CITY OF CLAYTON
Founded 1857 . . . Incorporated 1964

AGENDA

REGULAR MEETINGS
* * *
CLAYTON CITY COUNCIL
and
CLAYTON REDEVELOPMENT AGENCY

TUESDAY, May 6, 2008

7:00 p.m.

Meeting Room, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517

Mayor: Gregory J. Manning
Vice Mayor: Julie K. Pierce

Council Members
David T. Shuey
Hank Stratford
William R. Walcutt

- 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 Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at **www.ci.clayton.ca.us**
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

* CITY COUNCIL *

May 6, 2008

7:00 P.M.

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

2. **CLOSED SESSION** – None.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Manning.

4. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of April 15, 2008. (View Here)

(b) Approve Financial Demands and Obligations of the City. (View Here)

(c) Adopt a Resolution approving the Industrial Disability Retirement of John "Tim" O'Hara, Clayton Police Sergeant. (View Here)

(d) Adopt a Resolution calling for the preparation of the annual Engineer's Report for the Clayton Street Lighting Assessment District (pursuant to the Street Lighting Act of 1919). (View Here)

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition of Clayton Volunteers In Police Services (VIPS) Herb Yonge and Jim Webb as recipients of the U.S. President's Volunteer Service Award.

6. **REPORTS**

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

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

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

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

8. PUBLIC HEARINGS

(a) Public Hearing on the Chief of Police's proposed and revised expenditure of Supplemental Law Enforcement Services Funds (SLESF; restricted-use COPS Grant monies) on front-line law enforcement personnel and law enforcement capital equipment in the amount of $58,468.46 from FY 2007-2008. (View Here)
(Police Chief)

Staff recommendations: **1).** Receive the staff report; **2).** Open the Public Hearing and receive public comments; **3).** Close the Public Hearing; **4).** Adopt the Resolution for the use of the SLESF grant monies as proposed by the Chief.

9. ACTION ITEMS

(a) Second Reading and Adoption of Ordinance No. 417 amending the *Clayton Municipal Code* to establish procedures for the City's recordation of a Notice of Pending Action on real property involving public nuisances and other violations of the *Municipal Code*. (View Here)
(City Clerk)

Staff recommendations: **1).** Receive the staff report; **2).** Receive public comments; **3).** Approve a motion to have the City Clerk read Ordinance No. 417 by title and number only and waive further reading; **4).** Following the City Clerk's reading, adopt Ordinance No. 417.

(b) Review of Pavement Management Program update by Asset Management Specialized Consulting concerning conditions of local streets and roads, and direction regarding scope of streets for inclusion in the City's 2008 Street Repaving Project (CIP No. 10406) (View Here)
(City Engineer)

Staff recommendation: Consider the street pavement options outlined within available funding and then provide direction to staff concerning the scope of work to bid for the 2008 Street Repaving Project.

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

11. **ADJOURNMENT**– the next regularly scheduled meeting is Tuesday, May 20, 2008.

* CLAYTON REDEVELOPMENT AGENCY *

May 6, 2008

1. **CALL TO ORDER AND ROLL CALL** – Chairman Stratford.

2. **CLOSED SESSION** – None.

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

Citizens may address the Redevelopment Agency on items within the Agency's jurisdiction, (which are not on the agenda) by completing a speaker card available on the Lobby table and forwarding it to the Secretary. 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 the Chair calls one's name, 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. Board members may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed as each item is considered.

4. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of April 15, 2008. (View Here)

(b) Authorize the Executive Director to purchase 278 Stranahan Circle (APN 119-620-040-4) in behalf of the Clayton Redevelopment Agency for the cash amount of $503,500.00 in Agency Low-Moderate Income Affordable Housing restricted-use funds, and authorize the Executive Director to commence procedures for the resale of this residential unit to a qualified Moderate Income Household. (View Here)

5. **PUBLIC HEARING** – None.

6. **ACTION ITEMS** – None.

7. **BOARD ITEMS** – limited to requests and directives for future meetings.

8. **ADJOURN** – the next regularly scheduled Redevelopment Agency meeting will be scheduled as needed.

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MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 5-6-08

Agenda Item: 4a

TUESDAY, April 15 2008

1. CALL TO ORDER & ROLL CALL – the meeting was called to order at 6:34 p.m. by Mayor Manning in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Manning, Vice Mayor Pierce, Councilmembers Shuey (arrived during closed session), Stratford and Walcutt. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Interim Community Development Director David Woltering, Assistant to the City Manager Laura Hoffmeister and City Clerk Laci Jackson.

2. CLOSED SESSION

On call by Mayor Manning, the City Council adjourned into Closed Session for the stated purpose at 6:34 p.m.

(b) *Government Code Section 54956.9(c)*, Conference with Legal Counsel
(City Council)
Initiation of Litigation (1 case)

7:11 p.m. Report out from Closed Session: Mayor Manning reported the Council gave direction to legal counsel, and then he recessed the Council meeting until after the Redevelopment Agency business.

7:14 p.m. On call by Mayor Manning the City Council reconvened its meeting.

3. PLEDGE OF ALLEGIANCE – Led by Mayor Manning.

4. CONSENT CALENDAR- It was moved by Councilmember Shuey, seconded by Councilmember Walcutt to approve the Consent Calendar as submitted (5-0 vote).

(a) Approved the minutes of the regular meeting of April 1, 2008.

(b) Approved the Financial Demands and Obligations of the City.

5. RECOGNITIONS AND PRESENTATIONS

(a) Recognition of Clayton Police Officer Rich Enea Jr. by Mothers Against Drunk Drivers (MADD) of California. Mr. Silas Miers, Program Coordinator for MADD of California recognized Officer Enea as a MADD California Hero Award for issuance of 59 DUI arrests in 2007.

Mayor Manning read the following Proclamations and presented them to corresponding Library staff and volunteers:

(b) Proclamation declaring April 13-19, 2008 as "Clayton Community Library Week".

(c) Proclamation declaring April 18, 2008 as "Clayton Community Library Volunteer Day".

(d) Proclamation declaring May 2008 as "Contra Costa County Library Reading Festival Month" in the City of Clayton.

(e) Presentation of the Annual Report of the Clayton Community Library Foundation by Joyce Atkinson, CCLF President.

Following Ms. Atkinson's report, Vice Mayor Pierce asked what citizens should do if they want to donate books for the book sale.

Ms. Atkinson responded the Foundation is always accepting books and videos. Donations can be made during Library hours and they accept anything except text books, duck-taped books, atlas', or encyclopedias. She also reminded citizens the Library's semi-annual book sale is held April 26th-27th.

6. REPORTS

(a) Planning Commission – Commissioner Ed Hartley reported on the April 8th meeting where the Commission continued testimony on Large Family Day Care permits and reviewed architecture for the Rivulet project. The next regular meeting of the Planning Commission is deferred until April 29th.

(b) Trails and Landscaping Committee – JoAnn Caspar reported on the April 14th meeting. She stated the Committee would be changing their meetings to the 3rd Monday of each month. They discussed the Adopt a Trail concept and were presented with an information session on litter prevention and awareness. The Committee will be working with the Clayton Pioneer to put District information in the newspaper. Lastly, they approved the proposed FY 08-09 budget and the use of annual replacement fund for trail repairs.

Councilmember Walcutt noted he attended the meeting and stated there was a long discussion about litter and asked the Mayor to mention it in his Mayors' column.

(c) The City Manager reported the Community Park upgrades were coming along but stated the picnic shelters were delayed due to a fire in the Omaha, Nebraska factory that powder-coats the materials. He stated the County Board of Supervisors asked the County Administrative Office to meet with the City Managers to discuss the issue of overcharged property tax administration fees.

(d) City Council

Councilmember Walcutt attended the Trails and Landscaping Committee meeting.

Councilmember Stratford attended the Junior Achievement Day, the Mayors' Conference in Lafayette, and CERT training. He reminded the public to sign up for CERT training.

Vice Mayor Pierce attended the Mayors' Conference and an Administrative Meeting at the Contra Costa Transportation Authority.

Mayor Manning attended the Junior Achievement Day, the Mayor's Conference, a CERT oversight meeting, and the open house at the elementary school.

(e) Other- None.

7. PUBLIC COMMENTS- None.

8. PUBLIC HEARINGS

(a) Consideration of a Resolution approving amendments to the Urban Design section (Chapter 4) of the *Clayton Town Center Specific Plan* (SPA 01-07)

The Interim Community Development Director presented the staff report and provided a hand out summary further clarifying the changes in the document.

Vice Mayor Pierce had a question regarding wood shingles as preferred materials for roofing. She also asked if wood shingles are acceptable and if stucco finish was allowed on exterior walls.

Commissioner Hartley responded that the Commission had spent time discussing the issues and had determined that fire treated shingles would be okay. In regards to the stucco, he responded the Planning Commission reserved design discretion on this issue.

Councilmember Walcutt added he disliked the idea of wood shingles on any of the buildings due to fire hazards.

Mayor Manning opened the Public Hearing at 8:00 p.m., no Public Comments were received, and closed the Public Hearing at 8:01 p.m.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to approve the Resolution as amended by the following: remove "wood shingles" from the list of materials to be encouraged on exterior walls and roofs, and add "wood shingles" as a material specifically listed as not acceptable on exterior walls and roofs (5-0 vote).

9. ACTION ITEMS

(b) Presentation and consideration of the research findings on the feasibility and establishment of a 2008 Farmers' Market in the Clayton Town Center.

The Assistant to the City Manager presented the staff report on a Farmers' Market in downtown. She stated the City had been successful in seeking a proposal from Pacific Coast Farmers' Market Association. She met with the group in the downtown area where they discussed the proposed plan. The market will be held from May 17th through October 25th on Saturdays.

Councilmember Shuey asked if they had a plan for the extension of the market if it needs to expand due to success. Ms. Hoffmeister stated that if the market grew in size it would be extended onto portions of Main Street.

Councilmember Walcutt asked if the businesses in the area had been contacted. Ms. Hoffmeister stated all of the businesses in the area were contacted and they were excited and enthusiastic about the event.

Representatives from the Pacific Coast Farmers' Market stated that on opening day there would be a ribbon cutting. They also stated they had already been in contact with a variety of local farmers who would bring a multitude of fresh fruits and vegetables.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to approve the City's hosting of a seasonal 2008 Farmers' Market each Saturday beginning with Saturday, May 17, 2008 (9:00 a.m. – 1:00 p.m.) through October 18, 2008, to be held on Diablo Street between Main and Center Streets, and authorize the City Manager to execute the Agreement for Professional Services with Pacific Coast Farmers' Market Association for its management and operation of the event (5-0 vote).

(a) Introduction and First Reading of Ordinance No. 417 amending the *Clayton Municipal Code* to establish procedures for the City's recordation of a Notice of Pending Action on real property involving public nuisances and other violations of the *Municipal Code*.

The City Attorney presented the staff report and outlined the Ordinance explaining the procedure whereby the City can use recorded notices and liens against private property to enforce code violations without resorting to costly litigation.

No public comments were received.

Councilmember Shuey asked if this would take care of blight. The City Attorney responded that was the intent.

Councilmember Shuey also asked if loitering on private property would be addressed with this Ordinance. The City Attorney responded he would look into the matter.

Councilmember Walcutt asked if this Ordinance was meant to be used when the City had exhausted all other means. The City Attorney responded yes, that a series of citations would be issued first then the Notice of tenancy of action would be recorded against the property.

Councilmember Stratford asked who made the call on whether or not to record the notice.

The City Manager responded the designated Code Enforcement Officer after consultation with City management and the City Attorney.

