



AGENDA

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TRAILS AND LANDSCAPING COMMITTEE [CITIZENS OVERSIGHT COMMITTEE]

MONDAY, March 21, 2016

7:00 p.m.

Hoyer Hall

Clayton Community Library City Hall

*6125 Clayton Road
Clayton, CA 94517*

COMMITTEE MEMBERS

Maryann Carroll-Moser
Christopher Garcia
Dane Horton
Howard Kaplan
Clayton Smith (Vice Chair)
April Winship

Anthony Chippero
Carol Herington
Carlin Kaplan
Nancy Morgan
Bob Steiner
*Vice Mayor Jim Diaz
(Ex-Officio)*

Staff: Laura Hoffmeister, Asst. to the City Manager
Mark Janney, Maintenance Supervisor
John Johnston, Maintenance Supervisor

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

* TRAILS AND LANDSCAPING COMMITTEE *

March 21, 2016

1. CALL TO ORDER & ROLL CALL – Asst. to the City Manager
2. INTRODUCTION OF NEW COMMITTEE MEMBERS – Oath of Office
3. a) Selection of Chair for 2016
b) Selection of Vice Chair for 2016

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Any member from the audience may address the Committee on items within the Committee's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it to the Chair. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called by the Chair, the speaker shall advance to the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Committee may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.

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

5. CONSENT CALENDAR

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

- (a) Approval of Action Minutes from the Committee regular meeting of January 11, 2016.
- (b) Landscape Maintenance Staff Activity Report since January 2016.

6. NEW BUSINESS

- (a) Consider tree species replacement for Peacock Creek Drive narrow median island and Keller Ridge Drive narrow sidewalk planter areas.
(Maintenance Supervisor Janney)
Recommended Action: Provide recommendation to the City Council.
- (b) Consider Committee Members to serve on ad-hoc subcommittees
 - i. Adopt a Trail – Committee member Garcia (up to 4 more can participate)
 - ii. Communication – Clayton Pioneer Article(s) – Committee members Chippero, Steiner (up to 3 more can participate)
 - iii. Annual Report – Chair (up to 4 more can participate)

Recommended Action: Determine if to have any or other ad-hoc subcommittee(s) for 2016 such as Education and Outreach; and select members as appropriate. – *note: must be less than a quorum of the TLC for each ad-hoc subcommittee, ie: no greater than 5 members*

- (c) Status update of the Landscape Maintenance District funding continuation ballot measure.
(Asst. to the City Manager Hoffmeister)
Recommended Action: Receive report.

7. CONTINUED/OLD BUSINESS

- (a) Adopt a Trail Program Status verbal update
(Committee Member Garcia)
Recommended Action: Receive report.
- (b) Landscape Maintenance District Update
(Maintenance Supervisor Janney)
Recommended Action: Receive report.
- (c) Status of future Clayton Pioneer articles
(Committee member Chippero)
Recommended Action: Receive information provide input.

8. Committee Operation Matters

- (a) Consideration of future TLC meeting day of week
- (b) **Background Information:**
Updated TLC Roster (3/14/2016)
The following will be distributed at the meeting:
Public meeting basics – Brown Act
Overview and History of the LMD
Funding of the LMD
Maintenance standards (frequency and service levels of the LMD)
Drought impacts
Budget of the LMD
Oversight Committee Annual Report for FY 14-15

**9. CORRESPONDENCE – review of incoming and outgoing correspondence
*Informational Only***

- March 3, 2016 email from Alyse Smith resigning from the TLC
- March 3, 2016 email to Candace Bass re: No smoking signs on trails.
- March 9, 2016 email to Nat Alcox re: spot spraying on trail edges
- March 18, 2016 email to Kevin Creedy re: dogs on leash on trails

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

- (a) Assignment of Committee Report: to the City Council at its April 5, 2016 meeting

- (b) Future Agenda Items: (all future agendas will include minutes; Maintenance staff Activity Report for the District; LMD Projects status report; ad-hoc subcommittee status reports: Adopt a Trail, Communication, Annual Report.

April 23rd Clayton Cleans Up - Community Event Education/Outreach Opportunity

April 30/May 1- Annual Art and Wine - Community Event Education/Outreach Opportunity

May 2016 – TLC meeting proposed landscape District Budget for FY 2016-17

June 7th – Election Day (LMD ballot measure continuation)

October 1 & 2 – Oktoberfest - Community Event Education/Outreach Opportunity

September/October- TLC meeting FY 2015-16 TLC prepared Annual Report review

January/February – TLC meeting FY 2016-17 mid-year LMD budget review

April 2017 Clayton Cleans Up - Community Event Education/Outreach Opportunity

May 6 & 7 2017- Annual Art and Wine - Community Event Education/Outreach Opportunity

May 2017 – TLC meeting proposed landscape District Budget for FY 2016-17

Sept./October 2017-TLC meeting FY 2015-16 TLC prepared Annual Report review

- (c) Committee Member communications – general information not requiring any action by the TLC
- (d) Staff Communications/Announcements – general information not requiring any action by the TLC

11. **ADJOURNMENT** – The Committee's next regularly-scheduled meeting is tentatively planned for either Monday, May 16 or May 23, 2016 at 7:00 p.m. in Hoyer Hall, Clayton Community Library. Please contact the City Clerk at 673-7300 to verify actual date.

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Memo

Agenda Date: 3/21/16

Agenda Item: 3a & 3b

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: March 21, 2016
Re: Selection of Chair and Vice Chair for 2016

Background:

At the end of December 2016 the Chair did not reapply for continuing on the TLC. The Current Vice Chair of the TLC, Clayton Smith, was selected in 2015. Although Vice Chair Smith is not available for this meeting, he is eligible to be considered by the TLC to serve as Chair by nomination and vote of the TLC. The TLC however may select any of its members to serve as Chair and Vice Chair for 2016.

Duties:

Chair:

The Chairs duties include chairing the TLC meetings, reviewing the draft TLC Agenda which staff has prepared prior to finalization. After the TLC has approved signing the minutes of the meetings that staff has prepared. Signing any other letters or items that may require the Chairs signature related to TLC matters, and preparing the Chairs message for inclusion in the TLC Annual Report.

Vice Chair:

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

Procedure:

At the meeting the Asst. to the City Manager will open the meeting since there is not a Chair or Vice Chair present, and will ask for nomination/volunteers for the Chair position, once all nominations are identified then will call for a vote for the Chair. The nominee with the most votes provided it is a majority of the votes, will become the Chair. If there is not a majority of votes then the top voted nominees will be re-voted until a nominee received a majority of votes.

The Chair, or if a TLC member who is not present is selected the Asst. to the City Manager, will then will ask for nominations/volunteers for the Vice Chair, then will then call for the vote of the Vice Chair nominees and the nominee with the most votes provided it is a majority of the votes, then that person will become the Chair. If there is not a majority of votes then the top voted nominees will be re-voted until a nominee received a majority of votes will become the Vice Chair.

If the Chair is not present at this meeting then the selected Vice Chair if present will conduct the remainder of the meeting. If neither are present the Asst. to the City Manager will ask for the Committee to select a member to be the temporary Chair to conduct the remainder of the meeting.

Agenda Date: 3/21/16

Agenda Item: 5a

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

January 11, 2016

1. COMMITTEE CALL TO ORDER & ROLL CALL

Chair Casagrande called the meeting to order at 7:10 p.m.

Committee Members present: Larry Casagrande, Anthony Chippero, Christopher Garcia, Bob Steiner; Vice Mayor Jim Diaz (Ex-Officio/City Council Liaison).

Committee Members absent: Alyse Smith.

Staff present: Asst. to the City Manager Laura Hoffmeister, Maintenance Supervisor Mark Janney

Asst. to the City Manager Hoffmeister clarified that there was a quorum present as Committee members Simbirdi and Glazier did not reapply and resigned December 2015. Committee member A. Smith had reapplied and was planning to attend but had a last minute schedule conflict. The City Council is currently reviewing applications but appointments have not been made. Committee members are allowed to continue as the Chair has done until appointments are made. Therefore the total number of appointed members is six, and a quorum needed is four.

Chair Casagrande noted that he was not going to reapply and this would be his last meeting. He provided notification to staff that he would stay on to complete the work of the TLC regarding the LMD funding continuation ballot measure recommendation to City Council and the completion of the Annual Report for Fiscal Year 2014-2015. His appointment would end upon the City Council appointing new members.

2. PUBLIC COMMENTS

None

3. CONSENT CALENDAR

- (a) *Approval of Action Minutes from the Committee regular meeting of March 16, 2015 (Note minutes of June 10, 2014 and June 8, 2015 were not available for consideration).*
- (b) *Landscape Maintenance Staff Activity Report since June 2015 (informational report).*
- (c) *Status memo Deferred Landscape Maintenance District Project – Pedestrians Trail Bridget Decking (informational report)*

Motion by Committee member Chippero, seconded by Committee member Glazier, to approve the Consent without the Minutes from June 10, 2014 and June 8, 2015 as they were not yet ready. Motion passed. (vote: 4-0)

4. CONTINUED/OLD BUSINESS

(a) Adopt a Trail Program Status update.

Committee member Garcia stated that he had not had much time to work on this project. He received updated application information from the City staff and prior adopter list and budget/donation information, his contact information has been placed on the materials and on the City website. Committee member Garcia stated he plans to reach out to the current adopters to see if they want to renew first, with one being the CBCA. He has made a few calls to businesses but has not received return calls. Committee member Steiner stated he is now the CBCA president and would provide Committee member Garcia the information of how to request to CBCA.

After some Committee discussion, it was pointed out that it typically needs to have direct face to face contact and follow up face to face contact to obtain sponsorship interest from what past committee members stated who led such efforts. Committee member Garcia stated that he will be contacting the prior donors and also outreaching to prospective businesses and individuals over the next few months.

No action taken informational item only.

(b) Status Report of the Landscape Maintenance District Projects

Maintenance Supervisor Janney highlighted that the Bridge work was completed as well as the path resurface and the Elementary school path redone. Pictures were included in the report showing before and after conditions.

Committee members commented that the completed work looked great and thanked staff for having it completed so quickly – the contractor start to finish time was very prompt. Committee member Chippero stated that he had overhead the public on the trail stating they were pleased with the finished result.

No action taken informational item only.

(c) Future Clayton Pioneer articles

Committee member Chippero noted that he had prepared a draft of an article some time back, and Committee member Steiner provided some good feedback. However given the current news articles that were already written it seemed his topic on drought in the LMD would not be current and given the winter season being here another topic should be considered.

Members discussed need to also have articles that focused on what activities and projects the tax funds have been used for over the past years. This would be important to help remind/educate the voters as to what their tax funds have been doing especially since the tax will need to be renewed in June 2016 if to continue. It was also suggested that the landscape re-entries or the

Bridge replacement as possible topics. After discussion it was determined that an article on the Bridges and trail resurfacing would be best as the City Council will still be reviewing the TLC recommendation on the entry re-landscapes which is on the current meeting agenda later.

Committee member Chippero could take after pictures and the City staff has some before pictures which could be included in such article.

No action taken informational item only.

(d) Measure B reauthorization: confirm prior direction to move forward with ballot in June 2016 election, and consider establishment of ad hoc committee to work on ballot measures education information.

Assistant to the City Manager Hoffmeister provided an overview of the prior work of the Committee and what the current considerations are needed by the Committee.

The Committee finalized its recommendation to the City Council regarding the Measure B reauthorization: The Committee had discussed this item at its March 16 and June 8th 2015 meetings –at the Jan 11 meeting the Committee finalized its discussion and recommended the City Council consider a tax extension measure on the June 2016 ballot with 10 year period and same time frame, to retain the same tax methodology rate including the annual adjustment of the CPI with a maximum of 3% annually. The Committee also reviewed potential ballot measure wording and determined that including trails was important and ahead of landscaping as much recent improvements have been made to trails over landscaping due to the 4 plus year drought. It was important to retain and include the Citizens Oversight Committee and to use that term over the Trails and Landscape Committee.

Motion by Casagrande, seconded by Chippero to recommend the following to the City Council:

- The CFD 2007-1 Landscape Maintenance District funding extension by placed before the voters on the June 2016 election.
- The time period be for ten years.
- Retain the same tax rate methodology (annual CPI increase with annual cap of 3%) retain the Citizens Oversight Committee (Trails and Landscape Committee).
- Recommended on wording (within 70 word election code limit): to use the word continuation; use the word trails before landscape, include the duration as ten years, and include oversight by a Citizens Oversight Committee.

Motion passed (vote: 4-0).

5. NEW BUSINESS

(a) Citizens Oversight Committee Annual Report for 2014-2015

Chair Casagrande and Committee member Steiner presented the report to the Committee and reviewed the highlights contained therein.

Committee member Garcia and Chipperrp stated they had reviewed and thanked them for their work on the report.

Motion by Committee member Garcia, seconded by Committee member Chippero, to approve the Citizens Oversight Committee Annual Report for FY 2014-15 as presented and submit it to the City Council. Motion passed (vote: 4-0).

(b) Review of the status of Landscape Maintenance District FY 15-16 Budget as the Citizens Oversight Committee for Measure B.

Assistant to the City Manager Hoffmeister reviewed the status of the mid-year. All spending and revenues are on track with the adopted budget. Staff reviewed the year to date synopsis of the revenue and expenditures since the passage of Measure B. The budget information also shows the funds for the median subdivision entry re-landscape and re-design. These funds have not had any expenses as design concept plans are just being prepared and will be discussed later on this agenda.

Committee member Garcia stated that he appreciated the synopsis history as he moved here after the passage and was not familiar with the use of the funds for the renovation type projects over the time period. Committee members stated that the information could be helpful in sharing with the public as to how their funds have been spent in the Landscape Maintenance District.

No action taken informational item only.

(c) Review of conceptual redesign of subdivision entry medians.

Maintenance Supervisor Janney reviewed the report and concept plans. In general the concept is similar to the library median entry on Clayton Road, with the use of more hardscape and focal color plantings. The Committee commented that it was overall pleased with the concept as they are more water conserving and less labor intensive on upkeep. They expressed their appreciation to staff Maintenance Supervisor Johnson, who actually prepared and designed the concepts.

Motion by Chair Casagrande, seconded by Committee member Chippero to recommend the redesign of the subdivision entry medians as presented by staff to the City Council. Motion passed (vote: 4-0)

6. CORRESPONDENCE

- (a) Review of email received from resident Candace Bass requesting installation and maintenance by the Landscape Maintenance District of "No Smoking" signage along City trails.*

The Committee reviewed the email request and photos to have the Landscape District funds used to install and maintain no smoking signs along city trails, trail heads. After discussion it was determined that the staff would draft a response back that the TLC did not believe that it was a prudent use of limited funds, that the city regulations already prohibit smoking on trails, parks and open space, and adding more signs would not likely achieve the desired outcome, just as more signs for speeding does not stop speeders. Also of note was that enforcement would still require a police officer to directly observe the violation

7. COMMITTEE ITEMS

- (a) Assignment of Committee Report to the City Council at its March 17, 2015 meeting.*

Committee member Garcia stated he would attend he would attend. He would provide a recap of the March 16, 2015 meeting and present the Annual Report for FY 14/15.

- (b) Future agenda items:* Future Agenda Items: (all future agendas will include minutes; status on Adopt a Trail; Maintenance Work Status Report for the District; Deferred projects status report)

January 19, 2016 – City Council meeting on recommendation on Ballot measure

March 2016 ; selection of TLC Chair and Vice Chair; LMD revenue measure reauthorization information education outreach

March/April/May: continuation LMD revenue measure reauthorization information education outreach

April 23: Clayton Cleans Up (9am to Noon)

Late May/early June 2016 – proposed landscape District Budget for FY 2016/17

Note: June 7 election day

September/October 2016- FY 2015/16 TLC prepare/ approve draft Annual Report

October/November 2016 – present FY 2015/16 Annual Report to City Council

(c) Committee member communications:

Chair Casagrande thanked the committee and staff and stated he has enjoyed his service. Due to time constraints he stated he would not be submitting for reappointment but he hoped in the future he would have time to reapply.

Committee members Steiner and Chippero and Garcia all thanked Chair Casagrande for his work and leadership serving on the Trails and Landscape Committee and as Chair the past two years. There was lots accomplished with re-planting of Clayton Road from Mitchell Canyon to Oakhurst Blvd., Daffodil Hill replanting, new subdivision entry way re-landscape re-design, and resurfacing of the asphalt trails and the elementary school connection trail as well as the redoing of all the pedestrian bridges across the creeks on the trails.

(d) Staff Communications:

Staff thanked Chair Casagrande for his participation and volunteering to serve on the TLC and as its Chair the past two years.

8. ADJOURNMENT

Upon call by Chair Casagrande, the meeting adjourned at 8:30 p.m. The next meeting of the Trails and Landscape Committee is tentatively planned for March or April and then one in May 2016 at 7:00 pm Hoyer Hall, Clayton Community Library, depending on need.

Minutes prepared by:

Laura Hoffmeister, Asst. to the City Manager

APPROVED BY THE COMMITTEE

,Chair



TRAILS & LANDSCAPING MAINTENANCE DISTRICT

ACTIVITY REPORT

1/12/2016 to 3/21/2016

- Spot spray and pull weeds in the Landscape District Citywide on a continuing basis.
- All Irrigation is still turn off for the winter in the Landscape District; the district continues to be under a mandatory 45% reduction in water usage from 2013 levels. The state of California will decide in May if there will be continuing restriction on water usage and if there are continue restrictions what will be the reduction.
- Continued our semi-annual trimming of the Landscape in the following areas: Clayton Road Median from City Hall to Oakhurst Drive.
- Safety trimmed Pepper trees along Oakhurst Drive, Marsh Creek Road, and Clayton Road. A few small trees and many branches were blown over in the recent storms within the Landscape District.
- Staff trained on the new tractor approved for purchase by the City Council in July 2015, which arrived end of 2015. [This tractor replaces the 23- year old tractor that was having repair issues and would not comply with new diesel emission state regulations.]



Agenda Date: 3/21/16

Agenda Item: 6a

MEMO

TO: Trails and Landscape Committee
FROM: Maintenance Department
MEETING DATE: March 21, 2016
SUBJECT: Alternative Tree Species Replacement

BACKGROUND

The City Maintenance Department is in the process of replacing several trees within the median on Peacock Creek Drive median and along the right-a-ways (planter strip) on Keller Ridge Drive. The particular species that exists in both areas have proven to be very problematic and both species have also shown this to be true in other areas of the city.

Peacock Creek Drive Proposal

The trees located within the median of Peacock Creek Drive are *Pyrus calleryana* 'Bradford', or the Bradford Pear. Several of these trees have been hit or damaged due to various reasons and with the many years of drought, staff has been hesitant to replant due to a limited supply of water with the mandated water restrictions. With the recent winter storms staff would like to proceed with the replacement of these trees. The Bradford Pear has shown signs of stress in many areas around the city and has a long history of disease and limb breakage. After some research, our department would like to begin changing the Bradford Pear species out with the much more hardier and reliable Chinese Pistache. Chinese Pistache has green foliage in spring and summer and fall color similar to the Bradford Pear. The Bradford Pear has white blossoms in the spring then green foliage following and some fall color. The Maintenance Department is aware of the difficulties of changing a tree species within a single species linear landscape design, but we feel the long term maintenance cost and possible concerns associated with this species cannot be overlooked. We have attached an arborist report associated with the Bradford Pear as related to the Chinese Pistache.

Keller Ridge Drive Proposal

The trees located along Keller Ridge Drive are *Platanus x hispanica* 'Bloodgood', or London Plane Tree. This tree is much too big for the planter area that it was planted in and has lifted sidewalks and curbs over the years causing much structural damage. This particular variety of Plane Tree also is highly susceptible to powdery mildew which has cause irregular branch structure and minimal growth. Our department believes that this will be an ongoing problem for years to come. The landscape design along Keller Ridge Drive is much like that of Peacock Creek Drive using a linear single species. The London Plane Tree is considered a large species tree and given the small 3 to 4 foot

planter width, the city is looking to replace this tree with a medium size or smaller tree. There are many more trees that need to be replaced within the Keller Ridge Drive area allowing us the opportunity to change the type of design to a multi-species linear design allowing for different types of foliage, shape, seasonal color changes. Our department would again like to use the highly reliable Chinese Pistache Tree which is tolerant of many types of soils and does not have an evasive root system that could possibly damage the sidewalks or other ground structures. To add color and variety to this area we would like to incorporate the Flowering Plum along with the Eastern Redbud. Both these trees have beautiful spring flowers, with the Plum adding reddish purple foliage throughout the summer. We believe these trees combined with the stunning fall colors of the Chinese Pistache will bring a welcome change of color and variety to the street right-a-ways. Using a multi-species design can assist in the difficult task of tree replacement when forced to eliminate a particular species in tree replacement of a new hardier variety, or when new diseases attack certain species not all trees will be impacted as there will be a variety of species.

We have provided a plan with locations of the particular tree species. All London Plane trees on the map are existing and assumed to stay as is. All other varieties will be replacing diseased or damaged trees, and trees that have already been removed. A code key is provided on the map. At this time approximately 41 London Planes are to be retained; replacement planting proposed would be approximately 25 Chinese Pistache, 12 Redbuds, and 12 Plums.

Options:

- A. Recommend to the City Council the use of the replacement species as recommended by staff.

- B. Retain and replant with the existing tree species (no future action would be required by the City Council).

Attachments:

1. Arborist and Horticultural Information
2. Pictures Peacock Creek existing trees (Bradford Pear) & proposed replacement species (Chinese Pistache)
3. Aerial view of Peacock Creek Dr.
4. Street View of Peacock Creek Dr. median from Tennis Courts to Pebble Beach Dr.
5. Keller Ridge Tree replacement location plan
6. Pictures Keller Ridge existing trees (London Plane) & proposed replacement species (Chinese Pistache, Flowering Plum, and Redbud)
7. Drought impacts Keller Ridge
8. Aerial view of Keller Ridge Dr.
9. Street View of Keller Ridge Drive from Golf Course Xing to North Valley Park

WARANER BROS. TREE SERVICE

P.O. BOX 142- CLAYTON, CA 94517
(925) 831-2323-FAX (925) 673-1567
March 17, 2016

ED WARANER
W.C.I.S.A. CERTIFIED ARBORIST

Mark Janney

6000, Heritage Trail,
Clayton. Ca. 94517

Re: Bradford Flowering Pear Tree

In my professional opinion, the Bradford flowing Pear tree is a poor choice for the City of Clayton to plant throughout the city.

Reasons being are the Bradford Pear trees are highly susceptible to fire blight, caused by the bacterium *Erwinia amylovora* and *Pseudomonas Syingae*. They also tend to have poor structure, the narrow angles of attachment of the primary limbs and the bark inclusion makes the trees weak and split apart from the main trunk.

On the whole the Bradford Pear trees are a high maintenance tree needing to be pruned on a regular basis to avoid branch/limb failure.

Yours Sincerely

Ed Waraner
Waraner Bros Tree Service
Cell: 925-250-0339
Fully licensed, bonded and insured
Arborist License # WE3386A
Contractor's License # 642272
www.warnerbrostree.com
wbtree2000@yahoo.com

Attachment 1

Rich Perona

From: Rich Perona
Sent: Thursday, May 14, 2015 11:32 AM
To: CURTIS KAUL
Subject: Flowering Pear tree diseases

Curtis

Throughout Rossmoor, almost of the flowering Pear trees are showing symptoms of dieback. There are two bacterial diseases, similar in appearance causing this disease.

The first is: Fire Blight; caused by the bacterium *Erwinia amylovora*.
The second is: Pear Blast or Bacterial Blight; caused by the bacterium *Pseudomonas syringae*.

Both diseases are similar in appearance, with Fire Blight usually affecting larger limbs and killing trees fairly quickly. Pear Blast usually affects buds, shoot tips and small limbs. Pruning in fall or early winter also predisposes the trees to infection as well as frost.

Both bacterium are spread by rain, wind, insects, bees and flies. Both bacterium overwinter on the trees and other host plants as well as in the soil.

The control for the bacterium is the same for both diseases: cutting limbs, twigs, branches several inches below the infection and sterilizing tools between cuts.

However, the *Pseudomonas* infection is on many very small twigs, which make it impossible to cut out..

The trees can be sprayed with copper sulfate and streptomycin in the winter and spring, however, it may require several treatments to try to control the disease and current literature has shown various degrees of success.

Trying to spray and or prune really are not very cost effective options at this point.

I would just wait and see if the trees will outgrow the disease.

Because this is the second year with late spring rains spreading the disease, we may want to consider not planting these varieties any more in the valley and removing the trees that are severely infected. We may want to check with our nursery suppliers to see if any resistant varieties have been developed.

I have this disease on my fruiting Pears at home and have not been successful in controlling the disease using the methods described above.

Rich Perona
Landscape Manager/Horticulturist
Mutual Operations

NC STATE



Content From:

Guilford County center

<https://guilford.ces.ncsu.edu/2013/10/bradford-pear-a-mixed-blessing-in-the-landscape/>

Bradford Pear: A Mixed Blessing in the Landscape

— Written By Karen Neill

Bradford Pear: A Mixed Blessing in the Landscape

Written by Linda G. Brandon, Extension Master Gardener Volunteer in Guilford County

Drive down any road in Guilford County in the springtime, and you'll be greeted by the spectacular sight of vast numbers of Bradford pears in full bloom, with their symmetrical leaf canopies completely covered in fluffy white flowers. Drive down the same road in the fall, and those same Bradford pears will be ablaze in shades of reddish orange, as they display their gorgeous autumnal colors. Now, drive down that same road after a severe thunderstorm — the kind we get around here with huge gusts of wind — or after one of our winter "ice events," and you'll see a different side of the Bradford pear.

The Bradford pear is a specific cultivar of the ornamental Callery pear. It usually grows 25-30 feet tall, with a canopy perhaps 20-25 feet wide, noted for its lovely, uniformly rounded form. That consistently rounded shape lends itself to symmetrical landscape plantings, and many homeowners will plant Bradfords to line their driveways. The tree blooms dependably, displays wonderful fall color, and, best of all, has virtually *no* insect or disease problems. Unfortunately, that's where the good news about Bradford pears comes to an end.

The same branch structure that makes that rounded canopy shape so pleasing, with branches angled sharply upward from the trunk (called a narrow or tight crotch angle), is simply not as strong as it would be if those branches were closer to horizontal. This structural weakness makes the trees very susceptible to storm damage, whether from wind or from ice, and the damage often causes large limbs to rip down one side of the trunk, leaving the homeowner with a lopsided tree that destroys their carefully cultivated symmetry.

Structural weakness is not the only drawback associated with Bradford pears, though. Originally bred to be sterile, this ornamental pear tree was never intended to produce fruit. In reality, though, it is often pollinated by newer Callery pear cultivars ("Aristocrat," "Chanticleer," "Cleveland Select," and "Redspire") that were developed to overcome some of the Bradford's structural issues. This cross-pollination can lead to viable seeds, and that's where the real trouble starts. The offspring of those well-mannered ornamental pears are, to put it nicely, aggressive thugs. They spread rapidly with the help of birds dropping their seeds, and the resulting plants are thorny invaders, choking out native wildlife habitat wherever the seedlings take hold. The problem is severe enough that many localities have banned the Bradford pear altogether in certain settings.

