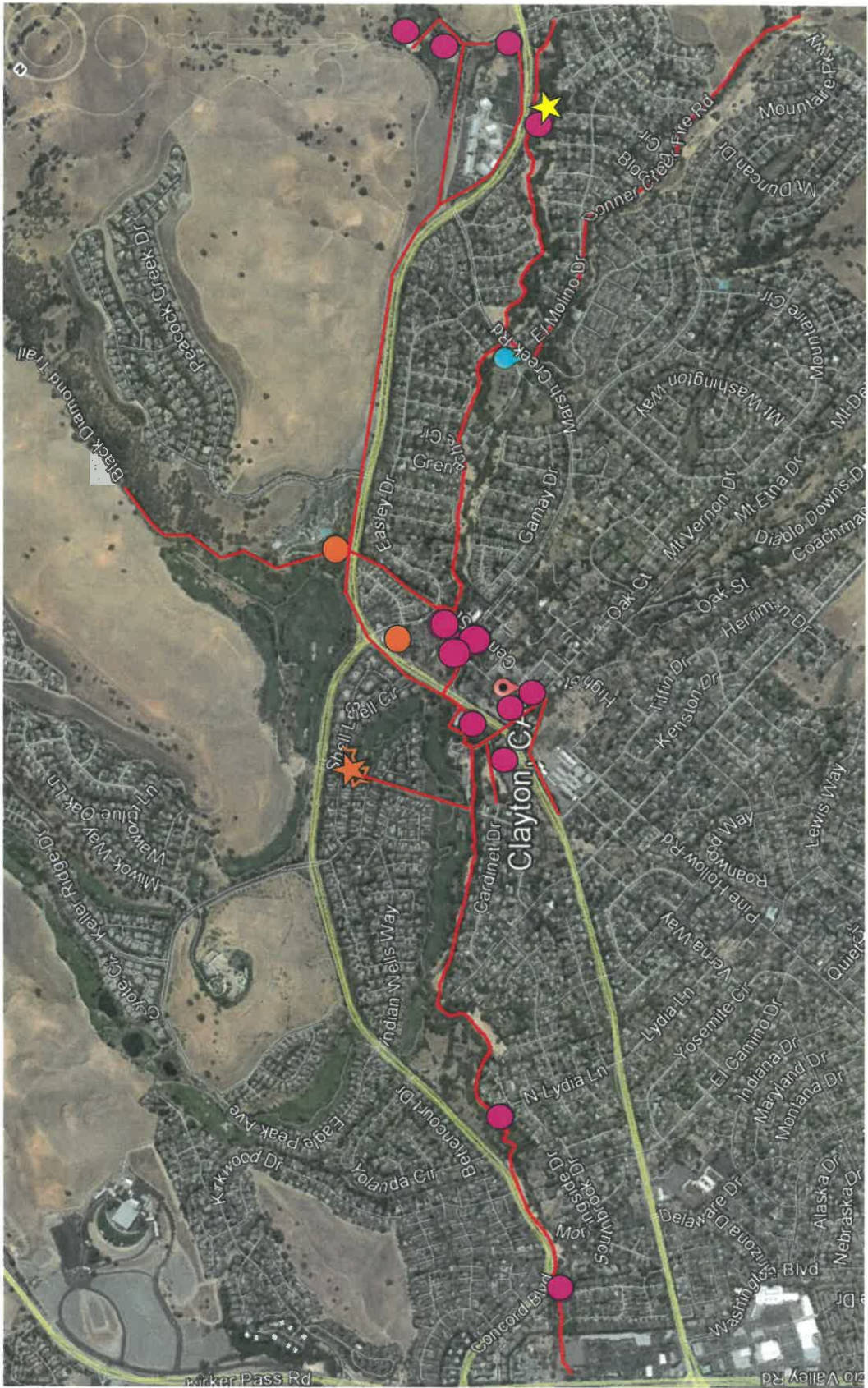
Final approval of the request and location would be based upon the staff determination of the need and maintenance issues.

The costs shall include the item (including tax/shipping) and installation.

Rev 4/8/14 *Jackson/memorial program brochure*

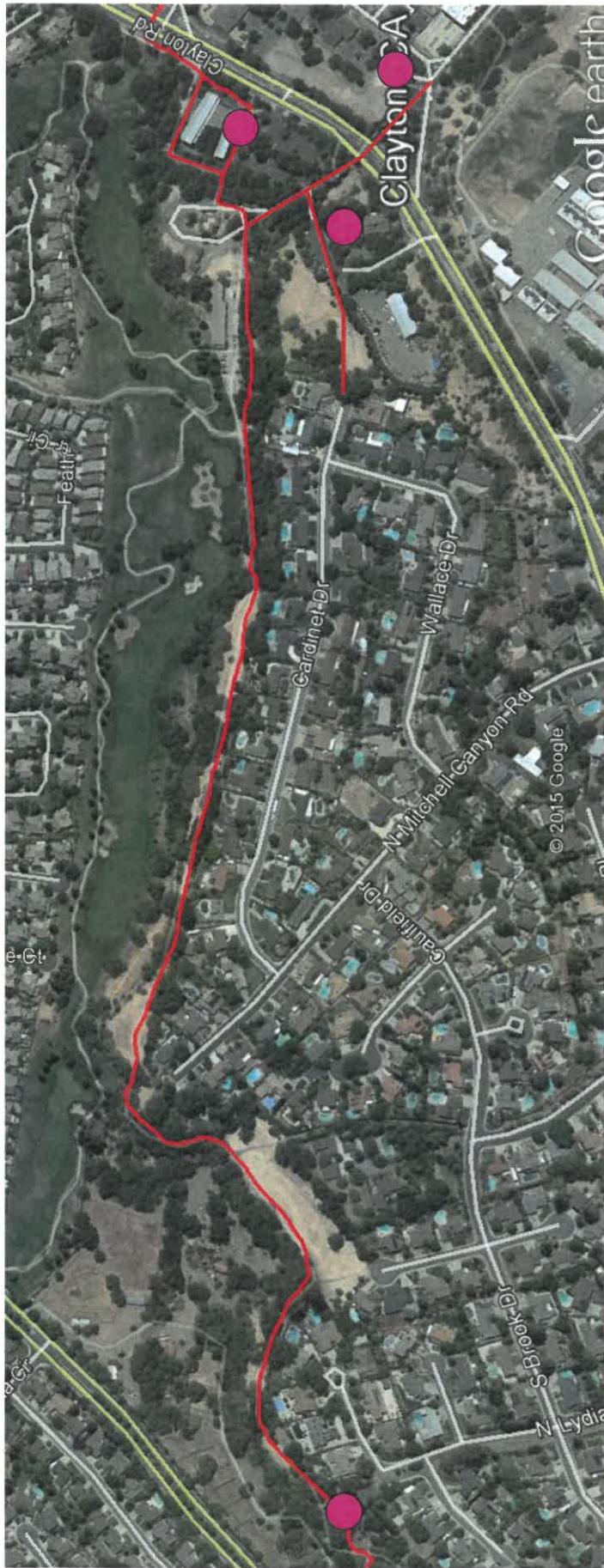
The following are the current items included in the program and pricing:

- Victor Stanley Bench [with a back]. These benches are the ones that are in The Grove public park in the Downtown. The cost of the bench with a plaque is approximately \$1,390.
- Victor Stanley Bench [with or without a back]. Assemblage, installation and plaque costs about \$1,650.00. These benches are the ones that are in the Downtown area. If these benches cannot be installed where there is an existing sidewalk, there would be added cost for a concrete base [approx. \$1540.00].
- Park Picnic Table [ADA universal]. Assemblage, installation and plaque costs about \$1,595.00. These tables are in place at the Library, North Valley Park, and Downtown along the creek. Again, there must be a concrete pad available, which cost is not included in the installation cost above; generally, without special circumstances, a concrete pad costs \$730.00.
- 72" Trail Bench. Assemblage, installation and plaque costs about \$1,450.00. This style of bench exists in the Community Park. It could be installed along our Trail system or in the parks.
- 24" Box Tree [specie approved by City]. Installation and plaque costs about \$850.00. The trees could be planted anywhere on property the City owns that has adequate irrigation [except medians]. If irrigation must be installed, additional expenses are incurred.
- Doggie Station [dispenser unit with small trash container] assembly, installation and plaque costs about \$600. It could be installed at Lydia Lane Park, El Molino/ Marsh Creek Rd., Westwood Park, and Community Park.
- Trash/Recycling Receptacle: [decorative container with concrete platform] installation and plaque costs about \$1,740.00 (trash) or \$1807.00 (recycling). It could be installed at Lydia Lane Park, El Molino/ Marsh Creek Rd., Westwood Park, Community Park, downtown. [If these cannot be installed where there is an existing sidewalk, there would be added cost for a concrete base [approx. \$1200.00].



- Existing City Trash Can
- Available City trash can Donor recognition program
- Non city Trash Can
- Trails
- City Doggie Mitt dispenser
- other Doggie Mitt dispenser







DETAILS

IMAGES

DOCUMENTS

We are proud to be the originators of the S-42 litter receptacle. It is a world-class favorite and its design and popularity inspired us to create the complete family of Ironsites® products.

Standard tapered formed lid. Bottom recessed pedestal.

STANDARD

All fabricated metal components are steel shotblasted, etched, phosphatized, preheated and electrostatically powder-coated with TGIC polyester powder coatings.

Other standard features include a formed lid attached to the frame with two vinyl-coated steel aircraft cables, a high-density plastic liner, and rubber-tipped leveling feet on the base.

Interior plastic liners for our litter receptacles offer substantial value and are produced on molds that we designed and own. These plastic cans are reinforced, ribbed, and molded for durability, ease of use, and greater capacity.

OPTIONS

Dome lid (ashtrays available). Convex lid (self-close door available). Rain bonnet lid (ashtrays available). Recycle lids. Galvanized steel liner (powder coat available). Half-Moon liners. Custom decals and plaques.



FEATURES

- .375 x 1 in (10 x 25 mm) Bars
- Bottom Recessed Pedestal

MATERIAL

Recycled Solid Steel Bar

COLORS



LIDS





**S-42**

<b>Capacity</b>	36 gal (136 L)
<b>Material</b>	recycled steel
<b>Mount</b>	Surface Mount
<b>Top Band</b>	2-1/2 in (64 mm)
<b>Top Ring</b>	5/8 in (16 mm)
<b>Lids</b>	Ash Tray, Covered Ash Tray, Convex Lid with (or without) Self-Closing Door, Dome Lid, Dual-Flow Lid, Rain Bonnet Lid, Recycle Lid, Slotted Lid, Tapered Formed Lid
<b>Leveling Feet</b>	Yes
<b>Features</b>	bottom recessed pedestal

TLC Dates of Review –Discussion on Trash containers/Doggie Mitt stations

March 16, 2015

January 2011

August 2010

February 2010

May 2009

March 13, 2009

September 2008

November 2007

October 2007

February 2002

May 2001

Adopt a Trail included trash cans and doggie mitts in their July 2008 draft budget to City Council

City Council at their July 1 2008 meeting directed not to included trash cans or doggie mitts as already covered by donor recognition program and do not want more – but okay with the trail markers up to 12 – Directed TLC to make appropriate revisions to the draft Adopt a Trail and bring back – TLC modified at their (City Council) September 2008 meeting based upon the CC direction.

City Council review dates

June 16, 2015

September 2010

February 2009

November 2008

July 2008

April 2007

February 2002

July 2001



Agenda Date: 6-16-2015


Agenda Item: 8a

# STAFF REPORT

Approved:

Gary A. Napper, City Manager

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** Laura Hoffmeister, Asst. to the City Manager 

**MEETING DATE:** June 16, 2015

**SUBJECT:** Trails and Landscaping Committee response and recommendation regarding additional trash receptacles and/or doggie mitt stations along the Clayton trails

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## REQUEST

Council Member Haydon had inquired as to the possibility of having trash containers and or doggie mitt dispensers along Clayton trails. At the March 16, 2015 Trails and Landscaping Committee (TKC) meeting this matter was reviewed, and although a verbal response was provided by the TLC Chair at the City Council March 17, 2015 meeting on this topic (see attached minutes), this report is intended to provide a more detailed response.

## BACKGROUND

The City currently has trash containers along the most heavily used Carndinet trail at locations where they are visible and accessible at Westwood Park, Lydia Lane Park, Library, Black Diamond Plaza, and Black Diamond Overlook, and at the Dog park and Community Park. A doggie mitt station is currently located at the Dog Park.

In apx. 2007 the City Council approved adding four trash container locations and four doggie dispenser locations to the City's existing donor recognition program (attached). This program allows for a donor to pay for the cost and installation of the item at specific City Council approved locations.