It was moved by Councilmember Shuey, seconded by Vice Mayor Pierce to have the City Clerk read Ordinance No. 417 by title and number only and waive further reading (5-0 vote).

The City Clerk read Ordinance No. 4176 by title and number only.

It was moved by Councilmember Shuey, seconded by Vice Mayor Pierce to adopt a motion to approve Ordinance No. 417 for Introduction and First Reading (5-0 vote).

12. COUNCIL ITEMS

Vice Mayor Pierce asked when the notices for overgrown vegetation would be issued. The City Manager responded that usually that occurs in May but is adjusted depending on the seasonal rains and weather. He noted that City crews finished their first wave of trimming along the trails pursuant to Measure B standards.

13. **ADJOURNMENT**– On call by Mayor Manning the meeting adjourned at 8:38 p.m.

Respectfully submitted,

_____
Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

_____
Gregory J. Manning, Mayor

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

Agenda Date: 05/06/08
Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: MAY 6, 2008

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

RUN DATE	OBLIGATION NUMBERS	TOTALS
04/16/08	14505	$498,299.24
04/17/08	14506	$315.00
4/29/08	14507 – 14510	$1,381,360.00
5/2/08	14511 – 14575	$304,339.38

Attachments:
Batch 3644 (2 pages)
Batch 3649 (2 pages)
Batch 3662 (2 pages)
Batch 3668 (12 Pages)

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A101-2101-00.0.0-000		entry					20.00CR
PJ	Obligation summary A302-2101-00.0.0-000		entry					498,299.24CR
PJ	Placer Title Company A101-7419-05.0.0-000 Descl.....: 280 Stranahan Cr.	14505	entry					20.00
PJ	Placer Title Company A302-1250-00.0.0-000 Descl.....: 280 Stranahan Cr.	14505	entry					532,000.00
PJ	Placer Title Company A302-1361-00.0.0-000 Descl.....: 280 Stranahan Cr.	14505	entry					36,653.08CR
PJ	Placer Title Company A302-7520-00.0.0-008 Descl.....: 280 Stranahan Cr.	14505	entry					2,952.32

Batch 3644 posted on 04/16/08 by 1004 for business date 04/16/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	10 2008	A101-2101-00.0.0-000	Accounts Payable		20.00	
	10 2008	A101-7419-05.0.0-000	Other Professional Services	20.00		
	10 2008	A302-1250-00.0.0-000	Investment in L-M Housing	532,000.00		
	10 2008	A302-1361-00.0.0-000	Notes Receivable-StranahanIIMo		36,653.08	
	10 2008	A302-2101-00.0.0-000	Accounts Payable		498,299.24	
	10 2008	A302-7520-00.0.0-008	280 Stranahan LMI-Bamberger	2,952.32		
		Total for Financial Reporting System		534,972.32	534,972.32	.00

Batch 3644 posted on 04/16/08 by 1004 for business date 04/16/08

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary		entry					315.00CR
	A101-2101-00.0.0-000							
PJ	LarryLogic Productions	14506	entry	844				315.00
	A101-7419-01.0.0-000							
	Descl.....: Video City Council Mtg 4/1/08							

Batch 3649 posted on 04/17/08 by 1004 for business date 04/16/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	10 2008	A101-2101-00.0.0-000	Accounts Payable		315.00	
	10 2008	A101-7419-01.0.0-000	Other Professional Services	315.00		
		Total for Financial Reporting System		315.00	315.00	.00

Batch 3649 posted on 04/17/08 by 1004 for business date 04/16/08

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A101-2101-00.0.0-000		entry					360.00CR
PJ	Obligation summary A999-2101-00.0.0-000		entry					1,381,000.00CR
PJ	Neopost Postage A101-7314-05.0.0-000 Descl.....: Adm Postage Added 4/23/08	14507	entry					300.00
PJ	Financial Northeastern Corp A101-7419-02.0.0-000 Descl.....: CD Invest 4/08	14508	entry					20.00
PJ	Financial Northeastern Corp A999-1210-00.0.0-000 Descl.....: CD Invest 4/08	14508	entry					297,000.00
PJ	Financial Northeastern Corp A101-7419-05.0.0-000 Descl.....: CD Invest 4/08	14509	entry					20.00
PJ	Financial Northeastern Corp A999-1210-00.0.0-000 Descl.....: CD Invest 4/08	14509	entry					297,000.00
PJ	Morgan Stanley A101-7419-02.0.0-000 Descl.....: CD Invest 4/08	14510	entry					20.00
PJ	Morgan Stanley A999-1205-00.0.0-000 Descl.....: CD Invest 4/08	14510	entry					787,000.00

Batch 3662 posted on 04/29/08 by 1004 for business date 04/29/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	10 2008	A101-2101-00.0.0-000	Accounts Payable		360.00	
	10 2008	A101-7314-05.0.0-000	Postage	300.00		
	10 2008	A101-7419-02.0.0-000	Other Professional Services	40.00		
	10 2008	A101-7419-05.0.0-000	Other Professional Services	20.00		
	10 2008	A999-1205-00.0.0-000	Long Term Invest MorganStanley	787,000.00		
	10 2008	A999-1210-00.0.0-000	Long Term Invest FinNorEastern	594,000.00		
	10 2008	A999-2101-00.0.0-000	Accounts Payable		1,381,000.00	
		Total for Financial Reporting System		1,381,360.00	1,381,360.00	.00

Batch 3662 posted on 04/29/08 by 1004 for business date 04/29/08

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A101-2101-00.0.0-000		entry					94,308.91CR
PJ	Obligation summary A201-2101-00.0.0-000		entry					18,228.50CR
PJ	Obligation summary A210-2101-00.0.0-000		entry					3,677.53CR
PJ	Obligation summary A211-2101-00.0.0-000		entry					543.73CR
PJ	Obligation summary A212-2101-00.0.0-000		entry					17,059.02CR
PJ	Obligation summary A214-2101-00.0.0-000		entry					7,960.70CR
PJ	Obligation summary A216-2101-00.0.0-000		entry					225.00CR
PJ	Obligation summary A301-2101-00.0.0-000		entry					148.50CR
PJ	Obligation summary A302-2101-00.0.0-000		entry					122.50CR
PJ	Obligation summary A303-2101-00.0.0-000		entry					143,249.15CR
PJ	Obligation summary A304-2101-00.0.0-000		entry					1,782.00CR
PJ	Obligation summary A601-2101-00.0.0-000		entry					10,460.62CR
PJ	Obligation summary A701-2101-00.0.0-000		entry					5,384.65CR
PJ	Obligation summary A702-2101-00.0.0-000		entry					1,741.88CR
PJ	CR Fireline Inc A101-7341-03.0.0-000 Descl.....: Sprinkler Insp: CH, Lib, EH 4/08	14511	entry	52224				110.00
PJ	CR Fireline Inc A101-7341-07.0.0-000 Descl.....: Sprinkler Insp: CH, Lib, EH 4/08	14512	entry	52223				100.00
PJ	CR Fireline Inc A101-7341-07.0.0-000 Descl.....: Sprinkler Insp: CH, Lib, EH 4/08	14513	entry	52222				110.00
PJ	AT&T/CalNet A101-7332-02.0.0-000 Descl.....: Local Phone Svc 3/08	14514	entry					214.35
PJ	AT&T/CalNet A101-7332-07.0.0-000 Descl.....: Local Phone Svc 3/08	14514	entry					170.64
PJ	All City Management Services. A101-7419-06.0.0-000 Descl.....: PD-Crossing Guard WE 4/08	14515	entry	13055				451.50
PJ	Mt. Diablo Unified School Dist A701-7310-00.0.0-000 Descl.....: DV Gym Janitorial 4/08	14516	entry	AR184392				621.74
PJ	Mt. Diablo Unified School Dist A701-7335-00.0.0-000 Descl.....: DV Gym Janitorial 4/08	14516	entry	AR184392				4,762.91
PJ	ICMA Retirement Corporation A101-7419-02.0.0-000	14517	entry	4028				125.00

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
	Descl.....: 401A Plan-Fees 6/30/08							
PJ	Valley Yellow Pages	14518	entry					148.50
	A301-7361-00.0.0-000							
	Descl.....: EH Vly Yellow Pg Ad 4/08							
PJ	LarryLogic Productions	14519	entry	848				315.00
	A101-7419-01.0.0-000							
	Descl.....: Video City Council Mtg 4/08							
PJ	Undercover Computers	14520	entry	209				300.00
	A101-7415-02.0.0-000							
	Descl.....: Computer Svc 4/08							
PJ	American Cleanway Inc	14521	entry	33806				225.00
	A216-7419-00.0.0-000							
	Descl.....: PW Wash Rack Mtn 4/08							
PJ	CCC Library	14522	entry					1,325.00
	A101-7312-07.0.0-000							
	Descl.....: Additional Hrs of Svc 2nd Qtr 07-08							
PJ	CCC Library	14522	entry					1,077.53
	A101-7423-07.0.0-000							
	Descl.....: Additional Hrs of Svc 2nd Qtr 07-08							
PJ	CCC Library	14523	entry					247.00
	A101-7312-07.0.0-000							
	Descl.....: Additional Hrs 1st Qtr 07-08							
PJ	CCC Library	14523	entry					1,036.91
	A101-7423-07.0.0-000							
	Descl.....: Additional Hrs 1st Qtr 07-08							
PJ	CCC Office of the Sheriff-Coro	14524	entry	CLPD-407AD				73.50
	A101-7425-06.0.0-000							
	Descl.....: PD-Crime Lab 4/08							
PJ	CCC Office of the Sheriff-Coro	14525	entry	CLPD-108				721.93
	A101-7425-06.0.0-000							
	Descl.....: PD-Crime Lab 4/08							
PJ	CCC Office of the Sheriff-Coro	14526	entry	ClayPD-080				462.50
	A101-7425-06.0.0-000							
	Descl.....: PD-Crime Lab 4/08							
PJ	ACCO Engineered Systems	14527	entry	478973				282.00
	A702-7346-00.0.0-000							
	Descl.....: EH Maint 4/08							
PJ	ACCO Engineered Systems	14528	entry	478974				141.00
	A101-7346-03.0.0-000							
	Descl.....: 1007 Oak St Maint 4/08							
PJ	ACCO Engineered Systems	14529	entry	478975				141.00
	A101-7346-03.0.0-000							
	Descl.....: 1005 Oak St 4/08							
PJ	ACCO Engineered Systems	14530	entry	478971				199.00
	A101-7346-03.0.0-000							
	Descl.....: Clayton Civic Ctr EMS 4/08							
PJ	ACCO Engineered Systems	14531	entry	1327745				953.17
	A101-7346-03.0.0-000							
	Descl.....: 1007 Oak St 4/08							
PJ	ACCO Engineered Systems	14532	entry	478972				199.00
	A101-7346-07.0.0-000							
	Descl.....: Library EMS 4/08							
PJ	Berlogar Geotechnical Consulta	14533	entry	213275				16,574.64
	A212-7520-00.0.0-058							