If all this weren't discouraging enough, Bradford pears just don't live a long time, as trees go. Starting around the age of

20, the trees simply begin to decline, with few of them living past the age of 30.

So . . . what to do? As always, turn to the plant breeders in the nursery industry. There have undoubtedly been huge, exciting advances in the development of new plants over the past few generations. Let's look at just a few of your alternatives if you're planting a new landscape or replacing fading Bradford pears. You can find more ideas on our searchable website: www.guilfordgardenanswers.com (<http://www.guilfordgardenanswers.com>), and you're welcome to call us at 375-5876 to discuss ideas.

If spring flowers are not important to you, the Chinese Pistache (*Pistacia chinensis*) is a wonderful landscape tree. The Pistache grows to roughly 40 feet, and it has small, greenish flowers and blue/red fall fruit. For a smaller tree with spectacular fall color, you might consider the Amur Maple (*Acer ginnala*), which grows roughly 15-20' tall and wide. While this tree is attractive to a number of insects, damage from pests is rare. A rarely-used tree in this area, the Littleleaf Linden (*Tilia cordata*) is sadly overlooked. It features fragrant, cream-colored flowers in spring, tolerates poor soil, drought, and air pollution, and it's very attractive to bees. Growing 30-50' tall and up to 40' wide, it's an excellent choice for many landscapes.

If spring blooming is important to you, you have more options than ever before. You could start with *any* of the Redbuds (*Cercis canadensis*). In addition to the old standby we're accustomed to seeing, with its intense fuchsia blooms that pop out before the foliage develops in the spring, there are now some varieties that weep, some that have deep purplish foliage, and some that have orange-yellow-green foliage. *Sensational*, and as a bonus for urban homesteads, these stay small, in the 15' range. The traditional flowering dogwood (*Cornus florida*) has been hit in recent years with some disease problems, but the Kousa dogwood (*Cornus kousa*) seems resistant at this point and shares many of the same wonderful characteristics. There's even an evergreen cultivar of the Kousa dogwood if you're fortunate enough to find it. We have one growing in the Demonstration Garden here at the Agriculture Center on Burlington Road.

For those who've dismissed dogwoods for one reason or another – they do tend to grow slowly, and today's gardeners do tend to want fast results – there's another delightful small tree called the native Silver Bell (*Halesia diptera*). It blooms at about the same time dogwoods do, with small, four-petal white flowers that dangle in large numbers from the branches. *Halesia*, which matures at 25' or so, is quite tolerant about growing conditions, accepting light shade or full sun. We have one of these beauties in our Demonstration Garden, as well.

For brighter color, flowering cherries, like the Yoshino cherry, are indeed spectacular in the spring, but bear in mind that the Yoshino cherry has an even shorter lifespan than the Bradford pear. A good alternative to the flowering cherry, the flowering crabapple tree (*Malus* species, closely related to apples) put on a vibrant display of intense pink flowers in spring. They're small-to-medium sized trees, also ideal for today's smaller lot sizes. Some folks complain about the messiness of the fruit when it drops, but some newer varieties tend to "hold onto" their fruit well into the colder months.

Another under-utilized tree in this area is the Serviceberry (*Amelanchier* sp.). This smallish tree (15-25' tall and wide) has an irregular form, often with multiple trunks, and it blooms with small white flowers in spring, which are followed by magenta to purple berries in the fall, accompanied by nice, clear fall foliage colors. It's a lovely native tree. Another beautiful native is the fringe tree (*Chionanthus virginicus*), which thrives in well-drained locations with full sun to partial shade. The greenish-white spring blooms, massed along the branches, led to the name, since they lend a fringed or bearded appearance to the tree. Our Demonstration Garden is home to these trees, too.

Before wrapping this up, it's only fair to mention the ever-expanding family of magnolias. We're not talking about the huge, stately Southern magnolia that can consume an entire yard; we're talking instead about the smaller, deciduous cultivars like the saucer or star magnolia. The saucer magnolia (*Magnolia x soulangiana*) is a small-to-medium sized tree

that is *covered* in pinkish-white flowers in early spring – sometimes so early that they blooms can be damaged by late frosts. Its cousin, the star magnolia (*Magnolia kobus* var. *stellata*), can be considered a large shrub or small tree, growing 15-20' tall and 10-15' wide, usually with a multi-trunked habit. The star magnolia, too, is covered with large, very early blooms, and it puts on a beautiful display. Breeders are introducing new magnolia cultivars frequently; you'll likely be amazed at the variety at your local nursery.

If you're facing the mixed blessing of mature Bradford pears in *your* landscape, don't despair. You have *tremendous* options in a range of sizes; there's a tree out there for every yard, *yours* included. And remember, "Fall is for Planting" is not just a clever marketing slogan thought up by the nursery trade. This is a wonderful time of year to get new trees, shrubs, and perennials in the ground so they'll be acclimated to their new home by the time the weather warms in spring.

WRITTEN BY



Karen Neill

**County Extension Director & Extension Agent, Agriculture - Urban
Horticulture**

Guilford County, North Carolina

POSTED ON OCT 24, 2013

comments from various arborists sources on web

Planting Bradford Pear Trees? Be Aware of Splitting Problems



Sept. 29, 2014
By David Lusk of
Lusk Tree Care
Services

Bradford pear trees have been a popular choice in residential landscape designs, but issues have surfaced making them a less desirable option for homeowners.

Throughout many of our communities is a well-known, controversial, once popular but poorly understood tree, the Bradford pear. Loved by some, frowned upon by others, there has never been a more puzzling, enigmatic tree.

How could a tree that once held so much promise as an all-purpose, compact, flowering, amenity tree fall so quickly out of favor? In the grand scheme of things, why does the story of a small tree that is gradually being removed from the urban palette even matter?

How could a tree that once held so much promise as an all-purpose, compact, flowering, amenity tree fall so quickly out of favor? In the grand scheme of things, why does the story of a small tree that is gradually being removed from the urban palette even matter?

Rise in planting Bradford pear trees

Planted extensively in the '60s and '80s, the Bradford pear tree became a dominant feature in many subdivisions, on commercial properties and in parking lots. In Winston-Salem, North Carolina, there has never been a more widely popular landscape ornamental amenity tree.

The Bradford pear tree grows amazingly fast yet symmetrical with showy white flowers in the spring and, like fast food for the landscape, satisfies the desire for quick pleasing and lush landscapes.

Initially, the Bradford pear trees helped sell houses and decorate business properties, parking lots and downtown sidewalks. Although we've lost many of our native trees in the process of urban expansion, the Bradford pear quickly filled our need for fast-growing and affordable landscape trees.

They also didn't get too big and take up too much of the space that the larger, more majestic native oaks, hickories, maples and pines demand of us.

Problems with Bradford pear trees splitting

All was well until 15 or more years after planting. An inordinate number of the Bradford pear trees started mysteriously falling apart.

Structurally, the main branches of the Bradford pear develop as a fast-glate upwardly growing bundle of sprouts. Inside these bunched up trunk branches are internal seams and separations between branches as they grow in quick synchrony.

Bradford Pear Trees Don't Last Long

As quickly as they grow, the lifespan of the Bradford Pear tree is only about 20 or 25 years.

Despite all the beauty they lend to thousands of landscapes throughout the region, the trees are plagued with one fatal flaw: due to their combination of vigorous growth, weak wood and poor branch structure, they often begin falling apart after only 20 years.

More concerning is the fact that, in all likelihood, most Bradford Pear trees won't make it through their expected lifespans intact. Bradford Pear trees are notorious for having limbs which split away from the main trunk. With weak crotches that allow large limbs to snap off without warning, many a car has been damaged extensively from such occurrences. Even the [U.S. National Arboretum](#) has removed the Bradford Pear trees that once lined its parking lot in order to avoid further damage to vehicles.

Bradford Pears will develop blackening of leaves from root stress problems (drought, too much water, root injury, etc). This is their form of leaf scorch. Fire blight is also a disease that affects Bradford Pear. —Indiana University

Bradford Pears Are Invasive

Environmentalists have labeled the Bradford Pear an invasive species, since it has crossed with other Pear varieties, reproducing very rapidly and spreading through many public areas. If left to their own devices, runners will proliferate and turn the area into a tangled thorny mass.

comments from various arborists sources on web

Many communities have adopted programs to rid themselves of this problematic tree. However, getting rid of a Bradford Pear tree requires more than simply taking down the tree. The fact is the tree, stump, roots and all must be taken out of the ground, or the Bradford Pear tree will regenerate very quickly.

The splitting of the Bradford Pear is a very common problem. It's not that it just suddenly happened, it's just that it finally got too large and the limbs too heavy. The way they grow, with very "V" shaped crotches, lends it self to this problem.

Bradford Pears Aren't All Bad – if planted in the right conditions and extra effort taken although new Diseases are impacting even with enhanced maintenance

While the Bradford Pear is a tree with a troublesome reputation, if you don't mind the ongoing maintenance that's required, Bradford Pears might be worth the effort to you.

Admittedly, they can be a beautiful addition to the landscape. But, like many things, beauty doesn't come cheap or easy. However new variety of diseases are impacting as well – if impacted by disease it some are looking like they can easily spread.

Today, many tree experts refuse to recommend Bradfords, which some call "temporary trees" because they often become unhealthy after about a decade or so.

Over time the Bradford has shown its true colors to us. Now we know several more things about this tree to be aware of... They split easily, they grow suckers, and they have a very shallow root system. As they grow taller, much stress is put on the lower and larger joints of the tree, which invariably causes splitting. The suckers grow almost as fast as the grass around them, and cannot be mowed without damaging a typical lawn mower. It is difficult to plant anything around them *except* grass, because when digging the holes for new plants a shallow root can be struck with every other hole. Once disease resistant new diseases varieties are now seen to also be impacting to the Bradford.



Q: I have heard from many people that Bradford pears split as they age. We lost our after it split off one branch and then the rest came down on our porch. I guess the wood is soft and splits at the crotch of the tree.

A: That's just what Bradford Pears do. Their wood is soft and they have narrow crotches so any strong wind wrecks havoc with them.

 Despite their standing as one of the most popular landscape trees, Bradford pears aren't what they're cracked up to be.

For despite all the beauty they lend to thousands of landscapes throughout the region, the trees are plagued with one fatal flaw: due to their combination of vigorous growth, weak wood and poor branch structure, they often begin falling apart after only 20 years.

Experts say homeowners and others would be far better off buying other trees – trees that lend beauty to the landscape and last longer.

The Worst Tree Sold In America - The Bradford Pear Is Pure Junk.

[this is a 1997 piece from John Shelley's Garden Center & Nursery in Pennsylvania who published it on their [website](#)]

For 8 years, we've been telling the public about the negative aspects of the Bradford Pear (*Pyrus calleryana*), as being one of the 5 worst trees anyone could buy.

Thousands of these beautiful, but garbage-quality trees are planted all over the region and should be removed en masse everywhere. Bradford Pears are very fast growers, nice flowering in the Spring, but when they reach 13-15 years old, they will fall apart, sooner rather than later.

The Bradford's wood is so brittle from growing so fast, a snow or ice storm will collapse the tree and bingo, firewood. The other main problem is the whorl, or where the large branches emanate from is a central point that weakens as the trees grow large, occasionally up to 35-50ft.

Remember The Blizzard of '96? So many fell apart that thousands of York County residents are still burning Bradford Pear firewood.

Hybridizing this tree was a very big mistake by the Nursery Industry. After being rushed prematurely into production in the 60's without benefit of field trials, it's faults are now being realized and the customer will have to pay again when the tree collapses, just as it begins to really mature and look nice. The so-called "new & improved" Bradford Pear is a sham also. Don't ever buy these trees either.

Any garden center or nursery that sells either the Bradford or Improved Bradford Pears is not worthy of your business. They're substandard operations. They know better than to sell a piece of junk, such as the Bradford Pear.

Good quality garden centers and nurseries will tell you the truth about such bad plant material; the seedy operations will lie to your face in favor of a quick sale and you'll pay dearly about 13-15 years down the road. Don't be fooled by them: demand quality flowering pears.

The Redspire, Aristocrat, Chanticleer and Cleveland Select are good quality, long-lived ornamental pears, worthy of purchasing. If a garden center or nursery directs you to one of these cultivars, they probably can be trusted with your concerns about plant material.

[The following was published by the Baltimore Sun on August 17, 1977 by Erin Texeira.]

The Bradford pear was born between the baby boomers and Generation X and reared in the suburbs. Now middle age is hitting with a vengeance.

This lovely, low-maintenance tree, created by government arborists in the early 1960s, is known for the shock of white blossoms that coat its limbs in the spring.

But, as it ages, the Bradford is also becoming known for something else.

``They can fall apart at any time," said Bob Rouse, staff arborist for the National Arborist Association. ``You never can be sure. It's not dangerous unless someone happens to be walking under it when one of the branches fails."

This was not what scientists at the U.S. Department of Agriculture Plant Introduction Station in Glenn Dale had in mind as they worked during the 1950s developing -- or selecting, as tree people say -- the Bradford.

It was introduced to the public in 1963 and proved as popular as that year's other newcomer -- the Beatles.

A fast-growing shade tree, the Bradford seemed perfect for the country's rapidly spreading suburban developments. Bradford pears were planted by the tens of thousands throughout the mid-Atlantic, South and Midwest, tree experts say.

They resisted most pests, provided great shade, turned crimson in fall and could adjust to just about any climate.

Streets in places such as Columbia are lined with them. In older cities -- such as Baltimore -- they were put in as roads were improved and widened.

Now you can find Bradford pears -- and the problems they are starting to cause -- everywhere, from St. John's Lane in Ellicott City to Reisterstown Road in Pikesville to Charles Street in Baltimore.

``At the time it came out, the Bradford pear was very new, very exciting," said Georgia Eacker, a master gardener at the Howard County Cooperative Extension Service. ``People just planted them

wholesale."

Many of the trees planted in a euphoric landscaping rush -- "People thought they had found the perfect tree," said one landscape architect -- have reached maturity. The older they get, the more they fall apart, wreaking havoc with city and private gardens, obstructing roads and keeping tree specialists busy answering emergency calls.

"I wish I had a dollar for every Bradford pear I've taken down in the last 15 years," said Matt Anacker, owner of A & A Tree Experts in Pikesville.

Frank Santamour, head of tree research at the U.S. National Arboretum and one of the scientists who helped introduce the Bradford in the 1960s, has fond memories of those early trees.

"It looked like a lollipop -- its form was absolutely lovely," he said.

"It looks great even when it's young because all the branches come from the same place," he said. "And that's the rub with this tree."

Trees with staggered branches evenly distribute their weight along the trunk. But that's not the case with the Bradfords. As the branches grow out from the top of the trunk, stress increases on that point. During their 25-year life span, the trees can grow as high as 50 feet. Eventually, many split under the weight of the branches.

If the branches are thinned when the trees are young, the problem can often be prevented, said arborist Rouse.

But no one knew a problem existed until about 15 years ago, he said. Word spread slowly.

"We had absolutely no problems until last fall," said Peggy Crowley of Baltimore who has two Bradfords about 17 years old. "In about a three-week period, we had three huge branches down. The next one will probably come down on my patio."

She plans to have the trees removed this winter.

But when asked who is to blame for the Bradford problem, tree experts shrug. When trees are engineered in labs and introduced to the public with little testing, such problems are bound to arise, they say.

"This tree came out with very little clone testing," Santamour said. "They knew they could propagate it, and they did it, and off it went."

Today, many tree experts refuse to recommend Bradfords, which some call "temporary trees" because they often become unhealthy after about a decade or so.

In many public areas, tree experts now avoid planting them. Several dozen were ordered to be removed from a park in Atlanta last year.

In Baltimore, they have not been planted for at least a decade, said Jim Dicker, the city's head arborist, whose crews remove about 100 Bradfords a year and repair as many as 200 more.

Even so, some private homeowners still yearn for those white blossoms, so some nurseries provide them. And this promises to create Bradford problems for many years to come, Dicker said.

“Any time you have a big storm, you can pretty much predict you're going to get a call on the Bradford pear,” he said. “The pagers go off at 2 a.m. and it's like, 'Here we go again.' ”

Too bad the developer of our subdivision.....(fill in the blanks).

[Close this Window](#)

Bradford Pear Tree (To plant or not to plant)

By Deb Magnes
September 16, 2011

Many people fall in love with the rich autumn color and spring blossoms of these popular trees . Yet, if a tree's assignment will be longer than 25 years, superficial beauty may not stand the test of time.

(Editor's Note: This article was originally published on October 14, 2007. Your comments are welcome, but please be aware that authors of previously published articles may not be able to promptly respond to new questions or comments.)

Perhaps the best way to choose any permanent tree is by knowing which trees *not* to plant. As with all choices, to make the best ones we need as much experience and information as possible on the negatives as well as the positives ^[1]. Especially certain trees which are; familiar, available, affordable, and have notable seasonal interest. Usually those are good marks for any tree, however the esthetic curb appeal of a tree is surely not enough to tell from. The Bradford pear *Pyrus calleryana*, certainly fits all of these criteria, however are those factors really enough to show how they will ultimately perform? Maybe it's time to stop and evaluate some of their more obscure history.



Bradford pear in bloom

The Bradford Pear tree was introduced into the United States in 1963 by the USDA, having been planted here since after the turn of the last century. They are originally native to Korea and China.^[2] It is a fast growing tree that flowers early in spring before any leaves are born. Young trees hold their pyramidal shape fairly well, and compliment the front elevation of newer homes. Many people fall in love with the rich autumn color and spring blossoms of these popular trees . Yet, if a tree's assignment will be longer than 25 years, superficial beauty may not stand

the test of time.

When we bought this home in 1995, the landscape was donned with 5 of these trees, and at that time they were sufficient for shade being only ten years old or so. In spring they were abloom with pretty white flowers like those of a real pear tree, though their scent is nothing like real fruit blossoms at all. In autumn the leaves turn amazing colors of orange, red, and maroon, which are indeed very beautiful. A nice contrast with all the yellows and evergreens. Birds, (mainly grackles here) use them as nesting sites in spring because of their rapid and dense foliar coverage after the blooms have fallen. If only the wood were as dense as the

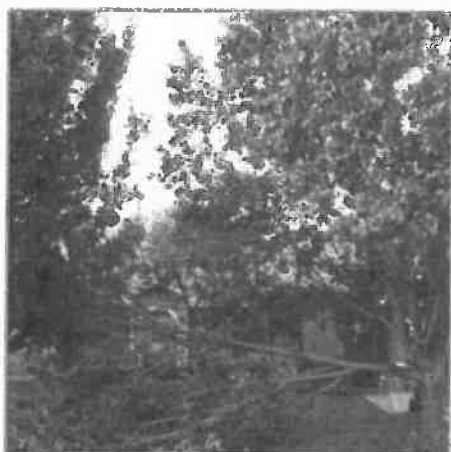


foliage, they could have had some enduring quality to redeem them. In addition, to us, there is something very dubious about a fruit tree that bears no edible fruit. *"What's up with that?"*

After several years we began noticing the suckers [3] coming up around three of them. These suckers grow very fast, and if they were left would make a small forest impossible to walk through without being injured, or without a machete! One of them took up almost a quarter



Bradford Pear (about 10 years old)



Split tree across the front lawn

of the back yard, and when we began to have more time and money to deal with it, the best solution was to cut it down. If this is done correctly, the whole tree would be removed, stump and all. The cost? Two hundred dollars, (and that's a good price)! The stump removal would be another \$250! Last week we had only a small amount of rain one night, and woke up to the split tree across our front lawn.

Over time the Bradford has shown its true colors to us. Now we know several more things about this tree to be aware of... They split easily, they grow suckers, and they have a very shallow root system. As they grow taller, much stress is put on the lower and larger joints of the tree, which invariably causes splitting. The suckers grow almost as fast as the grass around them, and cannot be mowed without damaging a typical lawn mower. It is difficult to plant anything around them *except* grass, because when digging the holes for new plants a shallow root can be struck with every other hole. There are very few of these that make it to 30 years old without splitting. The split trees are beginning to line our street, a few at a time. Adding one more element to their negative proclivities. That is, the hazard of falling on something or someone.



Neighbors Bradford last November

The one in the back yard was cut down last fall, and the space is now dedicated to butterfly and wildife plants with more purpose to

give back life by providing a splendid natural habitat. Having the insights of excellent counsel through this very database you are reading from



now, the choices for the new space came very easily. We were able to map out rows of beds across the back yard to add about 150 new plant species. The forums and [PlantFiles](#) here have given us a crystal clear look at some very effective choices. Plants that have truly supported their space. There is an alternative to being confined to the good opinion of a nursery's sales staff, (which is often biased to make a sale). Eventually we plan to use almost every available space with either a good native [nectar](#) or [larval host](#) plant. Superior choices being natives of both whenever possible. We have learned some great lessons about the initial selection of a tree. Had we known what we do now when we moved in, we would have replaced the Bradford pear trees then. When the trunks were only 6" in diameter.

[Bradford in back yard before removal](#)

The connections here in [PlantFiles](#) can give anyone more than enough information to make the perfect choice for a tree, that serves its space well. Often the plants needed and wanted the most can be found through other members who have enough to share by trade, or postage. Some of the plants we have acquired in this manner are very rare, and they would have been very difficult to obtain otherwise. There are many trees sold in commercial nurseries that follow the same trend of beauty versus benefit. However, 13 years later, as two out of five of these trees are gone, a new and valuable understanding has been gained. Likewise, the reason we felt a responsibility to share our short, and honest history about this beautiful tree.

Footnotes:

[1] On every entry in the "plant files" there is a place for entering the overall opinion and experience with each plant, (positive, negative or neutral).

[2] Information substantiated by [Marc Montefusco Frederick County Master Gardener Program](#)

[3] Sucker -- A shoot which arises from an underground shoot or root of a plant.

About Deb Magnes



Debnes has been retired since her youngest of 4 was born. Now she has spent any spare moments researching every sort of life in the garden. Furthermore writing for about 10 years, on subjects of faith, plants, and wildlife, and it all revolves around the garden. In the process of pursuing several of her life's passions, she found some real treasures in practical every day life. It's where she confirmed that everything on earth, be it thought or matter, sows a seed.

Printed at <http://davesgarden.com/guides/articles/printstory.php?rid=191&bn=%2Farticles%2Fview%2F191>

Peacock Creek median (existing Bradford Pears)



summer



spring



fall

Proposed replacement species: Chinese Pistache



Summer



Fall

Peacock Creek Drive



Closer view below

Oakhurst Clubhouse
and Tennis Courts



Pebble Beach
Intersection

Attachment 3

Peacock Creek Drive

Club
House
tennis
Cts



MATCH LINE



MATCH
LINE

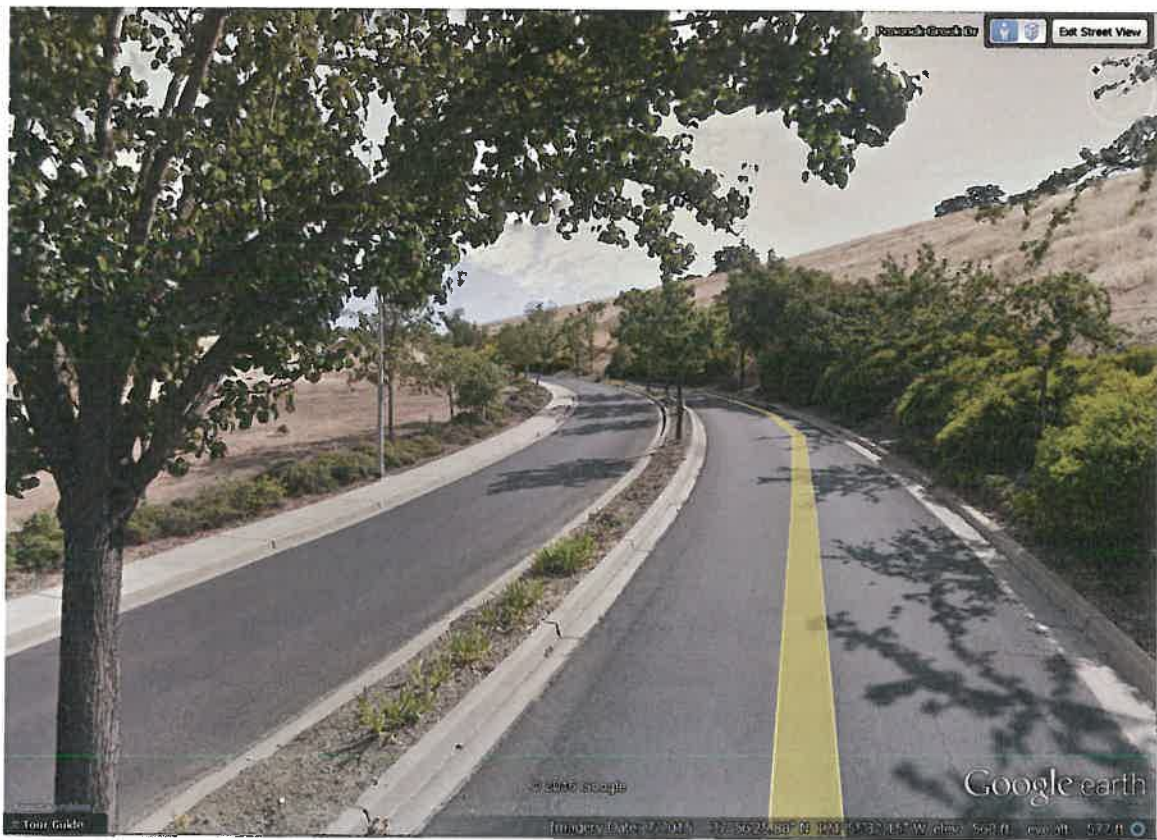
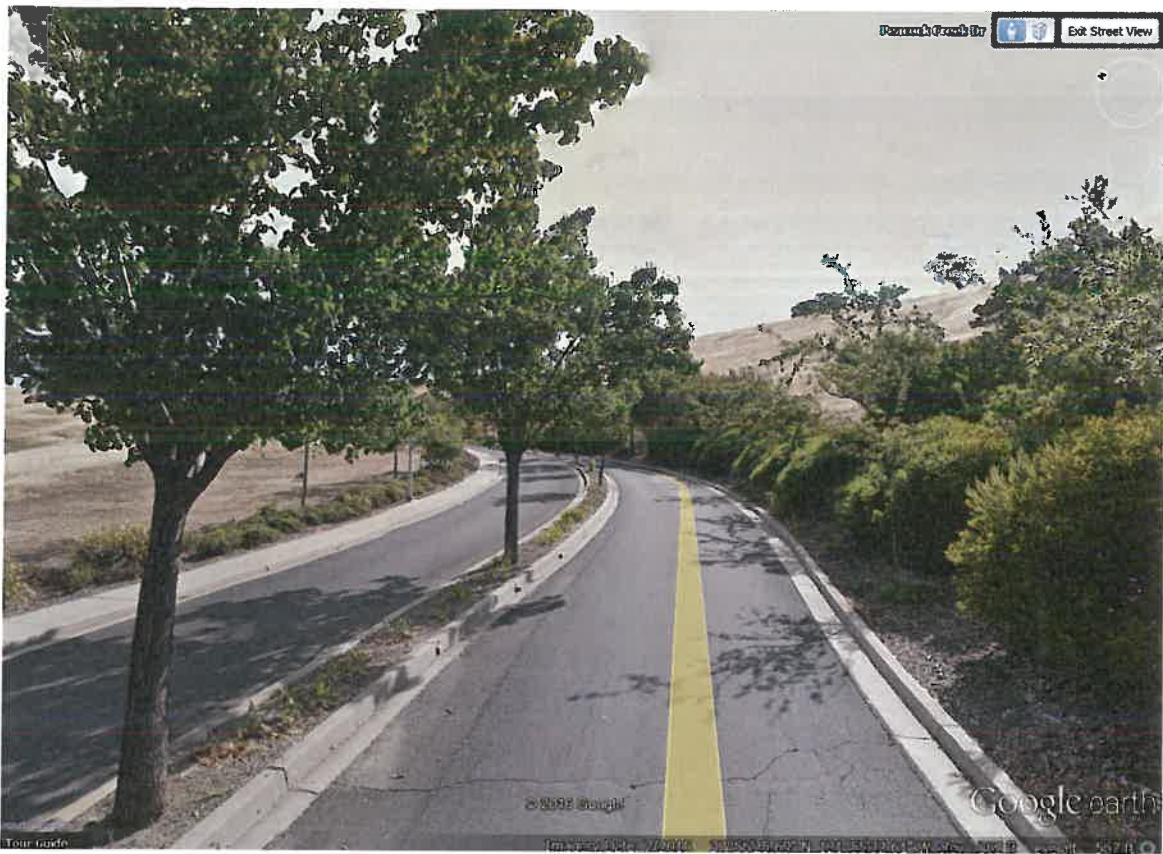
Pebble
Beach

