



**CLAYTON CITY COUNCIL
REGULAR MEETING AGENDA**

**Tuesday, February 20, 2024
7:00 p.m.**

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

Zoom Videoconference and Call-in:

Webinar: <https://us02web.zoom.us/j/81342918951>

Telephone: 1 + (669) 900 - 9128 Webinar ID: 813 4291 8951

Jim Diaz, Mayor

Kim Trupiano, Vice Mayor

Peter Cloven, Councilmember

Holly Tillman, Councilmember

Jeff Wan, Councilmember

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on non-agendized items within the Council's jurisdiction. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to three (3) minutes, or the time established by the Mayor. 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 other agenda items will be allowed when each item is considered by the Council.

4. **CONSENT CALENDAR**

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

- a. Approval of the February 6, 2024, meeting Minutes.
(City Clerk)
[\(View\)](#)
- b. Approve and submit a letter of support for Contra Costa County's Employment and Human Services Department's Community Services Bureau Head Start and Early Head Start state grant application, to fund early child development and family support services; and direct staff to submit the letter for inclusion in the County's application packet.
(City Manager)
[\(View\)](#)
- c. Adopt a Resolution designating management titles authorized to execute reimbursement and other grant related forms on behalf of the City related to Federal Emergency Management (FEMA) Grants. (City Engineer)
[\(View\)](#)
- d. Adopt a Stormwater Utility Assessment Resolution establishing the Rate per Equivalent Runoff Unit (ERU) for FY 2024/2025 and requesting the Contra Costa Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES), maintaining the current maximum ERU Rate at \$29 per single-family parcel.
(City Engineer)
[\(View\)](#)
- e. Approve the Stormwater Operations and Maintenance Agreement for 500 Douglas Road (MS 01-22); and authorize the Mayor to sign the agreement. (City Engineer)
[\(View\)](#)
- f. Adopt a Resolution authorizing the City Manager to execute program supplement agreements on behalf of the City of Clayton for federal transportation funding through Caltrans Local Assistance under previously approved Agency-State Master Agreement No. 04-5386F15.
(City Engineer)
[\(View\)](#)

5. **RECOGNITIONS AND PRESENTATIONS**

(There are no Recognitions or Presentations scheduled for this meeting.)

6. REPORTS

- a. City Manager / Staff
- Link to ClearGov Transparency Portal:
<https://cleargov.com/california/contra-costa/city/clayton/checkbook>

7. PUBLIC HEARINGS

(There are no Public Hearings scheduled for this meeting.)

8. ACTION ITEMS

- a. Provide direction to staff on reducing the strategic goals from the nine (9) outlined at the February 6, 2024, strategic planning discussion to no more than five (5), inclusive of the strategic objectives related to those strategic goals. (City Manager)
(View)
- b. Create and appoint two (2) City Council members to an Ad Hoc committee to gather information on downtown parking and potential options.
(City Manager)
(View)

9. COUNCIL ITEMS – Limited to Council requests and directives for future meetings.

10. COUNCIL REPORTS

11. CLOSED SESSION

(There is no Closed Session scheduled for this meeting.)

12. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be March 5, 2024.

Meeting Information and Access

- 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 www.claytonca.gov
- 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.claytonca.gov
- 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 and is available for review on the City's website at www.claytonca.gov
- If you have a physical impairment requiring special accommodation to participate, please call the City Clerk's office at least 72 hours (about 3 days) before the meeting at (925) 673-7300.

Remote Access

The public may attend City Council meetings in-person or remotely via livestream on the City's website and through Zoom. As a courtesy, and technology permitting, members of the public may continue to provide live remote oral comment via the Zoom video conferencing platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

1. **Videoconference:** Click or visit the link on the front page of the meeting agenda. To access the webinar, you may download the Zoom client application or connect to the meeting in the web browser. You will be asked to enter your email address and name.

When the Mayor calls your item of interest, click the "raise hand" icon to be added to the speaker queue. The Clerk will identify you by name and you will hear "you have been unmuted" when it is your turn to provide public comment.

2. **Phone-in:** Dial the telephone number provided on the front page of the agenda. When prompted, enter the meeting ID. Once connected you will hear the meeting discussions but will remain muted. When your item of interest is called, dial *9 to "raise hand" and be added to the speaker queue. The Clerk will identify you by the last 4-digits of your phone number and you will hear "you have been unmuted" when it is your turn to provide public comment. To toggle between mute/unmute on your device, dial *6.

3. **E-mail Public Comments:** Public comment may also be sent to the City Clerk at cityclerk@claytonca.gov by 5:00 p.m. on the day of the meeting. All e-mailed public comments will be forwarded to the entire City Council and made part of the official meeting file.

Each person attending the meeting in-person, via videoconference, or call-in and who wishes to speak on an agenda item or non-agenda item (within the council's jurisdiction), shall have a set amount of time to speak as determined by the Mayor.

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

TUESDAY, February 6, 2024

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Diaz held via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Diaz, Vice Mayor Trupiano, and Councilmembers Cloven, Tillman, and Wan. Staff present: City Manager, Bret Prebula; Police Chief Richard McEachin; Finance Manager Prapti Aryal; City Attorney Mala Subramanian; and City Clerk Stephanie Cabrera-Brown.

2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Diaz.

Mayor Diaz announced that he would be re-ordering the agenda to move Item 8a, collective bargaining agreement between the City of Clayton and the Clayton Police Officers Association, ahead of Item 3, Public Comment.

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

James Sinkay – Spoke regarding the need for more accessible walkways on Mitchell Canyon and improved ADA accessibility around Clayton. Mr. Sinkay also shared potential solutions.

Ed Hartley – Spoke regarding the January 16th meeting and the Olivia Project parking concerns.

Brandon Herrera – Spoke regarding a new non-profit baseball association for competitive sports and requested the city to invest more into youth recreation.

Mayor Diaz closed public comment.

4. **CONSENT CALENDAR**

It was moved by Councilmember Cloven, seconded by Vice Mayor Trupiano, to approve the Consent Calendar items 4(a) – 4(c) as submitted. (Passed; 5-0).

Councilmember Wan requested item 4b be opened for discussion. Item 4b was discussed and voted on as part of the Consent Calendar.

- a. Approval of February 6, 2024, Meeting Minutes (City Clerk)

- b. Adopt a Resolution establishing a revised Purchasing Policy to provide staff with guidance and clarity around authorized procurement practices, in compliance with Senate Bill 1383 (SB1383), for the procurement of goods, services, supplies, and equipment. (Executive Assistant to the City Manager/HR Manager)
- c. Adopt a Resolution awarding a contract for \$105,980, with Specified Play Equipment Company (SPEC) for replacement of the rubberized mat below the play structures at The Grove Park (Capital Improvement Project No. 10455); authorizing the City Manager to execute the contract on behalf of the City; and finding the project to be exempt from the California Environmental Quality Act. (Community Development)

5. **RECOGNITIONS AND PRESENTATIONS**

- a. 2024 Election Updates (Contra Costa County-Clerk-Recorder-Registrar)

Assistant Registrar-Contra Costa County, Helen Nolan Prebula provided an overview of the 2024 Election Updates and answered questions.

- b. Contra Costa Mosquito and Vector Control District Presentation

Contra Costa Mosquito and Vector Control District Public Affairs Director Nola Woods, provided an overview of best practices to address pests during the winter months and answered questions.

- c. Recognition of Marathon Petroleum for Grant Funding (Clayton Police Department)

Chief Richard McEachin and Sgt. Jason Shaw provided an overview of the Grant and electric motorcycle received. Officer Mitchell Stroski demonstrated the new motorcycle functions.

Following discussion by the City Council, Mayor Diaz opened items 5a – 5c to public comment, but there was no one wishing to speak.

6. **REPORTS**

- a. City Manager / Staff
 - Link to ClearGov Transparency Portal:
<https://cleargov.com/california/contra-costa/city/clayton/checkbook>

7. **PUBLIC HEARINGS**

(There are no Public Hearings scheduled for this meeting.)

8. **ACTION ITEMS**

- a. Approve the terms of a collective bargaining agreement between the City of Clayton and the Clayton Police Officers Association (CPOA); and authorize the City Manager to execute a Memorandum of Understanding (MOU) with a term of July 1, 2024 through June 30, 2027, for an increased amount of \$308,243. (Executive Assistant to the City Manager/HR Manger)

City Manager Bret Prebula provided an overview of the agreement.

Following discussion by the City Council, Mayor Diaz opened the item to public comment:

Sgt. Richard Enea – Spoke regarding the agreement and thanked Clayton law enforcement officers, staff, and the council.

It was moved by Councilmember Wan, seconded by Councilmember Tillman, to approve the terms of the collective bargaining agreement between the City of Clayton and the Clayton Police Officers Association (CPOA). (Passed; 5- 0).

- b. Receive update on the Community Survey presented by the market research team who conducted the survey. (City Manager)

City Manager Bret Prebula provided a brief overview and introduced the consultants. Consultants Lydia Avramenko, Dimitry Teplyuk, and Dasha Barmina provided an overview of the Community Survey and responses, and answered questions.

Following discussion by the City Council, Mayor Diaz opened the item to public comment:

Lauren Kindorf – Spoke regarding State and Federal laws that the city needs to consider when balancing town aesthetics and legal requirements.

No Action Taken.

- c. Provide direction to staff on their initial ten (10) strategic goals and identify a variety of 2-person Ad Hoc committees to add strategic objectives to each goal. (City Manager)

City Manager Bret Prebula provided an overview of the strategic goals and committee formation process.

Strategic Goal	Ad Hoc Committee
Public Safety, Infrastructure, and accessibility (roads, sidewalks, and ADA)-	Tillman/Trupiano
Community Parks and Recreation	Wan/Cloven
Economic Development- promoting available spaces, growing number of families into community, improved downtown activity	Trupiano/Cloven
Maintain vibrant police force, maintaining community policing model	Cloven/Tillman
Balancing the budget	Wan/Trupiano
Maintain the aesthetic of the City of Clayton (LMD)	Cloven/Diaz
Disaster Preparedness and Fire Prevention	Tillman/Diaz
Preserving the historical nature of the town	Trupiano/Diaz
Environmental Sustainability	Cloven/Tillman

Following discussion by the City Council, Mayor Diaz opened the item to public comment, but there was no one wishing to speak.

It was moved by Councilmember Cloven, seconded by Councilmember Tillman, to approve the Ad Hoc committees and the nine (9) strategic goals. (Passed; 5- 0).

9. COUNCIL ITEMS – Limited to Council requests and directives for future meetings.

Councilmember Cloven requested a future agenda item to discuss the purchasing policy

Councilmember Tillman requested a future agenda item to discuss the censure of councilmembers and requesting to the City Attorney review concerns regarding treatment of staff by councilmembers.

Mayor Diaz, Vice Mayor Trupiano and Councilmember Wan did not request any future agenda items.

10. COUNCIL REPORTS

Councilmember Cloven attended: Art and Wine Festival planning meeting and informed the Council of the Clayton Cleans – up event schedule for April 20th.

Councilmember Wan: Attended City Sponsored Special Events Committee and spoke with constituents.

Councilmember Tillman attended meetings for: Clayton Pride; California League of Cities – Community Services Policy Committees; California League of Cities – Easy Bay Division; Mount Diablo Education Board; and met with the City Manager, and various constituents.

Vice Major Trupiano attended: Oakhurst Country Club Townhall; Coffee with Supervisor Ken Carlson event; attended meetings with/for City Sponsored Special Events Committee; Clayton Library Refresh w/County representatives; East Bay Leadership Council; Supervisor Ken Carlson and Alejandra Sanchez; shared when and where the Clayton Community Library Foundation will meet next; and shared updates on upcoming City sponsored events.

Mayor Diaz attended meeting for: County Connection Board; Coffee with Supervisor Ken Carlson event; CBCA General membership; Mayors' Conference in El Cerrito; BBQ Committee; Met with the Chief of Police and the City Manager. The Mayor also provided an update on former Clayton Mayor Hoyer.

11. CLOSED SESSION

(There was no Closed Session schedule for this meeting)

12. ADJOURNMENT - on a call by Mayor Diaz, the City Council adjourned its meeting at 9:39 p.m.

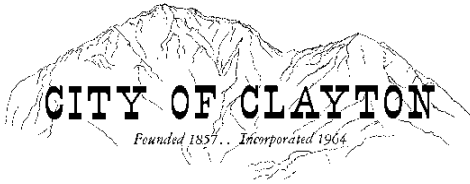
Please note the Minutes of this meeting set forth all actions taken by the City Council on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

Respectfully submitted,

Stephanie Cabrera-Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Jim Diaz, Mayor



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Bret Prebula, City Manager

DATE: February 20, 2024

SUBJECT: Approve and Submit Letter of Support for the County of Contra Costa County Community Service Bureau's Head Start and Early Head Start State Grant Application

RECOMMENDATION

Approve and submit a letter of support for Contra Costa County's Employment and Human Services Department's Community Services Bureau (CSB) Head Start and Early Head Start state grant application, to fund early child development and family support services; and direct staff to submit the letter for inclusion in the County's application packet.

BACKGROUND

In early February 2024 the County of Contra Costa County Administration office contacted key stakeholders within Contra Costa County to request each city provide a letter of support for the County's Employment and Human Services Department's Community Service Bureau to include with their application packet to re-apply for a grant to fund Head Start and Early Head Start programs.

The CBS is the current Head Start and Early Head Start Grantee in Contra Costa County and provides access to early child education and various family support services. The County hopes to receive letters of support from each city for inclusion in the grant application packet, to show the impact CBS has made with the current funding.

FISCAL IMPACT(S)

None.

CEQA IMPACT(S)

None.

CONCLUSION

Staff recommends support of this endeavor and respectfully requests the council approve the letter of support, and direct staff to submit the letter of support on behalf of the City of Clayton.

ATTACHMENT(S)

1. Draft letter of Support for CCC Heat Start and Early Head Start program



6000 Heritage Trail, Clayton, CA 94517
Phone: 925-673-7300
www.claytonca.gov

[Enter Date]

Administration for Children and Families
Office of Head Start
8th Floor Portal Building
1250 Maryland Avenue, SW
Washington, DC 20024

To Whom It May Concern:

Please accept this letter of strong support for Contra Costa County's Head Start and Early Head Start program as they re-compete for their long-standing grant to serve the children and families of Contra Costa County. The City of Clayton City Council strongly supports their continued efforts and urge you to fund this long-standing program so they can offer continued support to better the future of children ages 0-5 in their care.

The tremendous impact Contra Costa County's Employment and Human Services Department's Community Services Bureau (CSB) has had in providing critical services for over 2,100 of the region's most vulnerable young children and their families each year, is commendable. Their commitment to promoting school readiness of children from communities in need by enhancing their cognitive, social, and emotional development has been unwavering for over 50 years.

As the current Head Start and Early Head Start Grantee in Contra Costa County, the CSB's work directly offers extensive support and health services for children and families through their programming. The CSB goes above and beyond minimum requirements to nurture the growth and development of children in their care. With strict staff-to-child ratios, a focus on hiring educators formally trained and educated in early childhood education, and a diverse staff that reflects the families served, CSB is truly dedicated to meeting the unique needs of each child. In addition to high quality early learning experiences, CSB also provides health, nutrition, disability, mental health, and family support services that keeps families and communities strong.

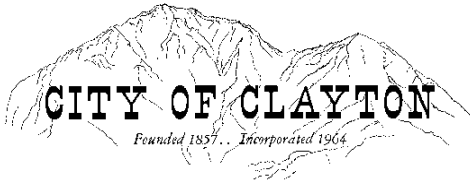
We fully support the crucial efforts of CSB to maintain access to early education and support and urge you to sustain their ability to make a difference to children and their families. Please do not hesitate to contact the Clayton City Manager, Bret Prebula at (925) 673-7300 or via email bretp@claytonca.gov, if we can provide any additional information regarding the tremendous positive impact the CSB program has made.