The Trails and Landscape Committee has reviewed trash cans and doggie mitts on nine occasions over the years as well as the City Council at least three times. Most recently the TLC reviewed it at their March 16, 2015 meeting.

## DISCUSSION:

In general the TLC re- reviewed the information from the last time the City Council evaluated it in 2010. The TLC agreed that the current options through the already approved donor recognition program are adequate opportunities and not to add additional trash cans or doggie mitt stations or trash cans along the trails beyond the current existing and approved locations in the recognition program due to a variety of factors.

### Doggie Mitt station

Factors included potential of more litter and maintenance issues with kids taking the plastic out of the holder and them blowing in the wind and them getting into the creeks and causing additional litter; newer state regulations imposed on the city for reducing and eliminating sources of trash, especially plastic bags in creeks; potential state regulations that would require cities to eliminate the use of plastic bags in its purchasing and that in grocery stores.

The current donor recognition program allows for the following Doggie Mitt station locations: Lydia Lane Park (it already has trash can); Westwood park (which also has trash can); El Molino/old Marsh Creek Road and the Community Park. The donor could purchase the container for about \$600. It cost the City about \$120 a roll to supply it with mitts.

### Trash Containers:

The City currently has trash cans along the Main Carndinet Trail which runs from Safeway to Downtown, at Westwood Park, Lydia Lane Park, Library, Black Diamond Plaza, knoll at top of trail off black Diamond Plaza (between old Marsh Creek Rd and Center/Easley Dr) and Downtown, going past downtown there are ones at the Dog Park and Community Park. Staff has found in our past outreach efforts and communication with the Dog Park support group that most responsible pet owners know of these locations as well. El Molino/old Marsh Creek Rd. is an approved location for which no one has funded the can installation. Overall there is a trash can every half mile or closer along the main trail route-Carndinet Trail. In the program there is a specific type of container and specific locations as to placement of containers. It costs \$1802 for the trash can. The placement locations were based upon a variety of factors most notably was ability of maintenance staff to service them; visibility to other areas so that vandalism, illegal dumping and scavenger/homeless attraction is minimized. The locations were also selected so as not close to the creek corridor in order to comply with state water quality requirements. Also of concern is we are in a wildlife interface area and our trash cans are visited by a variety of nocturnal and daytime animals and they often remove items from the containers and make mess were considered.

The TLC has concluded, as well as prior City Councils, that most people who use our trails and parks are responsible users, and it is the few who litter or do not pick up after their pet. The TLC and Council has periodically provided news information in the local Clayton Pioneer in the Mayors column, Police Chiefs column and the Trails and Landscape Committee column to remind our citizens to not discard items along the trails and to be responsible pet owners and pick up after their pets. Most of our community members are responsible citizens, however there are a small amount that no matter what is provided or done or said will not make the effort or comply with the law (speeding, not making full stops as stop signs, etc as well). The City Council determined not to pursue signage either on the trails re: no littering/pick up after your pet, as the ones not abiding by the rules would likely not obey the signage either. As to feces along the trails we have also found that it is not all from pet waste. Our creek corridors are used by a variety of wildlife and they also leave their mark, this includes the many foxes, coyotes, etc that are larger animals that are typically out only in the evening so are not seen by the public.

Locations beyond the above especially at residential areas at public streets are likely to become magnets for illegal dumping and homeless scavengers. It costs about \$120 month of staff time and equipment to service each trash cans as they are serviced two to three times a week (this includes labor and vehicle use and fuel use).

**TLC RECOMMENDATION**

The existing recognition program provides appropriate locations and public participation to offset costs through the donation received, and no additional action is needed.

**Attachments:**

City of Clayton Donor and Memorial Recognition Program  
City Council Minutes March 17, 2015

## 7. PUBLIC HEARINGS

- (a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2015-16 and its 5-year Capital Improvement Project Budget (CIP) for Fiscal Years 2015-2020.

Finance Manager Kevin Mizuno provided a slideshow summary of the proposed Fiscal Year 2015-16 City Budget to the City Council, noting no revisions to the Proposed Budget have arisen since its presentation on June 2, 2015. Mr. Mizuno briefly highlighted a City Budget 5-Year Summary and the 2015-16 total expenditures and revenues budgets, noting the Capital Improvement Project Budget is not included as it contains multi-year projects that may increase or decrease year to year. The General Fund status for Fiscal Year 2015-16 forecasts an opening reserve balance of \$5,227,078 on July 1, 2015 with a projected surplus of \$28,516 bringing the closing balance to \$5,255,594 on June 30, 2016.

Mr. Mizuno concluded his presentation with the City's Appropriations (GANN) Limit projection for Fiscal Year 2015-16 based on two economic statistics published by the Department of Finance. Fiscal Year 2014-15 Appropriations Limit began with a balance of \$8,924,937; application of the formulaic changes, the City's Fiscal Year 2015-16 Appropriations Limit rises to \$9,384,473. Comparing that tax threshold with the City's actual tax revenues, the City experiences an annual gap in tax generation of \$4,534,727, resulting in a 51.7% GANN Limit operating cost below the voter-approved legal tax limit.

Councilmember Haydon inquired if the financial impact of a new labor contract with the Clayton Police Department is reflected in the current budget? Mr. Mizuno advised the Clayton Police Department labor contract is still in negotiation and is not reflected in Clayton's proposed Fiscal Year 2015-16 Budget.

Mayor Shuey opened the Public Hearing; no public comments were offered. Mayor Shuey closed the Public Hearing.

**It was moved by Vice Mayor Geller, seconded by Councilmember Haydon, to adopt the Resolution approving the annual budget for the City of Clayton for the 2015-2016 Fiscal Year and the 5-Year CIP Budget for FYs 2015-2020 and the City's 2015-2016 GANN Appropriations Limit. (Passed; 5-0 vote).**



## 8. ACTION ITEMS

- (a) Consider a Council Member's suggestion for the installation and maintenance of doggie litter stations along the City trails system and additional trash cans at trail heads closest to streets.

Councilmember Haydon noted, based on his observations of increased garbage along Clayton's trails, whether the installation of additional trash receptacles and doggie mitt dispensers would be beneficial. Mr. Haydon suggested word be broadcast to the greater Clayton community of the opportunity to contribute funds to the City's donor program, available through



the Trails and Landscaping Committee for such purposes, as he would like to keep Clayton a clean community.