Peacock Creek from Tennis Courts up to Pebble Beach



Attachment 4

Peacock Creek from Tennis Courts up to Pebble Beach



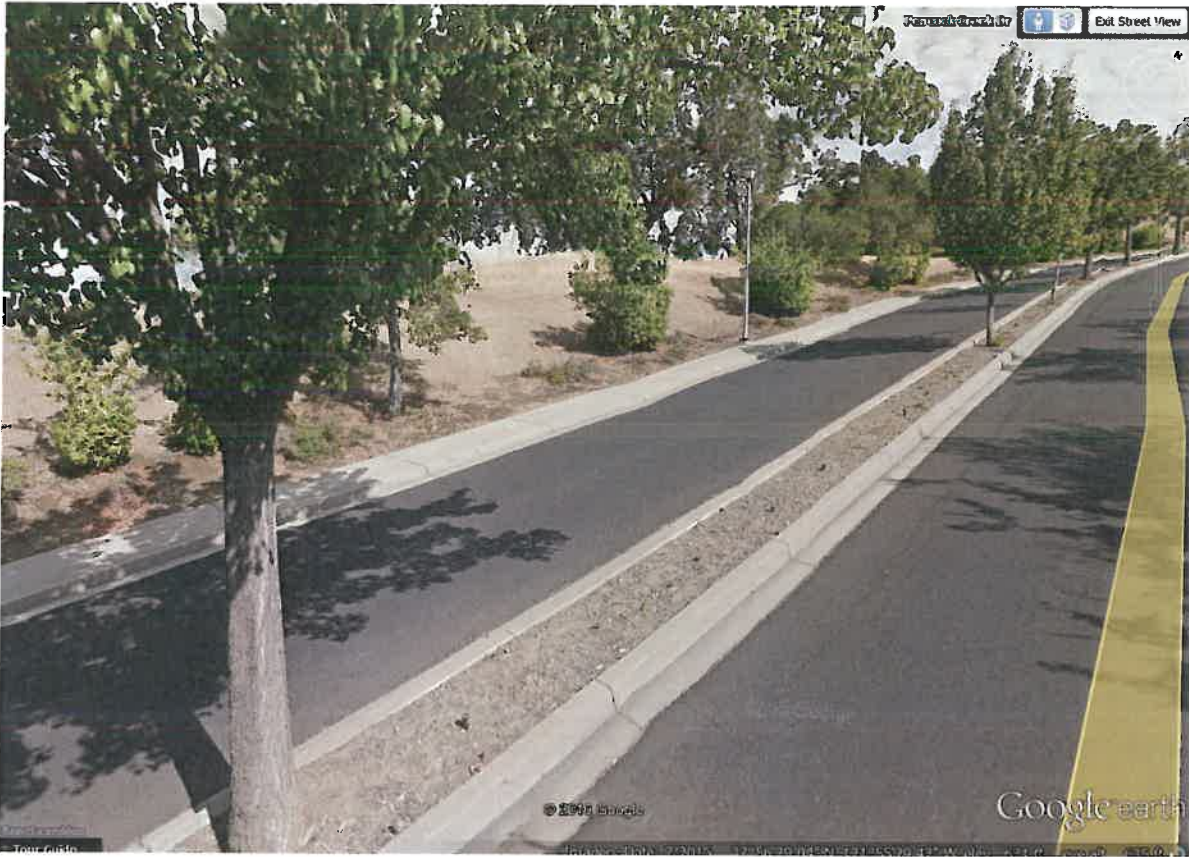
Peacock Creek from Tennis Courts up to Pebble Beach



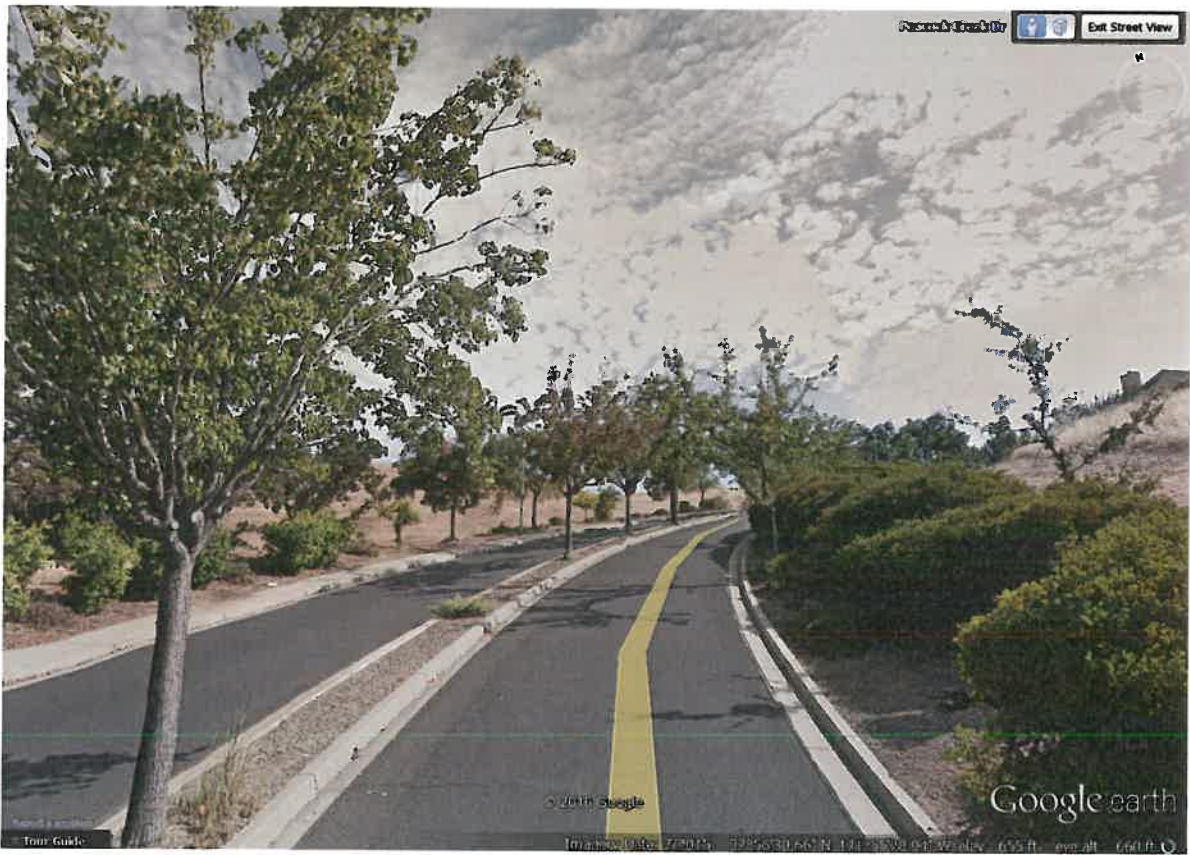
Peacock Creek from Tennis Courts up to Pebble Beach



Peacock Creek from Tennis Courts up to Pebble Beach



Peacock Creek from Tennis Courts up to Pebble Beach



Peacock Creek from Tennis Courts up to Pebble Beach



Peacock Creek from Tennis Courts up to Pebble Beach

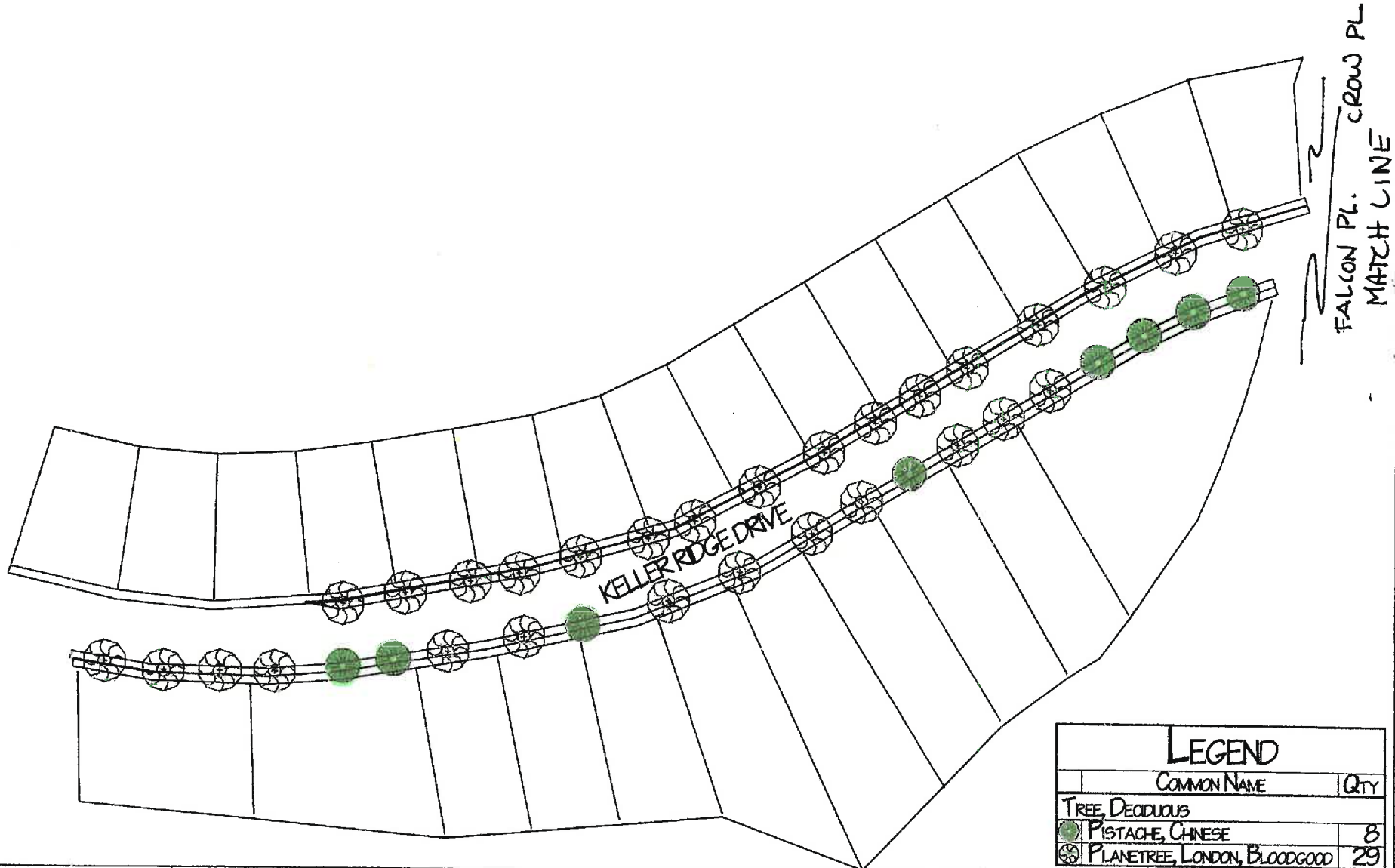


Peacock Creek from Tennis Courts up to Pebble Beach



Attachment 5

GOLF CART Xing



LEGEND	
COMMON NAME	QTY
TREE, DECIDUOUS	
PISTACHE, CHINESE	8
PLANETREE, LONDON, BLOODGOOD	29

Revision #:
Date: 3/18/2016

Scale:
1" = 100'

Landscape Plan:
Keller Ridge Tree Replacement

Landscape Design by:



MATCH LINE



LEGEND	
TREE, DECIDUOUS	Qty
EASTERN REDBUD	12
PISTACHE, CHINESE	17
PLANTREE, LONDON, BLOODGOOD	12
PLUM, PURPLELEAF	12

NORTH VALLEY PARK

Revision #:

Date: 3/18/2016

Scale:

1:2500

Landscape Plan:

Keller Ridge Tree Replacement

Landscape Design by:





CHINESE PISTACHE

Attachment 6



FLOWERING PLUM
WITH LEAVES



FLOWERING PLUM



Eastern Redbud



Spring



Summer



Fall

London Plane Tree
(existing tree type on Keller Ridge in planter strip)



Summer



Winter



Fall

2015 4 years drought

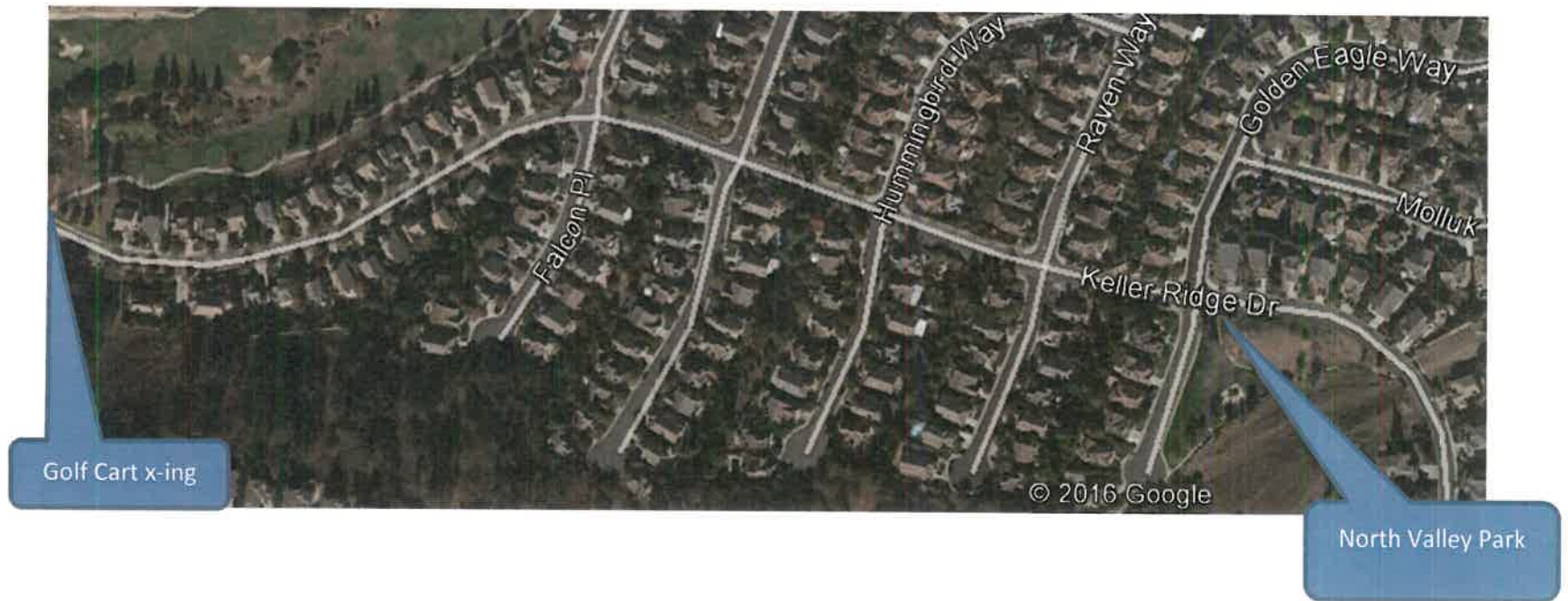


Attachment 7

2011 pre drought



Keller Ridge Drive From Golf Cart X-ing to North Valley Park

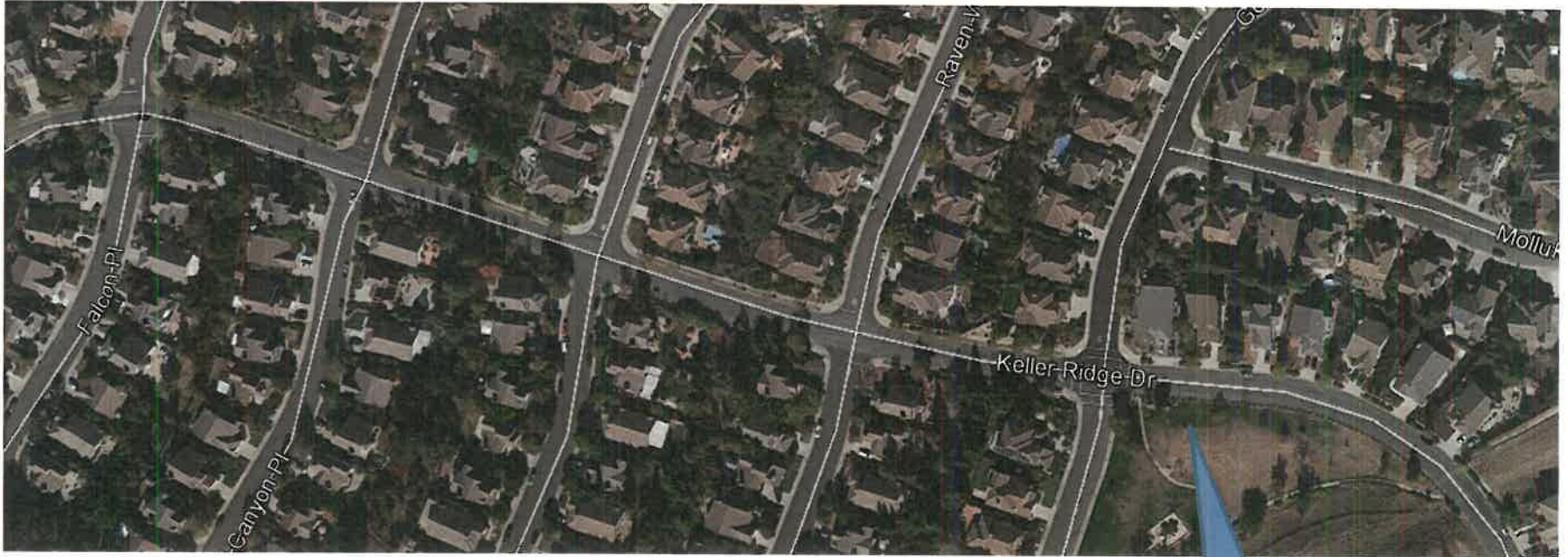


Attachment 8

Keller Ridge Drive From Golf Cart Xing to Falcon/Crow



Keller Ridge Drive From Falcon/Crow to North Valley Park



North Valley Park

Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Attachment 9

Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge at Falcon/Crow



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge at Windmill Canyon



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park

Keller Ridge at Hummingbird



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park

Keller Ridge at Raven



Keller Ridge Drive Street View from Golf Cart Xing up to North Valley Park



Keller Ridge at Golden Eagle



Agenda Date: 3/21/16

Agenda Item: 6b



Memo

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: March 21, 2016
Re: Consideration of committee members to serve on ad-hoc subcommittees

The TLC has typically used the ad-hoc subcommittee format to allow up to less than a quorum of members to work on items between form TLC meetings (five maximum on each). This allows for focus and time efficiency by the members and. Any such meetings and the work of them are through the direction of the entire TLC and by the ad hoc committee work is done by the members (no city staff support). The ad-hoc subcommittee can meet where ever and whenever they decide and would report back of their activities at the next scheduled TLC meeting. If needed their conclusions or matters of the ad-hoc subcommittee can be reviewed by the entire TLC at future meeting.

At this time there are three ad-hoc subcommittees:

- i. Adopt a Trail – Committee member Garcia (up to 4 more can participate)
- ii. Communication – Clayton Pioneer Article(s) – Committee members Chippero, Steiner (up to 3 more can participate)
- iii. Annual Report – Chair (up to 4 more can participate)

Recommended Action:

Select other members to serve on the existing Ad-hoc subcommittee.

Determine if to have any or other ad-hoc subcommittee(s) for 2016 such as Education and Outreach; and select members as appropriate. – *note: must be less than a quorum of the TLC for each ad-hoc subcommittee, ie: no greater than 5 members*

Memo



Agenda Date: 3/21/16

Agenda Item: 6c

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: March 21, 2016
Re: Status update of Landscape Maintenance District funding continuation ballot measure for June 7th 2016 election

March 16, 2015, June 6, 2015 and January 11, 2016 the TLC reviewed and considered the funding and budget history, operations and continued needs of the LMD and the current voter approved special parcel tax which expires in June 30, 2017 that provides the sole funding for the maintenance of the district.

January 11, 2016 meeting the TLC unanimously recommended to the City Council:

- The CFD 2007-1 Landscape Maintenance District funding extension by placed before the voters on the June 2016 election.
- The time period be for ten years.
- Retain the same tax rate methodology (annual CPI increase with annual cap of 3%) retain the Citizens Oversight Committee (Trails and Landscape Committee).
- Recommended some ideas on wording (within 70 word election code limit): to use the word continuation; use the word trails before landscape, include the duration as ten years, and include oversight by a Citizens Oversight Committee.

January 19, February 16 City Council meetings the Council reviewed the recommendations of the TLC at its and directed staff to proceed with a ballot measure.

March 1 the City Council held a public hearing and approved Resolution 12-2016 calling for the election on June 7th 2016, and approving the final ballot wording which included all of the TLC recommendations.

March 11, 2016 city staff completed the legal notice posting and publication calling for the election and ballot measure wording.

March 17th : Ballot Measure letter assignment from County Elections received as "H"

March 18th The City Attorney filed its Impartial Analysis with the City and County Elections office.

The City Council also retained its authority to submit and coordinate a ballot argument in support of the measure as the first priority. Councilmembers Haydon and Shuey were selected as an ad-hoc committee to prepare and coordinate filing which is due on or before March 23.

Beginning April 28, 2016, sample ballots and absentee ballots will be mailed by the County Elections office.

The TLC may prepare and provide education/informational materials about the ballot measure – only factual statements not advocating (ie: how to vote or support) – one of the existing ad hoc committees (ie: Communication) could be used for preparing such materials or a separate ad hoc. There must be less than the quorum of the body preparing such. After preparation all committee members could be involved in the dissemination of the materials at community events etc.

As citizen individuals, not as TLC members, you can be involved in advocacy through any separate (non TLC) community based group or individuals that may come together for such purpose.

PUBLIC NOTICE

MEASURE TO BE VOTED ON

NOTICE OF SPECIAL MEASURE ELECTION FOR THE CITY OF CLAYTON AND NOTICE OF DATE FIXED FOR SUBMITTING ARGUMENTS

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Clayton, located in the County of Contra Costa, State of California, that in accordance with law, an election will be held on **Tuesday, the 7th day of June, 2016**, for the purpose of submitting for approval or rejection the following measure, to be displayed on each individual ballot to wit:

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

Arguments for or against this measure may be submitted to the City Clerk, 6000 Heritage Trail, Clayton, CA, **no later than 5:00 P.M., March 23, 2016**, which has been determined by the elections official to be a reasonable date based upon the time necessary to prepare and print arguments. **No argument shall exceed 300 words in length.** Arguments must follow the following format:

1. Arguments should be in block form, however, bulleted lines will be allowed.
2. Your cooperation is requested in limiting the use of *italics*, **bold-faced type**, underlining and "ALL CAPITAL LETTER" WORDS.
3. Statements must be typed or word processed in standard upper and lower case.

A Statement That Argument is True and Correct, signed by the authors must accompany all arguments; a sample of this form is available by calling the City Clerk.

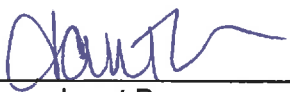
Pursuant to Section 9287 of the Elections Code, one argument for and one argument against this measure will be selected for printing and distribution to the voters with the sample ballot.

The elections official will provide an opportunity for rebuttal arguments in accordance with Section 9285 of the Elections Code. **Rebuttal arguments shall not exceed 250 words** and must be filed **no later than 5:00 P.M., March 28, 2016, 2016.**

For more information on filing arguments, call the City Clerk at (925) 673-7300.

The polls will be open Election Day between 7:00 A.M. and 8:00 P.M.

Dated: March 2, 2016
Posted: March 11, 2016



Janet Brown,
City Clerk, City of Clayton

NOTA: Si desea obtener la versión en Español de este aviso legal, puede solicitar una copia de la misma llamando al Departamento de Elecciones, (925) 335-7800.

IMPARTIAL ANALYSIS

Measure H would extend the special tax levied for the maintenance and operation of the City of Clayton's Citywide Trails and Landscape Maintenance District, known officially as Community Facilities District 2007-1 ("CFD") through Fiscal Year 2026/2027. This measure would not change the services provided by the CFD, the rate of adjustment or the method of apportioning the special parcel tax and requires the continuation of the Citizens Oversight Committee. The CFD's boundaries encompass the entire City of Clayton.

The tax revenue pays for costs related to the on-going operations and maintenance of the CFD's trails system, roadway landscape, open space weed abatement and fire breaks, including landscaping, irrigation, hardscape, lights, and electricity. The tax revenues are placed into a restricted fund through which all eligible expenses are tracked, paid and audited. The funds cannot be spent for any other purpose by the City or other agencies.

Following the advertised public hearing on March 1, 2016, the City Council adopted Resolution No. 12-2016 proposing to continue the special parcel tax in the CFD for ten years and placing Measure H on the ballot. In 2007, voters approved a special tax to fund the CFD through Fiscal Year 2016/2017. The current annual special tax amounts are:

Residential Parcels: \$ 234.84 per parcel per year.

Non-Residential Parcels: \$234.84 per parcel or fraction thereof per year.

The ballot measure continues the same tax rate methodology and same annual adjustment, including limiting any increases to the annual CPI, with no annual rate increase higher than 3% over the previous year. The proposed ballot measure would continue this same formula for an additional 10 years, until June 30, 2027.

Measure H requires approval from two-thirds of voters. If Measure H is not approved, the special tax will sunset and expire in June 2017. If Measure H is approved, the special tax will sunset and expire June 30, 2027.

Copies of all relevant reports, a boundary map of the CFD, and Council resolutions concerning the formation of the CFD are available for review in the office of the City Clerk (925-673-7300).

The above statement is an impartial analysis of Measure H. If you desire a copy of the measure, please call the City Clerk's office at (925-673-7300) and a copy will be mailed at no cost to you.