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
	Descl.....: Pebble Beach Slope 3/08							
PJ	Verizon/MCI	14534	entry	67661807				210.95
	A101-7332-02.0.0-000							
	Descl.....: Admin ISDN Line 5/08							
PJ	Rex Lock & Safe, Inc.	14535	entry	79497				25.00
	A101-7343-03.0.0-000							
	Descl.....: Veh Maint Tool Box 4/08							
PJ	Boething Treeland Farms, Inc.	14536	entry	LV036620				593.51
	A210-2112-00.0.0-000							
	Descl.....: Landscape Maint 4/08							
PJ	Boething Treeland Farms, Inc.	14536	entry	LV036620				895.78
	A303-7520-00.0.0-110							
	Descl.....: Landscape Maint 4/08							
PJ	Boething Treeland Farms, Inc.	14536	entry	LV036620				194.85
	A601-2740-00.0.0-139							
	Descl.....: Landscape Maint 4/08							
PJ	PG&E	14537	entry					30.76
	A201-7335-00.0.0-000							
	Descl.....: Svc Irrig & Signal 4/08							
PJ	PG&E	14537	entry					384.29
	A210-7335-00.0.0-000							
	Descl.....: Svc Irrig & Signal 4/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				766.31
	A101-7347-03.0.0-000							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				3,923.25
	A101-7411-08.0.0-000							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				366.00
	A201-7412-00.0.0-000							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				291.88
	A212-7412-00.0.0-000							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				192.50
	A212-7520-00.0.0-059							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				724.38
	A303-7520-00.0.0-108							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				693.88
	A303-7520-00.0.0-110							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				183.00
	A303-7520-00.0.0-111							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				3,311.38
	A303-7520-00.0.0-112							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				732.00
	A304-7520-00.0.0-001							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				83.00
	A601-2740-00.0.0-097							

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				47.52
	A601-2740-00.0.0-129							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				525.00
	A601-2740-00.0.0-134							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				525.00
	A601-2740-00.0.0-140							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				232.50
	A601-2740-00.0.0-472							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2741-00.0.0-153							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				75.00
	A601-2741-00.0.0-476							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				477.25
	A601-2743-00.0.0-220							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-077							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-189							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				421.75
	A601-2744-00.0.0-288							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-329							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-381							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				114.00
	A601-2744-00.0.0-384							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-417							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-434							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-444							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				83.00
	A601-2744-00.0.0-449							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-459							

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-467							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-469							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-473							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-474							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				83.00
	A601-2744-00.0.0-475							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-479							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				41.50
	A601-2744-00.0.0-481							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-482							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				83.00
	A601-2744-00.0.0-485							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				41.50
	A601-2744-00.0.0-487							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				62.25
	A601-2744-00.0.0-488							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PERMCO, Inc.	14538	entry	8355-8374				648.00
	A601-2746-00.0.0-129							
	Descl.....: Eng Services 4/5/08-4/25/08							
PJ	PG&E	14539	entry					1,337.42
	A101-7335-03.0.0-000							
	Descl.....: Service 4/08 (mst)							
PJ	PG&E	14539	entry					3,571.52
	A101-7335-07.0.0-000							
	Descl.....: Service 4/08 (mst)							
PJ	PG&E	14539	entry					3,074.24
	A201-7335-00.0.0-000							
	Descl.....: Service 4/08 (mst)							
PJ	PG&E	14539	entry					745.73
	A210-7335-00.0.0-000							
	Descl.....: Service 4/08 (mst)							
PJ	PG&E	14539	entry					7,960.70
	A214-7335-00.0.0-000							
	Descl.....: Service 4/08 (mst)							
PJ	Contra Costa Newspapers	14540	entry					308.00
	A303-7520-00.0.0-113							

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
	Descl.....: Advertising 4/08							
PJ	Kendra Manning	14541	entry	EH 4/18/08				500.00
	A702-2730-00.0.0-002							
	Descl.....: Refund EH Dep 4/12/08							
PJ	AAUW	14542	entry	EH 3/19/08				400.00
	A702-2730-00.0.0-002							
	Descl.....: Refund EH Dep 3/19/08							
PJ	Victor Geisler	14543	entry	The Grove				250.00
	A211-2730-00.0.0-000							
	Descl.....: Grove Dep Refund 4/12/08							
PJ	Pacific Telemanagement Svc	14544	entry	43163				53.00
	A101-7332-02.0.0-000							
	Descl.....: CH Outside Phone Booth 4/08							
PJ	Health Care Dental Trust	14545	entry	70133				477.98
	A101-7246-02.0.0-000							
	Descl.....: Dental Premimum 5/08							
PJ	Health Care Dental Trust	14545	entry	70133				393.56
	A101-7246-03.0.0-000							
	Descl.....: Dental Premimum 5/08							
PJ	Health Care Dental Trust	14545	entry	70133				79.57
	A101-7246-04.0.0-000							
	Descl.....: Dental Premimum 5/08							
PJ	Health Care Dental Trust	14545	entry	70133				759.18
	A101-7246-06.0.0-000							
	Descl.....: Dental Premimum 5/08							
PJ	Hammons Supply Company	14546	entry	47689				389.25
	A101-7417-03.0.0-000							
	Descl.....: Janitorial Supplies 4/08							
PJ	Hammons Supply Company	14546	entry	47689				149.71
	A211-7419-00.0.0-000							
	Descl.....: Janitorial Supplies 4/08							
PJ	Hammons Supply Company	14546	entry	47689				59.88
	A702-7417-00.0.0-000							
	Descl.....: Janitorial Supplies 4/08							
PJ	Hammons Supply Company	14547	entry	47894				1,064.66
	A101-7347-03.0.0-000							
	Descl.....: Janitorial Supplies 4/08							
PJ	Hammons Supply Company	14548	entry	47894-1				74.82
	A101-7328-03.0.0-000							
	Descl.....: Janitorial Supplies 4/08							
PJ	Hammons Supply Company	14549	entry	47690				144.02
	A211-7419-00.0.0-000							
	Descl.....: Janitorial Supplies 4/08							
PJ	Creative Fence & Wall Inc	14550	entry	19529				1,104.00
	A210-7419-00.0.0-000							
	Descl.....: Fencing Regency & El Portal 4/08							
PJ	Creative Fence & Wall Inc	14550	entry	19529				1,300.00
	A601-2740-00.0.0-139							
	Descl.....: Fencing Regency & El Portal 4/08							
PJ	Creative Fence & Wall Inc	14551	entry	19528				3,552.00
	A101-7347-03.0.0-000							
	Descl.....: Misc Fencing Repairs 4/08							
PJ	Creative Fence & Wall Inc	14551	entry	19528				850.00
	A210-7419-00.0.0-000							

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
	Descl.....: Misc Fencing Repairs 4/08							
PJ	Creative Fence & Wall Inc	14551	entry	19528				8,280.00
	A303-7520-00.0.0-110							
	Descl.....: Misc Fencing Repairs 4/08							
PJ	Creative Fence & Wall Inc	14551	entry	19528				800.00
	A601-2740-00.0.0-139							
	Descl.....: Misc Fencing Repairs 4/08							
PJ	Boething Treeland Farms, Inc.	14552	entry	521400				590.73
	A303-7520-00.0.0-110							
	Descl.....: EH Parking Lot 4/08							
PJ	Contra Costa Topsoil	14553	entry	79564				714.45
	A303-7520-00.0.0-110							
	Descl.....: Topsoil Mix 4/08							
PJ	Contra Costa Topsoil	14554	entry	79467				995.90
	A303-7520-00.0.0-110							
	Descl.....: Walk on Bark 04/08							
PJ	Janet Johnson - VIPS	14555	entry					154.00
	A101-7363-06.0.0-000							
	Descl.....: Mat Diablo Adult Ed 4/08							
PJ	Town of Moraga	14556	entry					100.00
	A101-7372-01.0.0-000							
	Descl.....: Mayors Conference 4/08							
PJ	Moore Wallace	14557	entry	860537807				1,364.29
	A101-7311-06.0.0-000							
	Descl.....: General Supplies							
PJ	RMC Water & Environment	14558	entry	7309				1,050.00
	A304-7520-00.0.0-001							
	Descl.....: Marsh Crk Sewer Mstr Pln 4/08							
PJ	CalPERS Health	14559	entry					5,903.00
	A101-7246-02.0.0-000							
	Descl.....: Health Insurance 5/08							
PJ	CalPERS Health	14559	entry					3,392.82
	A101-7246-03.0.0-000							
	Descl.....: Health Insurance 5/08							
PJ	CalPERS Health	14559	entry					941.34
	A101-7246-04.0.0-000							
	Descl.....: Health Insurance 5/08							
PJ	CalPERS Health	14559	entry					7,970.61
	A101-7246-06.0.0-000							
	Descl.....: Health Insurance 5/08							
PJ	G & G Builders Inc.	14560	entry					22,375.80
	A303-7520-00.0.0-113							
	Descl.....: Comm Pk Demo 5/08							
PJ	WK McLellan Co	14561	entry	9939				17,264.50
	A101-7347-03.0.0-000							
	Descl.....: 2008 Sidewalk Repairs							
PJ	WK McLellan Co	14561	entry	9939				14,757.50
	A201-7419-00.0.0-000							
	Descl.....: 2008 Sidewalk Repairs							
PJ	Goldfarb & Lipman	14562	entry	89018				122.50
	A302-7413-00.0.0-000							
	Descl.....: RDA Attorney Service 5/08							
PJ	Arcom	14563	entry	3101700				60.60
	A101-7342-03.0.0-000							

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
	Descl.....: Maint Phones 5/08							
PJ	Turf Star, Inc.	14564	entry	6559712-00				677.87
	A101-7342-03.0.0-000							
	Descl.....: Park Maint 5/08							
PJ	John Deere Landscapes Inc	14565	entry	20959562				18.40
	A303-7520-00.0.0-110							
	Descl.....: EH Parking Lot 5/08							
PJ	San Jose State University	14566	entry	HOM471108C				374.00
	A101-7363-06.0.0-000							
	Descl.....: School Tuition Fee PD 5/08							
PJ	Liebert Cassidy Whitmore	14567	entry	87204				154.00
	A101-7419-06.0.0-000							
	Descl.....: T. O'Hara Legal Services 5/08							
PJ	JFC Construction Inc	14568	entry	2715				6,075.00
	A303-7520-00.0.0-090							
	Descl.....: The Grove Const CIP 5/08							
PJ	Grade Tech, Inc.	14569	entry	Pmy Progre				98,082.45
	A303-7520-00.0.0-110							
	Descl.....: EH Pkg Lt CIP 10360							
PJ	Markus Maguire	14570	entry	Dep Refund				500.00
	A702-2730-00.0.0-002							
	Descl.....: EH Dep refund 5/08							
PJ	Sandcreek Pools, Inc.	14571	entry	06-08				34.24CR
	A101-5791-00.0.0-000							
	Descl.....: SW Dep refund 5/08							
PJ	Sandcreek Pools, Inc.	14571	entry	06-08				1,771.75
	A601-2744-00.0.0-475							
	Descl.....: SW Dep refund 5/08							
PJ	AAA Awning Erectors	14572	entry	08-08				12.45CR
	A101-5791-00.0.0-000							
	Descl.....: SWP Dep Refund 08-08							
PJ	AAA Awning Erectors	14572	entry	08-08				1,917.00
	A601-2744-00.0.0-481							
	Descl.....: SWP Dep Refund 08-08							
PJ	CCC Library	14573	entry					712.36
	A101-7312-07.0.0-000							
	Descl.....: Additional Hrs of Svc 3st Qtr 07-08							
PJ	CCC Library	14573	entry					1,222.66
	A101-7423-07.0.0-000							
	Descl.....: Additional Hrs of Svc 3st Qtr 07-08							
PJ	Macias Gini & O'Connell LLP	14574	entry	22426				9,226.88
	A101-7419-04.0.0-000							
	Descl.....: Temp CDD Services 5/08							
PJ	CalPERS	14575	entry					4,170.39
	A101-7220-02.0.0-000							
	Descl.....: Retirement PPE 4/20/08							
PJ	CalPERS	14575	entry					2,296.41
	A101-7220-03.0.0-000							
	Descl.....: Retirement PPE 4/20/08							
PJ	CalPERS	14575	entry					549.94
	A101-7220-04.0.0-000							
	Descl.....: Retirement PPE 4/20/08							
PJ	CalPERS	14575	entry					12,667.43
	A101-7220-06.0.0-000							