Sincerely,

[Name]

[Title]

DRAFT



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Larry Theis, City Engineer

DATE: February 20, 2024

SUBJECT: Resolution Designating Management Titles (Authorized Agents) Authorized to Execute Reimbursement and Other Grant Related Forms on Behalf of the City of Clayton for Federal Emergency Management Agency (FEMA) Grants

RECOMMENDATION

Adopt a Resolution designating management titles authorized to execute reimbursement and other grant related forms on behalf of the City related to Federal Emergency Management (FEMA) Grants.

BACKGROUND

At its April 20, 2021, meeting, the Council previously adopted Resolution 17-2021 which previously approved the designated management titles as the authorized agents on behalf of the City of Clayton related to any FEMA grant related reimbursements. As stated in this previous resolution it remains effective for all open and future grants up to three years following the date of approval. Therefore, this resolution and accompanying California Office of Emergency Services (CAL-OES) Form 130 will be expiring shortly on April 20, 2024.

DISCUSSION

Since the expiration of the Resolution is approaching, Staff recommends renewing the resolution now to ensure no gap exists in designee authorization especially since the City currently has funding reimbursement in process for storm damage costs incurred in January of 2023. FEMA and CAL-OES allow the naming of three authorized agents by title which we identified as City Manager, Finance Director, and City Engineer – which is consistent with the previous designations three years ago.

FISCAL IMPACT

Failure to adopt this resolution and submitting CAL-OES Form 130 will result in the loss of reimbursement funds currently in process and all future grants.

CEQA IMPACT

None.

ATTACHMENT(S)

1. Proposed Resolution for Designated Positions through February 20, 2027
2. CAL-OES Form 130 to be executed

RESOLUTION NO. ##-2024

RESOLUTION DESIGNATING MANAGEMENT TITLES (AUTHORIZED AGENTS) AUTHORIZED TO EXECUTE REIMBURSEMENT AND OTHER GRANT RELATED FORMS ON BEHALF OF THE CITY OF Clayton FOR FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANTS

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

WHEREAS, by Resolution 17-2021, adopted April 20, 2021 the Clayton City Council previously approved the designation of authorized agents that can sign required documents to secure FEMA related grant funding which expires three years following the date of approval; and

WHEREAS, California Office of Emergency Services (CAL-OES) Form 130 designates the identification of the management titles authorized to execute the reimbursement and other grant related forms on behalf of the City; and

WHEREAS, CAL-Oes Form 130 is included as an attachment with this resolution; and

NOW THEREFORE, BE IT RESOLVED the City Council of Clayton, California authorizes persons with the title of City Manager, Finance Director, and City Engineer to be included on CAL-OES Form 130 and to execute all FEMA grant related forms on behalf of the City and to provide to the California Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance including all assurance and agreements required; and

BE IT FURTHER RESOLVED, this is a universal resolution and effective for all open and future disasters/grants up to three (3) years following the date of approval below.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 20th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

I hereby certify that the foregoing Resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on February 20, 2024.

ATTEST:

Stephanie Cabrera-Brown, City Clerk



STATE OF CALIFORNIA
CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES
DESIGNATION OF APPLICANT'S AGENT RESOLUTION
NON-STATE AGENCIES
OES-FPD-130 (Rev. 10-2022)

Cal OES ID No: _____

DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____,
(Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the _____, a public entity established under the
(Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



Please check the appropriate box below

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): _____

Passed and approved this ___ day of _____, 20__

 (Name and Title of Governing Body Representative)

 (Name and Title of Governing Body Representative)

 (Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
 (Name) (Title)

_____, do hereby certify that the above is a true and
 (Name of Applicant)

correct copy of a resolution passed and approved by the _____
 (Governing Body)

of the _____ on the _____ day of _____, 20__.
 (Name of Applicant)

 (Signature)

 (Title)

**NON-STATE AGENCIES**

OES-FPD-130 (Rev. 10-2022)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted resolution is older than three (3) years from the last date of approval, is invalid, or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on pages 1 and 2. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California.

Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Services regarding grants for which they have applied. There are two ways of completing this section:

1. **Titles Only:** The titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by either a cover letter naming the Authorized Agents by name and title, or the Cal OES AA Names document. The supporting document can be completed by any authorized person within the Agency (e.g., administrative assistant, the Authorized Agent, secretary to the Director). It does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document, or their title changes.



Checking Universal or Disaster-Specific Box: A Universal resolution is effective for all past disasters and for those declared up to three (3) years following the date of approval. Upon expiration it is no longer effective for new disasters, but it remains in effect for disasters declared prior to expiration. It remains effective until the disaster goes through closeout unless it is superseded by a newer resolution.

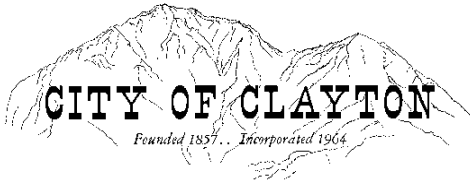
Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents. A minimum of three (3) approving board members must be listed. If less than three are present, meeting minutes must be attached in order to verify a quorum was met.

Certification Section:

Name and Title: This is the individual in attendance who recorded the creation and approval of this resolution.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member. If a person holds two positions (such as City Manager and Secretary to the Board) and the City Manager is to be listed as an Authorized Agent, then that person could sign the document as Secretary to the Board (not City Manager) to eliminate "Self-Certification."



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Larry Theis, City Engineer

DATE: February 20, 2024

SUBJECT: Establishing 2024/2025 Equivalent Runoff Unit (ERU) Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

RECOMMENDATION

Adopt a Stormwater Utility Assessment Resolution establishing the Rate per Equivalent Runoff Unit (ERU) for FY 2024/2025, and requesting the Contra Costa Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES), maintaining the current maximum ERU Rate at \$29 per single-family parcel.

BACKGROUND

The 1987 Reauthorization of the Federal Clean Water Act, as well as similar State legislation, required local agencies to obtain a NPDES Permit for discharging the contents of municipal storm drainage water conveyance systems. As implemented and enforced by the State through the Regional Water Quality Control Board (San Francisco Bay Area Region), this permitting effort is intended to improve water quality in the Delta and San Francisco Bay Estuary System, protect endangered species, and safeguard public waters and waterways for continued economic, recreation and health purposes. Stormwater runoff pollution has been identified as a significant impact on water quality and wildlife in the Bay Area by the State and Federal Governments. During wet weather, large amounts of pollutants, such as oil and grease from automobiles, heavy metals from vehicle exhaust and brake pads, such as copper and lead, pesticides, herbicides and fertilizers from lawns and gardens, soil erosion, and biological material enter the storm drain system and ultimately empty, untreated, into creeks, waterways, the Delta and the Bay

The City participates and obtained its joint NPDES permit from the SF Regional Water Quality Control Board via the Contra Costa Clean Water Program whose participants include the cities within the County, the County and the Flood Control District. The City of Clayton has participated since its inception in September 1993. The SF Regional Water Quality Control

Board issued the Municipal Regional Permit 3.0 (MRP 3.0), which began July 1, 2022 and extends to June 30, 2027. MRP 3.0 covers many counties and cities in the Bay Area. The MRP 3.0 permit allows the City and other jurisdictions to utilize the storm water drainage system for the discharges into creeks that ultimately drain into the Bay. This joint participation allows for the program management and permit process costs to be kept to a minimum through economies of scale and local and regional collaboration, at a fraction of the cost of doing it alone. The program provides for a regional approach to stormwater pollution control, regional monitoring, public education and outreach, technical support and training, special studies and NPDES permit administration requirements.

The cost of meeting the obligations of the increased requirements contained in the MRP 3.0 have been and are expected to continue to exceed City revenues received from the ERU. Although it is difficult to fully identify all future additional costs at this point, current compliance costs are projected to outpace revenues in FY 2024/25. Requirements contained in our current permit MRP 3.0 include more elimination of litter going into storm drains; more monitoring and reporting on our storm drain inlets trash capture devices (which capture litter before going to the creek), and “green infrastructure” which sets forth standards for cities to redirect their existing storm drainage water into landscape areas.

AUGMENTED FUNDING DENIED:

When the program was originally established in 1993, the rate cap for the current parcel fee in Clayton was set by the City Council at \$29/ERU. Because other members of the Clean Water Program also have the same issues (costs exceeding available revenue available from the ERU rate) a cost/revenue analysis was undertaken by the Contra Costa Clean Water Program to evaluate possible additional funding mechanisms for the added requirements of the MRP. The Clean Water Program attempted three times the pursuit of legislation to add stormwater to the definitions of other utilities such as sewer and water and was not successful in receiving needed legislative support, and there is no support by the governor and his staff. It was after these statewide attempts proved fruitless, our straining local funding and the continuing increased requirements by state regulating agencies that led to the 2012 Prop 218 property owner vote for a new parcel fee. The second proposed revenue measure did not pass. Local assessments for stormwater quality protection have been maxed out since 2000—while compliance costs continue to increase. Additional state legislation is being pursued to establish a process to allow for future local voter consideration of new stormwater revenues. However, in order to continue to receive the City’s existing current ERU rate of \$29 per single family parcel (the same amount levied since FY1999/2000) it must be levied. Failure to levy this fee would result in the City supplant this revenue source (approx. \$128,227) from another funding source such as the General Fund, Rainy Day Fund 110, and/or a local city specific revenue measure since the regional Prop 218 measure did not receive sufficient voter support for passage.

DISCUSSION

Staff currently participates, as is required by the Program agreement and state permit, on the Clean Water Program’s Development Construction Controls/Green Infrastructure Committee, Administration Committee, and Management Committee; and as needed in the

Monitoring and Inspection Committee, and the GIS workgroup. City staff typically attends and participates in 2-3 meetings per month.

One of the largest components of the unfunded mandates was the trash load analysis and reduction program that cities had to undertake. This provision required cities to reduce their trash pollution load by 40% by 2014, and completely eliminate (100% reduction) by 2020. The City of Clayton installed 25 trash capture devices and has reduced its trash load to the near 100% level at this time, about 5 years before the deadline. Clayton is one of only a few cities in Contra Costa County and the Bay Area that has met this goal ahead of the mandated deadline. The trash capture devices and their installation were covered through ABAG grants that the City received.

However, there were not any new funds to address the mandated studies and documentation that cities must file as part of its Annual Report to the State. They include mandatory maintenance items such as clearing of trash along specific areas of creeks and drainage inlets; the quantification of the materials collected; enforcement action (issuance of citations) to individuals for pollution runoff; creeks and waterways testing, mapping, monitoring and of all creeks and all outfalls to creeks, and specific on-going litter removal down to the size of a cigarette butt of litter on certain distance of creek segments and the cleaning of drainage inlets (we currently do public inlets only). The reporting format requires cities to use computer data base for mapping, reporting and monitoring information and transmitting electronically to the SF Regional Water Board where they will post to a public accessible web site. The Clean Water Program is establishing a cloud-based GIS mapping project where we will have access to GIS data base, therefore at this time there is not a need to undertake an individual city effort to comply with this permit requirement.

Overall, the City's total Stormwater related costs are comprised of two components, one consisting of the pro rata share of Clean Water group costs based upon population. The other is the management and maintenance activities undertaken by the City and its contracts with others for required activity implementation and monitoring and reporting. All program staff and permittees (cities and county) have been and continue to make strong efforts to control costs at the program level. However, funds for the MRP 3.0 permit, technical and legal work, education and outreach, implementation of programs to address recent pollutants of concerns (PCB, Mercury, Lead, Nickel etc.), ongoing trash load reduction management, green infrastructure analysis/implementation, enforcement compliance enforcement for construction site practices, and commercial operations, have increased these State unfunded mandate costs on cities and counties.

ASSESSMENT AND PROGRAM BUDGET:

Due to the implementation by the Program of unfunded mandate permit requirements by the SF Regional Board, the Group's Clean Water Program Budget will increase by \$500,000 from last fiscal year to \$4 million in FY 2024/25. For the last few years and through 2023 increased costs were addressed by Program reserve carry over or encumbrances of this year's funds to help reduce or smooth out increases; thus minimizing the impact (reduction) in return to source funds. This year and in future years there is no further reserve available which increases the overall program budget. The anticipated budget in 2025/26 is currently expected to remain at \$4 million.

For FY 2024/2025 the City of Clayton's pro rata share (based on countywide population) of the Contra Costa Clean Water Program cost is 0.93% (\$37,175) of the total annual program budget of \$4.0 million. Future program cost increases and lack of carryover/reserve funding in the future years will continue will generally result in less return to source funds to undertake the added local city permit requirements.

It is currently estimated that for FY 2024/25 the gross revenues from Clayton's stormwater utility assessment will total approximately \$128,227. The City's SUA revenues include the following expenditures: \$37,175 is allocated to the Clean Water Program administration and group expenses; \$3,800 to the County Auditor for costs related to assessment collection; \$8,000 to the Sanitary District for commercial inspection, monitoring and municipal requested call out inspections; \$3,000 to the District for fiscal and assessment area management, \$3,000 for program reserve, and \$15,000 for our annual state discharge permit fee. Thus, the remaining return to source funds available to the City, for all other activities in FY 2024/25 is approximately \$58,000.

The majority of the remaining return to source funds (\$58,000) are directly spent on staff/city engineer labor costs of participating in the Clean Water Program and performing maintenance activities required by the program, such as storm drain inspection and cleaning, creek clearing; responding to spill calls; the remaining is divided between equipment and materials; monitoring and inspection; and management and reporting. In FY 23/24 budget adoption it was anticipated that the ending fund balance would be near zero and would require supplemental funds from other sources to continue to perform the required activities in the permit. City Staff will provide more specific details and projections as part of the City's overall annual budget process in the spring, but it is likely this upcoming fiscal year the City may have to default to consider use of its General Fund, General Fund Reserve, Rainy-Day Fund 110 to start covering the rising compliance costs.

To continue the local revenue source necessary to fund the unfunded mandates by federal and state government regulations, the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to establish a storm water utility area for the City and to impose benefit assessments on all applicable parcels within the City of Clayton. This item is the annual consideration to request the local assessment levy which provides funding to the Federal and State Clean Water program mandates which the City must undertake and participate in according to Federal and State law. **Staff recommends no increase to the rate for FY 2024/25; it will be the same rate as the last 25 fiscal years, which is \$29.00 per ERU.**

Since the City is not exceeding the current rate cap and not increasing the levy rate, voter approval requirement of Prop. 218 process does not apply. A single family detached dwelling is typically one ERU; homes on lots 20,000 sq. ft. or larger are allocated 1.7 ERU's; attached homes (e.g., townhomes and duets) are 0.7 ERU. This formula is the same throughout all Contra Costa communities and all cities and the County funds their NPDES costs through the ERU assessments.

FISCAL IMPACT

Although this is a Federal and State Mandated program, cities do not receive any revenues from the Federal and State governments to offset or cover the mandated requirements. Consequently, the Stormwater Utility Rate and Assessment areas were established in 1993 by the County and the Cities to develop a funding source to cover the costs of the Federal and State mandates.

The recommended assessment for FY 2024/25 is the same rate that is currently in place. Should the City not authorize the Flood Control District to establish and collect the annual assessments, the City still has the financial and legal responsibility to perform the Permit requirements but would not receive the approx. \$128,227 generated by the annual assessment. Mandated activities would need funding from another source, such as the General Fund. It must be noted here the Regional Water Quality Control Board and several court cases have consistently declared that clean storm water is of the utmost state priority and public agencies have been given the tools (i.e.: local taxing authority) to generate additional revenues for these purposes by garnering local voter approval to tax themselves more for this mandate.

Additional implementation measures such as those needed for monitoring and maintenance of new Stormwater facilities required under our mandated permit and installed as part of new construction within Clayton (C3), have been addressed by the City Council to provide for methods that are self-supported by a new development such as Benefit Assessment Districts, Community Facilities Districts, or Homeowners Associations or combination thereof, or other approach that would not financially impact the city and its general funds. This Council directed policy minimizes potential impacts to the under-funded Stormwater fund or the City's General Fund for the permanent new development installed specific requirements to meet the new state regulations. However not covered by these are the general overall reporting, enforcement action and trash reduction action plans, commercial inspections, monitoring enhancements required by the regional board are reasons that the current assessment fee should be continued.