This analysis is prepared as an impartial analysis of the measure as required by California Government Code Section 53327 and Elections Code Section 9280.

Dated: March 18, 2016

Mala Subramanian

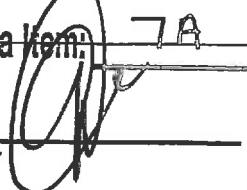
Malathy Subramanian, Clayton City Attorney

MEASURE LETTER ASSIGNMENT FOR THE 6/7/16 PRESIDENTIAL PRIMARY ELECTION

DISTRICT NAME	LETTER (EC 13109 & 2001 Policy)	TYPE OF MEASURE	PRIMARY ARGUMENTS	REBUTTAL ARGUMENTS
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT	A	BOND MEASURE 55%	3/23/16	3/28/16
BRENTWOOD UNION SCHOOL DISTRICT	B	BOND MEASURE 55%	3/23/16	3/28/16
LAFAYETTE SCHOOL DISTRICT	C	BOND MEASURE 55%	3/23/16	3/28/16
WALNUT CREEK SCHOOL DISTRICT	D	BOND MEASURE 55%	3/23/16	3/28/16
LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT	J	BOND MEASURE 55%	Alameda Co.	Alameda Co.
CITY OF ANTIOCH	E	INITIATIVE MEASURE	Contact City Clerk	Contact City Clerk
CITY OF ANTIOCH	G	TREASURER ELECTED TO APPOINTED	Contact City Clerk	Contact City Clerk
CITY OF CLAYTON	H	PARCEL TAX MEASURE 2/3	Contact City Clerk	Contact City Clerk
CITY OF OAKLEY	K	SPECIAL TAX MEASURE 2/3	Contact City Clerk	Contact City Clerk

DISTRICT NAME	LETTER (EC 13109 & 2001 Policy)	TYPE OF MEASURE	PRIMARY ARGUMENTS	REBUTTAL ARGUMENTS
CITY OF ORINDA	L	BOND MEASURE 2/3	Contact City Clerk	Contact City Clerk
CITY OF PITTSBURG	M	SALES TAX MEASURE Majority	Contact City Clerk	Contact City Clerk
CITY OF RICHMOND	N	INITIATIVE AMEND GENERAL PLAN Majority	Contact City Clerk	Contact City Clerk
CITY OF RICHMOND	O	INITIATIVE AMEND COMPENSATION PAID Majority	Contact City Clerk	Contact City Clerk
SAN FRANCISCO BAY RESTORATION AUTHORITY	AA	PARCEL TAX MEASURE 2/3	3/23/16	3/28/16



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

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Laura Hoffmeister, Assistant to the City Manager 

MEETING DATE: March 1, 2016

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

RECOMMENDATION

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

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

BACKGROUND

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

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

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

Meeting Date: March 1, 2016

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

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

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

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

DISCUSSION

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

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

Meeting Date: March 1, 2016

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

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

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

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

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

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

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

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

Meeting Date: March 1, 2016

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BALLOT MEASURE AND ELECTION PROCEDURES

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

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

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

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

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

FISCAL IMPACT

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

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

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

Meeting Date: March 1, 2016

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

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

Attachment:

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

- City has historically maintained its landscape and open space via special restricted funds from special parcel tax.
- Prior to 1997, (2) special tax districts for the care and maintenance of public roadway landscaping, trails and open space. The “Clayton Landscape Maintenance District” covered neighborhoods in the original sections of town and had an annual tax rate of \$112.20. per parcel.
- When Oakhurst was built a new additional district was created with an initial annual tax rate of \$205 parcel.
- Other areas of the city were not included in any landscape maintenance district (e.g. Dana Hills), although they received similar general benefits for the care and maintenance of citywide roadway landscaping, trails and open space.
- If Original Oakhurst rate kept with inflation it would be \$328 per year today (or \$100 more than current)

- November 1997 (1) uniform special tax rate, Measure E which created a Citywide Landscape Maintenance District (CFD 1997-1) for a ten (10) year period. (rate equalization over three year period to \$111/year.)
- June 2007 voters pass Measure B to replace the 1997 funding source.
- Measure B received 82.94% voter approval (more than the minimum 66.66% required for a special tax).
- The tax revenue pays for costs related to the operation, maintenance, repair and replacement landscaping, irrigation, roadway landscaping, trails and open space including fire breaks.
- City parks are not maintained by this special tax (but through the General Fund).

- The City Council also set forth a Citizens Oversight Committee for the Landscape Maintenance District (generally known as the Trails and Landscape Committee).
- This tax currently at \$234.84 /year expires in 2017.
- (TLC) considered the expiration and potential ballot measure to continue at 3 public meetings:
 - March 16, 2015,
 - June 6, 2015
 - January 11, 2016.
- The TLC unanimously recommended:

- Extension be placed before the voters in the June 2016 election.
- The time period be for 10 years
- The tax rate methodology as currently exists
(this includes annual CPI increase not to exceed 3% annually)
- Retain the Citizens Oversight Committee

- 4,103 parcels subject to the special tax
 - 4,043 are residential
 - 60 are non-residential.
- total revenue FY 2015-16 is \$1,029,751.
- tax revenues are placed into a Special Revenue (restricted use) Fund (No. 210) eligible expenses are tracked, paid and audited.
- LMD has/will reinvested \$1.4 million since 2008 (\$1.1 million completed plus \$300,000 planned with subdivision entry landscape project recently reviewed by the TLC and City Council)
- Allowable expenses include only that for the purposes of the Landscape District Operation and Maintenance District such as materials, supplies, equipment, utilities, labor, and administration (currently \$33,863/year; 3.3%).
- the City's \$4 million General Fund budget could not absorb this annual \$1 million service cost. (Police use 51% of GF)

- January 19, 2016 public meeting the City Council directed staff to move forward on the June 2016 election for continuing the LMD funding.
- Set March 1st as the public hearing
- Authorized Councilmembers Pierce and Haydon to work with staff on the ballot measure wording.

RESOLUTION NO. 12 - 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. Impartial Analysis. Pursuant to Government Code section 53327 and Elections Code section 9280, the City Clerk shall transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed with the City Clerk by March 18, 2016.

SECTION 7. Ballot Arguments. Arguments in favor of and in opposition to the ballot measure and rebuttal arguments shall be permitted, and the City hereby adopts the provisions of Elections Code sections 9282 and 9285(a), regarding the acceptance of arguments relating to ballot measures. Primary arguments shall be filed with the City Clerk by March 23, 2016. Rebuttal arguments shall be filed with the City Clerk by March 28, 2016.

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

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

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

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

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

AYES: Mayor Geller, Vice Mayor Diaz, Councilmembers Haydon, Pierce and Shuey.

NOES: None.

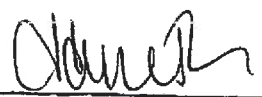
ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA


Howard Geller, Mayor

ATTEST:


Janet Brown, City Clerk

RESOLUTION NO. 07 -2016

**A RESOLUTION OF CONSIDERATION TO EXTEND FOR TEN YEARS
THE EXISTING SPECIAL TAX SUBJECT TO THE
SAME ADJUSTMENT METHODOLOGY FOR COMMUNITY
FACILITIES DISTRICT 2007-1**

**CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance District)**

WHEREAS, the City of Clayton established Community Facilities District 2007-1 (“CFD”) within the City of Clayton, authorized the levy of a special tax on real property within the CFD and established an initial appropriations limit for the CFD; and

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

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (“Act”), Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, the City Council of the City of Clayton has determined the public convenience and necessity require that an extension of the existing special tax should be proposed within the CFD to extend the existing special tax for ten years, from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2026/2027 (i.e., ending June 30, 2027), subject to the same adjustment methodology and that it should, therefore, adopt a Resolution of Consideration pursuant to Sections 53331 and 53334 of the Act to initiate proceedings for the consideration of such special tax levy; and

WHEREAS, the City Council wishes to schedule a public hearing on such proposed tax extension for March 1, 2016.

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

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

SECTION 2. Affected Area. The affected area is the Community Facilities District 2007-1 (Citywide Landscape Maintenance District) (“CFD”). The territory within the District is generally shown and described on the map of the boundaries of the CFD which was recorded in the Contra Costa Recorder’s Office on January 23, 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts.

SECTION 3. Extended Special Tax. The City Council proposes that an extension of the existing special tax should be levied within the CFD to extend the existing special tax, at its current and existing rate and method of apportionment, for ten years from Fiscal Year 2017/2018 through Fiscal Year 2026/2027 (“Special Tax”). As such, all references to the expiration or term of the Special Tax in the rate and method of apportionment shall reflect the new expiration date

of Fiscal Year 2026/2027. The rate and method of apportionment for the Special Tax, subject to the extended term set forth in this section, is more particularly described and set forth in Resolutions No. 06-2007 and 07-2007. True and correct copies of these Resolutions are attached as Exhibit A and incorporated by this reference and are on file with the Clayton City Clerk.

SECTION 4. No Changes to Services. This Resolution does not propose any changes to the services or facilities provided by the CFD. The CFD would continue to provide operation and maintenance services for the Citywide Landscape Maintenance District through the extended term of Fiscal Year 2026/2027 as it currently does without any amendments or modifications.

SECTION 5. Appropriations Limit. The previously approved appropriations limit for the CFD shall not be effected by this Resolution and shall be adjusted by the City as permitted by applicable law.

SECTION 6. Public Hearing. Notice is given that on March 1, 2016, at 7:00 p.m. or as soon thereafter as the matter may be heard, at Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA 94517, a public hearing will be held where the City Council will consider the extension of the Special Tax as proposed herein. At the above-mentioned time and place for public hearing any persons interested, including taxpayers and property owners may appear and be heard. The testimony of all interested persons for or against the Special Tax will be heard and considered. Any protests may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing. If a written majority protest is filed against the Special Tax, the proceedings shall be abandoned.

SECTION 7. Election. If, following the public hearing described in the Section 6 above, the City Council determines to approve the extension of the existing Special Tax, the City Council shall then submit the amendment to the qualified electors of the CFD. As at least twelve (12) persons have been registered to vote within the CFD for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters of the CFD, with each voter having one (1) vote. Approval of the Special Tax shall require two-thirds approval of those voting on the measure.

SECTION 8. Notice. The City Clerk shall provide notice of the public hearing identified in Section 6 as required by Government Code sections 53322 and 53335. The City Council elects not to provide the optional notice permitted by Government Code section 53322.4.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular meeting thereof held on January 19, 2016 by the following vote:

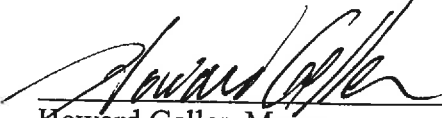
AYES: Mayor Geller, Councilmembers Haydon, Pierce and Shuey.

NOES: None.

ABSENT: Vice Mayor Diaz.

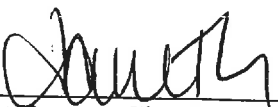
ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA



Howard Geller, Mayor

ATTEST:



Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on January 19, 2016.



Janet Brown, City Clerk

EXHIBIT A

**A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT) FOR A PERIOD OF TEN
YEARS, AND AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND
PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR**

**The City Council
City of Clayton, California
Community Facilities District 2007-1
(Citywide Landscape Maintenance)**

WHEREAS, on 16 January 2007 this City Council adopted Resolution No. 04 - 2007 entitled "*A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Citywide Landscape Maintenance District for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein*" (the "Resolution of Intention"), stating its intention to form the City of Clayton, Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the Services (as described herein) to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services (as hereafter defined) with respect to the CFD, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on 20 February 2007 this City Council held a duly noticed public hearing as required by the Act on the Resolution of Intention relative to the proposed formation of the CFD; and

WHEREAS, at said public hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the City Manager (the "Report") as to the Services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk; and this City Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein, as set forth in Exhibit A hereto, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.

NOW, THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. Recitals. The foregoing recitals are true and correct.
2. No Majority Protest. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Act.
3. Prior Proceedings. All prior proceedings taken by this City Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This City Council hereby finds and determines that the CFD is in conformity with the goals and policies heretofore adopted by this City Council with respect to the formation of the CFD.
4. CFD Established. The community facilities district designated "City of Clayton, Community Facilities CFD No. 2007-1 (Citywide Landscape Maintenance)" is hereby established pursuant to the Act.
5. Boundaries Described. The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Contra Costa County Recorder's Office on 23 January 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts, are hereby approved and incorporated herein by reference and shall be the boundaries of the CFD.
6. Services. The type of public Services proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as Services on Exhibit A attached hereto and by this reference incorporated herein (the "Services").
7. Special Taxes. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof, secured by a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method

of apportionment of the special tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the probable maximum amount such owner will have to pay, are described in Exhibit B attached hereto and by this reference incorporated herein.

8. Tax Collector For City. The City Manager, 6000 Heritage Trail, Clayton, California, 94517 telephone number (925) 673-7300 is the officer of the City who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

9. Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City ceases.

10. Appropriations Limit. In accordance with Section 53325.7 of the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$850,550.00 and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

11. Election. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

12. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

WR Walcutt
William R. Walcutt, Mayor

ATTEST:

Laci J. Jackson
Laci J. Jackson
City Clerk

###

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services to be financed by the special taxes of the City of Clayton Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") shall include the Maintenance of:

A. Public Roadway Landscaping – which includes but is not limited to the following improved rights-of-way:

- Atchinson Stage Road – from Pine Hollow Road to Caulfield Drive
- Black Point Place – center median island.
- Caulfield Court – center median island.
- Center Street – from Oak Street to Clayton Road.
- Clayton Road – from the western city limits to the southern Marsh Creek Road intersection.
- Cul-de-sacs: landscaped areas at end of Ahwanee Lane, Wawona Court, Tuyshtak Court, Antelope Court, Obsidian Court, Blue Oak Lane, Falcon Place, Windmill Canyon Place, Hummingbird Place, Raven Place, and Golden Eagle Place.
- Diablo Parkway – from Marsh Creek Road to El Portal Drive.
- Eagle Peak Avenue – from the east intersection with Oakhurst Drive to just west of the Ohlone Heights intersection, and including the west intersection with Oakhurst Drive.
- Indianhead Way – entrance area at Oakhurst Drive
- Indian Wells Way – both entrance areas with Oakhurst Drive, and center medians up to Anizume Court and Jalalon Place.
- Jeffry Ranch Court – center median island.
- Keller Ridge Drive – to Golden Eagle Place intersection.
- Lydia Lane – from intersection of Clayton Road to Lydia Lane Park.
- Main Street – from Clayton Road to (old) Marsh Creek Road.
- Marsh Creek Road – from the northern intersection of (old) Marsh Creek Road to the eastern city limits.
- Oakhurst Drive – from the western city limits to Clayton Road intersection.
- Peacock Creek Drive – from Clayton Road to approximately the Pebble Beach Drive intersection.
- Pine Hollow Road – from Atchinson Stage Road to Panadero Way.
- Regency Drive – median entrance from Marsh Creek Road.
- So. Mitchell Canyon Road – from approx. Del Trigo Lane to Herriman Court intersection.

B. Open Space and Trails – which include but are not limited to:

Publicly-owned creek-side, intra-community and open space trails located within the boundaries of the CFD.

C. Clayton Fountain – which includes but is not limited to:

Maintenance to the fountain itself, rock structure and all attendant appurtenances, including the geyser and water pump system as well as the surrounding public landscaped area located at east side of the intersection of Oakhurst Drive, Center Street and Clayton Road.

Definitions

“Maintenance” means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of the public landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any landscaping and appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, moles and wild pigs. “Maintenance” also includes the furnishing of water for irrigation of the public landscaping, and the supply of electricity to operate the attendant irrigation systems.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

“Costs” means the costs and expenses directly or indirectly incurred by the City in connection with the Maintenance described above. Allowable Costs payable from special taxes of the District also include the County’s imposed cost to levy and collect the District’s assessment through the annual property tax bill, the City’s shared equipment and facilities charges, City prorated overhead charges to administer and manage the District and collect the special taxes, and District reserve funds for replacement and major repairs.

EXHIBIT B

**CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)**

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:

Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.

Exempt Parcels:

Parcels of land owned by a public agency, right-of-way parcels, schools, hospitals, cemeteries, mortuaries, libraries, parks, mineral rights, private roads, pipelines, public parking facilities and common areas.

Residential Parcels:

Taxable parcels of land that are classified as either single-family, condominium, townhouse, multi-family or rural residential parcels.

Non-residential Parcels:

Taxable parcels that are not classified as "Residential Parcels".

Special Tax:

The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels:

An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: \$196.77

B. Non-residential Parcels: An annual special tax will be levied on all Non-residential Parcels at the per acre rate shown below for each fiscal year 2007-2008 through 2016-2017:

Non-residential Parcel Annual Special Tax Rate: \$196.77 per acre or fraction thereof, based on parcel size as shown on the then-current County tax roll.

Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

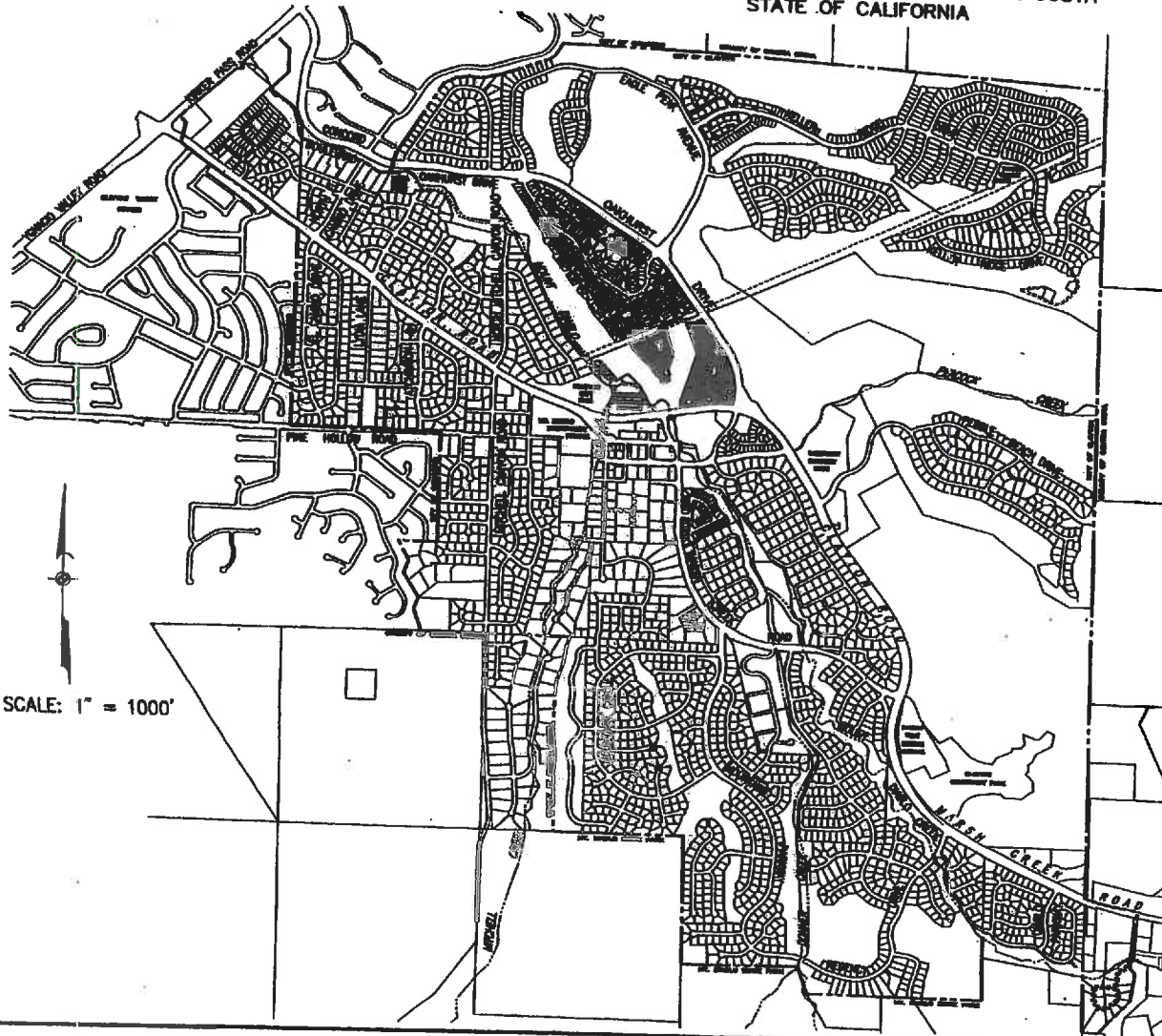
Special Tax Escalator Factor

In fiscal years 2008-2009 through 2016-2017, the special tax may be increased annually by the Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined to be necessary due to expected increases in the operational and maintenance expenses attributable to the CFD. Such determination shall be made by action of the Clayton City Council, which must occur at a regular public meeting thereof accompanied by a prior recommendation of the citizens' Trails and Landscaping Committee established by the City Council in February 2006 (City Resolution No. 08-2006). In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

Relationship to Special Tax of Community Facilities District 1997-1

An intent of the new Community Facilities District 2007-1 is to replace the City's Community Facilities District 1997-1 that levied an annual special tax for Citywide Landscape Maintenance purposes during the last ten years and which special tax automatically expires on June 30, 2007. No further special tax can be levied by CFD 1997-1.

**PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(DOWNTOWN PARK OPERATION AND MAINTENANCE DISTRICT)**
CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 4th DAY OF JANUARY, 2008.

BY: Daisy Jackson
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 11th DAY OF JANUARY, 2008, BY ITS RESOLUTION NO. 04-2007.

BY: Daisy Jackson
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 4th DAY OF JANUARY, 2008, AT THE HOUR OF 2:00 O'CLOCK P.M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 15, AND AS INSTRUMENT NUMBER 07-22014 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: STEPHEN L. WEIR
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: J. Mendler
DEPUTY COUNTY RECORDER

LEGEND

----- CITY LIMIT LINE AND
COMMUNITY FACILITY DISTRICT BOUNDARY

FILED JAN 14 2008 2:04 PM BY REC'D 2. CONRA COSTA COUNTY RECORDER'S OFFICE 1500 MARKET STREET, SAN FRANCISCO, CA 94102

RESOLUTION NO. 07- 2007

**A RESOLUTION CALLING SPECIAL ELECTION
IN A COMMUNITY FACILITIES DISTRICT**

**THE CITY COUNCIL
CITY OF CLAYTON, CALIFORNIA
Community Facilities District 2007-1
(Citywide Landscape Maintenance)**

WHEREAS, on this date, this City Council adopted its Resolution No. 06 -2007 entitled "A Resolution of Formation of a Community Facilities District (Citywide Landscape Maintenance District) for a Period of Ten Years, and Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor" (the "Resolution of Formation"), ordering the formation of City of Clayton Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD at a special election as required by the Act; and

WHEREAS, this City Council desires that the special election be consolidated with any other election to occur in the City on June 5, 2007 and that the proposition be included on the ballot for such election which ballot is prepared by the officer charged with the duty of conducting the general and special elections for the County of Contra Costa, such official being the Registrar of Voters of the County of Contra Costa (the "Election Official"); and

WHEREAS, Section 9280 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9281 to 9287 of said code authorize the filing of written arguments for or against any ballot proposition, and, if adopted by the City Council, rebuttal arguments.

NOW, THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. Issues Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issues of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below. The question to be voted upon as it shall appear on ballot shall be as follows:

Shall a new Community Facilities District 2007-1 (Citywide Landscape Maintenance District) be funded to replace the expiring District for a period of ten years to operate and maintain public roadway landscaping, trails system, open space weed abatement and related costs, with an annual levy of a special tax in the initial amount of \$196.77 per residential parcel and per non-residential acre or fraction thereof, and with an initial yearly appropriations limit of \$850,550?

The full text of the measure to be printed in the Voter Pamphlet shall include the "Description of Services to be Financed by the CFD" and the "Rate and Method of Levy of Special Tax", attached as Exhibits "A" and "B", respectively, to the Resolution of Formation of a Community Facilities District (Resolution No. 06 -2007).

2. Qualified Electors. Pursuant to Section 53326 of the Act, the vote shall be by the registered voters of the proposed CFD, with each voter having one vote.

3. Conduct of Election. This City Council hereby calls a special election (the "Election") to consider the measure described in paragraph 1 above, which election shall be held on June 5, 2007, and conducted by the Election Official. Within three business days of the adoption of this Resolution, the City Clerk shall provide to the Election Official a copy of this Resolution, a certified map of the proposed boundaries of the CFD, and a sufficient description to allow the Election Official to determine the boundaries of the CFD.

The Election is hereby ordered consolidated with any other election to be held within the City on said date, and within the territory affected by the consolidation; the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating general and special elections in the City and State and specified herein. The precincts used at the election shall be those used for citywide municipal elections, and, where necessary, the County Clerk may adjust precinct lines to coincide with the boundaries of the City. The Board of Supervisors of the County of Contra Costa is hereby requested to order the consolidation of the Election hereby called with any other election held in the City on said date, and to permit the County Clerk and the County Election Department to render services relating to the conduct of said election, which services will be determined by the City and the County Election Department, and the Board of Supervisors of the County of Contra Costa is hereby authorized to canvass the returns of said special municipal election, and said election shall be held in all respects as if there were only one election, only one form of ballot shall be used and the returns of the election need not be canvassed by the City Council. The City Clerk is hereby authorized and directed to work with the Elections Official and other appropriate officials of the County to ensure that the applicable requirements of the Elections Code are met.

4. Ballot Materials. The City Attorney is hereby requested to prepare and to provide to Election Official the ballot material described in Section 53327 of the Act.

Impartial Analysis. The City Clerk is hereby directed to submit to the City Attorney a certified copy of the measure set forth above. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measures showing the effect of the measures on the existing law and the operation of the measures, said analysis to be submitted by the City Attorney to the Election Official for printing before the arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California. The deadline date for the submittal of the analysis and primary arguments shall be March 13, 2007.

5. Filing of Primary and Rebuttal Arguments. The deadline for filing primary arguments concerning the ballot measure is March 13, 2007. Provisions for Rebuttal Arguments have been previously adopted by the Council. Rebuttal arguments must be filed by March 23, 2007.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

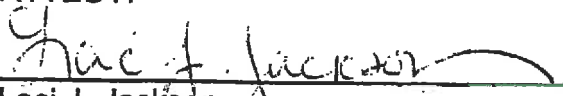
ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA



William R. Walcutt, Mayor

ATTEST:



Laci J. Jackson
City Clerk

7. PUBLIC HEARINGS

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

Assistant to the City Manager Laura Hoffmeister provided a brief history of the Citywide Landscape Maintenance District along with a slideshow presentation. She advised back in 1997 the Clayton Landscape Maintenance District collected varying tax amounts from different geographic areas of Clayton to fund the Landscape District's maintenance obligations. There were also some areas of the city that were not contributing to the public fund yet were receiving benefits from the overall citywide maintenance of the public landscaping and trails. In November 1997, Measure E was created for rate equalization on all residential parcels in the city, which ballot measure passed for 10 years.

In June 2007, local voters passed Measure B to continue the Citywide Landscape Maintenance District and its parcel tax by an 82.94% voter approval. She noted the revenue from this separate fund does not cover maintenance of the City parks. Members of the District's citizens' advisory oversight committee, the Trails and Landscaping Committee, unanimously recommends, since this parcel tax and the capability to maintain these public services will expire in June 2017, that a ballot measure to continue the services and the parcel tax be placed on the June 2016 election ballot for voter consideration. The proposal is to continue the parcel tax for another ten years using the same tax methodology, including the annual Consumer Price Index cap not to exceed 3% annually.