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount

Descl.....: Retirement PPE 4/20/08

Batch 3668 posted on 05/02/08 by 1004 for business date 05/02/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	11 2008	A101-2101-00.0.0-000	Accounts Payable		94,308.91	
	11 2008	A101-5791-00.0.0-000	Overhead cost recovery		46.69	
	11 2008	A101-7220-02.0.0-000	PERS Retirement	4,170.39		
	11 2008	A101-7220-03.0.0-000	PERS Retirement	2,296.41		
	11 2008	A101-7220-04.0.0-000	PERS Retirement	549.94		
	11 2008	A101-7220-06.0.0-000	PERS Retirement	12,667.43		
	11 2008	A101-7246-02.0.0-000	Benefit Insurance	6,380.98		
	11 2008	A101-7246-03.0.0-000	Benefit Insurance	3,786.38		
	11 2008	A101-7246-04.0.0-000	Benefit Insurance	1,020.91		
	11 2008	A101-7246-06.0.0-000	Benefit Insurance	8,729.79		
	11 2008	A101-7311-06.0.0-000	General Supplies	1,364.29		
	11 2008	A101-7312-07.0.0-000	Office Supplies/Expense	2,284.36		
	11 2008	A101-7328-03.0.0-000	Park Services	74.82		
	11 2008	A101-7332-02.0.0-000	Telecommunications	478.30		
	11 2008	A101-7332-07.0.0-000	Telephone	170.64		
	11 2008	A101-7335-03.0.0-000	Gas & Electricity	1,337.42		
	11 2008	A101-7335-07.0.0-000	Gas & Electricity	3,571.52		
	11 2008	A101-7341-03.0.0-000	Buildings/Grounds Maintenance	110.00		
	11 2008	A101-7341-07.0.0-000	Buildings/Grounds Maintenance	210.00		
	11 2008	A101-7342-03.0.0-000	Machinery/Equipment Maintenanc	738.47		
	11 2008	A101-7343-03.0.0-000	Vehicle Maintenance	25.00		
	11 2008	A101-7346-03.0.0-000	HVAC Mtn & Repairs	1,434.17		
	11 2008	A101-7346-07.0.0-000	HVAC Mtn & Repairs	199.00		
	11 2008	A101-7347-03.0.0-000	Deferred Mtn Projects	22,647.47		
	11 2008	A101-7363-06.0.0-000	Business Entertainment Expense	528.00		
	11 2008	A101-7372-01.0.0-000	Conferences	100.00		
	11 2008	A101-7411-08.0.0-000	Professional Services Retainer	3,923.25		
	11 2008	A101-7415-02.0.0-000	Computer Services	300.00		
	11 2008	A101-7417-03.0.0-000	Janitorial Service	389.25		
	11 2008	A101-7419-01.0.0-000	Other Professional Services	315.00		
	11 2008	A101-7419-02.0.0-000	Other Professional Services	125.00		
	11 2008	A101-7419-04.0.0-000	Other Professional Services	9,226.88		
	11 2008	A101-7419-06.0.0-000	Other Professional Services	605.50		
	11 2008	A101-7423-07.0.0-000	Library Aide	3,337.10		
	11 2008	A101-7425-06.0.0-000	Crime Lab	1,257.93		
	11 2008	A201-2101-00.0.0-000	Accounts Payable		18,228.50	
	11 2008	A201-7335-00.0.0-000	Gas & Electricity	3,105.00		
	11 2008	A201-7412-00.0.0-000	Engineering/Inspection Service	366.00		
	11 2008	A201-7419-00.0.0-000	Other Outside Services	14,757.50		
	11 2008	A210-2101-00.0.0-000	Accounts Payable		3,677.53	
	11 2008	A210-2112-00.0.0-000	Reserve for Yes on LS District	593.51		
	11 2008	A210-7335-00.0.0-000	Gas & Electricity	1,130.02		
	11 2008	A210-7419-00.0.0-000	Other Professional Services	1,954.00		
	11 2008	A211-2101-00.0.0-000	Accounts Payable		543.73	
	11 2008	A211-2730-00.0.0-000	D.T. Park Deposit	250.00		
	11 2008	A211-7419-00.0.0-000	Other Professional Services	293.73		
	11 2008	A212-2101-00.0.0-000	Accounts Payable		17,059.02	
	11 2008	A212-7412-00.0.0-000	Engineering/Inspection Service	291.88		
	11 2008	A212-7520-00.0.0-058	Kelok Way&Golden Eagle Invert	16,574.64		
	11 2008	A212-7520-00.0.0-059	Pebble Beach Inclinometers	192.50		
	11 2008	A214-2101-00.0.0-000	Accounts Payable		7,960.70	
	11 2008	A214-7335-00.0.0-000	Gas & Electricity	7,960.70		

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal		** continued **			
	11 2008	A216-2101-00.0.0-000	Accounts Payable		225.00	
	11 2008	A216-7419-00.0.0-000	Other Professional Services	225.00		
	11 2008	A301-2101-00.0.0-000	Accounts Payable		148.50	
	11 2008	A301-7361-00.0.0-000	Advertising	148.50		
	11 2008	A302-2101-00.0.0-000	Accounts Payable		122.50	
	11 2008	A302-7413-00.0.0-000	Legal Services	122.50		
	11 2008	A303-2101-00.0.0-000	Accounts Payable		143,249.15	
	11 2008	A303-7520-00.0.0-090	Grove Property Park	6,075.00		
	11 2008	A303-7520-00.0.0-108	MarshCreekRd Retaining Wall	724.38		
	11 2008	A303-7520-00.0.0-110	High-Diablo St. Public Parking	110,271.59		
	11 2008	A303-7520-00.0.0-111	ADA Compliance Program10394A	183.00		
	11 2008	A303-7520-00.0.0-112	Pavement Rehab Project 2008	3,311.38		
	11 2008	A303-7520-00.0.0-113	Com Park Tot Lot/BBQ/Picnic Up	22,683.80		
	11 2008	A304-2101-00.0.0-000	Accounts Payable		1,782.00	
	11 2008	A304-7520-00.0.0-001	Marsh Crk Rd Sewer Survey	1,782.00		
	11 2008	A601-2101-00.0.0-000	Accounts Payable		10,460.62	
	11 2008	A601-2740-00.0.0-097	Cost Recov Dep - CCWD Minor EP	83.00		
	11 2008	A601-2740-00.0.0-129	Lemke Tenative Map,GPA,SemProp	47.52		
	11 2008	A601-2740-00.0.0-134	Sorensen Annexation-Planning	525.00		
	11 2008	A601-2740-00.0.0-139	Community Svc Reimbursement	2,294.85		
	11 2008	A601-2740-00.0.0-140	Leal Annexation-Planning	525.00		
	11 2008	A601-2740-00.0.0-472	OAK St. Mixed Use 01-08	232.50		
	11 2008	A601-2741-00.0.0-153	Seeno Grading Insp (10351)	62.25		
	11 2008	A601-2741-00.0.0-476	Joann Caspar MAP 01-08	75.00		
	11 2008	A601-2743-00.0.0-220	Mitchell Crk Pl (Lenox) Const	477.25		
	11 2008	A601-2744-00.0.0-077	AD Seeno Oak Crk Cyn SW26-06	62.25		
	11 2008	A601-2744-00.0.0-189	Riessen SW Permit 17-05	62.25		
	11 2008	A601-2744-00.0.0-288	Flora Square SWP 47-07	421.75		
	11 2008	A601-2744-00.0.0-329	Lemke Diablo Pt SW permit28-06	62.25		
	11 2008	A601-2744-00.0.0-381	Gonzalez SW Permit 18-07	62.25		
	11 2008	A601-2744-00.0.0-384	Centoni SW Permit 03-07	114.00		
	11 2008	A601-2744-00.0.0-417	Stimac SW Permit 17-07	62.25		
	11 2008	A601-2744-00.0.0-434	C. DelMonte SW Permit 29-07	62.25		
	11 2008	A601-2744-00.0.0-444	Childs SW Permit 33-07	62.25		
	11 2008	A601-2744-00.0.0-449	Switzer SW Permit 36-07	83.00		
	11 2008	A601-2744-00.0.0-459	J Lopez SW Permit 44-07	62.25		
	11 2008	A601-2744-00.0.0-467	P Hollingsworth SW Permit02-08	62.25		
	11 2008	A601-2744-00.0.0-469	Absolute Pool SWP 03-08	62.25		
	11 2008	A601-2744-00.0.0-473	American Technologies SWP04-08	62.25		
	11 2008	A601-2744-00.0.0-474	Insite Design SWP 05-08	62.25		
	11 2008	A601-2744-00.0.0-475	Sandcreek Pools SWP 06-08	1,854.75		
	11 2008	A601-2744-00.0.0-479	Hawkins Pools SWP 07-08	62.25		
	11 2008	A601-2744-00.0.0-481	AAA Awning SWP 08-08	1,958.50		
	11 2008	A601-2744-00.0.0-482	Michael Archeleta SWP 10-08	62.25		
	11 2008	A601-2744-00.0.0-485	Majestic Pools SWP 11-08	83.00		
	11 2008	A601-2744-00.0.0-487	Lance Brick SWP 12-08	41.50		
	11 2008	A601-2744-00.0.0-488	Carefree Toland Pool SWP 14-08	62.25		
	11 2008	A601-2746-00.0.0-129	Diablo Pt Grading Inspections	648.00		
	11 2008	A701-2101-00.0.0-000	Accounts Payable		5,384.65	
	11 2008	A701-7310-00.0.0-000	Supplies & Equipment	621.74		
	11 2008	A701-7335-00.0.0-000	Gas & Electricity	4,762.91		
	11 2008	A702-2101-00.0.0-000	Accounts Payable		1,741.88	

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal		** continued **			
	11 2008	A702-2730-00.0.0-002	Endeavor Hall Cash Deposits	1,400.00		
	11 2008	A702-7346-00.0.0-000	HVAC Mtn & Repairs	282.00		
	11 2008	A702-7417-00.0.0-000	Janitorial Service	59.88		
		Total for Financial Reporting System		304,939.38	304,939.38	.00

Batch 3668 posted on 05/02/08 by 1004 for business date 05/02/08

Agenda Date: 5-6-08

Agenda Item: 4c

CITY OF CLAYTON

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laci Jackson, City Clerk

DATE: May 6, 2008

SUBJECT: **Resolution determining John "Tim" O'Hara, an employee of the City of Clayton, classified as a public safety member, is disabled for purposes of the Public Employee's Retirement Law and such disability is "industrial" within the meaning of such law, effective May 7, 2008.**

RECOMMENDATION

Adopt the Resolution.

BACKGROUND

John "Tim" O'Hara is an employee of the City of Clayton, currently classified as a Police Sergeant.

Mr. O'Hara was involved in an on-the job accident on May 30, 2007 that resulted in injuries to his shoulder which caused him to be medically released from his duties as a Police Sergeant. He subsequently underwent shoulder surgery and post-operative treatment while on industrial injury leave.

On April 2, 2008, staff was informed by the Municipal Pooling Authority that Mr. O'Hara's medical condition was determined by the treating physician to have "permanent restrictions", which permanently prevent him from performing the full and necessary range of his duties as a Police Sergeant. According to Mr. O'Hara's doctor he is unable to perform unrestricted lifts, lift more than 25 lbs or push or pull more than 25-50 lbs.