CEQA IMPACT

None.

CONCLUSION

To continue the same revenue source required to fund the state mandated activities the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to impose annual benefit assessments on all applicable parcels within the City of Clayton. The attached Resolution would maintain the current Stormwater Utility Rate assessment of \$29.00 per ERU for FY 2024/25.

ATTACHMENT(S)

1. Proposed ERU Resolution for FY 2024/2025
2. Clean Water Program Budget costs and cost sharing formula FY 2024-2025

RESOLUTION NO. ##-2024

A RESOLUTION ESTABLISHING THE RATE PER EQUIVALENT RUN-OFF UNIT (ERU) FOR FY 2024/2025 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

THE CITY COUNCIL City of Clayton, California

WHEREAS, under the Federal Water Quality Act [33 U.S.C. Section 1342 (p)], certain municipal stormwater discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Clayton, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit which requires the implementation of a Storm Water Management Plan and Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa County Flood Control and Water Conservation District (District) to establish Stormwater Utility Areas (SUA) and to levy annual benefit assessments for the purpose of carrying out activities required under the NPDES program; and

WHEREAS, it is the intent of the City of Clayton to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and local drainage maintenance activities; and

WHEREAS, at the request of the City of Clayton, the Contra Costa County Flood Control District and Water Conservation District (District) has completed the process for the formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs payment agreement between the City and the District requires that the City of Clayton annually, by April 1, determine its rate to be assigned to a single ERU for the forthcoming fiscal year; and

WHEREAS, the City Council adopted Resolution 9-93, which established the range of the annual assessment to be imposed by the District within the storm water utility area not to exceed \$29 per ERU; and

WHEREAS, the City of Clayton has operated at its maximum \$29 per ERU rate since FY 1999/00 (the last twenty-five fiscal years) and this same rate is proposed again for FY 2024/2025.

NOW THEREFORE, BE IT RESOLVED the City Council of Clayton, California does hereby determine that its real property assessment rate to be assigned to a single ERU for FY 2024/2025 shall be set and assessed at \$29.00.

BE IT FURTHER RESOLVED, the City Council of Clayton, California, does hereby request the Contra Costa Flood Control and Water Conservation District to adopt the SUA levies in the City of Clayton based on the above established rate.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 20th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on February 20, 2024.

ATTEST:

Stephanie Cabrera-Brown, City Clerk

Contra Costa Clean Water Program Stormwater Utility Assessment (SUA) Revenue, Cost Allocations, and SUA Revenue Return-to-Source (RTS) Percentages (Reviewed 01/16/2024)																					
Stormwater Utility Assessment (SUA) Revenue ¹ (FY 2022/23)		FY 16/17 Net Budget \$2,625,516		FY 17/18 Net Budget \$3,053,432		FY 18/19 Net Budget \$3,085,545		FY 19/20 Net Budget \$3,499,213		FY 20/21 Net Budget \$3,473,097		FY 21/22 Budget Cap \$3,500,000		FY 22/23 Budget Cap \$3,500,000		Adopted FY 23/24 Budget Cap \$3,500,000		FY 24/25 Budget Cap \$4,000,000		FY 25/26 Budget Cap \$4,000,000	
		Allocation ²	% RTS ¹¹	Allocation ³	% RTS ¹¹	Allocation ⁴	% RTS ¹¹	Allocation ⁵	% RTS ¹¹	Allocation ⁶	% RTS ¹¹	Allocation ⁷	% RTS ¹¹	Allocation ⁸	% RTS ¹¹	Allocation ⁹	% RTS ¹¹	Allocation ¹⁰	% RTS ¹¹	Allocation ¹⁰	% RTS ¹¹
		Antioch	\$ 1,274,159	\$ 257,816	78.1	\$ 307,042	73.9	\$306,747	73.9	\$344,212	72.2	\$342,241	73.1	\$341,395	73.2	\$342,303	73.1	\$348,240	72.7	\$402,359	68.4
Brentwood		\$ 134,488		\$ 159,772		\$163,938		\$191,930		\$191,287		\$197,573		\$200,493		\$194,714		\$224,852		\$227,100	
Clayton	\$ 128,227	\$ 26,872	78.7	\$ 30,466	75.9	\$30,299	76.0	\$34,801	72.4	\$35,014	72.7	\$34,397	73.2	\$34,179	73.3	\$32,874	74.4	\$37,175	71.0	\$37,547	70.7
Concord	\$ 2,110,396	\$ 300,122	85.3	\$ 352,538	82.8	\$344,685	83.2	\$393,222	80.9	\$390,281	81.5	\$394,865	81.3	\$392,125	81.4	\$374,145	82.3	\$425,474	79.8	\$429,728	79.6
Danville	\$ 572,148	\$ 104,012	81.6	\$ 116,505	79.4	\$116,412	79.4	\$135,163	76.0	\$136,024	76.2	\$133,123	76.7	\$133,181	76.7	\$131,193	77.1	\$149,254	73.9	\$150,747	73.7
El Cerrito	\$ 415,801	\$ 57,820	85.6	\$ 66,258	83.5	\$66,053	83.6	\$75,926	81.3	\$76,497	81.6	\$75,709	81.8	\$75,366	81.9	\$77,623	81.3	\$88,821	78.6	\$89,709	78.4
Hercules	\$ 322,301	\$ 58,980	81.8	\$ 67,381	79.5	\$68,940	79.1	\$80,122	75.7	\$78,796	75.6	\$77,460	76.0	\$78,454	75.7	\$78,957	75.5	\$91,655	71.6	\$92,571	71.3
Lafayette	\$ 476,624	\$ 59,882	86.9	\$ 67,742	85.3	\$67,662	85.3	\$78,106	83.0	\$79,105	83.4	\$77,685	83.7	\$76,919	83.9	\$75,849	84.1	\$87,148	81.7	\$88,020	81.5
Martinez	\$ 705,739	\$ 88,997	85.8	\$ 100,719	83.9	\$101,115	83.9	\$115,986	82.3	\$115,652	83.6	\$112,583	84.0	\$111,708	84.2	\$111,692	84.2	\$127,366	82.0	\$128,640	81.8
Moraga	\$ 293,117	\$ 39,199	86.4	\$ 44,882	87.4	\$44,777	87.4	\$51,729	82.2	\$50,897	82.6	\$51,416	82.5	\$51,020	82.6	\$51,764	82.3	\$58,878	79.9	\$59,467	79.7
Oakley	\$ 562,763	\$ 92,342	81.4	\$ 109,102	78.4	\$110,623	78.1	\$127,083	75.8	\$125,474	77.7	\$128,830	77.1	\$130,114	76.9	\$134,767	76.1	\$156,824	72.1	\$158,393	71.9
Orinda	\$ 389,938	\$ 44,308	88.4	\$ 50,959	86.7	\$50,842	86.7	\$58,451	84.6	\$58,517	85.0	\$57,675	85.2	\$57,870	85.2	\$58,945	84.9	\$67,006	82.8	\$67,676	82.6
Pinole	\$ 321,909	\$ 45,103	85.7	\$ 50,932	84.0	\$50,950	84.0	\$58,564	81.7	\$58,586	81.8	\$59,180	81.6	\$58,752	81.7	\$56,373	82.5	\$63,587	80.2	\$64,223	80.0
Pittsburg	\$ 1,236,516	\$ 160,997	85.5	\$ 184,324	83.5	\$187,468	83.2	\$221,172	81.5	\$217,966	82.4	\$225,496	81.8	\$225,976	81.7	\$227,439	81.6	\$260,737	78.9	\$263,345	78.7
Pleasant Hill	\$ 490,921	\$ 81,327	83.5	\$ 92,620	81.2	\$93,057	81.1	\$106,764	78.3	\$105,331	78.5	\$103,969	78.8	\$103,536	78.9	\$102,970	79.0	\$116,401	76.3	\$117,565	76.1
Richmond		\$ 255,550		\$ 300,003		\$300,153		\$337,837		\$331,830		\$337,442		\$334,059		\$346,470		\$395,653		\$399,609	
San Pablo	\$ 436,156	\$ 70,776	83.2	\$ 83,792	80.1	\$83,380	80.2	\$96,184	77.4	\$95,601	78.1	\$95,310	78.1	\$94,157	78.4	\$95,356	78.1	\$109,096	75.0	\$110,187	74.7
San Ramon	\$ 1,231,049	\$ 187,024	84.2	\$ 212,987	82.3	\$216,284	82.0	\$251,605	78.4	\$252,268	79.5	\$252,187	79.5	\$254,383	79.3	\$253,658	79.4	\$288,833	76.5	\$291,721	76.3
Walnut Creek	\$ 1,301,412	\$ 159,187	86.6	\$ 190,306	84.0	\$190,571	84.0	\$215,144	82.0	\$210,694	83.8	\$214,995	83.5	\$216,327	83.4	\$211,506	83.7	\$241,345	81.5	\$243,758	81.3
CC County	\$ 3,653,028	\$ 400,713	88.3	\$ 465,102	87.0	\$465,739	87.0	\$525,212	84.9	\$521,037	85.7	\$528,710	85.5	\$529,080	85.5	\$535,464	85.3	\$607,536	83.4	\$613,611	83.2
Total	\$ 15,922,203																				

¹ Total Stormwater Utility Assessment (SUA) revenue based on FY 2022/23. SUA revenue may increase annually due to new development activity.
² Allocation of costs based on CA Department of Finance Population Figures - January 1, 2015.
³ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2016.
⁴ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2017.
⁵ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2018.
⁶ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2019.
⁷ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2020.
⁸ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2021.
⁹ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2022.
¹⁰ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2023.
¹¹ Percentage of Stormwater Utility Assessment (SUA) revenue Returned-to-Source (RTS).
 = No SUA. Stormwater funding from other sources.

Total Amount Collected for Clayton Parcels

Clayton's Share for Clean Water Program Total Costs (0.93%); remaining Return to Source estimated for Fund 216 = \$91,052



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Larry Theis, City Engineer
DATE: February 20, 2024
SUBJECT: Approve Stormwater Operations and Maintenance Agreement for 500 Douglas Road (MS 01-22)

RECOMMENDATION

Approve the Stormwater Operations and Maintenance Agreement for 500 Douglas Road (MS 01-22); and authorize the Mayor to sign the agreement.

BACKGROUND

On February 21, 2023, the City Council approved the final parcel map (MS 01-22) to subdivide an existing 1.47-acre lot into three parcels at 500 Douglas Road (APN 119-560-012) and approved the project as categorically exempt from CEQA. The proposed southernmost parcel would contain the existing single-family residence and the proposed two northernmost parcels would be created as two additional single family residential lots. Under the requirements of Section C.3 of the City's Municipal Regional Permit with Regional Water Quality Control Board, new developments are required install stormwater runoff facilities onsite to filter contaminants before discharging into the City's public storm drain system.

DISCUSSION

The developer has proposed and designed a local private storm drain system onsite to receive the runoff from the three parcels at 500 Douglas Road. The storm runoff is captured within an eight-inch diameter PVC pipe system which outfalls to a bioretention basin located on one parcel of the development. The runoff then filters through the soil-sand medium to clean the water of contaminants and then exits the basin within a storm drain outlet pipe to be collected within the City's public storm drainage system. The Stormwater Operations and Maintenance Agreement is to notify and require each of the property owners of the three parcels to maintain the system in working order and to provide annual reporting in perpetuity. This agreement will attach to the title of each of the parcels for future property owners.

FISCAL IMPACT

There is no direct fiscal impact to the City.

CEQA IMPACT

On February 21, 2023, the City Council approved the project as categorically exempt from CEQA.

NEXT STEPS

Upon City Council approval, the City Clerk will obtain the signature of the Mayor, including a notary acknowledgment, along with co-signature from the Clerk and City Attorney on the Stormwater Operation and Maintenance Agreement. This document will be recorded at the County Clerk-Recorder in order for the Agreement to be attached to the title of each of the three parcels at 500 Douglas Road.

ATTACHMENT(S)

1. Stormwater O&M Agreement (500 Douglas Dr)

RECORDED AT THE REQUEST OF
AND WHEN RECORDED RETURN TO:

CITY OF CLAYTON
6000 Heritage Trail
Clayton, CA 94517
ATTN: City Clerk

(Exempt from Filing Fees – Government Code SS 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

CITY OF CLAYTON, CA
COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE
AGREEMENT, AND RIGHT OF ENTRY

PROJECT: 500 Douglas Road – Minor Subdivision 01-22, Parcel Map 220PM41

PROPERTY OWNER(S): Erik and Linda Fjellbo

ASSESSOR'S PARCEL NUMBERS:
119-560-018 (Parcel A), 119-560-019 (Parcel B) and 119-560-020 (Parcel C)

COVENANT RUNNING WITH THE LAND, STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry ("Agreement") is made and entered into this ____ day of _____, 2024, by and between Erik and Linda Fjellbo, and the City of Clayton, a municipal corporation organized and operating under the laws of the State of California.

DEFINITIONS

The following terms used in this Agreement have the meanings specified below:

City: The term "City" means the City of Clayton, CA and its authorized officers, agents, and employees.

City Engineer: The term "City Engineer" means the City Engineer for the City of Clayton or his/her designee.

Lot: The term "Lot" and "Lots" means the individual lots or parcels shown on the recorded Final Map.

Map: The term "Map" means parcel map of the Project filed 220PM41 in the Official Records of the Contra Costa County Recorder.

Maintain: The terms "maintain," "maintained," or "maintenance" mean taking all actions reasonably necessary to keep the Stormwater Facilities in first-class operation/condition, and repair, as described in the Stormwater Control Plan and the Operation and Maintenance Plan, which actions include but are not limited to annual inspection and reporting, painting, cleaning, refinishing, repairing, replacing, and reconstructing the Stormwater Facilities, the payment of any applicable City fees, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming, mowing, and fertilizing the landscaping.

NPDES Permit: The term "NPDES Permit" means the National Pollutant Discharge Elimination System (NPDES) Permit No. CAS612008 issued to the City of Clayton and other co-permittees by the San Francisco Regional Water Quality Control Board, as amended, and as may be superseded by subsequent NPDES permits that are issued from time to time.

Operation and Maintenance Plan: The term "Operation and Maintenance Plan" means the Stormwater Control Operation and Maintenance Plan for the Property prepared by Gilbert A. Fitch & Associates and deemed consistent with the Ordinance by the City, which may only be modified when, upon written application for such changes, the City Engineer, in his/her sole discretion, provides written consent to such changes. The Operation and Maintenance Plan and any approved changes are on file with the City of Clayton City Clerk and at the City Engineer's office.

Ordinance: The term "Ordinance" means Section 13.12 of the City of Clayton Municipal Code (Stormwater Management and Discharge Control), as may be amended from time to time.

Project: The term "Project" means Minor Subdivision 01-22 at 500 Douglas Road, which is being developed on the Property by the Property Owner.

Property: The term "Property" means that real property, including all Lots, shown on the Parcel Map 01-22 (220PM41) and described in Exhibit A attached to this Agreement.

Property Owner: The terms "Property Owner" and "Property Owners" mean Erik and Linda Fjellbo, and all heirs, successors, executors, administrators, and assigns of any interest in the Property, it being the intent of the parties that the obligations under this Agreement, as provided in Civil Code Section 1468, run with the Lots shown on the Map.

Stormwater Control Plan: The term "Stormwater Control Plan" means the Stormwater Control Plan prepared by Gilbert A. Fitch & Associates, and deemed consistent with the Ordinance by the City, which may only be modified when, upon written application for such changes, the City Engineer, in his/her sole discretion, provides written consent to such changes. The Stormwater Control Plan and any approved changes are on file with the City of Clayton City Clerk and at the City Engineer's office.