In addition to ordering the ballot measure tonight on the June 2016 election, Ms. Hoffmeister also asked the Council to include a motion to form a City Council ad-hoc committee to author the argument in Favor of the Ballot Measure.

Councilmember Pierce noted the investment of \$1.4 million over the last 9 years is associated with actual capital improvements conducted by the City through the District to the public landscaping and the trails, while most of annual tax funds are applied to the continued operations, maintenance and landscape repairs. She noted voters did not want to issue tax revenue bonds for capital improvements, favoring instead a pay-as-you-go plan for such upgrades within available annual revenues.

Mayor Geller opened the Public Hearing to receive public comments.

Dan Hummer, 282 Stranahan Circle, inquired on how the special tax of \$234.84 compares to neighboring communities? Ms. Hoffmeister advised not every city has a Citywide Landscape Maintenance District; however, San Ramon charges in the range of \$200 - \$600 per year, east Contra Costa communities charge about \$400 per year. She added that Clayton's Citywide Landscape Maintenance District's rate can only be increased annually by changes in the Consumer Price Index, and only then to a maximum of 3% per year.

City Manager Napper offered a quick calculation that Clayton's Citywide Landscape District Maintenance annual cost breaks down to a monthly expense of \$19.57 per parcel. In comparison of monthly Homeowner Association Fees (HOA) fees paid within the community to take care of lesser common areas, the District's tax rate to provide maintenance of the public common areas throughout the city is considerably less.

Mayor Geller noted the tax collected also takes care of the trails located in Clayton. Councilmember Shuey also recalled the original Citywide Landscape Maintenance District fee was proposed at approximately \$440 per year.

With no other persons wishing to speak, Mayor Geller closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt Resolution No. 12-2016 calling an election to continue the existing special parcel tax subject to the same adjustment methodology for Community Facilities District (CFD) 2007-1 "Citywide Trails and Landscape Maintenance District". (Passed; 5-0 vote).

It was moved by Councilmember Pierce, seconded by Mayor Geller, to form a City Council Ad-hoc Committee comprised of Councilmember Haydon and Councilmember Shuey to author the Argument in Favor of the ballot measure, in addition to penning the Rebuttal Argument, if any. (Passed; 5-0 vote).

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

Community Development Director Mindy Gentry presented the staff report advising this item was presented to the Planning Commission on February 9, 2016 where a Resolution was approved recommending the City Council adopt an Ordinance banning cannabis delivery services and cannabis testing facilities in the city of Clayton. Recent state laws allow a city to regulate or prohibit either or both so it is a policy decision for the City Council.

Councilmember Haydon advised it appears some information was left off page 3 of the Staff Report and asked for clarification. Ms. Gentry responded the staff report information referencing the cannabis delivery services website was updated upon notification of the missing information, along with an email to the Councilmembers prior to this evening's meeting. The delivery data may be found on the internet as weedmaps.com. She added there seems to be 10 companies currently delivering medical cannabis to Clayton requestors.

Councilmember Haydon inquired if there are any proposed state actions that would affect cannabis testing facilities or deliveries. Ms. Gentry added there are a handful of state initiatives weaving through the process with a proposed cannabis recreational use measure to be placed on the November 2016 ballot for voter consideration.

Vice Mayor Diaz indicated he is a member of the Public Safety Policy Committee of the League of California Cities and its recent discussions on this subject noted an established regulatory state bureau of consumer affairs will not be established until 2018. Meanwhile, under federal law, cannabis use is still illegal although enforcement has been withheld. Because of the federal law, banks are unable to accept monies from marijuana sales as they risk potential loss of their Federal Deposit Insurance Corporation (FDIC) certification.

Mayor Geller opened the Public Hearing for public comments.

Gary L. Carr, 714 Bloching Circle, expressed his concerns with the proposed Ordinance banning medical cannabis deliveries; he noted no opposition to the lab testing prohibition. He would like to see the subjects decoupled as they are two separate issues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No City Council action was taken.

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

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

Mayor Geller opened the item to receive public comments.

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

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

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

Mayor Geller expressed concerns over the degradation in Level of Service (LOS) for signalized intersections as being characterized by Pittsburg as not having significant impact to the citizens of Clayton. Of course Clayton residents will be negatively impacted.

Councilmember Pierce recalls agreements Clayton made on the Oakhurst Development for developer monies contributed to upgrade signalized intersections on these same roads. She further noted certain East County developments conditions were to install a metering light at Nortonville Road that has not been enforced. Ms. Pierce suggested Clayton should advise Pittsburg of working with CCTA now and in the future to implement advances in technology which could incorporate adaptive traffic smoothing and signal synchronization as solutions to move traffic along these routes and to also study the corridor to Highway 680.

City Manager Mr. Napper suggested with Councilmember Pierce's regional transportation knowledge and assistance, staff draft a letter for Mayor Geller to send to the mayor of Pittsburg expressing Clayton's grave concerns about the developments' impacts to traffic needs of Clayton's residents and visitors and to include the noted suggestions.

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

City Council general direction was provided to staff to prepare a Mayoral letter to the mayor of Pittsburg noting the City's concerns regarding traffic impacts from the proposed Tuscany Meadows and Montreux subdivisions in the city of Pittsburg, and send an additional letter to the mayor of Concord inviting them to join in sharing similar concerns over traffic impacts.

(e) Discussion of Ballot Measure variables for renewal/extension of the Citywide Landscape Maintenance District's existing real property special tax and rate methodologies for voter consideration at a June 7, 2016 local special election to maintain funds for the annual operation and maintenance of Citywide Landscape Maintenance District over a proposed time period of ten (10) years commencing , Fiscal Year 2017-2018; and adopt a Resolution of Consideration to set a public hearing for March 1, 2016 regarding the potential time extension thereof.

Assistant to the City Manager Laura Hoffmeister presented the staff report noting Measure B funds for the Citywide Landscape Maintenance District are dedicated and restricted to the maintenance, repair, replacement landscape, trees, and irrigation systems located within the public roadway landscaped areas and medians, on City trails, and in City open space including annual fire breaks, weed abatement and exotic weed control. City parks are not maintained by this special tax. Prior to 1997 there were two special tax districts that covered certain neighborhoods and the Oakhurst Development; the districts were eventually merged by voter approval into a singular maintenance district funded by a special parcel tax. In 2007, a uniform special tax rate of the general benefit areas was passed by voters at an 82% affirmative vote for a ten year period. That special parcel tax is set to expire at the end of FY 2016-17.

The Trails and Landscaping Committee reviewed and considered the extension of this tax and unanimously recommends its extension for an additional 10 years using the same methodology as currently exists. The collection of the tax will continue to be done by Contra Costa County. The ballot measure to extend the special tax must be submitted to the voters and will still require two-thirds voter support to be approved. Staff and the Trails and Landscaping Committee each support the submittal of this ballot measure to the voters in June 2016.

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

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt Resolution No. 07-2016, a Resolution of Consideration to extend for ten years the existing special tax subject to the same methodology for Community Facilities District 2007-1, and setting the noticed Public Hearing for March 1, 2016. (Passed; 4-0 vote).

(f) City Council discussion to determine the date, time and location for the City Council's annual Goals and Objectives Setting Session with its City Manager.

The City Manager indicated the Staff Report contained monthly calendars of January and February 2016 to assist the City Council in its selection of a date for its annual Goals and Objectives Setting Session.

Councilmember Pierce suggested Monday, January 25th at 4:30 p.m.

City Councilmembers reviewed their calendars and discussed options and availability.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to call a City Council special meeting on Monday, January 25th, at 4:30 in the 3rd Floor Conference Room at City Hall for this purpose. (Passed; 4-0 vote).

9. **COUNCIL ITEMS**

Mayor Geller requested a future agenda item to consider impacts to Clayton regarding proposed developments in the Deer Valley/Lone Tree area of East County.

10. **CLOSED SESSIONS** – None.

11. **ADJOURNMENT** – on call by Mayor Geller, the City Council adjourned its meeting at 9:43 p.m.

The next regularly scheduled meeting of the City Council will be February 2, 2016.

#

Respectfully submitted,

Janet Brown, City Clerk

Agenda Date: 3/21/16

Agenda Item: 7a

Adopt a Trail

Committee member Garcia has agreed to work on the Adopt a Trail additional committee members up to 4 more plus members of the public can assist.

The Adopt a Trail was a creation in about 2010 of TLC committee members with approval by the City Council as a way to engage the public in steward and care of the City trails and to generate some funds that could be used on trail maintenance.

It is not a required function of the TLC- Citizens Oversight Committee. The only legal minimum requirement of Measure B of the Citizens Oversight Committee is the Annual Report.

The program does not need to be done by all TLC members but it would be desirable for at least one member to be the lead. Staff's role is just to report on the fiduciary funds, committee members or other members from the public are to seek out adopters and obtain and submit to staff appropriate adoption forms and funds etc. and report updates to the TLC.

Adopt a Trail is not a 501 c3. Funds collected are kept separate and used for trail maintenance and trail improvement projects based on input from the TLC. Separate accounting and budgets are kept and provided to the TLC for Adopt a Trail. The City has information on IRS rules for donations to Cities as it relates to tax deductions and will provide the information as part of the informational materials.



ADOPT A TRAIL



The program aims to:

- Augment financing provided by Measure B the voter approved Landscape Maintenance District, all funds from program sponsors and volunteers also known as adopters are used for the program and trail system maintenance only.
- Provide a venue for volunteers to help Clayton maintain and enhance its trail network
- Make the trails cleaner
- Celebrate the sponsors and volunteers that help Clayton keep the trail network one of the distinguishing characteristics of our community
- Foster civic pride through volunteerism, philanthropy, and cleanliness

The Trails and Landscape Committee has initially identified 11 trail segments to adopt. Each segment has a financial adopter and a clean-up adopter. Besides paying the every two year fee (\$1,000 for financial adopters and \$200 for clean-up adopters), clean-up groups must identify a leader/contact person and complete the attached form. Adopters are recognized on their trail segment with a name plaque on a trail marker. Markers are installed at the time a financial sponsor is found for that trail segment.

Segments are assigned on a first-come, first-served basis. Adopters wanting recognition on the trail markers must also provide information that conforms to the city design specs for the markers.

If you are interested in participating in this program or would like additional information please contact Committee member **Christopher Garcia** at email: chrislgarcia@hotmail.com



City of Clayton
Clayton Adopt-a-Trail Program

APPLICATION

Date: _____

Adopt-a-Trail Group: _____

TYPE OF Sponsor (circle one) Financial Labor-Clean Up

Group Contact: _____

Contact's Mailing Address: _____

Phone Number: _____ Email: _____

Requested Segment to
Adopt: _____

Tentative Start Date: _____

Average number of volunteers per work day: _____

STATEMENT OF AGREEMENT

As representative of this organization, I have read and agree to abide by the policies, regulations and safety recommendations as put forth by the City of Clayton's Public Works and Engineering Department. I understand that this is an application for the Adopt-a-Trail program and that a representative from the city will contact me to finalize an agreement. I understand that the Department will make the final determination as to whether a group can participate and the final segment assignment designation. I understand that each volunteer must sign a City of Clayton Voluntary Service Agreement and Liability Waiver before participating in the program. Finally, I understand that the city reserves the right to terminate this agreement at any time.

Adopter/sponsor Group Coordinator -Contact

Name print

(signature/date)

ADOPT-A-TRAIL WORK PLAN : Sponsor/Adopter Name _____

Proposed Program Plan for: _____
[Insert Trail Segment Name]

Adopt-a-Trail Projects could include but are not limited to the following items, please mark all that apply to your project. This must be approved by the Department of Public Works and Engineering before work can begin.

Suggested Project Items

- Pick up litter and debris (required)
- Remove weeds (required)
- Raking and sweeping (required)
- Minor repairs of surfaces/furnishings
- Other _____
- Monitor/report maintenance needs (req)
- Plant trees*
- Plant and maintain flowerbeds*

* The planting of all flowers, trees and other plants must be pre-approved by the city. Support for special projects by adopting organizations will be arranged through the Trails and Landscaping Committee.

WORK SCHEDULE

Each group is required to have at least one work day every 4 months (total of 3 per year). Please list tentative dates for each work day. You will be expected to inform the Department of any date changes **at least 2 weeks in advance**.

Work Day #1 _____	Additional Work Days _____
Work Day #2 _____	_____
Work Day #3 _____	_____

Name(print)

Trails Landscape Committee member Name (print)

(signature/date)
Financial and/or Volunteer Clean up
Group Coordinator

(signature/date)
Trails and Landscaping Committee member

POLICIES

- The city will provide necessary trash bags, debris pickup, and hauling to ensure the success of ongoing tasks.
- Adopting organizations may keep and haul away for resale off site all recyclable trash they pickup.
- No one under the age of 14 may participate without adult supervision.
- While performing services at special project sites adopters will conform, at a minimum to the State of California Standard Specifications for hours of work, noise abatement, traffic control, erosion control, fire protection and management of materials.

(signature/date)

Group Coordinator

(signature/date)

[for the Trails and Landscaping Committee]

**Please return application to Christopher Garcia, Trails and Landscape Committee member c/o Clayton City Offices, 6000 Heritage Trail, Clayton CA 94517
For questions, please contact Chris Garcia at chrislgarcia@gmail.com**

Payment received: _____
Date

By: _____

POLICIES

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- Adopting organizations may keep and haul away for resale off site all recyclable trash they pickup.
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(signature/date)

Group Coordinator

(signature/date)

[for the Trails and Landscaping Committee]

Please return application to Christopher Garcia, Trails and Landscape Committee member c/o Clayton City Offices, 6000 Heritage Trail, Clayton CA 94517

For questions, please contact Christopher Garcia at chrisLgarcia@gmail.com

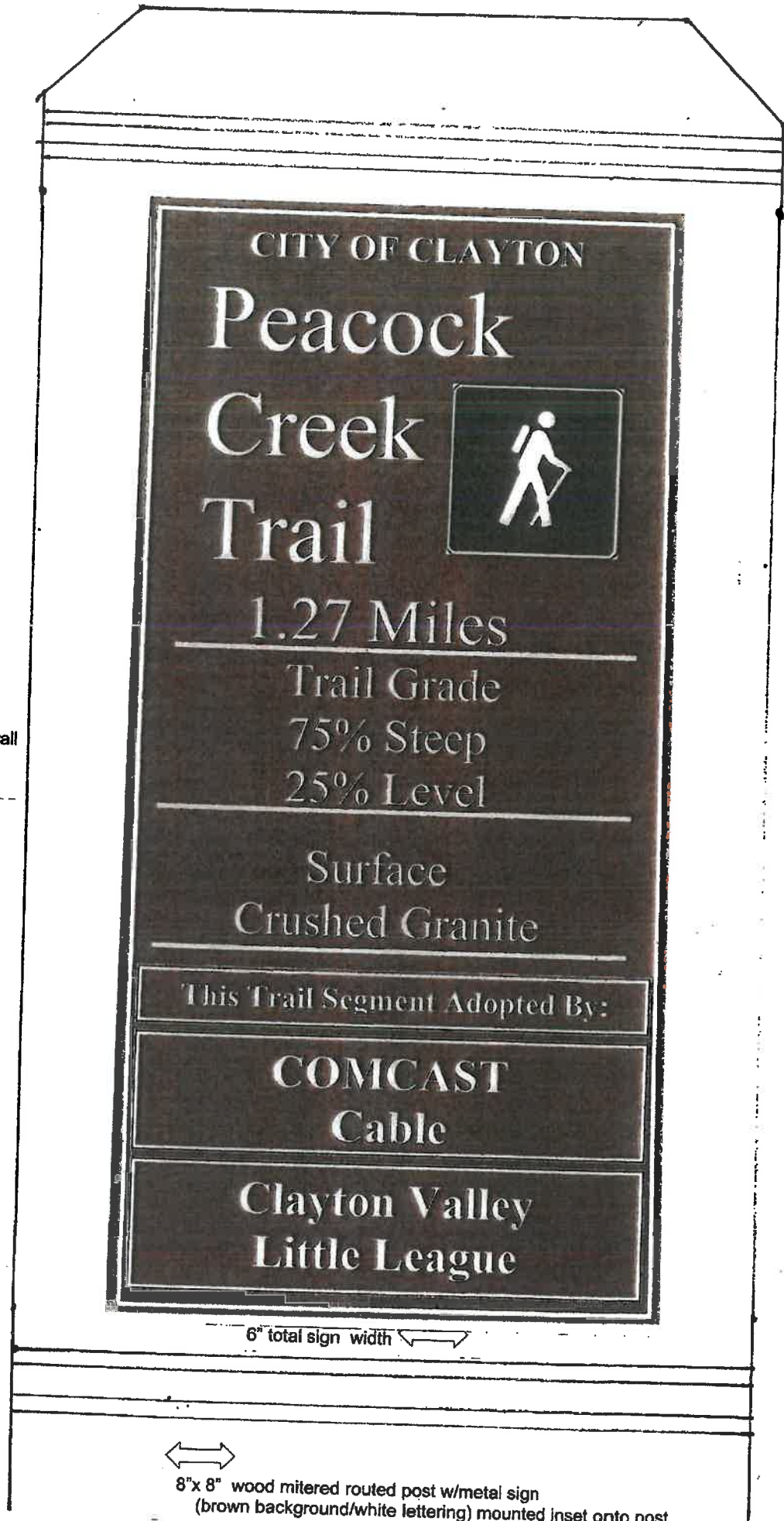
Payment received: _____
Date

By: _____



EXAMPLE OF TRAIL MAKERS WITH ADOPTER/SPONSOR PLAQUE

12" overall
sign
height



CITY OF CLAYTON
**Peacock
Creek
Trail** 
1.27 Miles
Trail Grade
75% Steep
25% Level
Surface
Crushed Granite
This Trail Segment Adopted By:
**COMCAST
Cable**
**Clayton Valley
Little League**

6" total sign width



8"x 8" wood mitered routed post w/metal sign
(brown background/white lettering) mounted inset onto post

Pass

Rd

How Rd

Kirker
Pass
920

Concord
Pavilion

Entrance

Kirker

Kirkwood Dr

1033

Concord

CLAYTON CITY LIMITS

Clayton
Station
shopping
center

Seeno Hill
(private)

Blue Oak Hill

Concord

Pine Hollow

LEGEND

■ INITIAL TRAIL MARKER

▲ OPTIONAL TRAIL MARKER

● POTENTIAL FUTURE TRAIL MARKER

Note: All locations are approximate.
Some locations may need to be
modified in their location due to filed
conditions. Final location subject to
City of Clayton Maintenance staff.

State Park
Headquarters
Staging area
Interpretive
Center

Murchio
Flats

Hoyer
Hill



Adopt a Trail updated as of 3/10/15

Adopters/Revenues

<u>Name</u>	<u>Sponsor Type</u>	<u>Trail Section</u>	<u>Amount Recvd</u>	<u>Date \$ Recvd</u>	<u>Ag. recvd</u>	<u>Start Date</u>	<u>Expiration Date</u>
Sudderth Family CBCA	Volunteer Labor	Cardinet Trail (Library - Lydia Ln Pk)	\$200	8/12/2013	Yes	9/1/2013	3/1/2015
	Financial	Cardinet Trail (Library - Lydia Ln Pk)	\$1000	8/12/2013		9/1/2013	3/1/2015
Passport2Clayton (P2C)	Volunteer Labor	Bruce Lee Trail (Upper Easley Trail)	\$200	2/1/2011	Yes	3/1/2011	3/1/2012
	Financial Sponsor	Bruce Lee Trail (Upper Easley Trail)	\$1000	2/1/2011		3/1/2011	3/1/2012
Employees of CD Federal Credit Union Discovery Builders	Volunteer Labor	Blue Oak Trail	\$200	2/9/2011	Yes	3/1/2011	3/1/2012
	Financial Sponsor	Blue Oak Trail	\$1000	2/17/2011		3/1/2011	3/1/2012
Siegel Family Available	Volunteer Labor	Lower Easley Trail	\$250	1/7/2013	Yes	TBD	TBD
	Financial Sponsor	Lower Easley Trail					
Available Available	Volunteer Labor	Cardinet Trail (Lydia Ln Pk - Westwood Pk)					
	Financial Sponsor	Cardinet Trail (Lydia Ln Pk - Westwood Pk)					
Available Available	Volunteer Labor	Donner Creek Trail					
	Financial Sponsor	Donner Creek Trail					

Adopt a Trail Expenses

<u>Date</u>	<u>purpose</u>	<u>Amount</u>
3/8/2009	19.5 hrs maintenance temp labor make/ install signs	\$219.00
4/17/2009	materials for sign posts	\$1527.34
6/23/2009	signs printing (bay area barricade)	\$98.87
6/30/2009	t-shirts	\$289.51
8/9/2009	wood for future sign posts (Dolan's Lumber)	\$595.15
8/9/2009	sign printing (Bay Area Barricade)	\$10.93
5/14/2010	Clayton Pioneer Ad	\$200.00
8/31/2011	sign re-screening	\$10.82
8/31/2011	Signs (Bay Area Barricade)	\$209.35
8/31/2011	27 hrs maintenance reg/temp labor make/install signs	\$1116.80
11/30/2011	Oak tree lights (trail by library)	\$3305.98
11/30/2011	electric wire and parts for oak tree lights (trail by Library)	\$437.00
12/30/2011	17 hrs reg/temp labor install oak tree lights (trail by library)	\$697.00
Additional expenses for latest adopters signs and installation unknown		TBD
Total Expenses to date (NOT including outstanding expenses for latest signs and relocation)		\$8717.75

Donations

Renewal and New as of 6/30/14	\$1450
Prior donations	\$9250
	<u>\$10,700</u>

6/30/2014 Account Balance: \$10,700-\$8715.75 = **\$1982.25** (this amount will be reduced based upon outstanding expenses yet to be determined)

Adopt a Trail updated as of 5/1/11

Adopters/Revenues

<u>Name</u>	<u>Sponsor Type</u>	<u>Trail Section</u>	<u>Amount Recvd</u>	<u>Date \$ Recvd</u>	<u>Ag. recvd</u>	<u>Start Date</u>	<u>Renewal Date</u>
Pauline Family	Volunteer Labor	Cardinet Trail (Library - Lydia Ln Pk)	\$200	2/1/2011	Yes	3/1/2011	3/1/2012
Black Diamond Electric	Financial	Cardinet Trail (Library - Lydia Ln Pk)	\$1000	2/1/2011		3/1/2011	3/1/2012
Passport2Clayton (P2C)	Volunteer Labor	Bruce Lee Trail (Upper Easley Trail)	\$200	2/1/2011	Yes	3/1/2011	
Passport2Clayton (P2C)	Financial Sponsor	Bruce Lee Trail (Upper Easley Trail)	\$1000	2/1/2011		3/1/2011	
Employees of CD Federal Credit Union	Volunteer Labor	Blue Oak Trail	\$200	2/9/2011	Yes	3/1/2011	3/1/2012
Discovery Builders	Financial Sponsor	Blue Oak Trail	\$1000	2/17/2011		3/1/2011	3/1/2012
Kinder Care (Knowledge Learning Center) <u>Available</u>	Volunteer Labor Financial Sponsor	Lower Easley Trail Lower Easley Trail	\$200	4/14/2009		5/1/2009	not recvd
BSA Troops 262 & 284 <u>Available</u>	Volunteer Labor Financial Sponsor	Donner Creek Trail Donner Creek Trail	\$200	7/28/2009	Yes	7/1/2009	not recvd
GSA Troops 30429 & 31895 CBCA	Volunteer Labor Financial Sponsor	Cardinet Trail (Lydia Ln Pk - Westwood Pk) Cardinet Trail (Lydia Ln Pk - Westwood Pk)	\$200 (from CBCA) \$1000	8/7/2009 8/7/2009	Yes	8/4/2009 8/4/2009	not recvd
Dave Pauline	Volunteer Labor	unknown	\$200	2/1/2011	Yes	3/1/2011	
Banister Electric	Financial Sponsor	unknown	\$1000	2/1/2011		3/1/2011	
Siegel Family	Volunteer Labor	unknown	\$200	2/1/2011	Yes	3/1/2011	
Diablo Ford	Financial Sponsor	unknown	\$1000	2/1/2011		3/1/2011	

Adopt a Trail Expenses

<u>Date</u>	<u>purpose</u>	<u>Amount</u>
3/8/2009	19.5 hrs maintenance temp labor make/ install signs	\$219.00
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8/9/2009	wood for future sign posts (Dolan's Lumber)	\$595.15
8/9/2009	sign printing (Bay Area Barricade)	\$10.93
5/14/10	Clayton Pioneer Ad	\$200.00
Total Expenses to date		\$2940.08
Renewal and New as of 2/1/11	\$5050	
Prior balance	\$4200	

5/1/2011 **Account Balance:** \$4200 - \$2940.08 + 5050 = **\$6309.92**

Laura Hoffmeister

From: Laura Hoffmeister <lhoffmeister@ci.clayton.ca.us>
Sent: Monday, June 09, 2014 9:39 PM
To: 'unkted@aol.com'
Subject: possible contact ideas for adopt a trail

Eric Moldenado Travis Credit Union
(707) 469-4984
EMaldonado@traviscu.org

Cemax Quarry (last contact I had)
Wayne Stoughton (operations manager)
672-4900
kennethw.stoughton@cemex.com

you might also try Real Estate Companies such as Mazzie, Town and Country, Lynne French (real esate is doing pretty well now days)

Diablo View construction – Kevin Schmidt – he is CBCA member and is doing great busy business these days (does kitchen and bathroom remodeling) I spoke to him and he said he is doing very well and quite busy, lives on Bloching Circle not far from the trails – 825-5144 diabloviewconstruction@gmail.com
I know he is on vacation for a week or so

maybe Subway downtown, Skips, Ed Moressi (he could do two names on one plaque ie: Moressis Sports Grill and the Chop House and can split the \$1000 between the two businesses on his books
Rotary meets Thursday at 7 or 7:30 am at Oakhurst not sure who their current president is
Oakhurst Country Club might also want to try them – speak with their Manager
Starbucks, Dr Mason DDS (dentist – she just moved into Clayton Station from concord area)
You might have tried all these already

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

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

Memo

To: Trail and Landscaping Committee
From: Maintenance Department
Meeting Date: March 21 2016
Re: Landscape District Update

This is an update for the following items within the Clayton Landscape District:

Subdivision Entry Landscape Project.

City Staff has drawn up some design concepts for review of the Subdivision Entry Landscape Project. This project had been recommended to the City Council by the Trails and Landscape Committee at its January 11, 2016 meeting to be the next landscape improvement project within the District. The City Council approved this to be the next project and the design concepts at its February 16th meeting. Next the detail construction plans and specification need to be drawn up for project public bidding process. Lowest responsible bidder as required by law will have to be awarded by the City Council at one of their public meetings.

Downtown planter boxes

City Staff is currently preparing the construction specifications for the needed repairs to the downtown planter boxes, with repairs scheduled for late spring or early summer. If it requires public bidding additional time will be needed.