Vice Mayor Geller inquired if the Trails and Landscaping Committee has current options through its already approved donor recognition program? Councilmember Haydon confirmed the Trails and Landscaping Committee donor program offers two options of either a doggie station dispenser unit with small trash container or a trash/recycling receptacle and decorative-style container on a concrete platform.

Assistant to the City Manager Laura Hoffmeister advised some areas available for sponsorship include Lydia Lane Park, El Molino/Marsh Creek Road, Westwood Park and Community Park. Ms. Hoffmeister suggested Clayton Pioneer's Mayors Column would be a good resource in getting the word out to the community.

Vice Mayor Geller added the area behind Safeway, near Westwood Park, should be easily accessible by Clayton Maintenance Department for picking up trash deposited in a new trash receptacle. Assistant to the City Manager Hoffmeister noted some of that area behind Safeway is actually its private property for which they are responsible to keep clean as part of its land use permit.

Councilmember Pierce shared her concerns with the expense and time of adding additional trail facilities; the Trails and Landscaping Committee agreed at its recent meeting that the current options through the already approved donor recognition program are adequate opportunities, and there is not the need to add additional trash cans or doggie mitt stations along the trails beyond the current existing and approved locations in the Recognition Program due to a variety of factors. Most dog walkers carry plastic bags and are generally good in cleaning up after their pets.

Mayor Shuey opened the floor to receive public comments; no public comments were offered.

No formal action was taken on this item.



9. **COUNCIL ITEMS** – None.

10. **RECESS THE CITY COUNCIL MEETING** – Mayor Shuey recessed the City Council meeting at 7:47 p.m.

11. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Shuey reconvened the City Council meeting at 7:53 p.m.

- (a) Presentation and acceptance of the Trails and Landscaping Committee's FY 2013-14 Annual Report on the Citywide Landscape Maintenance District.

Trails and Landscaping Committee Chairman Larry Casagrande reported that at its meeting of March 16<sup>th</sup>, 2015 the Committee welcomed City Council re-appointed members Clayton Smith and Robert Steiner and a newly appointed resident, Christopher Garcia. The Committee unanimously approved Chair Casagrande continuing as Chair and selected Clayton Smith as Vice Chair. The Committee decided to have an information table at the Annual Clayton Cleans Up event on April 25<sup>th</sup>.

Chair Casagrande reported the Adopt a Trail program has not moved forward this past year due to scheduling conflicts; however Christopher Garcia enthusiastically volunteered to work on this project. The Committee received and reviewed a FY 2014-15 mid-year Landscape Maintenance District fund balance budget and found its special reserve funds are higher than expected due to accounting reconciliation and complete close-out of the prior construction project budgets. The Trails and Landscaping Committee members discussed ideas to re-invest monies into future improvement projects within the District; preference for re-working the entry ways at various residential subdivisions would provide more equity to the residents in these highly visible neighborhood entries. The Committee also reviewed the status of the current parcel tax measure expiring, an extension time frame, was briefed on the election schedule for calendar year 2016 and discussed ways to communicate with the public where the special tax funds have been used. The next Trails and Landscaping Committee meeting is planned for May 2015 to review the proposed Fiscal Year 2016-17 Landscape Maintenance District Budget and future funding and operations including re-investment of funding to entryways.

Vice Mayor Geller added the current Measure B Tax Bond is expiring in 2017, which indicates the measure will need to go back out to the voters in 2016 to renew the bond for either 10 (current) or 20 years. The Trails and Landscaping Committee members are planning to have informational booths at various community events, such as the upcoming Clayton Business and Community Association annual Art & Wine Festival, to educate the community on accomplishments made by the Trails and Landscaping Committee.

Councilmember Haydon added that he regularly walks the trails in the community and noticed more people using the trails, however they are not always picking up after their pets. He inquired if it were a goal of the Trails and Landscaping Committee to install additional trash cans at trail heads close to streets and/or installation of plastic bag dispensers to encourage people to clean up after their pets on the trails.

Chair Casagrande responded the Trails and Landscape Committee members expressed similar concerns during their meeting but determined that a lot of times City-supplied dispensers and plastic bags would be vandalized, left in shrubs or on the trail eventually making their way into the nearby creek.

Vice Mayor Geller added existing plastic bag dispensers are not being used and additional garbage cans installed would need to be located to a serviceable area.

He also commended the Trails and Landscaping Committee for their service to the community.

Chair Casagrande added Measure B monies were used to install new landscaping and irrigation for Daffodil Hill and portions of the Clayton Road medians. Future funding would be used for current maintenance and additional installation of trees and shrubbery and upgrading irrigation controls.

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

**It was moved by Councilmember Diaz, seconded by Vice Mayor Geller, to, to accept and approve the Trails and Landscaping Committee's Annual Report for FY 2013-14. (Passed; 5-0 vote).**

- (b) Consider adoption of Resolution No. 08-2015 approving the City's 2014 Annual Report on its Housing Element progress and policies.

Community Development Director Charlie Mullen presented the staff report indicating Government Code Section 65400 requires each governing body to prepare an annual report on the status and processes of implementing the jurisdiction's Housing Element, using forms and definitions adopted by the State of California Department of Housing and Community Development (HCD). Mr. Mullen added HCD uses the Annual Progress Report as a tool to facilitate implementation of a community's Housing Element as well as for the tracking and monitoring of progress in addressing local housing needs and goals, which it may use as one of its thresholds requirements to qualify for certain State grants or program funds. He noted the Planning Commission reviewed and considered the 2014 Annual Progress Report on February 24, 2015 and passed a motion recommending approval to the City Council; no members of the public spoke on the matter at the Commission's meeting.

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

**It was moved by Vice Mayor Geller, seconded by Councilmember Diaz, to adopt Resolution No. 08-2015 approving the City of Clayton 2014 Housing Element Annual Progress Report and authorize it be filed with the State of California Department of Housing and Community Development Department. (Passed; 5-0 vote).**

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – None.

9. **ACTION ITEMS**

- (a) Presentation of the Trails and Landscaping Committee's FY 2007-2008 Annual Report.

Committee Chairperson Bass thanked the Trails and Landscaping Committee for their hard work and then introduced Committee Member Bill Vineyard to present the Annual Report for 2008. Mr. Vineyard stated the report was comprised of a message from the Committee Chair, outlined the accomplishments of the District, and stated what the Measure B tax dollars would be working toward in the coming year.