Stormwater Facilities: The term "Stormwater Facilities" means the permanent stormwater management facilities and appurtenant design features located and constructed on the Property, as described in the Stormwater Control Plan and/or the Operation and Maintenance Plan.

RECITALS

This Agreement is made and entered into with reference to the following facts:

- A. The Property Owner is the owner of the Property and intends to develop the Property with impervious surfaces.
- B. To meet its obligations under the NPDES Permit, the City has required the Property Owner to construct the Stormwater Facilities.
- C. To meet its obligations under the NPDES Permit, the City has approved the Property Owner's Operation and Maintenance Plan and the Stormwater Control Plan for the Stormwater Facilities.
- D. To meet the City's obligations under the NPDES Permit, the City's Ordinance requires proper operation and maintenance in perpetuity of the Stormwater Facilities constructed on the Property.
- E. The Operation and Maintenance Plan and/or the Stormwater Control Plan include an annual inspection and reporting requirement and a continuing maintenance requirement for the Stormwater Facilities constructed on the Property.
- F. This Agreement memorializes the Property Owners' maintenance, operations, and inspection obligations under the City's Ordinance, the City's NPDES Permit and the Plan.

AGREEMENT

NOW, THEREFORE, in consideration of the above premises, the sufficiency of which is acknowledged, the mutual covenants contained in this Agreement, and the following terms and conditions, the City and the Property Owner agree as follows:

SECTION 1

Responsibility for Operation and Maintenance: The Property Owner represents and warrants that the Stormwater Facilities have been designed and installed in strict accordance with the Stormwater Control Plan, the Operation and Maintenance Plan, and the Ordinance. No portion of the Stormwater Facilities may be altered in any manner that is inconsistent with the Stormwater Control Plan or the Operation and Maintenance Plan without the prior, written consent of the City Engineer. The Property Owner shall continuously maintain the Stormwater Facilities in first-class operating condition, in strict accordance with the Stormwater Control Plan, the Operation and Maintenance Plan, and the Ordinance, and in compliance with all applicable federal, state, and local laws and regulations, as they may be amended from time to time. The Property Owner shall engage a licensed landscape contractor or other licensed professional acceptable to the City Engineer to undertake the following maintenance activities on the Property, unless the Property Owner receives prior, written approval of an alternative method from the City Engineer:

1. Diagnosis and correction of the Stormwater Facilities malfunctions that cannot be corrected through routine maintenance,
2. Application of fertilizer and/or pest control products within, under, or above the Stormwater Facilities,
3. Repair of private drainage system (including rain gutters, downspouts, area drains, risers, inlets, outlets, overflows, clean-outs, connectors, earthen and concrete conveyance swales, check dam/retaining walls, and catch basins),
4. Maintenance of irrigation system that may affect stormwater reaching the Stormwater Facilities,
5. Modification of site topography through yard and driveway grading that may affect stormwater reaching the Stormwater Facilities,
6. Subdrain cleaning/replacement (including perforated drain pipe), and
7. Replacement of engineered soil and mulch.

The City Engineer may, at any time, revoke approval of an alternate method for the maintenance of the Stormwater Facilities and require the Property Owner to hire a licensed landscape contractor or other licensed professional acceptable to the City Engineer to undertake any of the activities mentioned in this section.

If a dispute should arise between the Property Owner with respect to the necessity for maintenance, the standard of maintenance, the contractor(s) to be engaged to perform any repair or maintenance work, or any other matters pertaining to the operation or maintenance of the

Stormwater Facilities, the dispute may be submitted to the City Engineer, in which case the decision of the City Engineer shall be final.

The City recognizes that the Operation and Maintenance Plan may provide for the allocation of Property Owner responsibilities for the maintenance of Stormwater Facilities located on various Lots. However, regardless of the allocation of maintenance responsibilities, the Property Owner of each Lot shall be responsible for compliance with all of the obligations contained in this Agreement, and all Property Owners shall be jointly and severally liable for failure to comply with the terms and conditions set forth in this Agreement and in the Ordinance.

The City may require the Property Owner to amend the Stormwater Control Plan and/or the Operation and Maintenance Plan whenever the City deems amendments necessary to maintain compliance with the NPDES Permit. In that case, the Property Owner(s) shall have the amendments prepared by a licensed engineer and promptly submit the amendments to the City Engineer for review and approval. All amendments proposed by the Property Owner(s) are subject to the prior, written approval of the City Engineer. Whenever the Property Owner(s) requests amendments to the Stormwater Control Plan and/or the Operation and Maintenance Plan, the Property Owner(s) shall pay the City in advance for all staff time spent reviewing and taking action with respect to such request, whether or not the City Engineer approves the proposed amendments. All approved amendments to the Stormwater Control Plan and the Operation and Maintenance Plan will be kept on file with the City of Clayton City Clerk and at the City Engineer's office. The Property Owner shall promptly comply with all requirements of the Stormwater Control Plan and the Operation and Maintenance Plan, including any approved amendments.

SECTION 2

Inspection by Property Owner: The Property Owner shall inspect, at least annually, the Stormwater Facilities in accordance with this Agreement, including the requirements of the Operation and Maintenance Plan, the Stormwater Control Plan, and the Ordinance. The annual inspection shall include completion of the reporting form(s) required by the City, which form(s) will be provided annually to the Property Owner by the City. The Property Owner or a licensed landscape contractor or other licensed professional acceptable to the City Engineer shall submit the completed reporting form(s) to the City Engineer no later than the deadline indicated on the form(s). Upon review, the City may require additional information from either the Property Owner or an appropriately-licensed contractor.

SECTION 3

Right of Entry and Stormwater Facilities Inspection by the City: The Property Owner hereby grants permission to the City and its contractors and other agencies with an interest in the Stormwater Facilities, such as the Contra Costa County Flood Control and Water Conservation District, the Contra Costa Mosquito and Vector Control District, and the Regional Water Quality Control Board, to enter upon the Property at any reasonable time to inspect, assess, or observe the Stormwater Facilities for the purpose of ensuring that the Stormwater Facilities are being

properly maintained and are continuing to perform in an adequate manner to protect water quality and the public health and safety. This includes the right to enter upon the Property whenever the City or other agency has a reasonable basis to believe that a violation of this Agreement, the Operation and Maintenance Plan, the Stormwater Control Plan, the Ordinance, or the NPDES Permit has occurred or is threatening to occur. It also includes the right for the City and its contractors to enter upon the Property to perform any maintenance or other obligations required of the Property Owner under this Agreement or to abate any nuisance in connection with the Stormwater Facilities. The City and the other agencies shall endeavor to provide reasonable notice to the Property Owner before entering the Property.

SECTION 4

Failure to Perform Required Stormwater Facilities Repairs or Maintenance by the Property Owner: If the Property Owner fails to maintain the Stormwater Facilities in good working order and in accordance with the approved Operation and Maintenance Plan, the Stormwater Control Plan, and the Ordinance, the City, with prior notice, may enter the Property to return the Stormwater Facilities to good working order. The City is under no obligation to maintain or repair the Stormwater Facilities, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this section, performs any work to return Stormwater Facilities to good working order, the Property Owner shall reimburse the City for all the costs incurred by the City, including administrative costs. The City will provide the Property Owner with an itemized invoice of the City's costs and the Property Owner shall have 30 days to pay the invoice. If the Property Owner fails to pay the invoice within 30 days, the City may, without the necessity of any judicial process, secure a and record a lien against all real property of the Property Owner in the amount of such costs. In addition, the City may make the cost of abatement of the nuisance caused by the failure to maintain the Stormwater Facilities a special assessment against the Property, which assessment may be collected on the tax roll in accordance with applicable law. This section does not prevent the City from pursuing other remedies against the Property or the Property Owner, including but not limited to those in the Ordinance and the nuisance abatement procedures in Section 8.08 8 (or successor provisions) of the Clayton Municipal Code.

If the Property Owner fails to maintain the Stormwater Facilities in accordance with this Agreement, the Operation and Maintenance Plan, the Stormwater Control Plan, or the Ordinance, the Property Owner shall be responsible for: (a) the costs of any code enforcement or nuisance abatement actions commenced by the City; and (b) the payment of, or reimbursement to the City for, any fines or penalties that may be levied against the City by the Regional Water Quality Control Board or any other regulatory agency, to the extent that the fines or penalties result from the Property Owner's failure to properly maintain the Stormwater Facilities. The City may recover such costs, fines, or penalties from the Property Owner in the same manner as provided in the preceding paragraph.

SECTION 5

Indemnity: The Property Owner agrees to defend with legal counsel of City's choice, indemnify, save, and hold harmless the City, its officials, employees and its authorized agents from any and all damages, accidents, causalities, occurrences, demands, losses, claims, costs, suits, liabilities, fines, penalties and expenses for any property damage, personal injury, or death which might arise or be asserted directly or indirectly from or connected with the design, construction, presence, existence, use, operation or maintenance of the Stormwater Facilities by the Property Owner on the Property, that may result from the City or others entering the property identified in Section 3 or 4. The Property Owner's obligations under this section shall include the payment of penalties, fines, attorneys' fees, experts' fees, costs, and litigation expenses, as well as liability for the release or existence of any hazardous materials on, under, or in the Property. If any action or proceeding is brought against any of the indemnitees, the Property Owner shall reimburse the indemnitees for any expenditures, including reasonable attorneys' fees and costs, incurred by the indemnitees and, if requested by any of the indemnitees, shall defend the action or proceeding at the Property Owner's sole expense with counsel reasonably acceptable to the indemnitees.

SECTION 6

Covenant Running with the Land: The covenants of the Property Owner set forth above shall run with the land, and the burdens of the covenants shall be binding upon each and every part of the Property and the Lots and upon the Property Owner and the Property Owner's successors and assigns in ownership (on any interest in the Property) for the benefit of real property shown on [Enter map recordation information], filed [Enter Recording Date], in Contra Costa County records and noted on said map as the "area deeded to City of Clayton," and each and every part thereof, Said covenants shall inure to the benefit of and be enforceable by the City and its successors and assigns in ownership of each and every part of the above referenced real property.

SECTION 7

Severability: Invalidation of any one of the provisions of this Agreement shall in no way affect any other provisions and all other provisions shall remain in full force and effect.

SECTION 8

No Dedication for Public Use: The provisions of this Agreement shall not be construed to constitute a dedication for public use, either express or implied, and any actions by the City to enforce this Agreement, including without limitation code enforcement or nuisance abatement actions, shall not be deemed to involve the exercise by the City of dominion or control over the Stormwater Facilities or the Property.

SECTION 9

Notices: All notices required by this Agreement or by law shall be in writing and shall be delivered in person or sent by certified mail, postage pre-paid.

Notices required to be given to the City shall be addressed as follows:

City of Clayton
Attention: City Engineer
6000 Heritage Trail
Clayton, CA 94583

Notices required to be given to the Property Owner, including any heirs, successors, or assigns, will be sent to the mailing address for the Property Owner that is on file with the Contra Costa County Assessor. The Property Owner may request in writing that notices be sent to an additional address.

Any party may change its address or contact person by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address and/or new contact person.

SECTION 10

Effective Date and Modification: This Agreement is effective upon the date stated at the beginning of this Agreement. This Agreement shall not be modified except by written instrument executed by the City and the Property Owner at the time of modification. Such modifications shall be effective upon the date of execution and shall be recorded.

CITY OF CLAYTON

ERIK and LINDA FJELLBO

By: _____
Jim Diaz, Mayor

By: Erik S. Fjellbo
Signature
Erik S. Fjellbo
Print Name

ATTEST:

By: _____
City Clerk

By: Linda Fjellbo
Signature
Linda Fjellbo
Print Name

APPROVED AS TO FORM:

By: _____
Malathy Subramanian, City Attorney
Best Best & Krieger LLP

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa)

On 01-26-2024 before me, Neil Alexander Gabe Sr, Notary Public
(insert name and title of the officer)

personally appeared Linda Fjellbo and Erik Fjellbo,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Neil Alexander Gabe Sr (Seal)



EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

MINOR SUBDIVISION 01-22

LEGAL DESCRIPTION

Real property in the City of Clayton, County of Contra Costa, State of California, described as follows:

PARCEL A: (APN 119-560-018) of Parcel Map MS 10-22 recorded March 10, 2023 in Parcel Maps Book 220 Pages 41-44 of Contra Costa County Records

PARCEL B: (APN 119-560-019) of Parcel Map MS 10-22 recorded March 10, 2023 in Parcel Maps Book 220 Pages 41-44 of Contra Costa County Records

PARCEL C: (APN 119-560-020) of Parcel Map MS 10-22 recorded March 10, 2023 in Parcel Maps Book 220 Pages 41-44 of Contra Costa County Records

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY CERTIFY THAT THE PROPERTY HAVING A RECORD TITLE INTEREST IN THE LAND DELINEATED AND EMPLOYED IN THIS MAP WAS ACQUIRED BY THE UNDERSIGNED OR BY AN ANCESTOR OF THE UNDERSIGNED AND THAT THE UNDERSIGNED DOES HEREBY DEEDICATE TO THE PUBLIC FOREVER AN EASEMENT FOR THOSE STRIPS OF LAND SHOWN ON THIS MAP AS 'EAVE' (EMERGENCY VEHICLE ACCESS EASEMENT)

THE REAL PROPERTY DESCRIBED BELOW IS OFFERED FOR DEDICATION AS AN EASEMENT FOR PUBLIC PURPOSES. THE AREAS DESIGNATED AS PUBLIC UTILITY EASEMENTS ARE FOR THE INSTALLATION OF PUBLIC UTILITIES INCLUDING WATER, GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION. THE AREAS DESIGNATED AS 'EAVE' ARE FOR THE INSTALLATION OF EMERGENCY VEHICLE ACCESS. THE UNDERSIGNED HEREBY RESERVE A PRIVATE EASEMENT FOR INGRESS, EGRESS AND UTILITIES IN FAVOR OF PARCEL A, B AND C IN THE MAP ATTACHED TO THIS MAP AND DESIGNATED AS 'PRIVATE ACCESS AND UTILITY EASEMENT' OR 'PAUE' FOR TRAIL AND VEHICULAR ACCESS ALONG WITH UTILITY PURPOSES INCLUDING POWER LINES, GAS LINES, ELECTRIC, TELEPHONE AND CABLE TELEVISION UTILITIES. THE UNDERSIGNED HEREBY RESERVE THE RIGHT TO MAKE ALL IMPROVEMENTS WITHIN SAID EASEMENT TO BE PERFORMED BY THE OWNERS OF SAID PARCELS AS OUTLINED IN A JOINT USE AGREEMENT TO BE RECORDED BY SEPARATE DOCUMENT.

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES OR OF RECORD. ERIC S. FERRERO AND LINDA M. FERRERO, HUSBAND AND WIFE, AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP

ERIC S. FERRERO
LINDA M. FERRERO
FERREROS

OWNER'S ACKNOWLEDGMENT
A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTIFICATION OF THE SIGNER AND THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

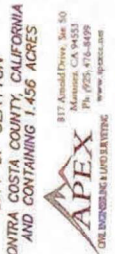
STATE OF CALIFORNIA) ss
COUNTY OF CONTRA COSTA) ss
ON 01/25/2025 BEFORE ME, Julia Alexander, Notary Public, State of California, personally appeared Eric S. Ferrero, Linda M. Ferrero, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



WITNESS MY HAND AND OFFICIAL SEAL
SIGNATURE NOTARY: Julia Alexander
NAME (PRINTED OR TYPED): Julia Alexander, Notary Public, State of California
MY COMMISSION EXPIRES: 01/25/2028
COUNTY OF NOTARY: Contra Costa
PRINCIPAL PLACE OF BUSINESS: 925-440-9915
JOB NO. 22109

PARCEL MAP

MS 01-22
BEING A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 1 WEST MDBM CONTRA COSTA COUNTY CITY OF CLAYTON, CALIFORNIA AND CONTAINING 1.466 ACRES



JANUARY, 2023

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ERIC FERRERO IN AUGUST, 2022.