As required by applicable law, on April 21, 2008 staff met with the Clayton Police Chief, to determine whether or not the Police Department would be able to provide permanent modified and/or alternative duties for Mr. O'Hara, given the doctor's restrictions listed above. As a result of the meeting it was determined our Police Department is unable to provide a permanent modified and/or alternate position since the City needs all sworn law enforcement personnel working at full capacity. This information was forwarded in a letter to Mr. O'Hara on April 23, 2008.

Concurrently, in February 2008, Mr. O'Hara applied for disability retirement to the California Public Retirement System (PERS).

PERS requires certain documentation from contracting agencies in regards to disability retirements to be forwarded to them in the form of a resolution.

FISCAL IMPACT

California Labor Code Sections 4850.3 and 4850.4 require the City to make Advanced Disability Pension Payments until such time the paperwork is processed through PERS and Mr. O'Hara receives his initial disability retirement pension. These advanced payments will then be reimbursed to the City by PERS.

The City is presently in the screening and selection process for a replacement police sergeant.

Attachments: 1. Resolution

RESOLUITON NO. -2008

A RESOLUTION DETERMINING JOHN O'HARA, AN EMPLOYEE OF THE CITY OF CLAYTON, CLASSIFIED AS A SAFETY MEMBER IS DISABLED FOR PURPOSES OF THE PUBLIC EMPLOYEE'S RETIREMENT LAW (PERS) AND SUCH DISABILITY IS "INDUSTRIAL" WITHIN THE MEANING OF SUCH LAW

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City of Clayton (Agency) is a contracting agency of the Public Employee's Retirement System (PERS); and

WHEREAS, PERS Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the PERS Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for disability retirement of John "Tim" O'Hara employed by the Agency in the position of Police Sergeant was filed with PERS by Mr. O'Hara on February 12, 2008; and

WHEREAS, the Agency has reviewed the medical information and other evidence relevant to such alleged disability; and

WHEREAS, the Agency has determined that John "Tim" O'Hara is incapacitated within the meaning of the PERS Law for performance of his duties in the position of Police Sergeant; and

WHEREAS, the Agency does hereby find and determine that such disability is a result arising out of his course of employment with the Agency; and

WHEREAS, Mr. O'Hara must therefore be separated from his Agency employment in the position of Police Sergeant, effective May 7, 2008; and

WHEREAS, in accordance with California Labor Code, Sections 4850.3 and 4850.4, a prorated Advanced Disability Pension payment from May 7 through May 31 shall be made to Mr. O'Hara by the Agency; and

WHEREAS, monthly Advanced Disability Pension payments by the Agency will start in June 2008 and will continue until the Agency has received notification from PERS that his disability retirement paperwork has been processed, whereupon the Agency will be reimbursed by PERS; and

WHEREAS, there is a possibility of third party liability present in this industrial case; and

WHEREAS, the primary disabling condition of Mr. O'Hara is physical in nature; and

WHEREAS, California Government Code, Section 21152(c) allows the City Council of Clayton to appoint a delegate (City Manager) to certify determinations and forward necessary information required by PERS.

NOW, THEREFORE, BE IT RESOLVED, the City Council of Clayton, California, does hereby find and determine that John "Tim" O'Hara is unable to perform the full and complete range of duties of a Clayton Police Sergeant and is therefore considered incapacitated within the meaning of the Public Employee's Retirement Law, and it does herewith authorize the City Manager to forward all necessary documents to PERS.

PASSED, APPROVED AND ADOPTED on the 6th day of May 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

_____
Gregory J. Manning, Mayor

ATTEST:

_____
Laci J. Jackson, City Clerk

Agenda Date: 5-6-08
Agenda Item: 4d

CITY OF CLAYTON

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: MAY 6, 2008

SUBJECT: RESOLUTION DIRECTING THE FILING OF AN ANNUAL REPORT FOR THE CLAYTON STREET LIGHTING DISTRICT (FUND NO. 214)

RECOMMENDATION

Adopt the attached resolution.

BACKGROUND

The laws governing the City's existing Street Light Maintenance District (Fund No. 214), established in 1979, require the filing of an Annual Report by the Engineer of Work in order to establish and levy benefit assessment fees in each fiscal year. For the purpose of continuing to levy such an assessment in FY 2008-2009, the process must initiated by the Council officially calling for such an annual report. This District covers the annual operations and maintenance of the street lights and poles in our various residential neighborhoods.

After enactment of this resolution, the next step will be for the Engineer of Work to submit, and the City Council to accept, the Engineer's Report for this District. Following that submittal will be public hearings required prior to setting next year's assessments in sufficient time to be collected via the property tax bills issued by the County in 2008-2009.

This resolution does not commit the Council to any action but is just the first administrative step required by the Street Lighting Act of 1919.

FISCAL IMPACT

None.

Attachment: Resolution [1 pg.]

RESOLUTION NO. - 2008

A RESOLUTION DIRECTING THE FILING OF AN ANNUAL REPORT FOR THE CLAYTON STREET LIGHTING DISTRICT (PURSUANT TO THE STREET LIGHTING ACT OF 1919).

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by Resolution No. 11-79, adopted May 2, 1979, the Clayton City Council converted Street Lighting District No. 1 to a benefit assessment district and confirmed an assessment for fiscal year 1979-80, pursuant to the Street Lighting Act of 1919; and

WHEREAS, the said Street Lighting Act of 1919 requires that the City Council direct the Engineer of Work to prepare an Annual Report prior to the levying of an assessment;

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

1. The City Engineer, designated by this Council as the Engineer of Work for the Clayton Street Lighting District, is hereby directed to file an Annual Report in accordance with the provisions of the Street Lighting Act of 1919.

2. This resolution is adopted pursuant to Section 18090 of the Streets and Highways Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 6th day of May 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

THE CITY COUNCIL OF CLAYTON, CA

_____
GREGORY J. MANNING, Mayor

_____
Laci J. Jackson, City Clerk

# # # # #

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on May 6, 2008.

_____
Laci J. Jackson, City Clerk

CITY OF CLAYTON

Agenda Date: 5-6-08

Agenda Item: 8a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF DAN LAWRENCE

DATE: May 6, 2008

SUBJECT: PUBLIC HEARING ON THE POLICE CHIEF'S PROPOSED AND REVISED EXPENDITURE OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF) ON FRONT-LINE LAW ENFORCEMENT PERSONNEL AND LAW ENFORCEMENT CAPITAL EQUIPMENT IN THE AMOUNT OF $58,468.46 FOR FY 2007-08.

RECOMMENDATION

Following the public hearing, it is recommended that the City Council adopt the attached Resolution authorizing the proposed and revised expenditure of restricted use SLESF (COPS GRANT) monies to continue funding the existing eleventh (11th) sworn police officer position, the two (2) existing part-time police intern positions, and to purchase additional front-line law enforcement communications equipment.

BACKGROUND

For the eleventh consecutive year, the California State Legislature has approved monies under the Citizens Option for Public Safety (COPS) Program. All monies received pursuant to this program are to be deposited into a separate Supplemental Law Enforcement Services Fund (SLESF). The purpose of the program is to provide funding to supplement "front-line municipal police services." The State Controller has been directed to allocate funds to counties and cities based on population; however, the minimum allocation is $100,000 for each city every fiscal year. This Fiscal Year, the City of Clayton received the minimum of $100,000 FY 2007-08 allocation, which was posted into the SLESF on December 2007.

The law establishing the SLESF requires the City Council to hold a public hearing each year to consider a recommendation from the Chief of Police for use of these restricted use funds. The request for expenditure of SLESF monies must be considered separately from the City's regular budget process. In addition, SLESF funds must not be used to supplant funds allocated in the City's operating budget. As required by law, the City has set up a separate fund to receive revenue from the SLESF.

In each of the previous years, the City Council has authorized the Grant monies to fund one (1) sworn police officer position and two (2) part-time police intern positions. In addition, when Grant monies were not expended due to staffing shortages, the City Council has approved reallocating grant monies in order to purchase one-time expenses for front line police equipment that would not ordinarily have been purchased with General Funds.

FUNDS AVAILABLE

The SLESF account currently has a balance of $127,597.45 of unexpended COPS grant funding originating from grant monies received for FY 2006-07 and FY 2007-08. The reason for the unexpended COPS grant money is primarily due to sworn staff shortages (attrition vacancies) during most of FY 2006-07 and the first part of FY 2007-08. Staff anticipates the City of Clayton will again receive the minimum COPS grant allocation of $100,000 for FY 2008-09, although the State Budget for next year is uncertain at this time. Staff also anticipates the Department's staffing level will reach full deployment by June 30, 2008.

Because of these circumstances the SLESF account will total $227,595.45 of unexpended COPS grant funding originating from grant allocations in FY 2006-07, FY 2007-08, and FY 2008-09. The law requires that the unexpended COPS grant funds designated for FY 2006-07 ($69,140.56) must be expended, or encumbered, by June 30, 2008 or returned to the State Controller's Office. Naturally, the latter is an unacceptable local option.

In order to comply with State Law and in lieu of returning the unexpended COPS grant funds to the State Controller's Office, staff recommends the City Council approve the reallocation of unexpended grant monies to purchase the front-line police capital equipment listed below:

TriTech VisiNet Mobile Client License	**$ 4,500.00**
TriTech Visinet AVL Client License	**$ 2,700.00**
VisiNet Mobile ESRI Client License	**$ 405.00**
NetMotion License	**$ 298.00**
Sprint Mobile Data Cards	**$ 269.91**
Officer Workstation Access	**$ 5,000.00**
Clayton MDC Hardware Upgrades	**$ 6,000.00**
Clayton Portable Radio Programming	**$ 2,000.00**
4 Strand Dark Fiber Installation Cost	**$37,295.55**
Total One Time Costs:	**$ 58,468.46**

EQUIPMENT UTILIZATION

The Concord Police Department is currently upgrading their Computer Assisted Dispatch (CAD) Center in order to comply with new Department of Justice and Homeland Security requirements for criminal data transmissions. The following narrative provides a brief description, explanation, and rational for the purchase of the recommended front-line capital equipment, which are one time costs required to support the dispatch center upgrade project:

TriTech VisiNet Mobile Client License **$4,500.00**

This fee covers the actual CAD mobile software licensing costs for the initial software upgrades to Clayton's Mobile Data Computer's (MDC). This is a direct pass through cost for Clayton's units based on Concord's purchase cost rate. The fee is based on nine vehicles with MDC access at $500.00 per vehicle.

TriTech Visinet AVL Client License **$2,700.00**

This fee is software licensing costs for the GPS portion of the new CAD system. This system allows all of the GPS location and vehicle information to function and is required for the new system. This fee is a direct pass through of the costs for our units only at Concord's purchase cost rate. The fee is based on nine vehicles with MDC access at $300.00 per vehicle.

VisiNet Mobile ESRI Client License **$405.00**

This fee is the software licensing costs for the in-car mapping program. This fee is a direct pass through of the costs for our units only at Concord's purchase cost rate. The fee is based on nine vehicles with MDC access at $45.00 per vehicle.

NetMotion License **$ 298.00**

This fee provides for the physical connection between systems. This fee is a direct pass through of the costs for our units only at Concord's purchase cost rate. The fee is based on nine vehicles with MDC access at $33.11 per vehicle.

Sprint Mobile Data Cards **$269.91**

This expense provides the cellular data card hardware to receive the new data broadcasts for all dispatch services. This cost is a direct pass through of the portion for our units only at Concord's purchase cost rate. The expense is based on nine vehicles with MDC access at $29.99 per vehicle.

Officer Workstation Access **$5,000.00**

This expense provides for the computer terminal access software for the terminals at the Clayton Police Department building. This cost is a direct pass through of the portion for our units only at Concord's purchase cost rate. The expense is based on 10 workstations at $500.00 per workstation.