The Council thanked the Committee for their hard work.

**It was moved by Councilmember Walcutt, seconded by Vice Mayor Pierce to accept the Trails and Landscaping Committee's Annual Report for 2008 (4-0 vote).**

- (b) Presentation of the Trails and Landscaping Committee recommendation for an Adopt-a-Trail Program.

Committee Member Siegel presented the Trails and Landscaping Committees recommendation for a new Adopt-a-Trail Program. She noted the Committee and Adopt-a-Trail subcommittee is dedicated to the administration of the program and the Committee had spent a lot of time considering input on the program. She noted the Committee would need to further consider the use of trail signage to note the Adopt-a-Trail sponsors.

Councilmembers expressed concern over sign placement on the Trails, but understood that some sort of recognition would be needed to entice businesses or citizens to participate in the program. Committee Member Siegel noted there would only need to be 12 markers placed on the trails. The Council also expressed a desire to have a centrally located board where donors could be recognized. The City Manager suggested the possibility of looking into trash cans with sponsor/donor signs on them, which might detour vandalism in comparison to the trail markers and also address littering on trails.

The Council asked the Committee to look further into the trail marker issue and bring the Council a complete program with suggestions.

**8:50 p.m.- At call by Mayor Manning the meeting recessed for a ten minute break.**

**9:00 p.m.-The meeting reconvened.**

- (c) City Council discussion of regularly scheduled Council meetings in August and/or September 2008 relative to quorum availability and summer vacation plans.

The City Council came to the consensus that they would cancel their meeting of August 5<sup>th</sup> unless something urgent came up.

**It was moved by Vice Mayor Pierce, seconded by Councilmember Stratford, to cancel its August 5, 2008 regular meeting unless the City Manager determines an item of urgent business must be addressed on that date (4-0 vote).**

- (c) Consideration of funding additional operating hours at Clayton Community Branch Library (Gary Napper, City Manager)

Gary Napper, City Manager, presented the staff report.

**It was moved by Vice Mayor Laurence, seconded by Councilmember Pierce to authorize, on a trial basis, the matching expenditure of approximately \$3,600 to fund the operation of additional library service hours on Sunday, 1:00 p.m. – 5:00 p.m., in the Clayton Community Library, commencing April 2002 through the remainder of the Fiscal year 2001-2002 (3 months)**

- (d) Consideration of replacement of median trees for landscape medians and authorization of initial replacement funding.

Mark Janney, Maintenance Supervisor presented the staff report.

The consensus of the Council is to look at different alternatives; planting different trees other than the London Plane; planting fast growing trees; look at sight distances for safety issues; investigate planting Redwoods; and plant trees tolerant to drought.

Councilmember Walcutt asked if the landscape architect could be held liable.

Laura Hoffmeister, Assistant to the City Manager, said once the City takes over the responsibility of maintenance the liability of the landscape architect is released. She mentioned the City has made a change in the policy to include the maintenance staff during the process.

David Shuey, 601 Golden Eagle Way said it would be a waste of time to have the City pursue the liability of the landscape architect. He agreed the City should have something in place so this does not happen in the future.

Jeanne Musto, W. Myrick, said Clayton has many good landscape architects and should ask their opinion in the future. She suggested using cobblestones in the median rather than planting trees.

Gary Napper, City Manager, suggested this issue be referred to the Community Service Commission to update the approved street tree list and what would the community like.

**It was the consensus of the Council to direct staff and the Community Service Commission to look at alternative methods and different trees and bring back a report at a future Council meeting.**

Mayor Manning asked staff to research the installation of scooper bags along the trail system.

**It was the consensus of the Council to refer the suggestion to the Community Service Commission.**

12. **ADJOURN** - the next regularly scheduled City Council Meeting is February 19, 2002.

Councilmember Laurence did not want to see the city's money spent on a special election when there is going to be a regular election in November.

Jeanne Musto, W Myrick, asked if the City was in compliance with the Political Reform Act, which requires the City to review its Conflict of Interest Code biannually in even numbered years. She had a concern with the amount of money being spent to fix the median islands. She had a safety concern with the single traffic lanes and wide median strips from Stratahan to Marsh Creek Road. She said if a vehicle breaks down, other vehicles cannot go around. She asked if any of the \$54,000 spent to fix the fire line system was recuppable. She also indicated that when Vice Mayor Laurence was Mayor in 1999, he mentioned the Specific Plan stated the Grove property would be developed commercially. He also stated he hoped to create a downtown park in the Grove area. She wanted to know what has changed.

Gary Napper, City Manager, responded the \$54,000 included the heating and air conditioning system for the Library.

Vice Mayor Laurence responded nothing has changed. The City is looking at creative ways to develop the Grove property as all park.

Mayor Manning said \$200,000 has been proposed for the median island replacement, but has not been accepted. The City is looking at many alternatives and ways to be conservative.

## 10. REPORTS

(a) Planning Commission – Keith Hayden reported the Commission met on February 13: 1) approved an accessory structure to be used as a secondary unit at 5851 Pine Hollow Road along with improvements to Mitchell Canyon Road. 2) Larwin Company has proposed a name change from Bridlewood Development to Vintage Clayton and will be submitting final plans with new improved design and reduced impacts on the neighborhood at the next Planning Commission meeting.

Councilmember Laurence understood the new proposal has much smaller homes.

Councilmember Walcutt asked if the views of the existing residents would be protected.

Mr. Hayden said two of the models are about the same, but two are smaller, which will reduce the impact to the street scape and the view of the homes will be protected.

(b) Community Service Commission – Ray Vignola reported the Community Services Commission (CSC) has two openings. The CSC has appointed himself (Ray Vignola) to serve on the Grove Steering Committee. The CSC recommends against any commercial advertising along trails and open space area. The CSC suggests donations be accepted in the form of plaques, benches, picnic tables, etc. The CSC is working on the tree replacement list for the median islands. The CSC discussed the Endeavor Hall Marketing Plan and has referred the brochure back to the ad-hoc committee for production. He announced Clean Up Day will be Saturday, April 13, starting at 9:00 am and for everyone to meet at city hall.

**The Council accepted the FY 2001-2002 Mid-Year Financial Report.**

(c) Consider Community Services Commission recommendation on policy concept of accepting of funding of outdoor items (ie: litter stations, benches, etc.) in exchange for allowing commercial-business advertising on the item.

Laura Hoffmeister, Assistant to the City Manager presented the staff report.