I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR WILL BE SET IN POSITIONS INDICATED HEREON IN 2023 AND THAT THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY RECORDED SUBDIVISION MAP AND THAT THE SUBDIVISION CONTAINS 1.466 ACRES MORE OR LESS AND LIES WITHIN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

DATE: 1-24-23

108 J. LEGANO

LS 8914



COUNTY RECORDER'S STATEMENT

FILED THIS 10 DAY OF March 2023 AT 12:02 PM IN BOOK 124 OF MAPS AT PAGE 41-44 AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY

KRISTIN S. CONNELLY
COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: [Signature]
DEPUTY COUNTY RECORDER
A. GARCIA

Tax # 03-0024947

APN 195-660-012

SHEET 1 OF 4

310-03 12-05 Book 120 Pages 41-44

PARCEL MAP

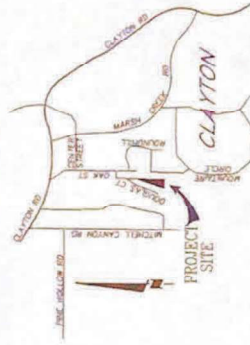
"MS 01-22"

BEING A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 1 WEST, MERIDIAN CONTRA COSTA COUNTY

CITY OF CLAYTON CONTRA COSTA COUNTY, CALIFORNIA AND CONTAINING 1.456 ACRES



JANUARY, 2023



VICINITY MAP NOT TO SCALE

CITY ENGINEER'S STATEMENT

I, LAWRENCE THIES, CITY ENGINEER OF THE CITY OF CLAYTON, HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED, "PARCEL MAP, MS 01-22" THAT SAID SUBDIVISION ALSO SHOWN PARTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND THE SUBDIVISION MAP ACT AND THE PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND THE PROVISIONS GOVERNING THE FILING OF SUBDIVISION MAPS APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

DATED: 1/31/2023

LAWRENCE THIES, CITY ENGINEER REGISTRATION NO. ACE 87882



CITY SURVEYOR'S STATEMENT

I, DAVID RUBIO, ACTING CITY SURVEYOR FOR THE CITY OF CLAYTON HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "PARCEL MAP, MS 01-22" AND I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

DATED: 2-17-2023

DAVID RUBIO, REGISTRATION NO. LS 784 ACTING CITY SURVEYOR CITY OF CLAYTON



SOILS REPORT STATEMENT

ENGEO INCORPORATED PREPARED A GEOTECHNICAL EXPLORATION REPORT FOR SITE (PARCEL MAP, MS 01-22) (CONTRA COSTA COUNTY) PROJECT NO. 6522-4-001-01, DATED NOVEMBER 17, 2024

DATED: 1/23/2023

ENGEO INCORPORATED THEODORE P. BRYHAM DE JURE EXP. 00000284



CLERK OF THE BOARD OF SUPERVISOR'S STATEMENT

I STATE AS CHECKED BELOW THAT

CASHIER'S CHECK ARE NOW A LIEN BUT NOT YET PAYABLE HAS BEEN RECEIVED FROM THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

DATE: March 13, 2023

BY: Steacy M. Boyd DEPUTY CLERK, Steacy M. Boyd

MONICA WIND, CLERK OF THE BOARD OF SUPERVISORS AND ADMINISTRATOR OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA



PLANNING COMMISSION STATEMENT

I HEREBY CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA STATE OF CALIFORNIA, HAS APPROVED THE TENTATIVE MAP OF THIS SUBDIVISION UPON WHICH THIS PARCEL MAP IS BASED.

DATE: 2/15/2023

DANA AYERS, COMMUNITY DEVELOPMENT DIRECTOR CITY OF CLAYTON

CITY CLERK'S STATEMENT

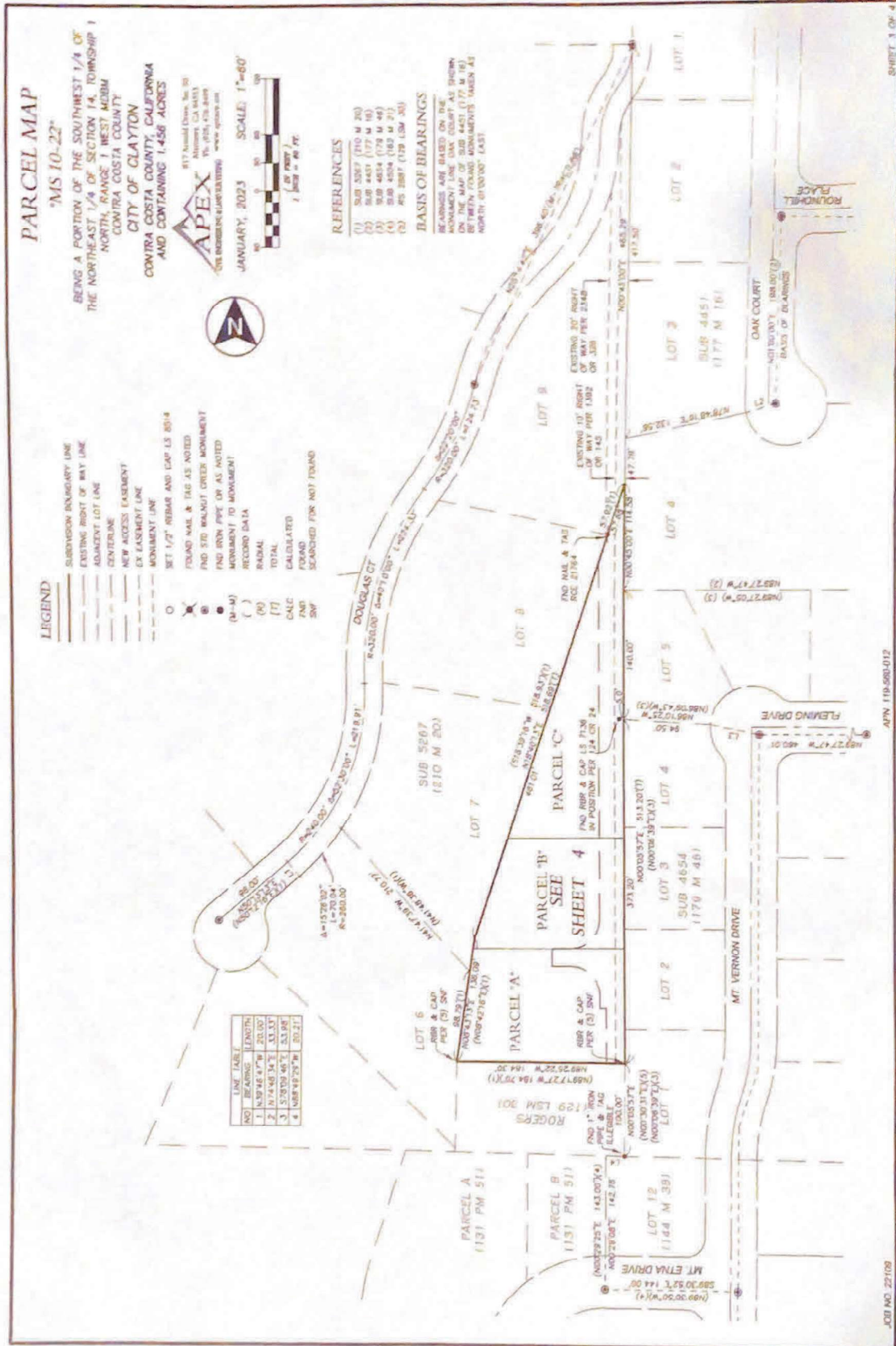
I, THE UNDERSIGNED CLERK, CITY CLERK AND EX-OFFICIO CLERK OF THE COUNCIL OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DO HEREBY STATE THAT I HAVE RECEIVED FROM THE CITY ENGINEER, MS 01-22, THAT SAID MAP WAS PRESENTED TO SAID COUNCIL AS PROVIDED BY SAID MAP ENTITLED, "MS 01-22" AND THAT SAID COUNCIL MET AND HELD A MEETING ON THE 21st DAY OF February, 2023, AND THAT SAID COUNCIL DID THEREUPON APPROVE SAID MAP AND DID NOT ACCEPT ON BEHALF OF THE PUBLIC, ANY CONDITIONS, EASEMENTS, OR EASEMENTS SHOWN THEREON AS DEDICATED FOR PUBLIC USE IN CONFORMANCE WITH SECTION 66417.5 (C) OF THE SUBDIVISION MAP ACT.

I HEREBY FURTHER STATE THAT PURSUANT TO SECTION 66417.5 (C) OF THE CALIFORNIA SUBDIVISION MAP ACT, SAID COUNCIL SHALL RECOVER THE PROPERTY TO THE SUBDIVIDER IF THE LOCAL AGENCY MAKES DEDICATION FOR PUBLIC PURPOSES THEREOF IS NOT NEEDED FOR PUBLIC UTILITY, AS SPECIFIED IN SUBDIVISION (C) OF THE SECTION.

THE NAMES OF THE SUBDIVIDERS DEDICATING SAID PROPERTY IN FEE FOR PUBLIC PURPOSES ARE SHOWN ON THE STATEMENT OF OWNERS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 22nd DAY OF February, 2023.

Cheryl Anderson, CLERK OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA



SHEET 1 OF 4

APN 119-580112

JOB NO. 22109

STORMWATER FACILITIES OPERATION AND MAINTENANCE PLAN
for
FJELLBO SUBDIVISION
MS 01-22

January, 2024

Erik Fjellbo
500 Douglas Road
Clayton, CA

prepared by:

Gilbert A. Fitch & Associates
PO Box 21542 Concord, CA
925-822-3116
gfaengrs@pacbell.net

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Attachments

1. Stormwater Control Plan Exhibit for MS 01-22
2. “As-Built” drawings
3. Operations and Maintenance Agreement (provided by the City of Clayton)

Acronyms and Abbreviations

C.3	Provision C.3 in the Municipal Regional Stormwater Permit issued by the California Regional Water Quality Control Board for the San Francisco Bay Region
IMP	Integrated Management Practice
O&M Plan	Operations and Maintenance Plan

This Stormwater Facilities Operation and Maintenance Plan was prepared using the template dated February 2018.

II. UPDATE TO DESIGNATION OF RESPONSIBLE INDIVIDUALS

** Use this form to update the plan when responsible individuals change. **

Date Completed
Facility Name
Facility Address
Designated Contact for Operation and Maintenance
Name: Title or Position:
Telephone: Alternate Telephone:
Email:
Off-Hours or Emergency Contact
Name: Title or Position:
Telephone: Alternate Telephone:
Email:
Corporate Officer (authorized to execute contracts with the City, Town, or County)
Name: Title or Position:
Address:
Telephone: Alternate Telephone:
Email:

IV. INTRODUCTION

This plan addresses operation and maintenance of facilities constructed as part of the following development project:

Minor Subdivision MS 01-22

The Stormwater Control Plan Exhibit for this project is in Appendix A.

IV.A. Background

This Stormwater Facilities Operation and Maintenance Plan (O&M Plan) is for facilities constructed as part of Subdivision MS 01-22. Construction of these facilities was required by Provision C.3 in the Municipal Regional Stormwater Permit issued by the California Regional Water Quality Control Board for the San Francisco Bay Region. Provision C.3. also requires the City of Clayton to verify ongoing operation and maintenance of stormwater treatment and hydromodification management facilities.

IV.B. Associated Agreements

This O&M Plan is referenced in an O&M Agreement between the property owner and the City of Clayton. The agreement, at the back of the report, grants the City access to the property to conduct inspections and, if needed, to perform maintenance on the facilities at the owner's expense. The agreement also grants access for inspections to the Contra Costa Mosquito and Vector Control District (CCMVCD).

As provided in the O&M Agreement, this O&M Plan may be modified, but only with the review and consent of the City Engineer of the City of Clayton. The official O&M Plan is the version which is on file with the City Engineer of the City of Clayton at 6000 Heritage Trail, Clayton, CA. Any modifications made to the O&M Plan under the consent of the City Engineer must be filed with the City Engineer.

IV.C. Funding for and Organization of Facility Operation and Maintenance

The Owner(s) of Parcel C will be responsible for maintenance and operation of all BMPs on the project site. Responsibility for the implementation and/or oversight of the monitoring and maintenance program for the BMPs at the Douglas Road subdivision is designated as follows:

BMPs on the onsite areas will be maintained by the Owner(s) of Parcel C. Actual maintenance responsibilities may be contracted out to parties other than the Owner(s) of Parcel C.

The Owner(s) of Parcel C and City of Clayton will be entering into an Operation & Maintenance Agreement to be executed after the approval of the Operation and Maintenance Plan to ensure maintenance responsibility in perpetuity. See the agreement at the back of this report.

The growing body of experience related to stormwater BMPs shows the importance of reliable funding mechanisms to support ongoing operations and maintenance activities. Funding for maintenance of BMPs will be by the Owner(s) of Parcel C.

IV.D. Site Description

The existing site, including the offsite private access easement, Douglas Road, has a total area of 1.644 acres. The project consists of three parcels, as shown on the recorded final map for Minor Subdivision MS 01-22, recorded March 16, 2023, in Book 220 of Parcel maps, at Page 41, Contra Costa County records.

Total relief on the site is 89 feet. The site slopes to the west and to the north. The southeast corner of the site is at 518 feet. The north end of the project has an elevation of 482 feet, and the off-site access roadway Douglas Road slopes to the north and meets Douglas Court at an elevation of 429 feet. The site has several trees, seasonal grasses, and brush.

The westerly boundary of the project will have a drainage swale constructed to intercept runoff before it enters the neighboring properties. Parcel A has an existing single family residence, new single family residences are proposed for Parcels B & C.

One bio-retention area is proposed for the project, to be located on Parcel C.

V. DESIGNATION AND TRAINING OF RESPONSIBLE INDIVIDUALS**V.A. Designated Contact for Operation and Maintenance**

Erik & Linda Fjellbo, Project Owners
500 Douglas Road
Clayton, CA
925-286-4014
erik.fjellbo@fjellboson.com

V.B. Off-Hours or Emergency Contact

Erik & Linda Fjellbo, Project Owners
500 Douglas Road
Clayton, CA
925-286-4014
erik.fjellbo@fjellboson.com

V.C. Corporate Officer (authorized to execute agreements with the County)

Erik & Linda Fjellbo, Project Owners
500 Douglas Road
Clayton, CA
925-286-4014
erik.fjellbo@fjellboson.com

V.D. Initial Training of Responsible Individuals

Following completion of construction, the bioretention facilities will be maintained by the contractor for two years, except for routine policing for trash, which will be done by the owner's and lessee's personnel. During this 2-year period, the owner's landscape maintenance crew will coordinate to meet with the contractor's personnel on-site during maintenance. At these times, the contractor's personnel will demonstrate proper maintenance procedures.

V.E. Ongoing Training of Responsible Individuals

If new landscape maintenance crews are used, it shall be the responsibility of the owner to coordinate to meet with the previous landscape maintenance crew to demonstrate proper maintenance procedures.