Clayton MDC Hardware Upgrades **$ 6,000.00**

This expense provides for the required hardware upgrades to 5 of Clayton's 9 vehicles based MDC's that are currently incompatible with the new system. The units must be removed and returned to the factory for upgrades.

Clayton Portable Radio Programming **$2000.00**

This fee is for the software programming upgrade required for Concord Dispatch to be able to identify the radio a transmission is sent from.

4 Strand Dark Fiber Installation Cost **$ 37,295.55**

This expense is to install the dedicated fiber optic data line to allow for secure data transmission of criminal record information. This line is required for compliance with new DOJ and Homeland Security requirements for criminal data transmission.

The total of the recommended front-line police capital equipment list is $58,468.46. The remaining balance of unexpended SLESF grant funds is $69,128.99 ($58,468.46 from $127,597.45 equals $69,128.99).

When the remaining officer position is filled the remaining balance of the unexpended FY 06-07 COPS grant monies, totaling $69,128.99, will continue to fund the eleventh police officer position and the two police services aides through the end of this fiscal year (June 30, 2007).

At the appropriate time and on assurance of continued COPS grant funding by the State, staff will recommend the City Council continue funding the existing eleventh Police Officer position and the two existing Police Services Aide positions with the COPS grant monies of $100,000 designated for the upcoming FY 2008-09.

FISCAL IMPACT

The SLESF account for the COPS grant accumulated a total of $127,597.45 of unexpended and unencumbered COPS Grant money during FY 2006-07 and FY 2007-08. There will be no matching funds or additional General Fund costs to the City should the Chief's recommended plan to utilize the unexpended COPS grant monies of $58,468.46 be approved. It is anticipated this State Grant Program will also provide $100,000 in COPS funding to the City of Clayton for FY 2008-09. There are no matching funds required.

Attachment: Resolution No. -2008 [2 pp.]

RESOLUTION NO. ____2008

A RESOLUTION APPROVING THE CONTINUED FUNDING OF ONE SWORN POLICE OFFICER AND TWO PART-TIME POLICE SERVICES AIDE POSITIONS FROM THE COPS PROGRAM FUNDS RECEIVED FOR FISCAL YEAR 2007-08, AND THE EXPENDITURE OF COPS PROGRAM FUNDS RETAINED FROM FISCAL YEAR 2006-07 ON FRONT-LINE LAW ENFORCEMENT CAPITAL EQUIPMENT

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the State of California passed legislation in 1996 appropriating funds for Citizens' Option for Public safety (COPS) program; and

WHEREAS, the purpose of said monies is to augment front-line municipal police services; and

WHEREAS, the State of California appropriated funds to continue the COPS program in the 2007-08 fiscal year and is expected to continue its appropriation in Fiscal Year 2008-09; and

WHEREAS, the City of Clayton wishes to continue participation in this program and receive the grants allocated for its local use; and

WHEREAS, grant funds received are and were deposited into the Supplemental Law Enforcement Services Fund (SLESF), a restricted-use account for front-line municipal police services; and

WHEREAS, previously the Police Chief requested in writing, and the City Council did approve by adoption of City Resolution No. 45-2007 on October 16, 2007, that said grant monies be used to continue funding the one sworn police officer and two part-time police services aide positions of the Police Department for fiscal year 2007-08; and

WHEREAS, some of the funds received during fiscal year 2006-07 have not been expended or encumbered and if not expended by June 30, 2008 are required to be returned to the State Controller's Office; and

WHEREAS, the Police Chief now requests in writing that $58,468.46 in unexpended monies received during fiscal year 2006-07 be used to purchase Mobile Data Computer (MDC) hardware upgrades, fiber optics installation, MDC data cards & software, and required client licenses caused by recent upgrades to the City of Concord's Computer Aided Dispatch Center; and

WHEREAS, the Clayton City Council held a duly noticed public hearing on the COPS grant program expenditure reallocation proposal of the Chief of Police at its regular public meeting of May 6, 2008; and

WHEREAS, after due consideration and public comments during said public hearing, the Clayton City Council has determined the request and recommendation of the Chief of Police does indeed address the front-line law enforcement needs of this community and its police department.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby approve the written recommendation of the Chief of Police to continue the program funding of one sworn police officer and two part-time police services aide positions through the City's allocation of State COPS grant funds and the one-time expenditure of $58,468.46 on front-line law enforcement equipment as itemized in the accompanying staff report of the Chief.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 6h day of May 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

_____

Gregory J. Manning, Mayor

ATTEST:

_____

Laci J. Jackson, City Clerk

Agenda Date: 5-6-08

Agenda Item: 9a

ORDINANCE NO. 417

AN ORDINANCE AMENDING CHAPTER 1.18 (ADMINISTRATIVE CITATIONS) TO ADD SECTION 1.18.150 (RECORDATION OF NOTICES AND ASSESSMENTS) AND AMEND SECTION 1.18.100 (RECOVERY OF ADMINISTRATIVE FINES AND COSTS); AND AMENDING CHAPTER 8.08 (NUISANCES), SECTION 8.08.010 (CONDITIONS CONSTITUTING NUISANCE) BY ADDING NEW SUBSECTIONS "R" AND "S" RELATED TO VIOLATIONS OF THE MUNICIPAL AND RELATED CODES AND NUISANCES BEHAVIORS

THE CITY COUNCIL
City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 1.18 of the Clayton Municipal Code is hereby amended to add Section 1.18.150 (Recordation of Notices and Assessments) to read as follows:

"**1.18.150 Recordation of Notices and Assessments.**

A. Notices of Pending Action.

1. If the enforcement officer determines there is a violation of this code related to nuisances, he or she may file, in the office of the county recorder, a Notice of Pending Action pursuant to Government Code Section 38773.5.

2. When the enforcement officer determines that compliance to this code pursuant to section A. 1. above has not occurred and they intend to file a notice of pending action, a written Notice of the Noncompliance shall be provided, by certified mail return receipt requested, to the record owner or the person in control of the property. Such Notice shall contain: (a) a description of the property; (b) the condition(s) that caused the noncompliance; (c) a reasonable time limit to bring the property into compliance; (d) the potential to record a Notice of Pending Action; and (e) the right to appeal. Any Notice provided in accordance with the provisions of this section shall be deemed complete upon its mailing as set forth herein.

3. Within seven (7) days from the date of giving of Notice, the owner or person in control of the property may file an appeal of the finding of noncompliance to the Hearing Officer designated pursuant to Section 1.18.050. Such appeal shall be in writing and shall identify the property subject to the notice of pending action. The Hearing Officer must hear the appeal within thirty (30) days from the filing of the appeal or at such later date as may be agreed to by both parties. Notice of the hearing date shall be given in writing. The hearing date shall be no sooner than five (5) days from the date when notice of the hearing is given to the appellant and to the enforcement officer. For the purpose of administrative remedies, the decision of the Hearing Officer is final.

4. If the finding of noncompliance is not appealed or if the finding of noncompliance is upheld by the Hearing Officer, the City is authorized to immediately record the Notice of Pending Action. Such Notice shall describe the property, certify noncompliance, and state that the owner or person in control of the property has been provided with notification in accordance with the Municipal Code. The Notice of Pending Action notifies any potential purchaser(s) of a violation and/or public nuisance existing on subject property or premises and attempts to prevent the owner from transferring the subject property or premises to another person or entity without first correcting the outstanding violation and reimbursing the City for any and all costs incurred by the City including attorneys' fees in its attempt to remedy the violation.

5. If a Notice of Pending Action is recorded, and where the permit, inspection, and/or approval required is obtained or correction of violation achieved, and all fines, penalties and abatement costs owed to the City paid, the City shall record or shall provide to the property owner for recordation with the county recorder, a release of the Notice of Pending Action.

B. Liens and Assessments.

1. In accordance with Sections 38773.1, 38773.5 or 54988 of the California Government Code and this code, whenever a city nuisance enforcement action results in moneys owed the City for costs, penalties or interest thereon, the City may file a lien or special assessment against the property on which it is maintained and a personal obligation against the owner.

2. The procedures for placing a lien or special assessment on property pursuant to this section will be substantially the same as those set forth in the California Government Code."

SECTION 2. Section 1.18.100 (Recovery of Administration Citation Fines and Costs) of Chapter 1.18 of the Clayton Municipal Code is hereby amended to read in its entirety as follows:

"**1.18.100 Recovery of Administrative Citation Fines and Costs.**

On behalf of the City, the city manager may collect any past-due administrative citation fine or late payment charge by use of all available legal means and the choice of one remedy does not affect the city's ability to use alternative remedies. This includes recovery through small claims court and the placement of the amounts as a special assessment upon real property owned by the person. The special assessment shall be collected under the authority of section 53069.4 of the California Government Code and pursuant to the procedures set forth in section 38773.5 of the California Government Code. The special assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. If a special assessment is elected as a remedy by the city manager, the city shall provide notice, by certified mail, to the person at least seven days before the time of imposing the assessment. The notice shall specify the amount due and the fact of imposition of the amount as a special assessment upon the described real property. The notice shall also specify the property may be sold after three years by the tax collector for unpaid delinquent assessments. For any legal action to enforce the special assessment or to otherwise collect the amounts due, the city also may choose to recover its collection costs and attorneys' fees, and in that instance, such costs and fees shall be recoverable by whoever is the prevailing party."

SECTION 3. Section 8.08.010 (Conditions Constituting Nuisance) of the Clayton Municipal Code is hereby amended to add new sections R. and S. which shall read as follows:

"R. Any violation of chapter 17 (zoning) of this code, the provisions of any code adopted by reference by this code; permits issued by the City; conditions of development approval; or ordinances and regulations adopted by the City.

S. Repeated disruptive activities including, but not limited to, disturbances of the peace and quiet of the neighborhood of which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, public drunkenness, drinking in public, harassment of passerby, sale of stolen goods, public urination

or defecation, theft, assaults, battery, acts of vandalism, excessive littering, illegal parking, loud noises, traffic violations, curfew violations, or police detentions and arrests."

SECTION 4. This Ordinance shall be published in accordance with Government Code Section 36933 by either posting or publishing the Ordinance in accordance with that law. Further, the City Clerk is directed to cause Sections 1, 2 and 3 of this Ordinance to be entered in the City of Clayton Municipal Code. This Ordinance shall take effect and be in force 30 days following its adoption.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, the holding shall not affect the validity or enforceability of the remaining provisions, and the council declares that it would have adopted each provision of this ordinance irrespective of the validity of any other provision.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 15th day of April, 2008.

PASSED, ADOPTED, and ORDERED POSTED at a regular meeting of the City Council of the City of Clayton on May 6, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

_____

Gregory J. Manning, Mayor

ATTEST:

_____

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

J. Daniel Adams, City Attorney

APPROVED AS TO ADMINISTRATION:

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on April 15, 2008 and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on May 6, 2008.

Laci J. Jackson, City Clerk

Agenda Date: 4-18-08

Agenda Item: 8a

CITY OF CLAYTON

Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **J. DANIEL ADAMS, CITY ATTORNEY**

DATE: **April 10, 2008**

SUBJECT: **PROPOSED ORDINANCE 417**

RECOMMENDATION

That the City Council introduce and waive the first reading of an Ordinance amending Clayton's Municipal Code Chapter 1.18 (Administrative Citations) to provide for the recordation and release of Notices of Pending Action on private property for nuisance violations and to clarify the authority and procedures for the recordation of liens to recover past due citation fees and abatement costs; and amending Clayton Municipal Code Chapter 8.08 to include in the definition of a public nuisance: Violations of City zoning regulations, permits and conditions of approval and certain nuisance behaviors.