Councilmember Pierce asked if the city would pay for the doggie bags or would they be donated.

Ms. Hoffmeister said the recommendation of the Community Services Commission is to have people donate plaques, picnic tables, benches, things that would have require low maintenance. She indicated that three places have been designated for the doggie bag holders. The Commission did not want holders put in places that the maintenance crew could not maintain easily. The Commission also recommended the Council determine a certain size for the plaques to keep things consistent.

Vice Mayor Laurence did not want to see a lot of advertising throughout town. He approved of keeping it to three places.

Ms. Hoffmeister said the donor could pay for the screening and the bags or could pay a one time cost for a memorial recognition item (plaque, picnic table, bench, etc).

**The Council directed staff to revise the memorial recognition program for a Donor Recognition Program and bring back on March 5.**

13. **COUNCIL ITEMS**

Councilmember Walcutt asked staff to investigate the curb and sidewalk along the Grove Property. He thought it might be damaged from the downtown improvement contractor dumping dirt on the Grove property.

Councilmember Laurence asked staff to repaint the sprinkler boxes located on the corner of Marsh Creek and Clayton Road.

14. **RECESS** – to the end of the Redevelopment Agency meeting.

**\*REGULAR MEETING OF THE REDEVELOPMENT AGENCY\***

1. **CALL TO ORDER AND ROLL CALL - by Vice Chair Manning - 8:20 p.m. – Chair Littorno absent.**

2. **PUBLIC COMMENTS - None**

3. **CONSENT CALENDAR – It was moved by Boardmember Laurence, seconded by Boardmember Pierce to approve the consent calendar. (Motion: 4-0; Littorno absent)**



6000 Heritage Trail \$ Clayton, California 94517  
Telephone 925/ 673-7300 FAX 925/ 672-4917

Community Development 925/ 673-7340  
Engineering 925/ 672-9700

City Council  
Gregory J. Manning, Mayor  
Peter A. Laurence, Vice Mayor  
Richard A. Littorno  
Julie K. Pierce  
Bill Walcutt

## CITY COUNCIL STAFF REPORT

### ACTION ITEM

**Meeting Date:** February 19, 2002  
**To:** City Council  
**From:** Laura Hoffmeister, Assistant to the City Manager  
**Consent Item:** Community Services Commission recommendation on policy concept of accepting or funding of outdoor items (i.e.: litter stations, benches, etc.) in exchange for allowing commercial-business advertising on the item.

#### Recommendation:

Consider Community Services Commission recommendation and provide policy direction to staff.

#### **Background:**

At the City Council at the February 5, 2002 meeting, Mayor Manning relayed that a business owner was interested in donating or funding a doggie mitt station, in exchange for allowing the business to install a commercial advertising sign on /or at the station. The City Council directed staff to refer this request to the Community Services Commission to evaluate the potential for a policy that would address this type of request and other related trail/park items, and make a recommendation to the City Council.

#### **Commission Discussion:**

At their February 13, 2002 meeting, the Community Services Commission considered the potential for establishing such a policy. After discussion the CSC recommended that the City not pursue such policy. The CSC members had concerns that it would introduce a commercialization of the trails and parks and taking away form the natural setting of the parks, trails and community. Other issues were expressed that if allowed, the ability for the City to limit who or what was advertised would be severely restrained by the 1<sup>st</sup> Amendment, which typically allows limits for profanity, sexual explicit or racist materials only.

However, the CSC did recommend an approach that could pay for the on-going expense of the bag/mitt supply, and would not create commercial signage intrusion -- if the bags could be imprinted and the business was interested in funding the bags and printing costs. Additionally, they recommended that the Memorial Recognition Program policy that the Council recently established could be used. This program allows the City to install a small plaque recognizing the donor or memorial; such wording could include a business name/business location. At this time the program covers benches, picnic tables, trees. Doggie mitt dispensing stations could easily be added to this list as well as other items.

In addition the CSC had previously considered and the Council approved the addition of up to three doggie mitt stations provided they were in locations that the maintenance staff was already servicing, such as near the trash cans at Lydia Lane Park, El Molino/Marsh Creek Road Trail. The reason for that approach was costs, to service the doggie stations is \$120 monthly for each, and takes time away from other maintenance service workload/priorities. If it were located where staff is already doing



routine scheduled work, there would be no additional labor costs or time away from other workload, just the ongoing cost for the bags/mitts, which is \$90 per roll of 200 bags. Maintenance staff will be installing the already approved two additional stations in spring 2002.

**Attachments**

Memorial Recognition Program

Laura/doggiemittscreccrpt

9. **PUBLIC COMMENTS**

*Citizens may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it 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 by the Mayor, the speaker shall advance to 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 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 as each item is considered.*

10. **REPORTS**

- (a) Planning Commission
- (b) Community Service Commission
- (c) City Manager/Staff
- (d) City Council – Reports from Council Liaisons to Regional Committees, Commissions and Boards
- (e) Other

*Any person desiring to speak to a Public Hearing or Action Item may fill out a speaker card and hand it to the City Clerk prior to the beginning of the item. Speakers are limited to 3 minutes, enforced at the Mayor's discretion. Speakers are entitled to submit written or other graphic materials. All such submissions must be retained by the City Clerk as part of the Clerk's record.*

11. **PUBLIC HEARINGS**

- No Items Scheduled -

12. **ACTION ITEMS**

- (a) Consider guidelines for merger of Donor Recognition Program with Memorial Recognition Program (Laura Hoffmeister, Assistant to the City Manager)

Staff recommendation: Approve the guidelines.

- (b) Adoption of a resolution of intention to make acquisitions and improvements and forming the Lydia Lane Sewer Assessment District. (Rick Angrisani, City Engineer)

Staff recommendation: Adopt the resolution.

- (c) Adoption of a resolution preliminarily approving the Engineer's Report and directing actions with respect thereto for the Lydia Lane Assessment District and setting a public hearing for May 7 for consideration and tabulation of ballots. (Rick Angrisani, City Engineer)

Staff recommendation: Adopt the resolution.