VI. FACILITIES TO BE MAINTAINED

VI.A. Facility Descriptions

The bio-retention area will be designed and constructed according to the following criteria, adapted from the Contra Costa Clean Water Program Stormwater C.3 Guidebook, Sixth Edition (Refer to the project Grading & Improvement Plans for more information):

- Volume and depth of surface reservoir meets or exceeds minimum.
- 18" depth "loamy sand" soil mix with minimum long-term percolation rate of 5"/ hour.
- Area of soil mix meets or exceeds minimum.
- Perforated pipe (PVC SDR 35 or approved equivalent) under drain bedded near the top of the "Class 2 perm" with holes facing downward. Connection and sufficient head to storm drain or discharge point.
- No filter fabric to be used.
- Under drain has a clean-out port consisting of a vertical, rigid, non-perforated PVC pipe, with a minimum diameter of 4 inches and a watertight cap, or approved equivalent.
- Location of the footprint of facility is shown on site plan, landscaping plan, and grading
- Bio-retention area is designed as a basin (level edges) or a series of basins, and grading plan is consistent with these elevations.
- Pipes that discharge into a bio-retention area have energy dissipation as needed.
- Overflow is connected to a downstream storm drain or approved discharge point.
- Emergency spillage will be safely conveyed overland.
- Plantings are suitable to the climate, exposure, and a well-drained soil, and occasional inundation during large storm events.
- Irrigation system with connection to water supply, on a separate zone.
- Vaults, utility boxes, and light standards are located outside the minimum soil mix surface area.
- When excavating, avoid smearing of the soils on bottom and side slopes. Minimize compaction of native soils and "rip" soils if clayey and/or compacted. Protect the area from construction site runoff.
- In "C" and "D" native soils, under drain is connected to discharge to the overflow catch basin

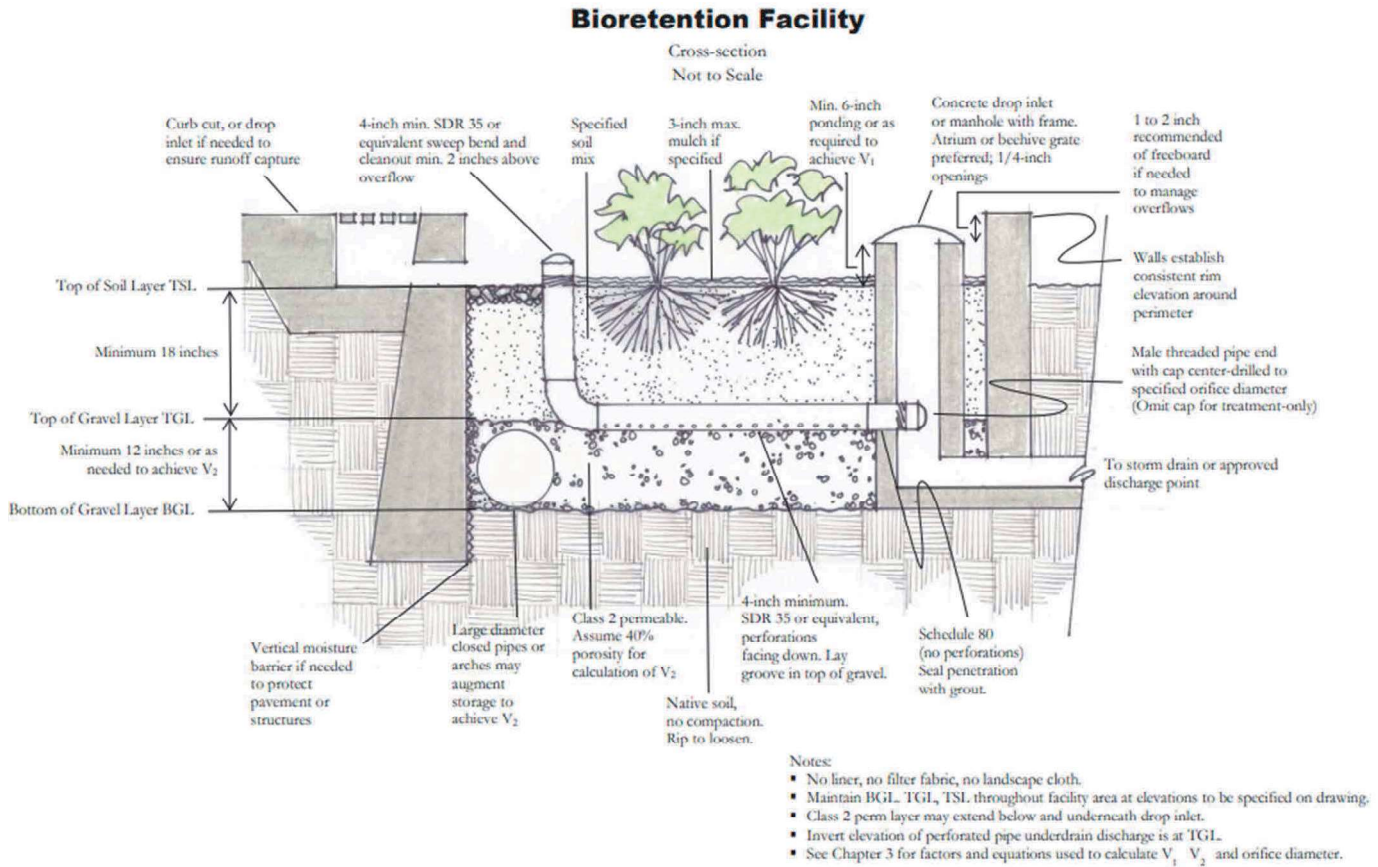


Figure A: From the Contra Costa County Cleanwater Guidebook, 8th Edition.

VI.A.I. Bioretention Facility #1 (IMP-1)

Bioretention Facility #1 (IMP-1) is shown on the C.3 Storm Water Control Plan (Project Grading & Improvement Plan Sheet 6). Drainage from the roofs, driveways, walkways and the landscaping on Parcels A, B and C shall be directed to the bio-retention area (IMP-I). Bio-retention area IMP-1 is sized and designed as stated in Sections III.D. and IV.B.3. of the Storm Water Control Plan Booklet. IMP-1 is designed to be 779 square feet and is located at the north end of Parcel C. All drainage flows by gravity.

VII. MAINTENANCE ACTIVITIES

VII.A. General Maintenance Rules

At no time will synthetic pesticides or fertilizers be applied, nor will any soil amendments, other than aged compost mulch or sand/compost mix, be introduced. The top of soil surface will be maintained at or near the design elevation throughout. Irrigation systems will be maintained to conserve water while maintaining plant health.

Although it is unlikely to be needed, if plants are not thriving compost tea may be applied at a recommended rate of 5 gallons mixed with 15 gallons of water per acre, up to once per year between March and June. Compost tea will not be applied when temperatures are below 50°F or above 90°F or when rain is forecast within the next 48 hours.

The following may be applied for pest control if needed:

- Beneficial nematodes
- Safer® products
- Neem oil

VII.B. Maintenance Schedule

Inspection and maintenance of the vegetated swale IMP should be conducted routinely, including but not limited to, before and after the rainy season (Oct. 1 – May 1.), following significant storms, and at the homeowner(s) or landscape contractor's discretion.

VII.B.1. Routine Activities

The facilities will be examined weekly for visible trash, and trash will be removed. Any graffiti, vandalism, or other damage will be noted and addressed within 48 hours.

The planted areas will be weeded by hand approximately monthly. At this time, plants will be inspected for health and the irrigation system will be turned on manually and checked for any leaks or broken lines, misdirected spray patterns etc. Any dead plants will be replaced.

VII.B.2. Following Significant Rain Events

A significant rain event will be considered to be one that produces approximately a half-inch or more rainfall in a 24-hour period. Within 24 hours after each such event, the following will be conducted:

- The surface of the facility will be observed to confirm there is no ponding.
- Inlets will be inspected, and any accumulations of trash or debris will be removed. Any erosion at inlets should be restored to grade.
- The surface of the mulch layer will be inspected for movement of material. Mulch will be replaced and raked smooth if needed.
- Outlet structure will be inspected for any obstructions to assure that mulch is not washed out.

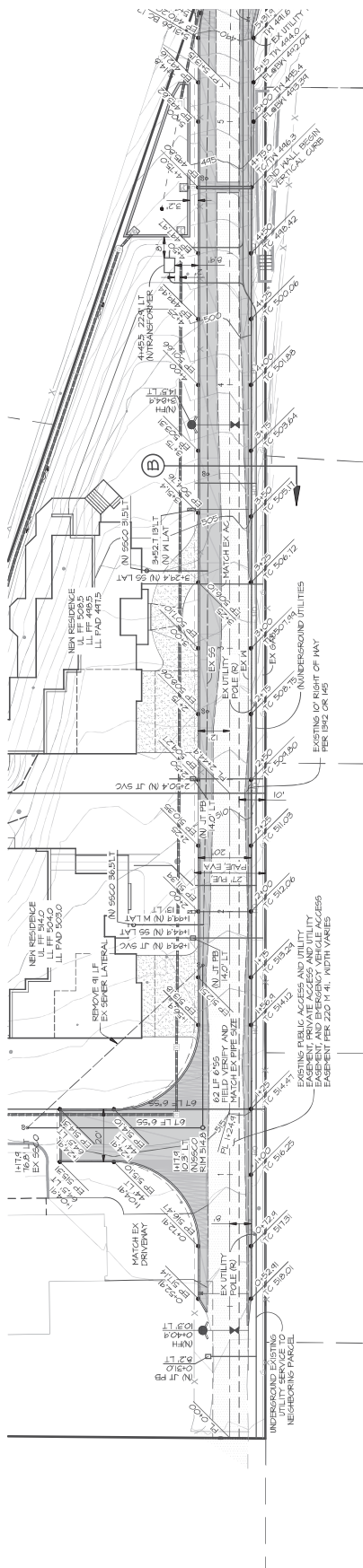
VII.B.3. Prior to the Start of the Rainy Season

In September of each year, facility inlets and outlets will be inspected to confirm there is no accumulation of debris that would block flow. Stormwater should drain freely into the bioretention facilities. If not previously addressed during monthly maintenance, any growth and spread of plantings that blocks inlets or the movement of runoff across the surface of the facility will be cut back or removed.

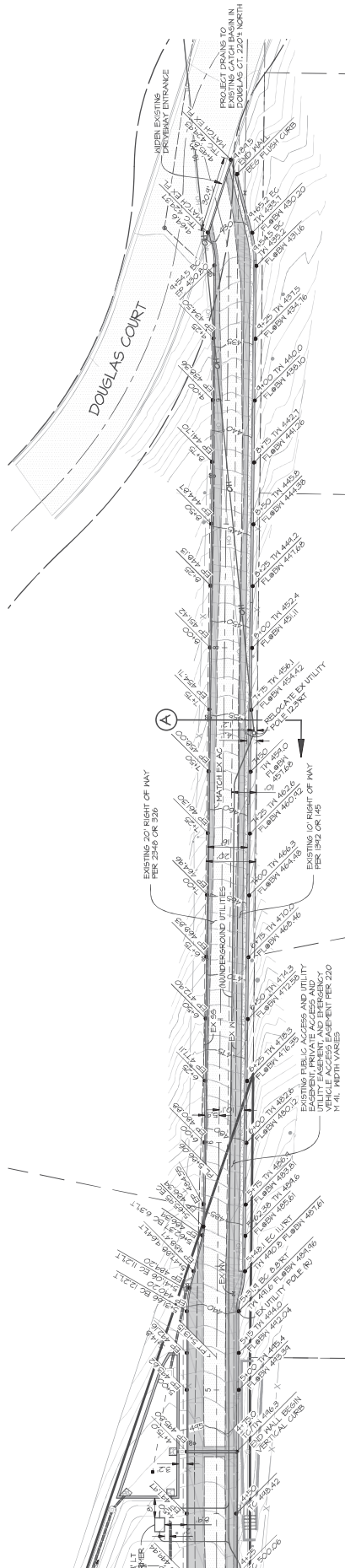
VII.B.4. Annually During Winter

Once, in December – February of each year, vegetation will be cut back as needed, debris removed, and plants and mulch replaced as needed. The concrete work will be inspected for damage. The elevation of the top of soil and mulch layer will be confirmed to be consistent with the 6-inch reservoir depth.

MATCH LINE - SEE BELOW

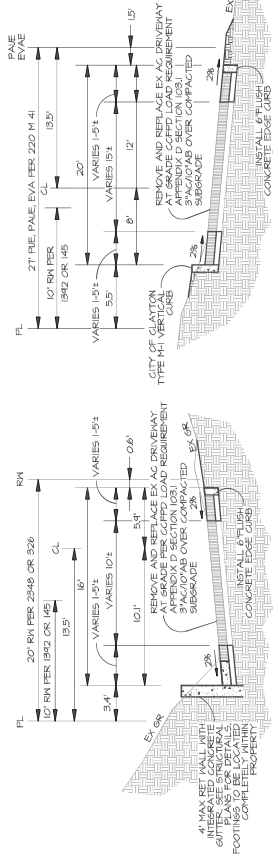
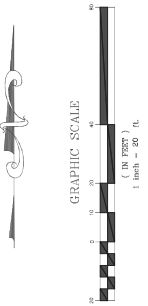


MATCH LINE - SEE ABOVE



- UTILITY AND ROADWAY NOTES:**
1. MAINTAIN CLEARANCE BETWEEN FACE OF VERTICAL CURB OR LIP OF GUTTER AND CENTERLINE EXISTING WATER LINE.
 2. INSTALL TRAFFIC RATED LIDS AT ALL EXISTING SEWER CLEANOUTS PER CONTRA COSTA WATER DISTRICT SANITARY DISTRICT STD. DMS 22-07 AND 22-08. NEW SEWER LATERALS PER CONTRA COSTA WATER DISTRICT SANITARY DISTRICT STD. DMS 22-07 AND 22-08.
 3. UNDERGROUND EXISTING UTILITIES: RELOCATE UTILITY POLE AS SHOWN. PROVIDE MINIMUM CLEARANCE BETWEEN EXISTING WATER AND NEW UNDERGROUND UTILITIES. MAINTAIN 2' MINIMUM CLEARANCE BETWEEN EXISTING WATER AND NEW UNDERGROUND UTILITIES. INSTALL NEW TRANSFORMER AS SHOWN.
 4. PORTAGE AT THE IN TO EXISTING GAS LINES TO CONFIRM LOCATIONS.
 5. INSTALL NEW WATER SERVICES WITH METER AND DETECTOR CHECK VALVE ASSEMBLY PER CONTRA COSTA WATER DISTRICT DETAIL 50-4.
 6. INSTALL NEW FIRE HYDRANTS WHERE SHOWN PER CONTRA COSTA WATER DISTRICT DETAIL 50-4.
 7. ADJUST EXISTING WATER VALVES IN NEW PRIVATE ROAD TO GRADE.
 8. PAINT CURB RED OR POST NO PARKING - FIRE LANE SIGNS AT 100' INTERVALS ALONG ROAD.
 9. REMOVE AND REPLACE EXISTING AC DRIVEWAY AT GRADE WITH ROADWAY SECTION TO MEET CONTRA COSTA FIRE PROTECTION DISTRICT FIRE APPARATUS LOAD REQUIREMENTS PER CODE APPENDIX D SECTION 05.