Keller Ridge and Peacock Creek Tree replacement and possible species change

The Keller Ridge Tree Re-Plant Project was already funded in the City Council adopted Landscape budget; the Peacock Creek has apx. 8 trees missing due to accidents. At least two of the Peacock Creek trees have funds that have been recovered from responsible party damage payments to the City. The other apx. 6 trees would likely funded from the District replacement or reserve fund. There are sufficient funds to replace all trees. However all replanting was and has been placed on hold due to the drought and related water restrictions (new plantings require more water and are under mandated reductions of 40% plus over prior usage). Recently staff has identified concerns with using the same species (London Plane on Keller Ridge planter strip; and Bradford Pear on Peacock Creek median). The tree replacement species will be reviewed by the Trails and Landscaping meeting on March 21. If the TLC direction is to use the replacement species recommendation it will then be presented to the City Council for their action at their meeting on April 5. If the TLC direction is to keep with the same tree species no action will be needed by the City Council.

Agenda Date: 3/21/16

Agenda Item: 7c

Clayton Pioneer March 11, 2016

Mayors Corner

By Howard Geller on March 7, 2016



The best lineup of bands in memory highlight the “Concerts in the Grove” summer series, and the weekly summer series of Saturday shows begins May 7. Our Classic Car Shows and mid-week concerts move to Wednesday nights, with seven car shows and four concerts scheduled. The Clayton Business and Community Association’s popular Art and Wine Festival takes place April 30 and May 1. Find details for these events at www.ci.clayton.ca.us.

The City Council approved concept designs to enhance the appearance of seven subdivision entry medians. Our maintenance department now must prepare detailed competitive-bid packages to include options for power and light features. Also, the drought’s water restrictions mean “hardscape” renovations figure to be the only ones approved within the approved budget of \$300,000. Future funds under this pay-as-you-go improvement plan depend heavily on voter continuation of the Citywide Landscape Maintenance District parcel tax that appears on the June 2016 local ballot.

My wife, Debbie, and I really appreciated the seven new bridge tops during our walk on the Cardinet Trail the other day. The bridge tops were installed recently and were funded by our Trails and Landscape Tax. During the walk, we came across people walking their pets, in groups, on bicycles and jogging. It was an awesome way to get exercise, greet fellow Claytonians and enjoy the early spring weather.

The City Council reviewed the City’s mid-year budget in detail and accepted it without modifications. An analysis of our General Fund status at the mid-year budget revealed actual revenues exceeding revenue projections by \$251,000. This one-time infusion of revenue by Contra Costa County and the state of California brings the possibility of an operation surplus for fiscal year 2015-16.

Clayton History Continued:

- In 1864, fires destroyed most of downtown Clayton’s wooden buildings, which were heated by coal and wood stoves and lit by kerosene lamps. The only water available to put out the fires came from wells, and the fires spread rapidly. The town rebuilt quickly.
- Joel Clayton died in 1872 from pneumonia. He caught the fatal bug trying to save a calf during the cold spring rains. His wife died in 1908, and only four of their nine children survived both parents. The Claytons were buried in Concord’s Live Oak Cemetery.
- In 1890, with coal mining and agriculture flourishing, 111 students attended the two-room Mt. Diablo School, the largest student enrollment ever recorded there. Nine hundred people populated the city.

Clayton Pioneer: March 11, 2016

City to install new landscaping on seven gateway medians

By Tamara Steiner on March 07, 2016



Seven of the city's entry medians are scheduled for landscape upgrades this year. At the Feb. 16 council meeting, the city council directed staff to move forward with the improvements for entry medians at (1) Eagle Peak and Oakhurst (west), (2) Keller Ridge Dr. and Eagle Peak Dr., (3) Eagle Peak Dr. and Oakhurst Dr. (east), (4) Peacock Creek Dr. at Clayton Rd. first median, (5) Regency Dr. at Marsh Creek Rd., (6) Entry to the city on Marsh Creek Rd. at Diablo Parkway, (7) Marsh Creek Rd. on the east side from Town Center sign to Center St.

[READ MORE](#)

City to install new landscaping on seven gateway medians

By Tamara Steiner on March 7, 2016

With the recent rains, the city is finally seeing some light at the end of the water-restriction tunnel and is ready to move forward on one long-needed landscaping project.

Last April, the City Council directed Maintenance Supervisor John Johnston to draw up plans for replacing the landscaping in entry medians and set aside \$300,000 from the Clayton Landscape Maintenance District reserves for the project.

At the Feb. 16 council meeting, Johnston presented conceptual designs for the entry medians at the main subdivision entries and the eastern entry to the city on Marsh Creek Rd.

All of the designs incorporate a variety of hardscapes with water –saving features and drought-tolerant plants, saving existing trees and shrubs wherever possible.

Johnston plans on using bricks and boulders to give texture and color to the designs.

“They are better than plants,” he said. “They don’t grow and block sightlines, and they don’t take water.”

Johnston favors a more formal look at the city entrances and low-growing shrubbery and pavers in the subdivision medians. All hardscape will be designed to catch rainwater for absorption into the ground.

The council was impressed with the designs. “I know how much love you put into this,” said Mayor Howard Geller.

“Looking really good,” said Councilwoman, Julie Pierce.

The designs are similar in feel to the landscaping around the city fountain.

Some say trees first

Less impressed with the median designs were Peacock Creek residents Kahni and Dane Horton who question the city’s priorities. They want more attention given to the median that runs up the hill along Peacock Creek Drive where some trees have been destroyed in separate car and van accidents over several years.

“We want our Flowering Pear trees replaced,” says Kahni Horton, who says the city has received insurance proceeds for some of the trees, but has not spent it on replacements.

“We haven’t replaced them because of the drought,” said Johnston, who said the replacement is a “priority,” and suggests replacing the Flowering Pears with Chinese Pistache, a hardier variety. The missing trees and lack of watering has created visual blight and a safety hazard, say the Hortons, who want the trees replaced before the entry median landscaping.

Johnson has referred the Peacock Drive project to the Trails and Landscape Committee for evaluation and recommendation.

Ballot measure looms

All of the city’s landscaping costs, except the city parks, are financed by the Clayton Landscape Maintenance District, which is set to sunset in 2016. The Council has opted to put a ballot measure renewing the District on the June 2016 ballot. The renewal proposes to continue the same tax rate calculation as the current \$234.84 per year for a single family residence. Any CPI increase is capped at 3 percent per year.

When the Landscape Maintenance District was formed in 2007, it passed by a whopping 83 percent, far higher than the two-thirds required. The council expects residents to support the District again. Should the measure fail, there is no other option for landscape funding.

ViewPoints by Howard Geller: Clayton's focus on ballot, education, Village

By Howard Geller, Columnist

A 10-year continuance of Clayton's Citywide Trails and Landscape Maintenance Tax will be on the June ballot.

The 10-year tax, passed overwhelmingly in 2007, expires June 30, 2017, and is overseen by a citizens' oversight committee. The tax is the sole source of funds enabling the city to maintain and improve the many trails, roadway medians, open space weed abatement and landscape projects.

Currently, the annual tax is \$234.84 per single-family residential parcel. When I consider I compensate my gardener \$150 a month to maintain the grounds of my home, this tax seems like a small amount to maintain the community's public trails, landscaping and appearance.

Recently, some of these funds were used to replace the deteriorated wood planks on seven bridge decks on Clayton's popular trail system. The City Council also set aside \$300,000 along with approving redesign plans to improve seven subdivision entry medians. Hopefully with continued rain, state drought measures will be relaxed and landscape beautification projects may continue.

The Clayton Library will be hosting its annual "Creekside Arts Celebration" on April 1, 2 and 3. For details, check www.claytonlibrary.org

Clayton Valley seniors concerned about how they will care for themselves and stay in their homes through the "golden years" will soon have a remedy with the creation of the Clayton Valley Village (CVV).

Clayton's local village will offer a network of support services allowing seniors in Clayton and southern Concord the opportunity to remain in their own homes as they age.

CVV is in developmental planning and hopes to open in May 2017. This opening date will depend on the success of CVV's grant proposals and fundraising events. Its task force of a dozen Clayton and Concord residents is leading this new organization. They have been working on this project for more than two years.



Agenda Date: 3/21/16

Agenda Item: 8a

Memo

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: March 21, 2016
Re: Consideration of future TLC meeting day of week

The TLC had selected Monday's (typically the third Monday of the Month) as the best time to meet based upon members availability and meeting room space in city facilities. With newly appointed members city staff wanted to determine if this was still best for the Committee members. Two committee members have indicated that they have meeting conflicts with Mondays and were not aware prior to applying and recently being appointed.

Tuesdays are reserved for City Council and Planning Commission meetings, and Wednesdays typically have the room in use by the Library. Therefore the other options are Thursday or Fridays. The third Thursday of the month is also the local CBCA meeting and some TLC members would have conflicts with that particular Thursday.

COMMITTEE ROSTER
TRAILS AND LANDSCAPING COMMITTEE

Rev. 3/14/2016

Laura/TLRoster2015

Maryann Carroll-Moser
54 Karkin Place
Clayton, CA 94517
(925) 2693-0841
email: maxiboyne@gmail.com
(term: December 2015 - December 2017)

Anthony Chippero
1713 Indian Wells Way
Clayton, CA 94517
(925) 234-6417 (business); (415) 839-8793
email: ajchippero@comcast.net
(term: December 2015- December 2017)

Christopher Garcia
203 Mt. Wilson Place
Clayton, CA 94517
(925) 304-2144 (hm); (805) 748-4974 (wk)
email: Christopher@OutcastWines.com
chrislgarcia@hotmail.com
(term: December 2014- December 2016)

Carol Herington
411 Mt. Tamalpais Dr.
Clayton, CA 94517
(925) 672-3411
email: cherington1@aol.com
(term: December 2015- December 2017)

Dane Horton
100 Forest Hill Dr.
Clayton, CA 94517
(925) 672-1222; (925) 286-9849 (wk)
email: dsldane@aol.com
(term: Dec. 2015- December 2017)

Carlin Kaplan
1194 Easley Drive
Clayton, CA 94517
(925) 672-9618
email: bolero2879@comcast.net
(term: December 2015 - December 2017)

Howard Kaplan
1194 Easley Drive
Clayton, CA 94517
(925)672-9618; (925) 672-8843 (wk)
email: hkaplan@farmvestinc.com
(term: Dec. 2015- December 2017)

Nancy Morgan
1061 Feather Circle
Clayton, CA 94517
(925) 672-8705
email: nancy-morgan@comcast.net
(term: Dec. 2015 - December 2017)

Clayton Smith (Vice Chair)
8 Long Creek Circle
Clayton CA 94517
(925) 672-2529; (business): (925) 473-7792
email: clayton@alum.calberkeley.org or
csmith94517@comcast.net
(term: Dec. 2014 - December 2016)

Bob Steiner
4701 Morgan Territory Road
Clayton, CA 94517
business: (925) 672-5854; (c) 925-787-1153
email: rws32@earthlink.com
(term: Dec. 2014 - December 2016)

April Winship
156 Mt Etna Drive
Clayton, CA 94517
(925) 849-2169
email: winshipfamily4@yahoo.com
(term: Dec. 2015- December 2017)

CITY PERSONNEL
City of Clayton Main Office number 673-7300

Gary Napper, City Manager
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7300
email: gnapper@ci.clayton.ca.us

Jim Diaz, Vice Mayor (Liaison)
10 Eagle Peak Pl.
Clayton, CA 94517
(925) 672-0535
Email: jdiaz@ci.clayton.ca.us

Laura Hoffmeister, Assistant to the City Manager
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7308; (925) 250-8532 (cell)
email: Lhoffmeister@ci.clayton.ca.us

Keith Haydon, Councilmember (Alternate Liaison)
1542 O'Hara Ct.
Clayton, CA 94517
(925) 672- 8262; (925) 858-1887 (cell)
email: khaydon@ci.clayton.ca.us

Mark Janney, Maintenance Supervisor
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7327; (925) 250-5803 (cell)
email: mjanney@ci.clayton.ca.us

John Johnston, Maintenance Supervisor
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7326; (925) 250-5804 (cell)
jjohnston@ci.clayton.ca.us

Janet Brown, City Clerk
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7304
email: jbrown@ci.clayton.ca.us



Memo

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: March 21, 2016
Re: Background Materials

The following will be distributed at the meeting:

Trail Map

Landscape Maintenance District Map

Public meeting basics – Brown Act

Overview and History of the LMD

Funding of the LMD

Maintenance standards (frequency and service levels of the LMD)

Drought impacts

Budget of the LMD for FY 15-16

Completed projects of the LMD

Oversight Committee Annual Report for FY 14-15

Agenda Date: 3/2/16

Agenda Item: 9

Laura Hoffmeister

From: Alyse Smith <alyse.smith@comcast.net>
Sent: Thursday, March 03, 2016 5:01 PM
To: Laura Hoffmeister
Subject: TLC

Dear Laura,

It with great sadness that I have decided to step down as a volunteer serving on the TLC. This was not an easy decision for me as I have enjoyed being a part of the community and contributing to the various issues that the TLC was developed for.

Recently, my schedule has grown with other personal and professional commitments, as a result, I be unable to make the commitment in serving on the TLC at this point.

You and John have been a great inspiration to me and I thank the City Council in allowing me to contribute to this valuable stakeholder group.

Kind Regards,

Alyse Smith

Sent from my iPhone=

Laura Hoffmeister

From: Laura Hoffmeister <lhoffmeister@ci.clayton.ca.us>
Sent: Thursday, March 03, 2016 2:22 PM
To: kndbass@aol.com
Cc: 'Mark Janney'; 'jjohnston@ci.clayton.ca.us'
Subject: FW: TLC response to your letter re: no smoking signage on trails

Hi Candace:

As you recall from earlier emails the email you sent below was reviewed on the January 19, 2016 TLC public meeting as that was the most recent meeting held after receipt of your concern.

I apologize for not communicating sooner back sooner as I have been involved in working on the continuation of Measure B. You may be interested, since you were actively involved in Measure B and the LMD as a TLC member and a concerned citizen, that on March 1st the City Council did authorize its placement on the June ballot: 10 year duration; same rate and methodology of adjustment as current (i.e.: annual CPI increase, not to exceed 3% annually); keep oversight committee (TLC). Now that the heavy lifting details of moving that forward for the June election are completed, I am just now catching up.

At its January 19th meeting the TLC reviewed your email, of your concern and suggestion for signage related to no smoking

“ I'd like to suggest that TLC make fire prevention a higher priority. One way to demonstrate this priority would be for TLC to consider allocating funds from the landscape district to purchase and post the same no smoking sign at all of the trail heads along the Cardinet Trail. (Other trails could be considered, as well.)”

After discussion the TLC unanimously determined that signage would not be appropriate in the trail areas. However they did ask staff to review our current signage at parks and when signs are replaced if the no smoking is not on them to add that on to the signage before replacing.

The TLC in their comments pointed out that signage is not very effective – signs are up all over town about the maximum speed and they are not observed. That even with signage violations must be observed directly by a sworn officer to be enforced. Police staff have noted that they have received a few complaints about smoking near the sign you provided as an example, and cannot enforce unless they see, and signage that persons ignore. The TLC also noted your observations in your letter that even when informed some persons behave badly and would not be inclined to change behavior because of a sign. The TLC further pointed out that there are many trail segments in the community that have various access points and if signage done many areas would not be seen by the public as they enter and exit at many points, too many to cover all the opportunities.

They supported your idea about overall education or awareness and suggested that you may wish to write an educational awareness letter/article to the Clayton Pioneer to explain the fire dangers of smoking (i.e.: unintentional fires). They mentioned that such informational education letter / article would reach all residents greater than any signage could. They also suggested that the timing of such might be just as the hills turn from the lush green to the golden brown and maybe even a second follow up in the Clayton Pioneer later in the dry season.

Thank you for contacting your City about this matter of personal concern.

Laura Hoffmeister

From: Candace Bass [<mailto:kndbass@aol.com>]
Sent: Tuesday, July 28, 2015 5:57 PM
To: HGeller617@aol.com
Cc: gnapper@ci.clayton.ca.us
Subject: Cardinet Trail: Trail Safety, Fire Prevention

Howard,

Thank you for returning my call the other day. Here is what has prompted me to contact you:
Last Wednesday morning, while walking the Cardinet Trail, I came across a fellow sitting on one of the benches who was casually smoking marijuana and asking walkers for money.

While some of the walkers were obviously put off by his begging, my immediate concern was actually the fire risk that his smoking posed. Having served on the fire services committee, one of the things that we learned is that the firefighter's task becomes quite complicated when s/he needs to reach a rural destination, such as a trail. As soon as I was able, I alerted the Clayton P.D.

At the last CBCA meeting, I described the incident to Sgt. Enea who was in attendance. He complimented me for contacting the police. I referred back to a similar incident that occurred last year on the trail. A young man was riding a bicycle and also smoking a cigarette. I informed him that it is illegal to smoke on the trail. Most folks will immediately extinguish their cigarette when they hear this. Instead, this fellow became belligerent and continued to smoke and ride his bike. I contacted the Clayton P.D.; dispatch assigned Officer Pike who searched for this man.

I mention this previous event because of the similarity to the encounter that I had last Wednesday. I relayed that info to Sgt Enea who said he would follow up with Officer Pike.

It has become clear to me within the last year or so that many trail users are totally uninformed of the smoking ordinance. A few years ago, I collaborated with several others (former Community Services Director, David Woltering former Chief of Police Dan Lawrence, former Clayton resident Barbara Wall, Landscape Maintenance Supervisors John Johnston and Mark Janney) to create a no smoking sign. (see attachment) Serving as a template, it was posted in front of a Pebble Beach Drive open space to alert the public. Eventually, it was also posted at two other open space locations in town.
(Please see additional photo attachment of Lydia Lane Park's sign . Please note that there is no mention of the no smoking ordinance or the associated fine on the park sign.)

I'd like to suggest that TLC make fire prevention a higher priority. One way to demonstrate this priority would be for TLC to consider allocating funds from the the landscape district to purchase and post the same no smoking sign at all of the trail heads along the Cardinet Trail. (Other trails could be considered, as well.)

As you know, I have worn many hats over the years. As a former fire services committee member, TLC chair, and TLC outreach chair I strongly feel that it is in Clayton's best interest to address this aspect of trail safety. Informing the public about fire safety and prevention along the trail system should begin as soon as possible.

Thank you Howard, for your consideration and for the good work that you do.

Sincerely,

Candace Bass
Clayton resident

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

Email: LHoffmeister@ci.clayton.ca.us

Laura Hoffmeister

From: Gary Napper <gnapper@ci.clayton.ca.us>
Sent: Wednesday, March 09, 2016 11:56 AM
To: 'David T. Shuey'; 'Nat Aycox'
Cc: Laura Hoffmeister; Mark ; David Shuey; Howard Geller; Jim Diaz; Julie Pierce; Keith Haydon
Subject: RE: Clayton Trails
Attachments: Ranger_Pro_label.pdf

Dear Mr. Aycox,

Welcome to Clayton and glad to hear you appreciate this community and its many fine amenities. Thank you also for your interest in our popular trails system and its connections to other regional trails.

Regarding the City spraying a small width of the green weeds along the Clayton trails, we do spray for this purpose and have been doing so for decades. We occasionally receive inquiries from residents concerned about the herbicide application to ensure we are doing our part as proper stewards of the environment. We also receive many compliments from people using our trails who really like us to spray along the trail when wet weeds get high because they don't like them or the rattlesnakes that can often hide therein.

I have attached a copy of the herbicide details straight from the MDSA sheet which explains its applications and potential hazards. The label is for Ranger Pro and on the first page it has the dangers to domestic animals which reads "ingested in large amounts of freshly sprayed vegetation may result in temporary gastrointestinal irritation". The active ingredient is 'Glyphosate, N (phosphonomethy) glycine in the form of its isopropylamine salt. This is the same active ingredient one would find in Roundup Herbicide which is available at most of the nursery outlets; we buy Ranger Pro because it is a generic brand and cost much less than the brand name Roundup. Also the signal word "**Caution**" is the least hazardous of signal words on a label. Under one's kitchen sink are more dangerous chemicals with the signal words "**Warning** or **Danger**". This particular active ingredient breaks down very rapidly in the soil and is only a danger if sprayed directly into waterways, which is against the product's use, and the City would never spray into water ways since it is illegal.

The only alternative to herbicide is to machine cut the wet weeds multiple times until they finally dry out and die by June, at which time we annually perform a complete weed abatement using machinery. Weed abatement in this City is funded by the Citywide Landscape Maintenance District and voters elected to pay for this level of service which specifically did not provide the resources or funds for the intensive labor to perform multiple wet weed cuts by machinery and personnel. The process to swiftly and properly apply the herbicide is more efficient.

The City Council formed a Trails and Landscaping citizens' advisory committee which assists the City and its operations in overseeing the Citywide Landscape Maintenance District, which is under the City's organizational umbrella. The 11-member advisory group meets periodically and its next meeting will be on Monday, March 21st at 7:00 pm in the Clayton Community Library (Hoyer Hall). The public is welcome to attend and concerns may be addressed to this citizen group as well. As a matter of routine we copy all correspondence by residents concerning the Landscape District and a copy of your communication and response will be included in its March 21st agenda packet.

Regards,

GARY A. NAPPER
City Manager
6000 Heritage Trail
Clayton, CA 94517-1250



From: David T. Shuey [mailto:shuey@rankinlaw.com]
Sent: Tuesday, March 08, 2016 7:41 PM
To: Nat Aycox; dshuey@ci.clayton.ca.us; gnapper@ci.clayton.ca.us
Subject: Re: Clayton Trails

Nat,

Thank you very much for the email. While I certainly can and will deal with your issue, I did want to point out that we rotate our Mayor between council on a yearly basis and Howard Geller is the new Mayor. But you can always approach any Councilmember on issues and I am happy to be your guy in this regard.

Now, as to your issue, I am copying our City Manager, Gary Napper, on this email and he will either direct you further to our Maintenance Supervisor or he can address your issues. I am not sure if the spraying is mandatory or required as part of annual noxious weed abatement or if it is something we are doing voluntarily to combat weeds. In any event, Gary will either provide you with a much more informed and cogent explanation or forward you to the man who can. 😊

On another note, I would also encourage you to go to our next Trails and Landscape Meeting, which again Gary can give you the date and location, and discuss this with the Committee as they handle the big picture stuff on what is priority and what should be done on our trails, etc. They are a great start if you would like to change the way we do things for the better.

I too walk and ride the trails frequently and we are very blessed in Clayton to have such a well maintained system.

Shoe

David "Shoe" Shuey
Councilmember
City of Clayton

David T. Shuey, Esq.

Rankin, Sproat, Mires,

Reynolds, Shuey and Mintz

1970 Broadway, Suite 1150

Oakland, CA 94612

Office: (510) 465-3922

Fax: (510) 452-3006

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From: Nat Aycox <aycoxreneau@gmail.com>

Sent: Tuesday, March 8, 2016 7:17 PM

To: dshuey@ci.clayton.ca.us

Subject: Fwd: Clayton Trails

Dear Mayor

We've been residents of Clayton for 3 years. We still smile when we approach the town and see the banner saying "Do the Right Thing". Its a good motto.

We are also frequent users of the trail system throughout the city and out into Mt. Diablo, Black Diamond Mines, and others. So, we were dismayed recently when we saw someone spraying next to the trails, and a few days later saw the brown borders of the trails, where obviously herbicides had been sprayed.

We believe this to be a bad idea on all levels, especially since many of the trails run close to the streams and carry water to the bay. People's children and dogs run through the dead areas, and track the chemicals into their houses, and we see wildlife in those same areas.

Nobody really knows the long term impacts of herbicides, pesticides, and other poisons that we introduce into the environment. We do know that they've been linked to cancer, dementia, and other diseases. We should not be taking chances with our environment, particularly when the vegetation could be taken care of in less destructive ways.

We really expect better of Clayton than this. Lets Do the Right Thing.

Thanks for listening.

Nat Aycox
Dawn Reneau
61 Mt. Rushmore Pl
Clayton, CA 94517

ATTENTION:

This specimen label is provided for general information only.

- This pesticide product may not yet be available or approved for sale or use in your area.
- It is your responsibility to follow all Federal, state and local laws and regulations regarding the use of pesticides.
- Before using any pesticide, be sure the intended use is approved in your state or locality.
- Your state or locality may require additional precautions and instructions for use of this product that are not included here.
- Monsanto does not guarantee the completeness or accuracy of this specimen label. The information found in this label may differ from the information found on the product label. You must have the EPA approved labeling with you at the time of use and must read and follow all label directions.
- You should not base any use of a similar product on the precautions, instructions for use or other information you find here.
- Always follow the precautions and instructions for use on the label of the pesticide you are using.

21225G1-13



Complete Directions for Use

The complete broad-spectrum postemergence professional herbicide for industrial, turf and ornamental weed control.

EPA Reg. No. 524-517

2007-1

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION IS LIKELY TO RESULT.

Read the entire label before using this product.

Use only according to label instructions.

It is a violation of Federal law to use this product in any manner inconsistent with its labeling.

Not all products recommended on this label are registered for use in California. Check the registration status of each product in California before using.

Read the "LIMIT OF WARRANTY AND LIABILITY" statement at the end of the label before buying or using. If terms are not acceptable, return at once unopened.

THIS IS AN END-USE PRODUCT. MONSANTO DOES NOT INTEND AND HAS NOT REGISTERED IT FOR REFORMULATION. SEE INDIVIDUAL CONTAINER LABEL FOR REPACKAGING LIMITATIONS.

1.0 INGREDIENTS

ACTIVE INGREDIENT:

*Glyphosate, N-(phosphonomethyl)glycine,
in the form of its isopropylamine salt..... 41.0%
OTHER INGREDIENTS (including surfactant): 59.0%
100.0%

*Contains 480 grams per liter or 4 pounds per U.S. gallon of the active ingredient glyphosate, in the form of its isopropylamine salt. Equivalent to 356 grams per liter or 3 pounds per U.S. gallon of the acid, glyphosate.

This product is protected by U.S. Patent Nos. 5,683,958; 5,703,015; 6,063,733; 6,121,199; 6,121,200. No license granted under any non-U.S. patent(s).

2.0 IMPORTANT PHONE NUMBERS

FOR PRODUCT INFORMATION OR ASSISTANCE
IN USING THIS PRODUCT,
CALL TOLL-FREE, 1-800-332-3111

IN CASE OF AN EMERGENCY INVOLVING THIS PRODUCT
OR FOR MEDICAL ASSISTANCE,
CALL COLLECT, DAY OR NIGHT, (314)-694-4000

3.0 PRECAUTIONARY STATEMENTS

3.1 Hazards to Humans and Domestic Animals

Keep out of reach of children.

CAUTION!

CAUSES EYE IRRITATION.

Avoid contact with eyes or clothing.

FIRST AID: Call a poison control center or doctor for treatment advice.

IF IN EYES	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15 - 20 minutes.• Remove contact lenses if present after the first 5 minutes then continue rinsing eye.
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- Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

- You may also contact (314) 694-4000, collect day or night, for emergency medical treatment information.

- This product is identified as Ranger PRO® herbicide, EPA Registration No. 524-517.