**Laura Hoffmeister**

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Agenda Date: 1/28/19

**Subject:** FW: city of clayton info

Agenda Item: 5(a)

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**From:** jgbutticci [mailto:jgbutticci@gmail.com]  
**Sent:** Thursday, December 20, 2018 11:11 PM  
**To:** Laura Hoffmeister  
**Subject:** Re: city of clayton info

Laura, thank you for all your time on the phone and read the report via the link you sent. Thank you. I am still very unhappy about the tree removals.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----  
From: Laura Hoffmeister <lhoffmeister@ci.clayton.ca.us>  
Date: 12/20/18 5:29 PM (GMT-08:00)  
To: jgbutticci@gmail.com  
Subject: city of clayton info

Ms. Buttici

If you have any concerns about the tree(s) you mentioned abutting or hanging over into your backyard from Lydia please contact

Jim Warburton, Maintenance Supervisor

[JWarbutron@ci.clayton.ca.us](mailto:JWarbutron@ci.clayton.ca.us)

ph 673-7327

As I discussed with you by phone we only trim or remove for safety reasons not aesthetics

here is the link to the city council agenda and reports we discussed click this then go to item 3e in the agenda

[https://ci.clayton.ca.us/fc/agendas/council/CC121818web.pdf?\\_t=1544832727](https://ci.clayton.ca.us/fc/agendas/council/CC121818web.pdf?_t=1544832727)

Laura Hoffmeister

Assistant to the City Manager

**Laura Hoffmeister**

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Agenda Date: 1/28/19

Agenda Item: 5(b)

**From:** Paul Schnurr <mdheckler@gmail.com>  
**Sent:** Tuesday, January 08, 2019 12:19 PM  
**To:** Laura Hoffmeister  
**Subject:** Re: MDE and Eucayptus Trees

Laura, thank you for the information. It does look like I was given the wrong information and so thanks for clarifying things and I will address it within the Mount Diablo school district organization.  
-Paul Schnurr

Sent from my iPhone

On Jan 8, 2019, at 12:06 PM, Laura Hoffmeister <[lhoffmeister@ci.clayton.ca.us](mailto:lhoffmeister@ci.clayton.ca.us)> wrote:

Dear Mr. Schnurr:

The City has reviewed your comment and concern – we have verified that the trees near the Kindergarten playground at Mt Diablo Elementary School are on the School District property and not City of Clayton property. I have attached photos that clearly show that the trees are inside the fenced school district property. The one tree on city property is far from the older kids playground and downslope toward Clayton Rd. The city had that tree inspected and pruned a couple of years back and is being re-inspected this week. The map also shows that the black line is property line and trees are school district. I am not sure who you spoke to at the School, but you received incorrect information as to who is responsible for the trees you have a concern about. I also recall that a few years back the school district had them trimmed on a weekend that was during a community event such as Art and Wine or Oktoberfest as the CBCA who puts on those events could not use that area for parking due to the trimming activity.

The correct contact person for your concern is the School District is David Hart, Building and Grounds Manager at 925-825-7440, extension 3865.  
or Charles Wolfkill who is their lead landscape maintenance staff person.  
I have included them on this email response.

Laura Hoffmeister  
Assistant to the City Manager  
City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517

Email: [LHoffmeister@ci.clayton.ca.us](mailto:LHoffmeister@ci.clayton.ca.us)  
Ph. desk/vm: (925) 673-7308  
Ph. cell/vm/txt: (925) 250-8532  
Fax: (925) 672-4917

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**From:** Janet Calderon  
**Sent:** Tuesday, January 08, 2019 9:10 AM  
**To:** Gary Napper; Laura Hoffmeister; Jim Warburton  
**Subject:** FW: Hello

Please see the email I received below regarding the concerns of the Eucalyptus Trees by Mt. Diablo Elementary School.



Janet Calderon  
City Clerk/HR Manager

City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517  
(925) 673-7304

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**From:** Paul Schnurr [mailto:mdheckler@gmail.com]  
**Sent:** Tuesday, January 08, 2019 6:55 AM  
**To:** Janet Calderon  
**Subject:** Hello

My name is Paul and I am concerned about the kids playing on the play structure underneath the towering eucalyptus trees next to the kindergarten playground at Mt. Diablo Elementary in Clayton.

I asked if the two large eucalyptus are checked regularly for safety purposes by a certified tree company and how often are they trimmed? The school said they are the property of Clayton.

Given that we have been in a drought for several years prior to this rain, trees can get stressed and can topple not to mention the high winds on occasion this area receives.

From first look at them, it does not appear that they have been manicured or trimmed recently and I don't want to see a child hurt by a falling branch and I'm asking that they be inspected and/or trimmed for safety reasons.

-Paul

<image002.jpg>

Sent from my iPhone

<MDE kindergarden school playground and school trees.pdf>

<MDE and City tree location.pdf>

<MDE school and school trees near building area.pdf>

<Trail @ MDES.PDF>

**Laura Hoffmeister**

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Agenda Date: 1/28/19

**Subject:** FW: Clayton tree project

Agenda Item: 5(c)

----- Forwarded Message -----

**From:** Tuija Catalano <tuijaha@yahoo.com>  
**To:** Kristen Burkhardt <burkhardt.kristen@gmail.com>  
**Sent:** Wednesday, January 23, 2019, 3:28:19 PM PST  
**Subject:** Re: Clayton tree project

Kirsten,

Glad to hear that.

The removal of the trees sure changes the overall perspective along Regency and El Portal, but glad that the trees were removed safely and without any further impacts or concerns on your house.

Thanks,

Tuija

On Wednesday, January 23, 2019, 3:19:58 PM PST, Kristen Burkhardt <burkhardt.kristen@gmail.com> wrote:

Hello Tuija,

I want to pass on my compliments to Hamilton, the company that is removing all the eucalyptus trees from El Portal and Regency. They have been very considerate and are making sure our property is not affected. Right now they are blowing the sawdust away from my yard. This is greatly appreciated!

Please pass on the compliments!

Thank you,  
Kristen Burkhardt

**Laura Hoffmeister**

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Agenda Date: 1/28/19

**Subject:** FW: Eucalyptua Trees El Portal Regency

Agenda Item: 5(d)

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**From:** whitstreet@gmail.com <whitstreet@gmail.com>

**Sent:** Thursday, January 24, 2019 6:49 PM

**To:** Tuija Catalano

**Subject:** Re: Eucalyptua Trees El Portal Regency

Thank you for the information. While their loss is regrettable, it looks as though they were pretty severely compromised by rot and infestation. I appreciate you taking the time to share this info.

Best,  
Whitney

On Jan 24, 2019, at 6:01 PM, Tuija Catalano <tucatalano@ci.clayton.ca.us> wrote:

Whitney,

Appreciate your inquiry regarding the eucalyptus trees near Regency and El Portal. I live nearby and drive past this spot every day, and thus certainly recognize that it takes a bit getting used to.