4e Attachment 1



PRIVATE DRIVEWAY

GAF
GILBERT A. FITCH & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 500 DOLBY AVENUE
 CLAYTON, CA 94521
 PHONE (925) 822-3116
 FAX (925) 822-3118
 PO BOX 91545
 CONCORD, CA 94521

SCALE: 1" = 20'
 DATE: 1/23/2024
 SHEET NO. 3 OF 4-23
 APPROVED BY: [Signature]

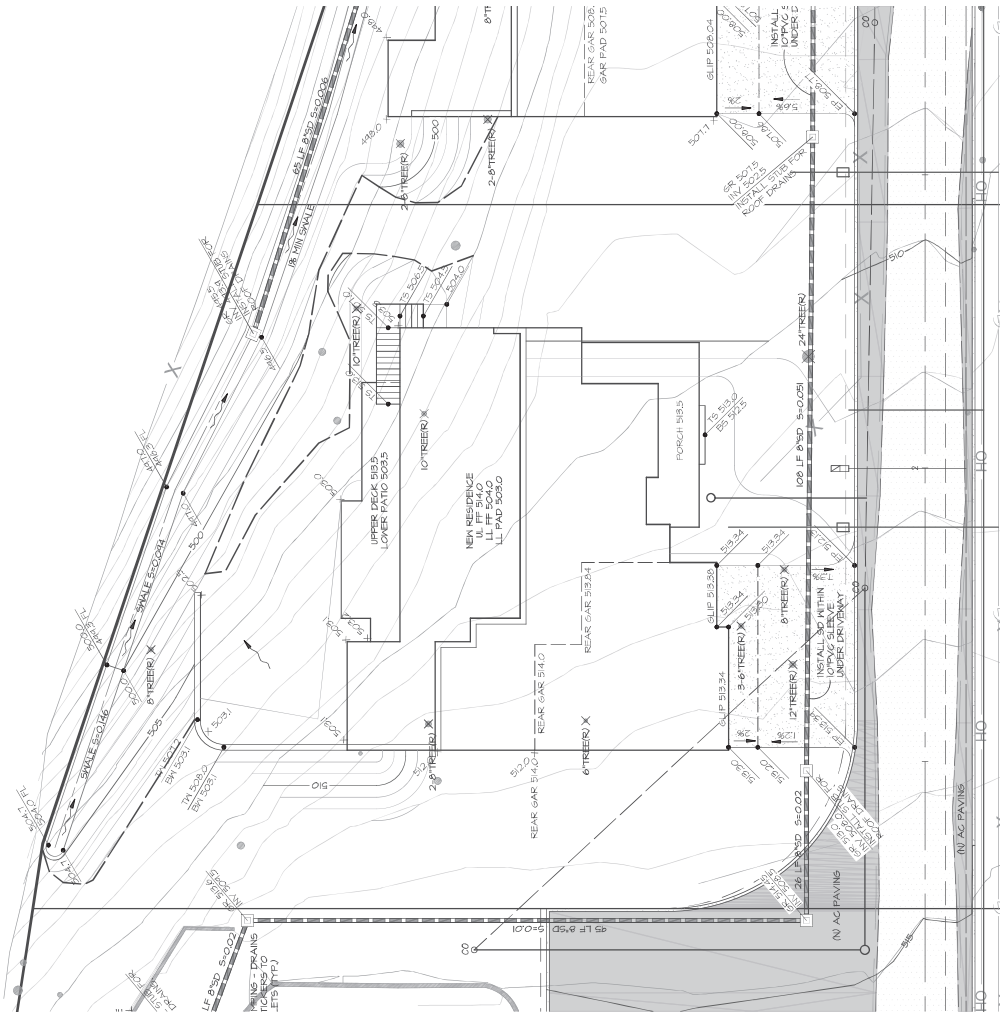
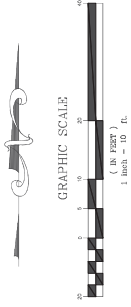


DRIVEWAY SECTION B
 NOT TO SCALE

DRIVEWAY SECTION A
 NOT TO SCALE

REVISIONS

NO.	DATE	DESCRIPTION



PARCEL B GRADING & DRAINAGE PLAN
IMPROVEMENT PLANS
 500 DORRIS ROAD
 CLAYTON, CA

GAF GILBERT A. FITCH & ASSOCIATES, INC.
 CONSULTING ENGINEERS PHONE (925) 822-3116
 1000 COLLETT DRIVE
 PO BOX 91545 COLTON, CA 94221
 SCALE: 1"=10' DATE: 11/23/2024
 DRAWN BY: APPROVED BY:

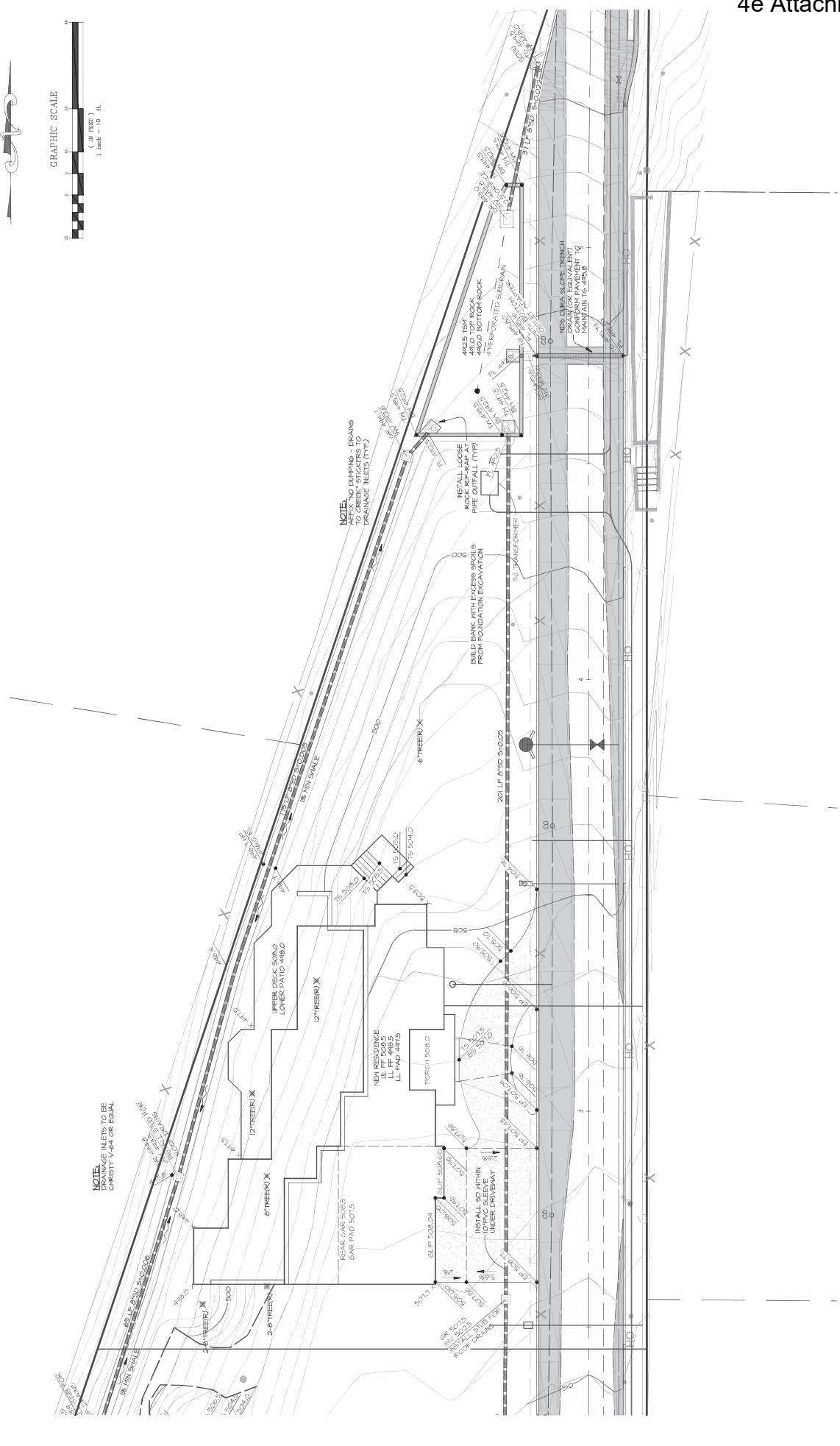
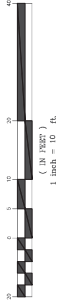
REVISIONS	DATE	DESCRIPTIONS
CITY APPROVAL		
BY		



REG. CIVIL ENGINEER NO. 49945
 SHEET NO. 4 OF 8
 JOB NO. 4-23



GRAPHIC SCALE



NOTE:
DRAINAGE INLETS TO BE
CHRISTY V-84 OR EQUAL

NOTE:
INSTALL NO DUMPING - DRAINS
AFFIX TO STRUCTURE TO
PREVENT INLETS FROM
DISPLACING UNDER TRAFFIC

GAF GILBERT A. FITCH & ASSOCIATES, INC.
 CONSULTING ENGINEERS PHONE (925) 822-3116
 500 DODD AVENUE ROAD
 CLAYTON, CA 94521

SCALE: 1"=10'
 DATE: 11/23/2024
 DRAWN BY: [Signature]
 APPROVED BY: [Signature]

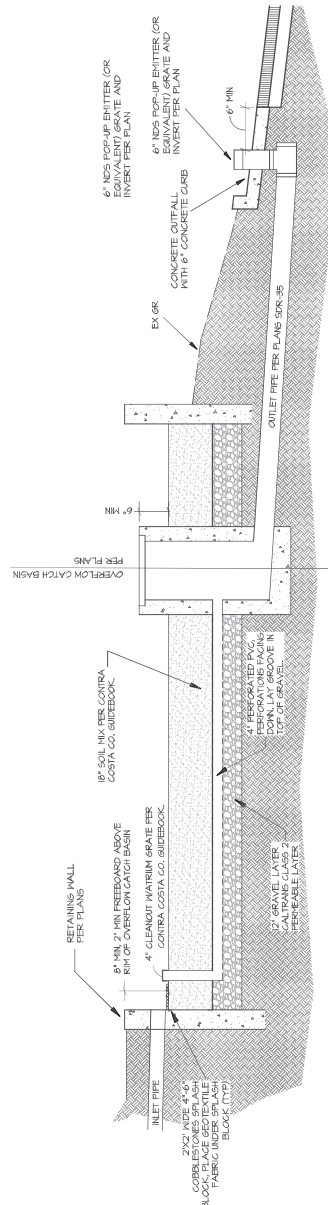
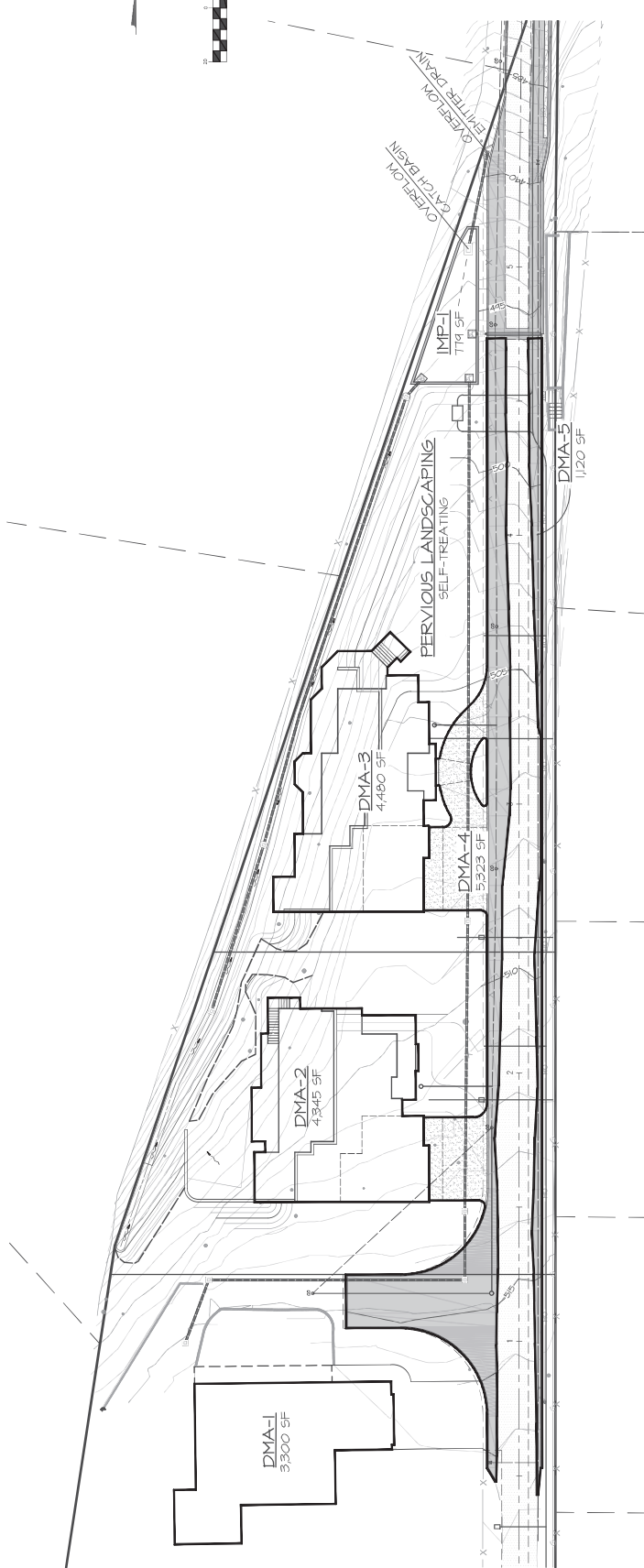
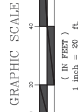
REG. CIVIL ENGINEER NO. 49945

REVISIONS

NO.	DATE	DESCRIPTION

CITY APPROVAL DATE BY





C.3 TREATMENT NOTES:

1. SITE TREATMENT HAS BEEN DESIGNED FOR TREATMENT OF NEW INTERVIOUS AREAS ONLY, PER THE APPROVED TENTATIVE MAP.
2. EXISTING AND PROPOSED DRAINAGE SYSTEMS ARE AS SHOWN ON THIS PLAN. EXISTING AND PROPOSED DRAINAGE SYSTEMS ARE AS SHOWN ON THIS PLAN.
3. THESE AREAS SHALL INCUR AN ADDITIONAL \$2,000 PER ACRE IN THE TREATMENT OF NEW OFFSITE INTERVIOUS AREAS, PER THE APPROVED TENTATIVE MAP.

IV. Areas Draining to IMPs

IMP Name: IMP1
 Soil Group: IMP1

DMA Name	Area (sq Ft)	Post Project Runoff	DMA Area x Runoff	DMA Area x Imp Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA1	3,300	0.100	330.0	3,300	1.00	3,300	3,300
DMA2	4,345	0.100	434.5	4,345	1.00	4,345	4,345
DMA3	4,480	0.100	448.0	4,480	1.00	4,480	4,480
DMA4	5,323	0.100	532.3	5,323	1.00	5,323	5,323
DMA5	1,120	0.100	112.0	1,120	1.00	1,120	1,120
Total				18,568	1.00	18,568	18,568

Report generated on 7/7/2023 1:00:00 AM by the Corina Costa Clean Water Program IMP Sizing Tool software version 1.3.1.0.