DOMESTIC ANIMALS: This product is considered to be relatively nontoxic to dogs and other domestic animals; however, ingestion of this product or large amounts of freshly sprayed vegetation may result in temporary gastrointestinal irritation (vomiting, diarrhea, colic, etc.). If such symptoms are observed, provide the animal with plenty of fluids to prevent dehydration. Call a veterinarian if symptoms persist for more than 24 hours.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear: long-sleeved shirt and long pants, shoes plus socks. Follow manufacturer's instructions for cleaning/maintaining Personal Protective Equipment (PPE). If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use closed systems, enclosed cabs or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d) (4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

3.2 Environmental Hazards

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

3.3 Physical or Chemical Hazards

Spray solutions of this product should be mixed, stored and applied using only stainless steel, aluminum, fiberglass, plastic or plastic-lined steel containers.

DO NOT MIX, STORE OR APPLY THIS PRODUCT OR SPRAY SOLUTIONS OF THIS PRODUCT IN GALVANIZED STEEL OR UNLINED STEEL (EXCEPT STAINLESS STEEL) CONTAINERS OR SPRAY TANKS. This product or spray solutions of this product react with such containers and tanks to produce hydrogen gas which may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. This product can only be used in accordance with the Directions for Use on this label or in separately published Monsanto Supplemental Labeling.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulations.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 4 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water, is: coveralls, chemical resistant gloves greater than 14 mils in thickness composed of materials such as butyl rubber, natural rubber, neoprene rubber, or nitrile rubber, shoes plus socks.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard (40 CFR Part 170) for agricultural pesticides. The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Keep people and pets off treated areas until spray solution has dried to prevent transfer of this product onto desirable vegetation.

4.0 STORAGE AND DISPOSAL

PESTICIDE STORAGE: Do not contaminate water, foodstuffs, feed or seed by storage or disposal.

Keep container closed to prevent spills and contamination.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product that cannot be used or chemically reprocessed should be disposed of in a landfill approved for pesticide disposal or in accordance with applicable Federal, state, or local procedures.

CONTAINER DISPOSAL: Emptied container retains vapor and product residue. Observe all labeled safeguards until container is cleaned, reconditioned, or destroyed.

FOR REFILLABLE PORTABLE CONTAINERS: Do not reuse this container except for refill in accordance with a valid Monsanto Repackaging or Toll Repackaging Agreement. If not refilled or returned to the authorized repackaging facility, triple rinse container, then puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

FOR BULK CONTAINERS: Triple rinse emptied bulk container. Then offer for recycling or reconditioning, or dispose of in a manner approved by state and local authorities.

FOR PLASTIC 1-WAY CONTAINERS & BOTTLES: Do not reuse container. Triple rinse container, then puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

FOR DRUMS: Do not reuse container. Return container per the Monsanto container return program. If not returned, triple rinse container, then puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

5.0 GENERAL INFORMATION (How This Product Works)

Product Description: This product is a postemergence, systemic herbicide with no soil residual activity. It gives broad-spectrum control of many annual weeds, perennial weeds, woody brush and trees. It is formulated as a water-soluble liquid containing surfactant.

Time to Symptoms: This product moves through the plant from the point of foliage contact to and into the root system. Visible effects on most annual weeds occur within 2 to 4 days, but on most perennial weeds may not occur for 7 days or more. Extremely cool or cloudy weather following treatment may slow activity of this product and delay development of visual symptoms. Visible effects are a gradual wilting and yellowing of the plant which advances to complete browning of above-ground growth and deterioration of underground plant parts.

Mode of Action in Plants: The active ingredient in this product inhibits an enzyme found only in plants and microorganisms that is essential to formation of specific amino acids.

Cultural Considerations: Reduced control may result when applications are made to annual or perennial weeds that have been mowed, grazed or cut, and have not been allowed to regrow to the recommended stage for treatment.

Rainfastness: Heavy rainfall soon after application may wash this product off of the foliage and a repeat application may be required for adequate control.

No Soil Activity: Weeds must be emerged at the time of application to be controlled by this product. Weeds germinating from seed after application will not be controlled. Unemerged plants arising from unattached underground rhizomes or rootstocks of perennials will not be affected by the herbicide and will continue to grow.

Tank Mixing: This product does not provide residual weed control. For subsequent residual weed control, follow a label-approved herbicide program. Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used. Use according to the most restrictive label directions for each product in the mixture.

Buyer and all users are responsible for all loss or damage in connection with the use or handling of mixtures of this product with herbicides or other materials that are not expressly recommended in this label. Mixing this product with herbicides or other materials not recommended on this label may result in reduced performance.

When this label recommends a tank mixture with a generic active ingredient such as diuron, atrazine, 2,4-D, or dicamba, the user is responsible for ensuring that the mixture product's label allows the specific application.

Annual Maximum Use Rate: The combined total of all treatments must not exceed 10.6 quarts of this product per acre per year. The maximum use rates stated throughout this product's labeling apply to this product combined with the use of all other herbicides containing glyphosate as the active ingredient, whether applied as mixtures or separately. Calculate the application rates and ensure that the total use of this and other glyphosate containing products does not exceed stated maximum use rates.

ATTENTION

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION MAY RESULT.

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended. The likelihood of injury occurring from the use of this product increases when winds are gusty, as wind velocity increases, when wind direction is constantly changing or when there are other meteorological conditions that favor spray drift. When spraying, avoid combinations of pressure and nozzle type that will result in splatter or fine particles (mist) that are likely to drift. AVOID APPLYING AT EXCESSIVE SPEED OR PRESSURE.

NOTE: Use of this product in any manner not consistent with this label may result in injury to persons, animals or crops, or other unintended consequences.

6.0 MIXING

Clean sprayer parts immediately after using this product by thoroughly flushing with water.

NOTE: REDUCED RESULTS MAY OCCUR IF WATER CONTAINING SOIL IS USED, SUCH AS VISIBLY MUDDY WATER OR WATER FROM PONDS AND DITCHES THAT IS NOT CLEAR.

6.1 Mixing with Water

This product mixes readily with water. Mix spray solutions of this product as follows: Fill the mixing or spray tank with the required amount of water. Add the recommended amount of this product near the end of the filling process and mix well. Use caution to avoid siphoning back into the carrier source. Use approved anti-back-siphoning devices where required by state or local regulations. During mixing and application, foaming of the spray solution may occur. To prevent or minimize foam, avoid the use of mechanical agitators, terminate by-pass and return lines at the bottom of the tank and, if needed, use an approved anti-foam or defoaming agent.

6.2 Tank Mixing Procedure

When tank mixing, read and carefully observe label directions, cautionary statements and all information on the labels of all products used. Add the tank-mix product to the tank as directed by the label. Maintain agitation and add the recommended amount of this product.

Maintain good agitation at all times until the contents of the tank are sprayed. If the spray mixture is allowed to settle, thorough agitation may be required to resuspend the mixture before spraying is resumed.

Keep by-pass line on or near the bottom of the tank to minimize foaming. Screen size in nozzle or line strainers should be no finer than 50 mesh.

Always predetermine the compatibility of labeled tank mixtures of this product with water carrier by mixing small proportional quantities in advance. Ensure that the specific tank mixture product is registered for application at the desired site.

Refer to the "TANK MIXING" section of "GENERAL INFORMATION" for additional precautions.

6.3 Mixing for Hand-Held Sprayers

Prepare the desired volume of spray solution by mixing the amount of this product in water as shown in the following table:

Spray Solution

Desired Volume	Amount of Ranger PRO herbicide					
	1/2%	1%	1-1/2%	2%	5%	10%
1 gal	2/3 oz	1-1/3 oz	2 oz	2-2/3 oz	6-1/2 oz	13 oz
25 gal	1 pt	1 qt	1-1/2 qt	2 qt	5 qt	10 qt
100 gal	2 qt	1 gal	1-1/2 gal	2 gal	5 gal	10 gal

2 tablespoons = 1 fluid ounce

For use in backpack, knapsack or pump-up sprayers, it is suggested that the recommended amount of this product be mixed with water in a larger container. Fill sprayer with the mixed solution.

6.4 Surfactant

Nonionic surfactants which are labeled for use with herbicides may be used. Do not reduce rates of this product when adding surfactant. When adding additional surfactant, use 0.5-percent surfactant concentration (2 quarts per 100 gallons of spray solution) when using surfactants which contain at least 70 percent active ingredient or a 1-percent surfactant concentration (4 quarts per 100 gallons of spray solution) for those surfactants containing less than 70 percent active ingredient. Read and carefully observe surfactant cautionary statements and other information appearing on the surfactant label.

6.5 Colorants or Dyes

Agriculturally approved colorants or marking dyes may be added to this product. Colorants or dyes used in spray solutions of this product may reduce performance, especially at lower rates or dilution. Use colorants or dyes according to the manufacturer's recommendations.

6.6 Drift Control Additives

Drift control additives may be used. When a drift control additive is used, read and carefully observe the cautionary statements and all other information appearing on the additive label.

7.0 APPLICATION EQUIPMENT AND TECHNIQUES

Do not apply this product through any type of irrigation system.

APPLY THESE SPRAY SOLUTIONS IN PROPERLY MAINTAINED AND CALIBRATED EQUIPMENT CAPABLE OF DELIVERING DESIRED VOLUMES.

SPRAY DRIFT MANAGEMENT

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

AERIAL SPRAY DRIFT MANAGEMENT

The following drift management requirements must be followed to avoid off-target drift movement from aerial applications to agricultural field crops.

1. The distance of the outermost nozzles on the boom must not exceed 3/4 the length of the wingspan or rotor.
2. Nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees. Where states have more stringent regulations, they should be observed.

Importance of droplet size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see the Wind, Temperature and Humidity, and Temperature Inversion sections of this label).

Controlling droplet size

- **Volume:** Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with the higher rated flows produce larger droplets.

- **Pressure:** Use the lower spray pressures recommended for the nozzle. Higher pressure reduces droplet size and does not improve canopy penetration. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- **Number of nozzles:** Use the minimum number of nozzles that provide uniform coverage.
- **Nozzle orientation:** Orienting nozzles so that the spray is released backwards, parallel to the air stream, will produce larger droplets than other orientations. Significant deflection from the horizontal will reduce droplet size and increase drift potential.
- **Nozzle type:** Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce larger droplets than other nozzle types.
- **Boom length:** For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.
- **Application height:** Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces the exposure of the droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller droplets, etc.).

Wind

Drift potential is lowest between wind speeds of 2 to 10 miles per hour. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application should be avoided below 2 miles per hour due to variable wind direction and high inversion potential. **NOTE:** Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect drift.

Temperature and Humidity

When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications should not occur during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

This product should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

7.1 Aerial Equipment

DO NOT APPLY THIS PRODUCT USING AERIAL SPRAY EQUIPMENT EXCEPT UNDER CONDITIONS AS SPECIFIED WITHIN THIS LABEL.

FOR AERIAL APPLICATION IN CALIFORNIA, REFER TO THE FEDERAL SUPPLEMENTAL LABEL FOR AERIAL APPLICATIONS IN THAT STATE FOR SPECIFIC INSTRUCTIONS, RESTRICTIONS AND REQUIREMENTS.

This product plus dicamba tank mixtures may not be applied by air in California.

TO PREVENT INJURY TO ADJACENT DESIRABLE VEGETATION, APPROPRIATE BUFFER ZONES MUST BE MAINTAINED.

Avoid direct application to any body of water.

Use the recommended rates of this herbicide in 3 to 25 gallons of water per acre.

Drift control additives may be used. When a drift control additive is used, read and carefully observe the cautionary statements and all other information appearing on the additive label.

Ensure uniform application—To avoid streaked, uneven or overlapped application, use appropriate marking devices.

PROLONGED EXPOSURE OF THIS PRODUCT TO UNCOATED STEEL SURFACES MAY RESULT IN CORROSION AND POSSIBLE FAILURE OF THE PART. The maintenance of an organic coating (paint) which meets aerospace specification MIL-C-38413 may prevent corrosion. To prevent corrosion of exposed parts, thoroughly wash aircraft after each day of spraying to remove residues of this product accumulated during spraying or from spills. Landing gear is most susceptible.

7.2 Ground Broadcast Equipment

Use the recommended rates of this product in 3 to 40 gallons of water per acre as a broadcast spray unless otherwise specified. As density of weeds increases, spray volume should be increased within the recommended range to ensure complete coverage. Carefully select proper nozzles to avoid spraying a fine mist. For best results with ground application equipment, use flat-fan nozzles. Check for even distribution of spray droplets.

7.3 Hand-Held or High-Volume Equipment

Apply to foliage of vegetation to be controlled. For applications made on a spray-to-wet basis, spray coverage should be uniform and complete. Do not spray to the point of runoff. Use coarse sprays only.

For control of weeds listed in the "ANNUAL WEEDS" section of "WEEDS CONTROLLED", apply a 1/2-percent solution of this product to weeds less than 6 inches in height or runner length. For annual weeds over 6 inches tall, or unless otherwise specified, use a 1-percent solution. Apply prior to seedhead formation in grass or bud formation in broadleaf weeds.

For best results, use a 2-percent solution on harder-to-control perennials, such as Bermudagrass, dock, field bindweed, hemp dogbane, milkweed and Canada thistle.

For low volume directed spray applications, use a 5- to 10-percent solution of this product for control or partial control of annual weeds, perennial weeds, or woody brush and trees. Spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall woody brush and trees, when foliage is thick and dense, or where there are multiple sprouts.

7.4 Selective Equipment

This product may be applied through recirculating spray systems, shielded applicators, hooded sprayers, wiper applicators or sponge bars, after dilution and thorough mixing with water, to listed weeds growing in any non-crop site specified on this label.

A recirculating spray system directs the spray solution onto weeds growing above desirable vegetation, while spray solution not intercepted by weeds is collected and returned to the spray tank for reuse.

AVOID CONTACT OF HERBICIDE WITH DESIRABLE VEGETATION, AS SERIOUS INJURY OR DEATH IS LIKELY TO OCCUR.

Applicators used above desired vegetation should be adjusted so that the lowest spray stream or wiper contact point is at least 2 inches above the desirable vegetation. Droplets, mist, foam or splatter of the herbicide solution settling on desirable vegetation is likely to result in discoloration, stunting or destruction.

Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds not contacted by the herbicide solution will not be affected. This may occur in dense clumps, severe infestations or when the height of the weeds varies so that not all weeds are contacted. In these instances, repeat treatment may be necessary.

Shielded and Hooded Applicators

A shielded or hooded applicator directs the herbicide solution onto weeds, while shielding desirable vegetation from the herbicide. Use nozzles that provide uniform coverage within the treated area. Keep shields on these sprayers adjusted to protect desirable vegetation. **EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OF HERBICIDE WITH DESIRABLE VEGETATION.**

Wiper Applicators and Sponge Bars

A wiper or sponge applicator applies the herbicide solution onto weeds by rubbing the weed with an absorbent material containing the herbicide solution. Equipment must be designed, maintained and operated to prevent the herbicide solution from contacting desirable vegetation. Operate this equipment at ground speeds no greater than 5 miles per hour. Performance may be improved by reducing speed in areas of heavy weed infestations to ensure adequate wiper saturation. Better results may be obtained if 2 applications are made in opposite directions.

Avoid leakage or dripping onto desirable vegetation. Adjust height of applicator to ensure adequate contact with weeds. Keep wiping surfaces clean. Be aware that, on sloping ground, the herbicide solution may migrate, causing dripping on the lower end and drying of the wicks on the upper end of a wiper applicator.

Do not use wiper equipment when weeds are wet.

Mix only the amount of solution to be used during a 1-day period, as reduced activity may result from use of leftover solutions. Clean wiper parts immediately after using this product by thoroughly flushing with water.

For Rope or Sponge Wick Applicators—Solutions ranging from 33 to 75 percent of this product in water may be used.

For Panel Applicators and pressure-feed systems—Solutions ranging from 33 to 100 percent of this product in water may be used.

When applied as recommended above, this product **CONTROLS** the following weeds:

Corn, volunteer	Sicklepod
Panicum, Texas	Spanishneedles
Rye, common	Starbur, bristly
Shattercane	

When applied as recommended above, this product **SUPPRESSES** the following weeds:

Beggarweed, Florida	Ragweed, common
Bermudagrass	Ragweed, giant
Dogbane, hemp	Smutgrass
Dogfennel	Sunflower
Guineagrass	Thistle, Canada
Johnsongrass	Thistle, musk
Milkweed	Vaseygrass
Nightshade, silverleaf	Velvetleaf
Pigweed, redroot	

7.5 Injection Systems

This product may be used in aerial or ground injection spray systems. It may be used as a liquid concentrate or diluted prior to injecting into the spray stream. Do not mix this product with the undiluted concentrate of other products when using injection systems unless specifically recommended.

7.6 CDA Equipment

The rate of this product applied per acre by controlled droplet application (CDA) equipment must not be less than the amount recommended in this label when applied by conventional broadcast equipment. For vehicle-mounted CDA equipment, apply 2 to 15 gallons of water per acre.

CDA equipment produces a spray pattern that is not easily visible. Extreme care must be exercised to avoid spray or drift contacting the foliage or any other green tissue of desirable vegetation, as damage or destruction is likely to result.

8.0 SITE AND USE RECOMMENDATIONS

Detailed instructions follow alphabetically, by site.

Unless otherwise specified, applications may be made to control any weeds listed in the annual, perennial and woody brush tables. Refer also to the "SELECTIVE EQUIPMENT" section.

8.1 Cut Stumps

Cut stump treatments may be made on any site listed on this label. This product will control many types of woody brush and tree species, some of which are listed below. Apply this product using suitable equipment to ensure coverage of the entire cambium. Cut trees or resprouts close to the soil surface. Apply a 50- to 100-percent solution of this product to the freshly-cut surface **immediately after cutting**. Delays in application may result in reduced performance. For best results, applications should be made during periods of active growth and full leaf expansion.

Alder	Saltcedar
Eucalyptus	Sweetgum
Madrone	Tan oak
Oak	Willow
Reed, giant	

DO NOT MAKE CUT STUMP APPLICATIONS WHEN THE ROOTS OF DESIRABLE WOODY BRUSH OR TREES MAY BE GRAFTED TO THE ROOTS OF THE CUT STUMP. Some sprouts, stems, or trees may share the same root system. Adjacent trees having a similar age, height and spacing may signal shared roots. Whether grafted or shared, injury is likely to occur to non-treated stems/trees when one or more trees sharing common roots are treated.

8.2 Forestry Site Preparation

This product is recommended for the control or partial control of woody brush, trees and herbaceous weeds in forestry. This product is also recommended for use in preparing or establishing wildlife openings within these sites and maintaining logging roads.

This product is recommended for use in site preparation prior to planting any tree species, including Christmas trees, eucalyptus, hybrid tree cultivars and silvicultural nursery sites.

APPLICATION RATES AND TIMING

APPLICATION	RANGER PRO HERBICIDE	SPRAY VOLUME GAL/A
BROADCAST		
Aerial	2 to 10 qts/A	5 to 30
Ground	2 to 10 qts/A	10 to 60
SPRAY-TO-WET		
Handgun, Backpack	3/4% to 2%	spray-to-wet by volume
LOW VOLUME DIRECTED SPRAY		
Handgun, Backpack	5% to 10%	partial coverage* by volume

*For low volume directed spray applications, coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one-half of the plant is important for best results.

Use higher rates of this product within the recommended range for control or partial control of woody brush, trees and hard-to-control perennial herbaceous weeds. For best results, apply to actively growing woody brush and trees after full leaf expansion and before fall color and leaf drop. Increase rates within the recommended range for control of perennial herbaceous weeds any time after emergence and before seedheads, flowers or berries appear.

Use the lower rates of this product within the recommended range for control of annual herbaceous weeds and actively growing perennial herbaceous weeds after seedheads, flowers or berries appear. Apply to the foliage of actively growing annual herbaceous weeds any time after emergence.

This product has no herbicidal or residual activity in the soil. Where repeat applications are necessary, do not exceed 10.6 quarts of this product per acre per year.

Tank Mixtures

Tank mixtures of this product may be used to increase the spectrum of vegetation controlled. When tank mixing, read and carefully observe the label claims, cautionary statements and all information on the labels of all products used. Use according to the most restrictive precautionary statements for each product in the mixture.

NOTE: For forestry site preparation, make sure the tank-mix product is approved for use prior to planting the desired species. Observe planting interval restrictions.

Any recommended rate of this product may be used in a tank mix with the following products for forestry site preparation.

PRODUCT

Arsenal Applicators Concentrate
Escort
Chopper
Garlon 4
Oust

For control of herbaceous weeds, use the lower recommended tank mixture rates. For control of dense stands or tough-to-control woody brush and trees, use the higher recommended rates.

Do not apply this product as an over-the-top broadcast spray for forestry conifer or hardwood release.

8.3 General Non-crop Areas and Industrial Sites

Use in areas such as airports, apartment complexes, ditch banks, dry ditches, dry canals, fence rows, golf courses, industrial sites, lumber yards, manufacturing sites, office complexes, parks, parking areas, petroleum tank farms and pumping installations, railroads, recreational areas, residential areas, roadsides, sod or turf seed farms, schools, storage areas, substations, warehouse areas, other public areas, and similar industrial and non-crop sites.

General Weed Control, Trim-and-Edge, Bare Ground

This product may be used in general non-crop areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around objects in non-crop sites, for spot treatment of unwanted vegetation and to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (sod or seed), or prior to laying asphalt or beginning construction projects.

Repeated applications of this product may be used, as weeds emerge, to maintain bare ground.

This product may be tank mixed with the following products provided that the specific product is registered for use on such non-crop sites. Refer to these products' labels for approved non-crop sites and application rates.

Arsenal	Karmex DF	Ronstar 50 WSP
Barricade 65WG	Krovax 1 DF	Sahara
Clarity	Oust	simazine
diuron	Pendulum 3.3 EC	Surflan
Endurance	Pendulum WDG	Telar
Escort	Plateau	Vanquish
Garlon 3A	Princep DF	2,4-D
Garlon 4	Princep Liquid	

When applied as a tank mixture for bare ground, this product provides control of the emerged annual weeds and control or partial control of emerged perennial weeds, woody brush and trees.

For control or partial control of the following perennial weeds, apply 1 to 2 quarts of this product plus 2 to 4 ounces of Oust per acre.

Bahiagrass	Fescue, tall
Bermudagrass	Johnsongrass
Broomsedge	Poorjoe
Dallisgrass	Quackgrass
Dock, curly	Vaseygrass
Dogfennel	Vervain, blue

Chemical Mowing - Perennials

This product will suppress perennial grasses listed in this section to serve as a substitute for mowing. Use 8 fluid ounces of this product per acre when treating tall fescue, fine fescue, orchardgrass, quackgrass or reed canarygrass covers. Use 6 fluid ounces of this

product per acre when treating Kentucky bluegrass. Apply treatments in 10 to 40 gallons of spray solution per acre.

Use only in areas where some temporary injury or discoloration of perennial grasses can be tolerated.

Chemical Mowing - Annuals

For growth suppression of some annual grasses, such as annual ryegrass, wild barley and wild oats growing in coarse turf on roadsides or other industrial areas, apply 4 to 5 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Applications should be made when annual grasses are actively growing and before the seedheads are in the boot stage of development. Treatments may cause injury to the desired grasses.

Bromus Species and Medusahead in Pastures and Rangelands

Bromus species. This product may be used to treat downy brome (*Bromus tectorum*), Japanese brome (*Bromus japonicus*), soft chess (*Bromus mollis*) and cheatgrass (*Bromus secalinus*) found in industrial, rangeland and pasture sites. Apply 8 to 16 fluid ounces of this product per acre on a broadcast basis.

For best results, treatment should coincide with early seedhead emergence of the most mature plants. Delaying the application until this growth stage will maximize the emergence of other weedy grass flushes. Applications should be made to the same site each year until seed banks are depleted and the desirable perennial grasses can become reestablished on the site.

Medusahead. To treat medusahead, apply 16 fluid ounces of this product per acre as soon as plants are actively growing, and prior to the 4-leaf stage. Applications may be made in the fall or spring.

Applications to brome and medusahead may be made using ground or aerial equipment. Aerial applications for these uses may be made using fixed wing or helicopter equipment. For aerial applications, apply in 2 to 10 gallons of water per acre. For applications using ground equipment, apply in 10 to 20 gallons of water per acre. When applied as directed in this label, there are no grazing restrictions.

Dormant Turfgrass

This product may be used to control or suppress many winter annual weeds and tall fescue for effective release of dormant Bermudagrass and bahiagrass turf. Treat only when turf is dormant and prior to spring green-up.

Apply 8 to 64 fluid ounces of this product per acre. Apply the recommended rates in 10 to 40 gallons of water per acre. Use only in areas where Bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated.

Treatments in excess of 16 fluid ounces per acre may result in injury or delayed green-up in highly maintained areas, such as golf courses and lawns. DO NOT apply tank mixtures of this product plus Oust in highly maintained turfgrass areas. For further uses, refer to the "ROADSIDES" section of this label, which gives rates for dormant Bermudagrass and bahiagrass treatments.

Actively Growing Bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing Bermudagrass. DO NOT apply more than 16 fluid ounces of this product per acre in highly maintained turfgrass areas. DO NOT apply tank mixtures of this product plus Oust in highly maintained turfgrass areas. For further uses, refer to the "ROADSIDES" section of this label, which gives rates for actively growing Bermudagrass treatments. Use only in areas where some temporary injury or discoloration can be tolerated.

Turfgrass Renovation, Seed, or Sod Production

This product controls most existing vegetation prior to renovating turfgrass areas or establishing turfgrass grown for seed or sod. For maximum control of existing vegetation, delay planting or sodding to determine if any regrowth from escaped underground plant parts occurs. Where repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses such as Bermudagrass, summer or fall applications provide the best control. Where existing vegetation is growing under mowed turfgrass management, apply this product after omitting at least one regular mowing to allow sufficient growth for good interception of the spray.

Do not disturb soil or underground plant parts before treatment. Tillage or renovation techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow translocation into underground plant parts.

Desirable turfgrasses may be planted following the above procedures.

Hand-held equipment may be used for spot treatment of unwanted vegetation growing in existing turfgrass. Broadcast or hand-held equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested.

If application rates total 3 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 3 quarts per acre, remove domestic livestock before application and wait 8 weeks after application before grazing or harvesting.

8.4 Habitat Management

Habitat Restoration and Management

This product may be used to control exotic and other undesirable vegetation in habitat management and natural areas, including rangeland and wildlife refuges. Applications can be made to allow recovery of native plant species, prior to planting desirable native species, and for similar broad-spectrum vegetation control requirements. Spot treatments can be made to selectively remove unwanted plants for habitat management and enhancement.

Wildlife Food Plots

This product may be used as a site preparation treatment prior to planting wildlife food plots. Any wildlife food species may be planted after applying this product, or native species may be allowed to repopulate the area. If tillage is needed to prepare a seeded, wait 7 days after application before tillage to allow translocation into underground plant parts.