BACKGROUND

The California Government Code Sections 38773.1 and 38773.5 allow a city to adopt an ordinance establishing procedures for the collection of costs of abatement of nuisances by a special assessment against the property and the recordation of liens and/or Notices of Pending Action(s) against real property. This ordinance, if adopted, would allow the City to utilize these procedures in lieu of filing abatement actions, thus eliminating the need for the City to file suit seeking affirmative relief and placing the burden on the offending property owner to cure any violation of the Municipal Code that constitutes a nuisance as defined therein.

A. Recordation of Notices and Assessments.

Code Enforcement staff has had some difficulty gaining compliance from owners of properties in foreclosure and owners failing to comply with City zoning ordinances. Further, when properties are foreclosed upon, lending institutions are also non-responsive as they often sell the mortgages to other institutions. Frequent changes in ownership get challenging for Code Enforcement to notify the most current owner of violations and pending code enforcement actions. This Ordinance amends the Clayton

Municipal Code to provide a process for recording and releasing notices of pending actions which would be recorded against the property in order to enhance compliance of our Municipal Code. The Ordinance also clarifies procedures associated with the recordation of property assessments for outstanding fines and costs incurred by the City. Staff anticipates a more timely response from property owners when they are notified of the recorded Notice of Pending Action against the property. In additions staff believes there is a greater likelihood that violations will be corrected prior to the property being sold so as to allow for a clean title upon sale.

B. Declaration of Nuisances.

From time to time the Clayton Police Department has reported the existence of certain disruptive behaviors within the City. Under the existing code it is has been difficult to address these behaviors absent extensive expense to the City in terms of legal fees. Staff has looked into the possibility of declaring certain disruptive behaviors to be nuisances. Based upon existing language in a sister city's Municipal Code which has been reviewed by the undersigned, staff is proposing the amendments to Section 8.08.010 to add Subsection "R" (Violation of Chapter 17 (Zoning), the provisions of any code adopted by reference by this code (e.g., the Uniform Building Code and related Uniform Codes; permits issued by the City; conditions of development approval; and Ordinances and Regulations adopted by the City. In addition to address the aforementioned disruptive behavior the addition of Subsection "S" is included to enhance the City's ability to economically address these circumstances.

FISCAL IMPACT

Staff does not anticipate any increase in expense and in fact the City may experience savings in the form of decreased in enforcement costs.

CONCLUSION

For the reasons set forth herein, staff recommends the Council take the actions outlined in the Recommendation section above.

Agenda Date: 5-6-08
Agenda Item: 9b

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: MAY 6, 2008

SUBJECT: PAVEMENT MANAGEMENT PROGRAM BUDGET OPTIONS REPORT AND 2008 PAVEMENT REHABILITATION PROJECT DIRECTION (CIP PROJECT NO. 10406

RECOMMENDATION

Provide direction to Staff regarding the 2008 Pavement Rehabilitation Project.

BACKGROUND

In order to qualify for state and federal funding of certain street projects, we are required to maintain an acceptable pavement management program which rates the condition of our streets and provides recommended scenarios for street maintenance and rehabilitation activities. Using grant funds provided by the Metropolitan Transportation Commission (MTC), our streets were recently surveyed and our Pavement Management Program, provided and certified by MTC, updated. Our consultant, Asset Management Specialized Consulting (AMSC), issued a "budget options" report for use in deciding upon a pavement treatment strategy.

Report Findings

The condition of the pavement is indicated by a Pavement Condition Index (PCI) which has the following ranges:

PCI = 70 – 100:	Very Good
PCI = 50 – 69:	Good
PCI = 25 – 49:	Poor
PCI = 00 – 24:	Very Poor/Failed

The current weighted City-wide PCI was determined to be 76 (very good). This PCI places the City fifth in the County, behind Brentwood, Contra Costa County, Oakley and Concord.

In 2007, our PCI was 78 after we entered all of the work that was accomplished with our extensive 2006 Pavement Rehabilitation Project. We compared the individual street PCI numbers for 2007 and 2008 and found that many of the streets that had received no treatment experienced significant declines in their PCIs, as much as 48 points. We discussed these drops with AMSC and it appears that biggest discrepancy may have been due to the categorizing of the pavement cracks in the 2006 survey. The PCI of a street is calculated using formulas based upon the length and types of cracks measured within sections of the streets. Contrary to the program's requirements, it appears that longitudinal cracks within the wheel paths were not rated as "alligator" cracks. This makes a significant difference in the PCI calculation because alligator cracking is a load-related distress while longitudinal cracking is considered to be due to environmental distress (weathering, water intrusion, etc.).

The current average PCI for the City (76) is considered in the "Very Good" category but falls short of the optimal PCI range of 80 to 85. If the City were to perform no treatments over the next five years, the average PCI would drop to 66 ("Good" category). In addition, without any treatment, the rate of deterioration would accelerate significantly along with the cost of rehabilitation. In order to reach the optimal PCI of 84 by the end of the next five-year cycle, the City would be required to expend a total of almost $4.5 million with an initial expenditure of $2.5 million this coming fiscal year (2008/09). The pavement treatments are split between "Preventative Maintenance" (crack sealing and slurry sealing) and "Pavement Rehabilitation" (thin/thick overlays). Since we are currently anticipating a total expenditure of approximately $1.5 million for pavement treatment over the next five years, the goal of reaching the optimal PCI of 84 is not possible.

The report presented four budget scenarios for consideration. A constant 22% preventative maintenance split was used along with a 5% interest and/or inflation factor. The four options are:

Current Budget
Constant PCI
5 Point PCI Increase
Needs Evenly Distributed Over 5 Years

Option 1 – Current Budget

This option uses the City's current anticipated pavement treatment budget for the next five years ($750k in FY 2008/09 and $200k per year thereafter). Under this scenario, our City-wide PCI would rise to 78 after this year's work and then decrease to 72 at the end of the five-year period. There would also be an increase in the roads classified in the "Poor" and "Very Poor/Failed" categories as shown in the following table:

Rating	PCI Range	% Before FY 2008	% After FY 2012
Very Good	70 – 100	68.42	72.68
Good	50 – 69	20.28	13.04
Poor	25 – 49	10.76	13.19
Very Poor/Failed	0 – 24	0.54	1.10

See attachment for the program-recommended 2008/09 work plan.

Option 2 – Constant PCI

As implied by its title, the goal of this option is to maintain the current City-wide PCI of 76. This option would require a total five-year budget of $2.9 million with expenditures of $300k and $500k in FY 2008 and 2009, respectively. The remaining three years would require an annual expenditure of $700k. The PCI category changes would be as shown in the following table:

Rating	PCI Range	% Before FY 2008	% After FY 2012
Very Good	70 – 100	68.42	76.53
Good	50 – 69	20.28	14.64
Poor	25 – 49	10.76	8.04
Very Poor/Failed	0 – 24	0.54	0.79

See attachment for program-recommended 2008/09 and 2009/10 work plans.

Option 3 – 5 Point PCI Increase

The goal of this option is to increase the overall PCI from 76 to 81 immediately and then maintain that higher PCI for the remainder of five-year period. This option would require a five-year budget of $4.55 million with expenditures of $1.5 and $1.0 million in FY 2008 and 2009 respectively. For the remaining years, the annual expenditures would be $650,000, $700,000 and $700,000. The PCI category changes would be as shown in the following table:

Rating	PCI Range	% Before FY 2008	% After FY 2012
Very Good	70 – 100	68.42	85.76
Good	50 – 69	20.28	12.40
Poor	25 – 49	10.76	1.84
Very Poor/Failed	0 – 24	0.54	0.54

Option 4 – Needs Evenly Distributed Over 5 Years

This option calls for funding the full current needs amount (approximately $4.5 million) in equal installments over the next five years ($0.883 million per year). This approach raises the City-wide PCI from 76 to 81 and reduces the backlog of unfunded work from the current $4.4 million to $126k. The PCI category changes would be as shown in the following table:

Rating	PCI Range	% Before FY 2008	% After FY 2012
Very Good	70 – 100	68.42	85.32
Good	50 – 69	20.28	12.40
Poor	25 – 49	10.76	1.96
Very Poor/Failed	0 – 24	0.54	0.33

Since adequate funding is not available for Options 3 and 4, we did not include the recommended work plans with this report.

Arterials

The goal of the Pavement Management Program is to maximize and maintain the City-wide PCI by using available funds for both preventive maintenance and rehabilitation. Our arterial streets (Clayton Road, Marsh Creek Road and Oakhurst Drive) are listed as having PCI's in the mid-eighties and are recommended for preventive maintenance only, i.e., slurry seals. However, except for the portion of Clayton Road between El Camino Drive and Mitchell Canyon Road, we are noting significant distress (alligatoring) occurring in the wheel tracks along much of Clayton Road and Marsh Creek Road (4-lane section). Pieces of pavement are starting to come up and beginning to form potholes. Last year we patched approximately 3,000 square feet of pavement on these arterials. The patches are fine, but now the areas leading to and from the patches are starting to fail.

The arterials were constructed between 1988 and 1993 and have been subjected to significantly more traffic, particularly large, heavy trucks, than originally anticipated. The original thickness of the asphalt was 4" and we have been installing 6" thick patches. Based upon a recent inspection, we estimate that over 45,000 square feet of patching will be required over the next two to three years on Clayton Road, Marsh Creek Road and Oakhurst Drive. This square footage equates to a cost of approximately $505,000 using last year's unit price and adjusting for inflation and rising oil prices.

Staff Recommendation

Since we started constructing pavement rehabilitation projects in 2000, the City Council, recognizing the prior lack of maintenance to our local residential streets, has chosen to focus on pavement rehabilitation starting with the streets having the lowest PCIs and those impacted by the Redevelopment Agency's sewer construction projects in the 1990's. Due to the Council's determination to dedicate as much funds as possible to pavement work, we

have been able to accomplish quite a bit of pavement restoration and have significantly improved our residential streets.

However, since it is unlikely that the City will be able to fund large pavement projects for the foreseeable future, Staff is recommending that we spend most of this year's available funds on upgrading our arterial streets, primarily Clayton Road and Marsh Creek Road. As mentioned above, we are starting to see some significant deterioration that will accelerate if it is left untreated. The large pavement area included in these streets makes any type of rehabilitation very expensive. If we do not rehabilitate these streets this year, the anticipated future annual funding ($200,000 from Measure C and Gas Tax funds) will necessitate spreading the work over several fiscal years. Of course, the longer pavement failures are left untreated, particularly on heavily traveled routes, more pavement will deteriorate and more extensive repairs will be required.

Staff has identified three different rehabilitation methods for Clayton and Marsh Creek Road.

Method 1 – Patch Wheel Track Areas Only

This method would require grinding out the failed and failing areas and repaving with 6" of asphalt. Each patch would be approximately 4' in width, similar to that seen in our 2007 Pavement Patching project. As mentioned above, this alternative would require constructing about 45,000 square feet of patches, some restriping and, possibly, replacing some traffic signal loops. The narrow width of the patches necessitates using small equipment which reduces the efficiency of the operation (primarily truck turnaround time and more hand labor during repaving), and takes much longer to complete the work. Based upon last year's bid, we would anticipate this option to cost approximately $500,000.

The biggest drawback to this approach is that there will still be significant stretches of pavement that will remain untreated. While these stretches are not showing any distress at the current time, it is just a matter of time until these untreated areas start to fail and we will again be faced with the need to make expensive repairs.