I asked our staff to provide a bit more info about these trees. The Council had a hearing on the tree removal bid on Dec. 4th and we discussed the matter then as a Council. The Council did not vote to remove the trees (and to spend the money for the removal) simply to remove trees, but rather to mitigate against concerns regarding their condition and potential damage.

Below are few photos of the trees that were taken during the removal process that confirm some of the concerns.

Let me know if you have any other questions.

Thanks,

Tuija

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**From:** Laura Hoffmeister

**Sent:** Thursday, January 24, 2019 4:03 PM

**To:** Gary Napper

**Subject:** Eucalyptus Trees El Portal Regency

The following photos show the typical condition that was found of the trees on El Portal /Regency area

the insides have "brown rot" and some have been hollowed out, and beetles have also infested.

The three closest to El Portal are scheduled for Monday – the height of the trees could fall to the property across the house/and or block the creek and create a flow obstruction, or they could fall across El Portal although that is less likely as they are slightly downslope from the sidewalk.

None of the companies that submitted competitive bids, nor the companies that are doing the work were used to for the arborist review.

None of the companies that provided bids, nor the companies that are doing the work were used to for the arborist review.



rotted inside of tree



brown rot – material is soft and flakey with beetles eating the decay material





white bug is a tree beetle that eats away at the rotted material the battles are inside of the tree trunks where the rotting is occurring



Trees scheduled for removal on Monday

Laura Hoffmeister  
Assistant to the City Manager  
City of Clayton  
6000 Heritage Trail  
Clayton, CA

## Laura Hoffmeister

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**Subject:** FW: Eucalyptus trees

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**From:** Whitney Street <[whitstreet@gmail.com](mailto:whitstreet@gmail.com)>

**Sent:** Thursday, January 24, 2019 12:21 PM

**To:** Tuija Catalano

**Cc:** Laura Hoffmeister

**Subject:** Re: Eucalyptus trees

Dear Mayor Catalano,

Thank you for your email. Unfortunately, the information provided appears to confirm that the wholesale destruction of these trees is not warranted. I note that there has been no finding that the trees are diseased. Rather, the concern appears to be that they are "not native," are "messy," and may drop branches. The last of these appears to be the only legitimate concern.

With respect to the stand of 11 or so trees near the intersection of Regency and El Portal, the 3 that are still remaining (i.e., have not yet been cut down by the crew currently at work) pose no threat of dropping branches on any houses near by; they simply are not overhanging, or close to overhanging, any homes in the vicinity. Although retaining these trees would mean that periodic maintenance would be required, the cost cited in the report that you provided does not comport with the other data contained in that same report. More specifically, the report asserts maintenance (every few years) for a single tree would cost up to \$8500, yet the cost to cut down and reduce the entire tree to mulch is only \$10,000. That strongly suggests to me that the cited maintenance fee is not an accurate reflection of cost. I also have concerns about whether there was a conflict of interest in terms of the companies who recommended this extensive tree removal, as their identity was not disclosed in the publicly available report.

I would entreat you to please spare the remaining three trees here on El Portal. Their destruction is not warranted by any of the information that has been provided to the City and will cause irreversible harm.

If there is any way to make this appeal formally on an emergency basis, please advise.

Thank you,  
Whitney Street  
925-204-9959

On Thu, Jan 24, 2019 at 11:33 AM Tuija Catalano <[tcatalano@ci.clayton.ca.us](mailto:tcatalano@ci.clayton.ca.us)> wrote:

Whitney,

Sorry for the late reply on my end. I thought I had an arborist report in my records, but it turned out that I did not and when I looked into it a bit further, I realized that I had recalled that incorrectly. I.e. the City has consulted an arborist on an on-going basis but we do not have an actual report.

I have attached here the staff report for the second hearing December for the award of the contract for the removal of the trees. The background section explains the reasons for the removal of the trees, which was based upon an overall concern for the stability of the trees and the potential for them to cause damage. Based on the last arborist inspection, the per tree cost for pruning and monitoring was quite a bit and those actions in themselves would not provide any guarantee that the trees could not cause damage from fallen limbs or fallen trees.

I hope that provides a bit more info that you were looking for. Let me know if you have any other questions.

Thanks,

Tuija Catalano  
Mayor, City of Clayton  
Cell: 925-404-4255  
Email: [tcatalano@ci.clayton.ca.us](mailto:tcatalano@ci.clayton.ca.us)

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**From:** [whitstreet@gmail.com](mailto:whitstreet@gmail.com) <[whitstreet@gmail.com](mailto:whitstreet@gmail.com)>

**Sent:** Wednesday, January 23, 2019 11:30 AM

**To:** Tuija Catalano

**Subject:** Re: Eucalyptus trees

Hello,

Following up on my request below, could you please forward the arborist report? Thank you

> On Jan 19, 2019, at 10:57 AM, [whitstreet@gmail.com](mailto:whitstreet@gmail.com) wrote:

>

> Thanks in advance for sending the arborist report and any other related info (Diablo State Park's comments would be of particular interest).

>

> Best,

> Whitney Street

**Laura Hoffmeister**

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Agenda Date: Jan 28, 2019

**Subject:** FW: Duty to Defend and Indemnify Officials

Agenda Item: 6(d)

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**From:** Malathy Subramanian [mailto:Malathy.Subramanian@bbklaw.com]

**Sent:** Friday, January 25, 2019 4:35 PM

**To:** Laura Hoffmeister

**Subject:** Duty to Defend and Indemnify Officials and Appointed Officials

Hi Laura,

You asked about the City's duty to defend and indemnify a TLC Commissioner.

Gov. Code §810.2.

"Employee" includes an officer, judicial officer as defined in Section 327 of the Elections Code, employee, or servant, whether or not compensated, but does not include an independent contractor. Trails and Landscape Committee members are non-compensated servants, the Planning Commission is compensated servant, as they receive a monthly meeting stipend.

The City has a duty to defend its officials under Government Code section 995 and requires the City to provide a defense of civil actions brought against a current or former employee or official for an act or omission within the scope of his or her employment. The duty to indemnify is found in Government Code section 825 and requires the City to indemnify an official that acted within the scope of his or her employment, where the City conducted the official's defense and the official cooperated in good faith in the defense of the action.

Mala



**Malathy Subramanian**  
Partner  
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