8.5 Injection and Frill (Woody Brush and Trees)

This product may be used to control woody brush and trees by injection or frill applications. Apply this product using suitable equipment that must penetrate into the living tissue. Apply the equivalent of 1/25 fluid ounce (1 mL) of this product per each 2 to 3 inches of trunk diameter at breast height (DBH). This is best achieved by applying a 50 to 100 percent concentration of this product either to a continuous frill around the tree or as cuts evenly spaced around the tree below all branches. As tree diameter increases in size, better results are achieved by applying diluted material to a continuous frill or more closely spaced cuttings. Avoid application techniques that allow runoff to occur from frilled or cut areas in species that exude sap freely. In species such as this, make the frill or cuts at an oblique angle to produce a cupping effect and use a 100 percent concentration of this product. For best results, application should be made during periods of active growth and after full leaf expansion. This product will control many species, some of which are listed below:

Control

Oak
Poplar
Sweetgum
Sycamore

Partial Control

Black gum
Dogwood
Hickory
Maple, red

8.6 Ornamentals, Plant Nurseries, and Christmas Trees

Post-Directed, Trim-and-Edge

This product may be used as a post-directed spray around established woody ornamental species such as arborvitae, azalea, boxwood, crabapple, eucalyptus, euonymus, fir, douglas fir, jojoba, hollies, lilac, magnolia, maple, oak, poplar, privet, pine, spruce and yew. This product may also be used to trim and edge around trees, buildings, sidewalks and roads, potted plants and other objects in a nursery setting.

Desirable plants may be protected from the spray solution by using shields or coverings made of cardboard or other impermeable material. THIS PRODUCT IS NOT RECOMMENDED FOR USE AS AN OVER-THE-TOP BROADCAST SPRAY IN ORNAMENTALS AND CHRISTMAS TREES. Care must be exercised to avoid contact of spray, drift or mist with foliage or green bark of established ornamental species.

Site Preparation

This product may be used prior to planting any ornamental, nursery or Christmas tree species.

Wiper Applications

This product may be used through wick or other suitable wiper applicators to control or partially control undesirable vegetation around established eucalyptus or poplar trees. See the "SELECTIVE EQUIPMENT" section of this label for further information about the proper use of wiper applicators.

Greenhouse/Shadehouse

This product may be used to control weeds growing in and around greenhouses and shadehouses. Desirable vegetation must not be present during application and air circulation fans must be turned off.

8.7 Parks, Recreational and Residential Areas

This product may be used in parks, recreational and residential areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around trees, fences, and paths, around buildings, sidewalks, and other objects in these areas. This product may be used for spot treatment of unwanted vegetation. This product may be used to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (sod or seed), or prior to laying asphalt or beginning construction projects.

All of the instructions in the "GENERAL NON-CROP AREAS AND INDUSTRIAL SITES" section apply to park and recreational areas.

8.8 Railroads

All of the instructions in the "GENERAL NON-CROP AREAS AND INDUSTRIAL SITES" section apply to railroads.

Bare Ground, Ballast and Shoulders, Crossings, and Spot Treatment

This product may be used to maintain bare ground on railroad ballast and shoulders. Repeat applications of this product may be used, as weeds emerge, to maintain bare ground. This product may be used to control tall-growing weeds to improve line-of-sight

at railroad crossings and reduce the need for mowing along rights-of-way. For crossing applications, up to 80 gallons of spray solution per acre may be used.

This product may be tank mixed with the following products provided that the specific product is registered for ballast, shoulder, spot, bare ground and crossing treatments:

Arsenal	Krovax I DF
Clarity	Oust
diuron	Sahara
Escort	Spike
Garlon 3A	Telar
Garlon 4	Vanquish
Hyvar X	2,4-D

Brush Control

This product may be used to control woody brush and trees on railroad rights-of-way. Apply 4 to 10 quarts of this product per acre as a broadcast spray, using boom-type or boomless nozzles. Up to 80 gallons of spray solution per acre may be used. Apply a 3/4- to 2-percent solution of this product when using high-volume spray-to-wet applications. Apply a 5- to 10-percent solution of this product when using low volume directed sprays for spot treatment. This product may be mixed with the following products for enhanced control of woody brush and trees:

Arsenal	Garlon 4
Escort	Tordon K
Garlon 3A	

Bermudagrass Release

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing Bermudagrass. Apply 1 to 3 pints of this product in up to 80 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

Bahiagrass	Johnsongrass
Bluestem, silver	Trumpetcreeper
Fescue, tall	Vaseygrass

This product may be tank-mixed with Oust. If tank-mixed, use no more than 1 to 3 pints of this product with 1 to 2 ounces of Oust per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

Bahiagrass	Fescue, tall
Blackberry	Johnsongrass
Bluestem, silver	Poorjoe
Broomsedge	Raspberry
Dallisgrass	Trumpetcreeper
Dewberry	Vaseygrass
Dock, curly	Vervain, blue
Dogfennel	

Use only on well-established Bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications in the same season are not recommended, since severe injury may occur.

8.9 Roadsides

All of the instructions in the "GENERAL NON-CROP AREAS AND INDUSTRIAL SITES" section apply to roadsides.

Shoulder Treatments

This product may be used on road shoulders. It may be applied with boom sprayers, shielded boom sprayers, high-volume off-center nozzles, hand-held equipment, and similar equipment.

Guardrails and Other Obstacles to Mowing

This product may be used to control weeds growing under guardrails and around signposts and other objects along the roadside.

Spot Treatment

This product may be used as a spot treatment to control unwanted vegetation growing along roadsides.

Tank Mixtures

This product may be tank-mixed with the following products provided that the specific product is registered for shoulder, guardrail, spot and bare ground treatments:

Clarity	Princep DF
diuron	Princep Liquid
Endurance	Ronstar 50 WSP
Escort	Sahara
Krovax I DF	simazine
Oust	Surflan
Outrider®	Telar
Pendulum 3.3 EC	Vanquish
Pendulum WDG	2,4-D

See the "GENERAL NON-CROP AREAS AND INDUSTRIAL SITES" section of this label for general instructions for tank mixing.

Release of Bermudagrass or Bahiagrass

Dormant Applications

This product may be used to control or partially control many winter annual weeds and tall fescue for effective release of dormant Bermudagrass or bahiagrass. Treat only when turf is dormant and prior to spring green-up. This product may also be tank-mixed with Outrider herbicide or Oust for residual control. Tank mixtures of this product with Oust may delay green-up.

For best results on winter annuals, treat when plants are in an early growth stage (below 6 inches in height) after most have germinated. For best results on tall fescue, treat when fescue is at or beyond the 4- to 6-leaf stage.

Apply 8 to 64 fluid ounces of this product in a tank mixture with 3/4 to 1 1/3 ounces Outrider herbicide per acre. Read and follow all label directions for Outrider herbicide.

Apply 8 to 64 fluid ounces of this product per acre alone or in a tank mixture with 1/4 to 1 ounce per acre of Oust. Apply the recommended rates in 10 to 40 gallons of water per acre. Use only in areas where Bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated. To avoid delays in green-up and minimize injury, add no more than 1 ounce of Oust per acre on Bermudagrass and no more than 1/2 ounce of Oust per acre on bahiagrass and avoid treatments when these grasses are in a semi-dormant condition.

Actively Growing Bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing Bermudagrass. Apply 1 to 3 pints of this product in 10 to 40 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

Bahiagrass	Johnsongrass
Bluestem, silver	Trumpetcreeper
Fescue, tall	Vaseygrass

This product may be tank mixed with Outrider herbicide for control or partial control of Johnsongrass and other weeds listed in the Outrider herbicide label. Use 8 to 32 fluid ounces of this product with 3/4 to 1 1/3 ounces of Outrider herbicide. Use the higher rates of both products for control of perennial weeds or annual weeds greater than 6 inches in height.

This product may be tank-mixed with Oust. If tank-mixed, use no more than 1 to 2 pints of this product with 1 to 2 ounces of Oust per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

Bahiagrass	Fescue, tall
Bluestem, silver	Johnsongrass
Broomsedge	Poorjoe
Dallisgrass	Trumpetcreeper
Dock, curly	Vaseygrass
Dogfennel	Vervain, blue

Use only on well-established Bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications of the tank mix in the same season are not recommended, since severe injury may occur.

Actively Growing Bahiagrass

For suppression of vegetative growth and seedhead inhibition of bahiagrass for approximately 45 days, apply 6 fluid ounces of this product in 10 to 40 gallons of water per acre. Apply 1 to 2 weeks after full green-up or after mowing to a uniform height of 3 to 4 inches. This application must be made prior to seedhead emergence.

For suppression up to 120 days, apply 4 fluid ounces of this product per acre, followed by an application of 2 to 4 fluid ounces per acre about 45 days later. Make no more than 2 applications per year.

This product may be used for control or partial control of Johnsongrass and other weeds listed on the Outrider herbicide label in actively growing bahiagrass. Apply 1 1/2 to 4 3/4 ounces of this product with 3/4 to 1 1/3 ounces of Outrider herbicide per acre. Use the higher rates for control of perennial weeds or annual weeds greater than 6 inches in height. Use only on well established bahiagrass.

A tank mixture of this product plus Oust may be used. Apply 6 fluid ounces of this product plus 1/4 ounce of Oust per acre 1 to 2 weeks following an initial spring mowing. Make only one application per year.

8.10 Utility Sites

In utilities, this product is recommended for use along electrical power, pipeline and telephone rights-of-way, and in other sites associated with these rights-of-way, such as substations, roadsides, railroads or similar rights-of-way that run in conjunction with utilities.

This product is also recommended for use in preparing or establishing wildlife openings within these sites, maintaining access roads and for side trimming along utility rights-of-way.

Tank Mixtures

Tank mixtures of this product may be used to increase the spectrum of control for herbaceous weeds, woody brush and trees provided that the specific product is registered for application to the desired site. When tank mixing, read and carefully observe the label claims, cautionary statements and all information on the labels of all products used. Use according to the most restrictive precautionary statements for each product in the mixture. Any recommended rate of this product may be used in a tank mix.

For control of herbaceous weeds, use the lower recommended tank mixture rates. For control of dense stands or tough-to-control woody brush and trees, use the higher recommended rates.

NOTE: For side trimming treatments, it is recommended that this product be used alone or in tank mixture with Garlon 4.

BROADCAST APPLICATION

Arsenal
Escort
Garlon 3A*
Garlon 4
Oust

SPRAY-TO-WET APPLICATION

Arsenal
Escort

LOW VOLUME DIRECTED SPRAY APPLICATION

Arsenal
Escort

*Ensure that Garlon 3A is thoroughly mixed with water according to label directions before adding this product. Have spray mixture agitating at the time this product is added to avoid spray compatibility problems.

Bare Ground and Trim-and-Edge

This product may be used in utility sites and substations for bare ground, trim-and-edge around objects, spot treatment of unwanted vegetation and to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting a utility site to ornamentals, flowers, turfgrass (sod or seed), or beginning construction projects.

Repeated applications of this product may be used, as weeds emerge, to maintain bare ground.

This product may be tank mixed with the following products. Refer to these products' labels for approved non-crop sites and application rates.

Arsenal	Plateau
Banvel	Princep DF
Barricade 65WG	Princep Liquid
diuron	Ronstar 50 WSP
Endurance	Sahara
Escort	simazine
Garlon 3A	Surflan

9.0 WEEDS CONTROLLED

Always use the higher rate of this product per acre within the recommended range when weed growth is heavy or dense or weeds are growing in an undisturbed (noncultivated) area.

Reduced results may occur when treating weeds heavily covered with dust. For weeds that have been mowed, grazed or cut, allow regrowth to occur prior to treatment.

Refer to the following label sections for recommended rates for the control of annual and perennial weeds and woody brush and trees. For difficult to control perennial weeds and woody brush and trees, where plants are growing under stressed conditions, or where infestations are dense, this product may be used at 5 to 10 quarts per acre for enhanced results.

9.1 Annual Weeds

Use 1 quart per acre if weeds are less than 6 inches in height or runner length and 1.5 quarts to 4 quarts per acre if weeds are over 6 inches in height or runner length or when weeds are growing under stressed conditions.

For spray-to-wet applications, apply a 1/2-percent solution of this product to weeds less than 6 inches in height or runner length. Apply prior to seedhead formation in grass or bud formation in broadleaf weeds. For annual weeds over 6 inches tall, or for smaller weeds growing under stressed conditions, use a 1- to 2-percent solution. Use the higher rate for tough-to-control species or for weeds over 24 inches tall.

WEED SPECIES

Anoda, spurred	Brome, downy*
Barley*	Brome, Japanese*
Barnyardgrass*	Browntop panicum*
Bassia, fivehook	Buttercup*
Bittercress*	Carolina foxtail*
Black nightshade*	Carolina geranium
Bluegrass, annual*	Castorbean
Bluegrass, bulbous*	Cheatgrass*

WEED SPECIES (Cont'd.)

Cheeseweed (<i>Malva parviflora</i>)	Mustard, tansy*
Chervil*	Mustard, tumble*
Chickweed*	Mustard, wild*
Cocklebur*	Oats
Copperleaf, hophornbeam	Pigweed*
Corn*	Plains/Tickseed coreopsis*
Corn speedwell*	Prickly lettuce*
Crabgrass*	Puncturevine
Dwarf dandelion*	Purslane, common
Eastern manna grass*	Ragweed, common*
Eclipta*	Ragweed, giant
Fall panicum*	Red rice
Falsedandelion*	Russian thistle
Falseflax, smallseed*	Rye*
Fiddleneck	Ryegrass*
Field pennycress*	Sandbur, field*
Filaroe	Shattercane*
Fleabane, annual*	Shepherd's-purse*
Fleabane, hairy	Sicklepod
(<i>Coryza bonariensis</i>)*	Signalgrass, broadleaf*
Fleabane, rough*	Smartweed, ladysthumb*
Florida pusley	Smartweed, Pennsylvania*
Foxtail*	Sowthistle, annual
Goatgrass, jointed*	Spanishneedles
Goosegrass	Speedwell, purslane*
Grain sorghum (milo)*	Sprangletop*
Groundsel, common*	Spurge, annual
Hemp sesbania	Spurge, prostrate*
Henbit	Spurge, spotted*
Horseweed/Marestail	Spurry, umbrella*
(<i>Coryza canadensis</i>)	Starthistle, yellow
itchgrass*	Stinkgrass*
Johnsongrass, seedling	Sunflower*
Junglerice	Teaweed/Prickly sida
Knotweed	Texas panicum*
Kochia	Velvetleaf
Lamb's-quarters*	Virginia copperleaf
Little barley*	Virginia pepperweed*
London rocket*	Wheat*
Mayweed	Wild oats*
Medusahead*	Witchgrass*
Morningglory (<i>Pomoea spp</i>)	Woolly cupgrass*
Mustard, blue*	Yellow rocket

*When using field broadcast equipment (aerial applications or boom sprayers using flat-fan nozzles) these species will be controlled or partially controlled using 1 pint of this product per acre. Applications must be made using 3 to 10 gallons of carrier volume per acre. Use nozzles that ensure thorough coverage of foliage and treat when weeds are in an early growth stage.

9.2 Perennial Weeds

Best results are obtained when perennial weeds are treated after they reach the reproductive stage of growth (seedhead initiation in grasses and bud formation in broadleaves). For non-flowering plants, best results are obtained when the plants reach a mature stage of growth. In many situations, treatments are required prior to these growth stages. Under these conditions, use the higher application rate within the recommended range.

Ensure thorough coverage when using spray-to-wet treatments using hand-held equipment. When using hand-held equipment for low-volume directed spot treatments, apply a 5- to 10-percent solution of this product.

Allow 7 or more days after application before tillage.

Weed Species	Rate (QT/A)	Hand-Held % Solution
Alfalfa*	1	2
Alligatorweed*	4	1.5
Anise (fennel)	2 - 4	1 - 2
Bahiagrass	3 - 5	2
Beachgrass, European (<i>Ammophila arenaria</i>)	—	5
Bentgrass*	1.5	2
Bermudagrass	5	2
Bermudagrass, water (knotgrass)	1.5	2
Birdweed, field	4 - 5	2
Bluegrass, Kentucky	2	2
Blueweed, Texas	4 - 5	2
Brackenfern	3 - 4	1 - 1.5
Bromegrass, smooth	2	2
Bursage, woolly-leaf	—	2

Weed Species	Rate (QT/A)	Hand-Held % Solution
Canarygrass, reed	2 - 3	2
Cattail	3 - 5	2
Clover, red, white	3 - 5	2
Cogongrass	3 - 5	2
Dallisgrass	3 - 5	2
Dandelion	3 - 5	2
Dock, curly	3 - 5	2
Dogbane, hemp	4	2
Fescue (except tall)	3 - 5	2
Fescue, tall	1 - 3	2
German ivy	2 - 4	1 - 2
Guineagrass	3	1
Horsenettle	3 - 5	2
Horseradish	4	2
Iceplant	2	1.5 - 2
Jerusalem artichoke	3 - 5	2
Johnsongrass	2 - 3	1
Kikuyugrass	2 - 3	2
Knapweed	4	2
Lantana	—	1 - 1.25
Lespedeza	3 - 5	2
Milkweed, common	3	2
Muhly, wirestem	2	2
Mullein, common	3 - 5	2
Napiergrass	3 - 5	2
Nightshade, silverleaf	2	2
Nutsedge, purple, yellow	3	1 - 2
Orchardgrass	2	2
Pampasgrass	3 - 5	1.5 - 2
Paragrass	3 - 5	2
Pepperweed, perennial	4	2
Phragmites*	3 - 5	1 - 2
Poison hemlock	2 - 4	1 - 2
Quackgrass	2 - 3	2
Redvine*	2	2
Reed, giant	4 - 5	2
Ryegrass, perennial	2 - 3	1
Smartweed, swamp	3 - 5	2
Spurge, leafy*	—	2
Sweet potato, wild*	—	2
Thistle, artichoke	2 - 3	1 - 2
Thistle, Canada	2 - 3	2
Timothy	2 - 3	2
Torpedograss*	4 - 5	2
Trumeicreeper*	2 - 3	2
Vaseygrass	3 - 5	2
Velvetgrass	3 - 5	2
Wheatgrass, western	2 - 3	2

*Partial control

9.3 Woody Brush and Trees

Apply this product after full leaf expansion, unless otherwise directed. Use the higher rate for larger plants and/or dense areas of growth. On vines, use the higher rate for plants that have reached the woody stage of growth. Best results are obtained when application is made in late summer or fall after fruit formation.

In arid areas, best results are obtained when applications are made in the spring to early summer when brush species are at high moisture content and are flowering.

Ensure thorough coverage when using spray-to-wet treatments using hand-held equipment. When using hand-held equipment for low volume directed-spray spot treatments, apply a 5- to 10-percent solution of this product.

Symptoms may not appear prior to frost or senescence with fall treatments.

Allow 7 or more days after application before tillage, mowing or removal. Repeat treatments may be necessary to control plants regenerating from underground parts or seed. Some autumn colors on undesirable deciduous species are acceptable provided no major leaf drop has occurred. Reduced performance may result if fall treatments are made following a frost.

Weed Species	Broadcast Rate (QT/A)	Hand-Held Spray-to-Wet % Solution
Alder	3 - 4	1 - 1.5
Ash*	2 - 5	1 - 2
Aspen, quaking	2 - 3	1 - 1.5
Bearclover (Bearmat)*	2 - 5	1 - 2
Beech*	2 - 5	1 - 2
Birch	2	1
Blackberry	3 - 4	1 - 1.5
Blackgum	2 - 5	1 - 2
Bracken	2 - 5	1 - 2
Broom; French, Scotch	2 - 5	1.5 - 2
Buckwheat, California*	2 - 4	1 - 2
Cascara*	2 - 5	1 - 2
Catsclaw*	—	1 - 1.5
Ceanothus*	2 - 5	1 - 2
Chamise*	2 - 5	1
Cherry, bitter, black, pin	2 - 3	1 - 1.5
Coyote brush	3 - 4	1.5 - 2
Deerweed	2 - 5	1
Dogwood*	2 - 5	1 - 2
Elderberry	2	1
Elm*	2 - 5	1 - 2
Eucalyptus	—	2
Gorse*	2 - 5	1 - 2
Hasardia*	2 - 4	1 - 2
Hawthorn	2 - 3	1 - 1.5
Hazel	2	1
Hickory*	2 - 5	1 - 2
Honeysuckle	3 - 4	1 - 1.5
Hornbeam, American*	2 - 5	1 - 2
Kudzu	4	2
Locust, black*	2 - 4	1 - 2
Madrone resprouts*	—	2
Manzanita*	2 - 5	1 - 2
Maple, red	2 - 4	1 - 1.5
Maple, sugar	—	1 - 1.5
Monkey flower*	2 - 4	1 - 2
Oak, black, white*	2 - 4	1 - 2
Oak, post	3 - 4	1 - 1.5
Oak, northern pin	2 - 4	1 - 1.5
Oak, scrub*	2 - 4	1 - 1.5
Oak, southern red	2 - 3	1 - 1.5
Peppertree, Brazilian (Florida holly)*	2 - 5	1 - 2
Persimmon*	2 - 5	1 - 2
Pine	2 - 5	1 - 2
Poison ivy	4 - 5	2
Poison oak	4 - 5	2
Poplar, yellow*	2 - 5	1 - 2
Redbud, eastern	2 - 5	1 - 2
Rose, multiflora	2	1
Russian olive*	2 - 5	1 - 2
Sage, black	2 - 4	1
Sage, white*	2 - 4	1 - 2
Sage brush, California	2 - 4	1
Salmonberry	2	1
Salicedar*	2 - 5	1 - 2
Sassafras*	2 - 5	1 - 2
Sourwood*	2 - 5	1 - 2
Sumac; laurel, poison, smooth, sugarbush, winged*	2 - 4	1 - 2
Sweetgum	2 - 3	1 - 1.5
Swordfern*	2 - 5	1 - 2
Tallowtree, Chinese	—	1
Tan oak resprouts*	—	2
Thimbleberry	2	1
Tobacco, tree*	2 - 4	1 - 2
Toyon*	—	2
Trumpet creeper	2 - 3	1 - 1.5

Weed Species	Broadcast Rate (QT/A)	Hand-Held Spray-to-Wet % Solution
Vine maple*	2 - 5	1 - 2
Virginia creeper	2 - 5	1 - 2
Waxmyrtle, southern*	2 - 5	1 - 2
Willow	3	1
Yerbasanta, California*	—	2

*Partial control

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Laura Hoffmeister

From: Laura Hoffmeister <lhoffmeister@ci.clayton.ca.us>
Sent: Saturday, March 19, 2016 12:29 AM
To: 'creedy.kevin@gmail.com'
Subject: FW: Dogs not on leashes and owners not cleaning up after dogs on trails

Dear Mr. Creedy:

Your email regarding your concern and suggestion for signage related to keeping dog on leash and picking up after pets was referred to me. This email from you is the first communication or complaint from you on this matter of which I am aware.

The citizens Trails and Landscape Committee and the City Council have reviewed such issues and suggestions before and I thought I would share with you that information:

In their comments and public discussion on these matters they have pointed out that signage is not very effective – signs are up all over town about the maximum speed and they are not observed. That even with signage violations must be observed directly by a sworn officer to be enforced. The City Council has determined not to pursue signage as the ones not abiding by the rules would likely not obey the signage either. The City Council and TLC have commented that even with signage people behave badly and ignore and would not be inclined to change behavior because of a sign. They have also pointed out that there are many trail segments in the community that have various access points and if signage done many areas would not be seen by the public as they enter and exit at many points, too many to cover all the opportunities.

They do support overall education or awareness. We have periodically provided news information in the local Clayton Pioneer in the Mayors column, Police Chiefs column and the Trails and Landscape Committee column to remind our citizens to not discard items along the trails and to be responsible pet owners and pick up after their pets. Most of our community members are responsible citizens, however there are a small amount that no matter what is provided or done or said will not make the effort or comply with the law (speeding, not making full stops as stop signs, etc as well). We thank you for sharing your concerns and ideas. The local Clayton Pioneer also accepts letters to the editor, possibly an article written by a resident such as yourself reminding your neighbors to be responsible pet owners etc might help in reinforcing the message as well.

Thank you for contacting your City about this matter of concern.

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

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

From: Kevin Creedy [mailto:creedy.kevin@gmail.com]
Sent: Friday, March 04, 2016 11:21 AM
To: cityclerk@ci.clayton.ca.us
Subject: Dogs not on leashes and owners not cleaning up after dogs on trails

From: Kevin Creedy <creedy.kevin@gmail.com>
Subject: Dogs not on leashes and owners not cleaning up after dogs on trails

Message Body:

Dear, Clayton

I have filed four complaints and yet still nothing has been done about this issue. Dog owners don't have special rights because they own dogs. I like many others who pay taxes to the city and have every right to use the public trails without having rottweilers and pitbulls jumping on us. There is one faded sign at Lidia Park that has the city rules listed on it, but people ignore them. Please post clean and legible signage along all city trails that dogs need to be on a leash, there crap cleaned up and deposited in a trash can. We tax payers paid for a city dog park for dog owners. If they want to have their dogs off leash then they should be using the tax payer funded dog park and not city trails where their off leash dog harass others.

Secondly, I'm sick and tired of dodging dog shit that is left laying on the trail. I am also tired of seeing plastic bags full of dog shit laying on the trail, because dog owners are to lazy to walk it to a trash can.

Please address these issues or I will be forced to go over the city's head to the county and state.

Thank you for your time.
Kevin Creedy

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This e-mail was sent from a contact form on (<http://www.undercovercomputers.com>)



Agenda Date: 3/21/16

Agenda Item: 10a

Memo

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: March 21, 2016
Re: Assignment of Committee verbal report at City Council meeting

Near the beginning of the City Council public meeting there is on the Agenda verbal public update reports of the city commission and committee self-selected members to make a verbal update report to the City Council.

A report is only provided at the next City Council meeting after the meeting of the commission or committee. It does not need to be the same person to give the report at each opportunity.

At the end of each TLC agenda is the item for the TLC to self-selecting who will be providing the applicable verbal report at the next City Council meeting. The verbal report is only a few minutes in length and highlights what the topics were that the TLC covered.



Agenda Date: 3/21/16

Agenda item: 10 b

Memo

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: March 21, 2016
Re: Future Agenda Items

The TLC Agenda Format will continue to include the following items on the Agenda itself for tracking – not all will have written reports they may be verbal status reports. Additional items will be included as appropriate. Typically there are 3-4 meetings of the TLC annually. Additional meetings will be scheduled if need arises or time sensitive matters need the TLC review. There may be additional meetings of ad-hoc subcommittees.

- minutes
- Maintenance staff Activity Report since last meeting for the District
- LMD project status report
- Ad-hoc subcommittee reports:
 - Adopt a Trail
 - Communication
 - Annual Report
- April 23rd Clayton Cleans Up - Community Event Education/Outreach Opportunity
- April 30/May 1- Annual Art and Wine - Community Event Education/Outreach Opportunity
- **May 2016 – TLC meeting** proposed landscape District Budget for FY 2016-17
- June 7th – Election Day (LMD ballot measure continuation)
- October 1 & 2 – Oktoberfest - Community Event Education/Outreach Opportunity
- **September/October- TLC meeting** FY 2015-16 TLC prepared Annual Report review
- **January/February – TLC meeting** FY 2016-17 mid-year LMD budget review
- April 2017 Clayton Cleans Up - Community Event Education/Outreach Opportunity
- May 6 & 7 2017- Annual Art and Wine - Community Event Education/Outreach Opportunity
- **May 2017 – TLC meeting** proposed landscape District Budget for FY 2016-17
- **Sept./October 2017-TLC meeting** FY 2015-16 TLC prepared Annual Report review