BIORETENTION FACILITY
 NOT TO SCALE

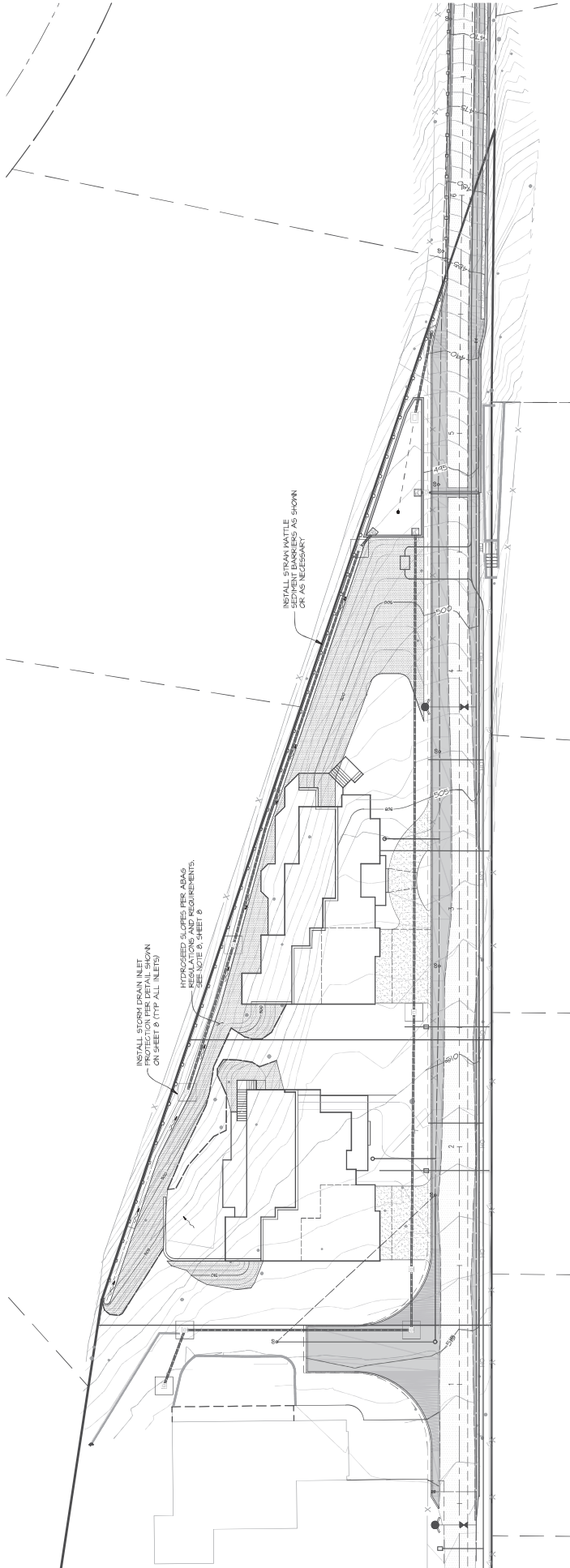


GAF
GILBERT A. FITCH & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 500 DOLBY AVENUE
 CLAYTON, CA 94521
 PHONE (925) 822-3116
 FAX (925) 822-3117
 DATE 1/23/2024

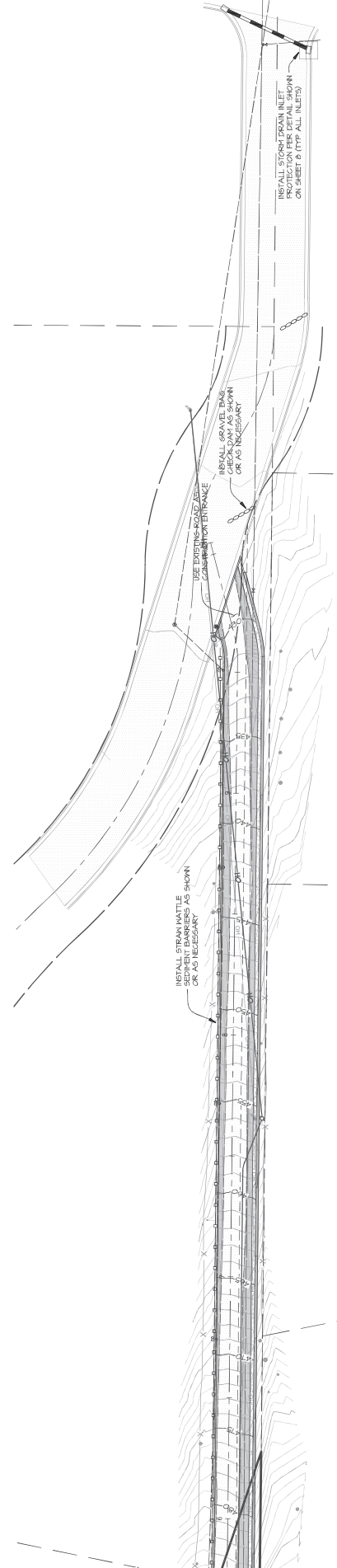
STORMWATER CONTROL PLAN
 IMPROVEMENT PLANS
 500 DOLBY AVENUE
 CLAYTON, CA
 SHEET NO. 6 OF 8
 JOB NO. 4-23

MATCH LINE - SEE BELOW

4e Attachment 1

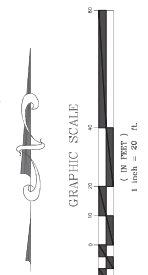


MATCH LINE - SEE ABOVE



LEGEND:

- DRAIN INLET PROTECTION
- STRAW WATTLE
- HYDROSEED SLOPES
- INSTALL GRAVEL BAG CHECK DAM



GAF GILBERT A. FITCH & ASSOCIATES, INC.
 CONSULTING ENGINEERS PHONE (951) 822-3116
 500 DORRIS ROAD
 P.O. BOX 15454 COSTA MESA, CA 94221

REVISIONS
 DESCRIPTIONS

CITY APPROVAL
 DATE

SCALE 1"=20'

DATE 11/23/2024

DRAWN BY

APPROVED BY

EROSION CONTROL PLAN
 IMPROVEMENT PLANS
 500 DORRIS ROAD
 CLAYTON, CA

SHEET NO. 7 OF 8
 SHEET NO. JOB NO. 4-23



GAF GILBERT A. FITCH & ASSOCIATES, INC.
 CONSULTING ENGINEERS PHONE (925) 822-3118
 5000 DODD AVENUE ROAD, SUITE 100
 CLAYTON, CA 94520

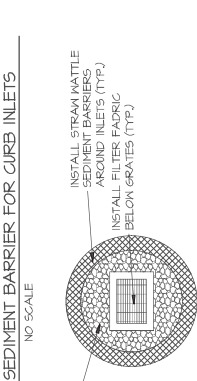
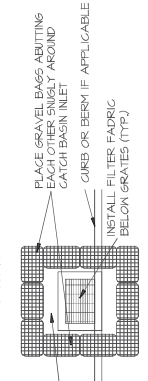
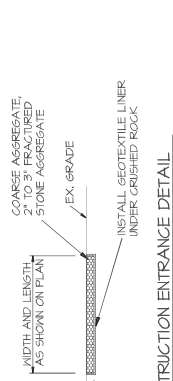
SCALE: AS SHOWN DATE: 1/23/2024
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

REG. CIVIL ENGINEER NO. 49945 SHEET NO. 8 OF 23

EROSION CONTROL NOTES

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) "A MANUAL OF STANDARDS FOR EROSION AND SEDIMENT CONTROL MEASURES", UNLESS OTHERWISE STATED WITHIN THESE GENERAL NOTES. CONTROL MEASURES SHALL BE SUBJECT TO THE INSPECTION AND APPROVAL OF THE ENGINEERING SERVICES.
2. BEST MANAGEMENT PRACTICES SHALL BE UTILIZED AT ALL TIMES TO COMPLY WITH THE CONTRA COSTA COUNTY STORM WATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE.
3. EXCEPT AS OTHERWISE DIRECTED BY THE INSPECTOR, ALL DEVICES SHOWN ON THE EROSION CONTROL PLAN SHALL BE IN PLACE AT THE COMMENCEMENT OF CONSTRUCTION AND SHALL BE MAINTAINED AND INSPECTED BY THE COUNTY AT THE END OF EACH WORKING DAY DURING THE RAINY SEASON (OCTOBER 1 TO APRIL 15).
4. AFTER OCTOBER 1, ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REPAIRED AT THE CLOSE OF EACH DAY AND WHENEVER THERE IS A RAIN FORECAST.
5. ALL LOOSE SOIL AND DEBRIS SHALL BE REMOVED FROM THE STREET AREAS UPON STARTING OPERATIONS AND DAILY THEREAFTER, OR AS DIRECTED BY THE INSPECTOR. THE SITE SHALL BE MAINTAINED SO AS TO AVOID SEDIMENT LOADED RUNOFF INTO ANY STORY DRAIN SYSTEM.
6. AS A PART OF THE EROSION CONTROL MEASURES, UNDERGROUND STORM DRAIN FACILITIES SHALL BE INSTALLED COMPLETE AS SHOWN ON THE IMPROVEMENT PLANS.
7. STANDBY CREWS SHALL BE ALERTED BY THE PERMITTEE OR CONTRACTOR FOR EMERGENCY WORK DURING RAIN STORMS.
8. GRADED AREAS, INCLUDING BUT NOT LIMITED TO, CUT AND FILL SLOPES, AREAS WITHIN THE RIGHT-OF-WAY, AND AREAS TO BE PROTECTED BY EROSION CONTROL MEASURES SHALL BE PROTECTED FROM EROSION AND REPAIRS. IN ADDITION TO HYDRO-SEEDING, AN APPLICATION OF STRAW WITH A TACKIFIER OR MULCH MAY BE REQUIRED BY THE COUNTY. SUGGESTED MIX DESIGN AS FOLLOWS:

BRONX CARINATUS	CALIFORNIA BROOK	10 LBS./ACRE
DESHANFIA CAESPITOSA HOLGIFORMIS	NON	4 LBS./ACRE
ELYMIS GLAUCUS	BLUEILDRITE	8 LBS./ACRE
GRASS	GRASSING MULCH	4 LBS./ACRE
KOELERIA MACRANTHA	NON	4 LBS./ACRE
MELICA CALIFORNICA	WESTERN WELLS GRASS	8 LBS./ACRE
MELICA IMPERFECTA	SMALL FLOWER WELLS	4 LBS./ACRE
STIPA LEPIDA	NEEDLEGRASS	4 LBS./ACRE
TOTAL		45 LBS./ACRE
9. ALL GRADING OPERATIONS, OTHER THAN LOT FINISH GRADING, IS TO BE COMPLETED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION THROUGH APRIL 15. AN EROSION CONTROL PLAN MUST BE SUBMITTED BY SEPTEMBER 1, AND APPROVED BY THE COUNTY PRIOR TO THE COMMENCEMENT OF ANY SUCH GRADING OPERATIONS.
10. ALL CUT AND FILL, GRADED SLOPES, AND PADS ARE TO BE PROTECTED TO PREVENT OVERBANK FLOW USING 4 INCH EARTH BERRY'S ON THE PERIMETER AND STRAW/FIBER MATTLES (ROLLS) ON SLOPE AS SHOWN ON THE PLAN.
11. EXPOSED AREAS AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES TO THE SATISFACTION OF THE COUNTY INSPECTOR.
12. ALL MATERIALS SPECIFIED IN THIS PLAN SHALL BE STOCKPILED ON SITE BY OCTOBER 1, AND INSTALLED AS SHOWN ON THE EROSION CONTROL PLANS WHEN RAIN IS FORECAST OR WHEN DIRECTED BY THE INSPECTOR.
13. APPROVED SAND BAG FILL MATERIALS SHALL BE DECOMPOSED GRANITE AND/OR OTHER MATERIALS APPROVED BY THE INSPECTOR.
14. WHEN PAD ELEVATIONS OR ADJACENT LOTS OR ELEVATIONS BETWEEN LOT AND STREET ARE SEPARATED BY 6 FEET OR MORE, A MINIMUM 12 INCH BERRY SHALL BE MAINTAINED ALONG THE TOP OF PAD AND PROPERTY LINE SEPARATING THE LOTS, AND THE BERRY SHALL DIRECT THE WATER TO AN OUTLET.



NOTE:
 1. STRAW ROLL INSTALLATION REQUIRES PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH 3'-5" DEEP DUG ON TO RUN UNDER OR AROUND ROLL.

NOTE: SEDIMENT DEPOSITS SHALL BE REMOVED WHEN THE FENCE IS ONE-HALF OF FENCE HT.

EROSION CONTROL DETAILS
 NO SCALE



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Larry Theis, City Engineer

DATE: February 20, 2024

SUBJECT: Resolution Authorizing the City Manager to Execute Program Supplement Agreements on behalf of the City of Clayton for Federal Transportation Funding through Caltrans Local Assistance under previously approved Agency-State Master Agreement No. 04-5386F15

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute program supplement agreements on behalf of the City of Clayton for federal transportation funding through Caltrans Local Assistance under previously approved Agency-State Master Agreement No. 04-5386F15.

BACKGROUND

At its November 1, 2016 meeting, the Council previously adopted Resolution 52-2016 which approved the Agency-State Master Agreement No. 04-5386F15 which allows the City to receive federal funds based on requirements set forth by the federal government. At this meeting, the City Council also approved the last program supplement No. F007 for specific roadway paving funds to be received from a federal grant.

DISCUSSION

The City Council needs to approve a resolution to authorize the City Manager to execute the next program supplement agreement No. F008 for \$308,000. However given this is a regular occurrence every few years, we recommend a non-project specific authorization such that the City Manager can execute future program supplement agreements after No. F008 without the need to return to the Council for another specific authorization.

FISCAL IMPACTS

Failure to adopt this resolution will result in the loss of federal funds currently in process and all future grants.

CEQA IMPACTS

None.

ATTACHMENT(S):

1. Proposed Resolution for Authorizing City Manager to Execute Program Supplements

RESOLUTION NO. ##-2024

RESOLUTION AUTHORIZING AND DESIGNATING THE CITY MANAGER TO EXECUTE MASTER AGREEMENTS, PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS AND/OR FUND TRANSFER AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR RECEIVING FEDERAL ROADWAY GRANT FUNDS

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

WHEREAS, the City of Clayton is eligible to receive Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation (Caltrans); and;

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed; and

WHEREAS, the City of Clayton wishes to delegate authorization to execute these agreements and any amendments thereto to the City Manager be authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, and any amendments thereto with California Department of Transportation; and

WHEREAS, the above stated Agreements with California Department of Transportation must be executed by the City before Federal and/or State funds may be disbursed, claimed, or reimbursed; and

NOW THEREFORE, BE IT RESOLVED the City Council of Clayton, California authorizes the City Manager to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, and any amendments thereto with California Department of Transportation on behalf of the City.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 20th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

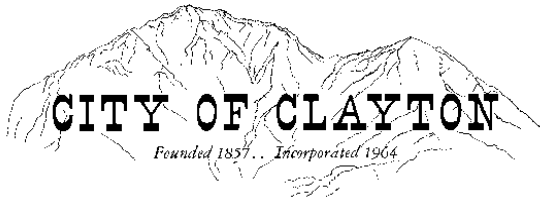
THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on February 20, 2024.

ATTEST:

Stephanie Cabrera-Brown, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Bret Prebula, City Manager

DATE: February 20, 2024

SUBJECT: Strategic Planning Meeting #2

RECOMMENDATION

Provide direction to staff on reducing the strategic goals from the nine (9) outlined at the February 6, 2024, strategic planning discussion to no more than five (5), inclusive of the strategic objectives related to those strategic goals.

BACKGROUND

Strategic planning serves as a compass for our city, enabling us to navigate the ever-changing landscape of challenges and opportunities. By engaging in a thoughtful and strategic planning process, we can establish a clear direction for Clayton's future, ensuring that our decisions align with our shared vision and goals. City Council conducted a citywide community survey, and conducted the first strategic planning meeting on February 6, 2024, outlining nine (9) initial strategic goals.

DISCUSSION

The City Council completed its first strategic planning meeting on February 6, 2024, creating nine (9) initial strategic goals. The City Council broke out into various Ad Hoc committees to work on the strategic objectives related to each strategic goal. Strategic planning meeting #2, today's council meeting, the City Council will bring back the work completed on the strategic objectives as well as narrow down the nine (9) strategic goals to no more than five (5). These goals will be added to the strategic financial review occurring on March 5, 2024.

FISCAL IMPACT

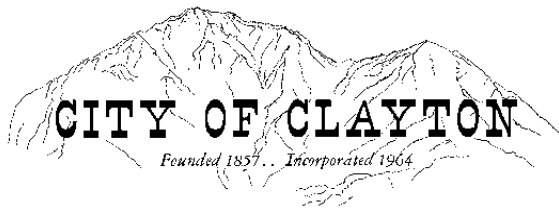
There is no fiscal impact to this item.

CEQA IMPACT

None.

ATTACHMENT(S)

None.



STAFF REPORT

TO: Honorable Mayor and Councilmembers

FROM: Bret Prebula, City Manager

DATE: February 20, 2024

SUBJECT: Ad Hoc Committee-Downtown Parking

RECOMMENDATION

Create and appoint two (2) City Council members to an Ad Hoc committee to gather information on downtown parking and potential options.

BACKGROUND

At the January 20, 2024, City Council meeting, the Council requested an Ad Hoc committee be created to gather information and ideas related to downtown parking.

DISCUSSION

The Council needs to create and appoint two (2) City Council members to an Ad Hoc committee to work with the community to gather information and ideas on downtown parking.

FISCAL IMPACTS

The Ad Hoc committee does not create a fiscal impact.

CEQA IMPACTS

None.

ATTACHMENT(S)

None