Method 2 – Complete Removal and Repaving of Travel Lanes

This method consists of grinding out all of the asphalt, and approximately 2" of base rock, in the travel lanes (approximately 21' width) and repaving with 6" of new asphalt. The width of the work would allow the use of much larger grinding machines and paving machines for the repaving work. There will be a significant increase in the efficiency and speed of the work (e.g., under method 1, approximately 120 tons of material can be removed and replaced each day; with this method, the quantity increases to 600 or more tons per day).

We would be replacing all of the existing pavement between the westerly City Limits and Regency Drive except for the area along Clayton Road between El Camino Drive and Mitchell Canyon Road, those areas previously patched with 6" of asphalt and the portion of roadway reconstructed by CCWD after the water line break at Peacock Creek Drive. We will need to replace most of the streets' striping and pavement markings as well as most of the existing traffic signal detector loops which will be removed by the grinding.

It is expected that the square foot cost for the removal and replacement would drop from $11.00/sf for method 1 to $3.50/sf for this method. Even though this method allows for a much reduced unit price, the large area of work (530,000 sf) yields an unaffordable project cost of approximately $2,000,000.

Method 3 – 2" Thick Overlay

This method would require the patching of currently failed areas with 4" of asphalt and then overlaying the entire pavement area (except for Clayton Road between El Camino Drive and Mitchell Canyon Road) with 2" of asphalt, thereby increasing the total asphalt thickness to at least 6". In order to improve the entry into the Town Center commercial area, Staff is also proposing to overlay the ramp between Clayton Road and Main Street.

The curb height along the medians will be reduced to 4" ± by the new asphalt overlay. The edge of the existing pavement along the outside gutters would be ground down through the bike lane area so that the new pavement surface meets the existing gutter elevation. The portion of roadway originally constructed by the Oakhurst Assessment District (Mitchell Canyon Road to Regency Drive) has spill gutters on the median curbs. In order to avoid trapping water, these spill gutters will also have to be overlaid with asphalt. While no traffic signal loops will be impacted by the work, most of the existing striping and pavement markings will have to be replaced. The total cost for this method is estimated to be $975,000.

This method will require less time to complete than the other two thereby minimizing the impact on the users of the roadway and will result in a new driving surface that should be more than adequate to handle the traffic being experienced now and anticipated in the future. Staff recommends that the Council choose Method 3 for the treatment of these arterial streets. It is anticipated that some savings can be expected if the contractor is allowed to work at night rather than the day. With the significantly reduced volume of traffic at night, the contractor will have a much easier time with traffic control and will be able to work on large stretches of the roadway without interference. Therefore, it is requested that the Council allow for such night work and authorize us to include the possibility as an alternative bid item.

Finally, it is anticipated that some funding will be required for other priority street work. Staff recommends that approximately 9,000 sf of patching be completed on Oakhurst Drive, Mitchell Canyon Road and Pine Hollow Road. In addition, approximately 7,500 sf of pavement needs to be reconstructed on Center Street, east of Marsh Creek Road in the Town Center Area.

The cost of this additional work is estimated to be $112,500. Budgeting an additional $25,000 for design, construction management, inspection and testing brings the total project cost to approximately $1,112,000.

PCI Impact

The recommended approach will have the same impact on the overall City-wide PCI as the "Option 1 – Current Budget" scenario in the Budget Options report. That is, this work will raise the current PCI from 76 to 78 upon completion of the work. Assuming future funding remains as projected, the PCI will then slowly deteriorate to approximately 72 over the following four years.

FISCAL IMPACT

The currently approved funding sources and available funds are as follows:

Gas Tax	$108,673
Prop. 1B	$400,000
Measure C	$237,578
Prop. 42	$95,000
Total	$841,251

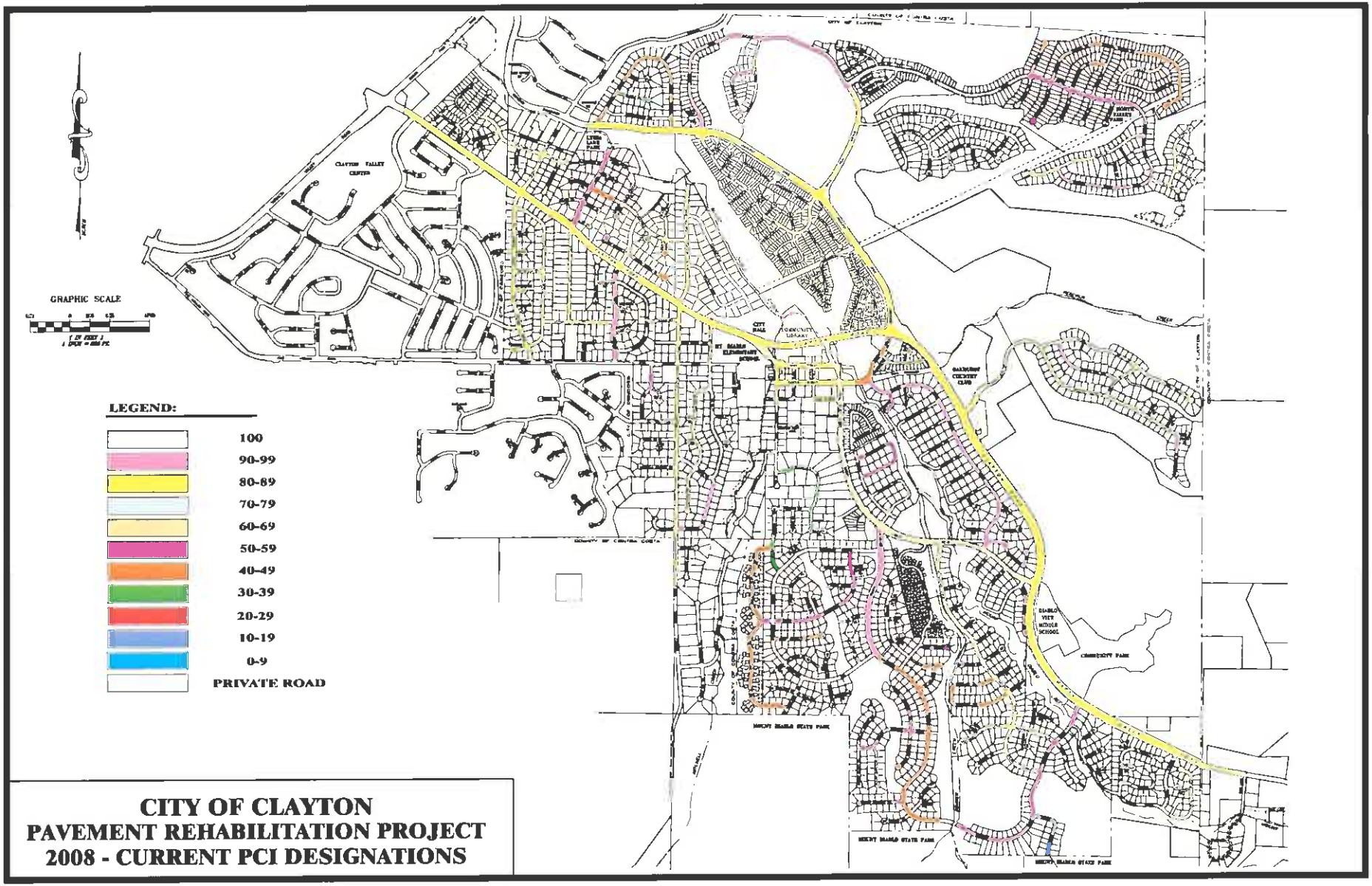
There is $157,935 remaining in unexpended traffic mitigation fees from the Oakhurst Development. Since most of the arterial construction was a part of the Oakhurst Development, the use of these funds to mitigate traffic damage is appropriate. Since a portion of the proposed improvements are to improve the entries into, and the atmosphere of, the Town Center commercial area, it is recommended that remaining $112,814 ($1,112,000 - $847,251 - $157,935) in needed funding be taken from the Downtown Economic Development Project budget (CIP No. 10400).

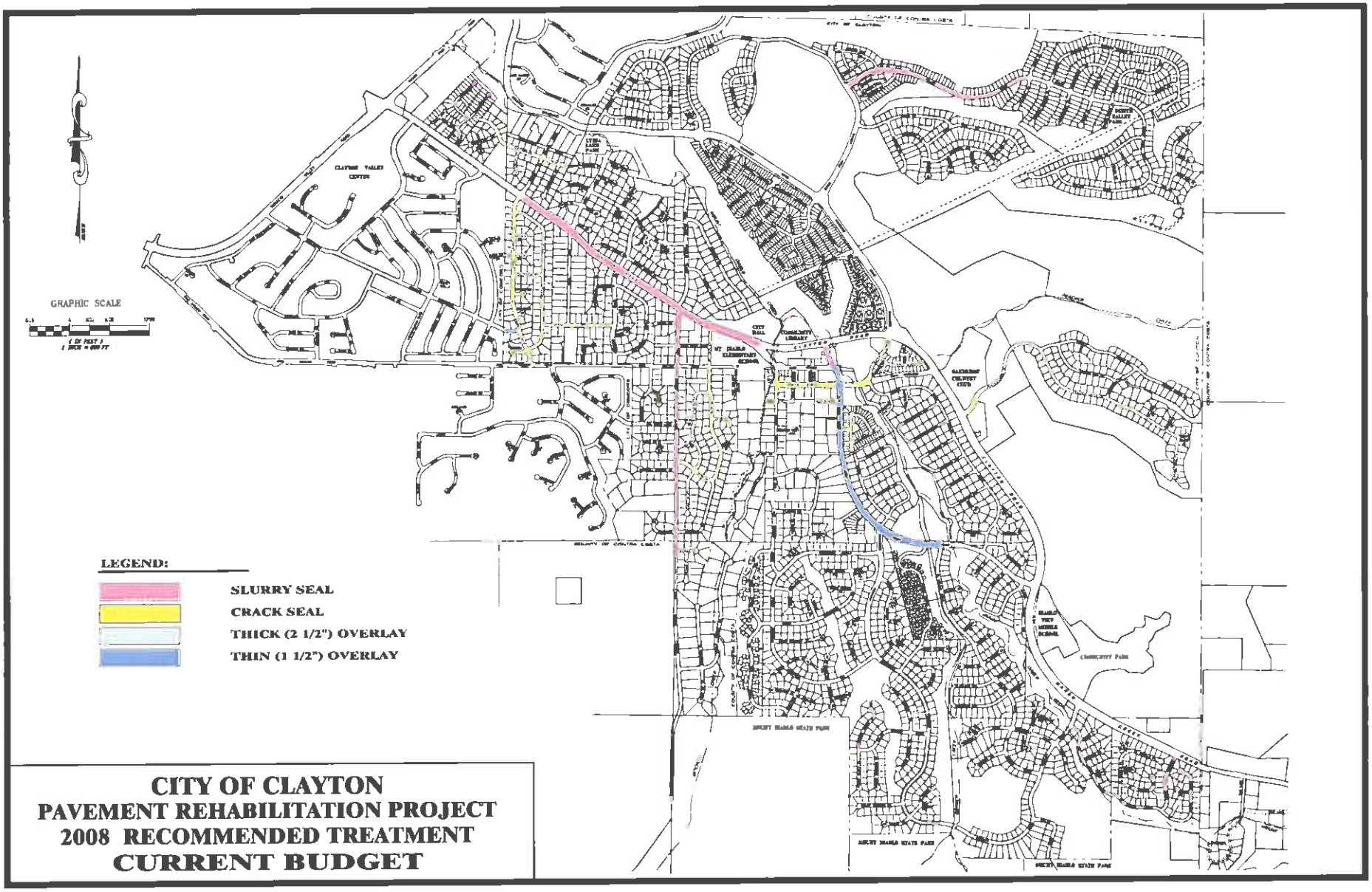
CONCLUSION

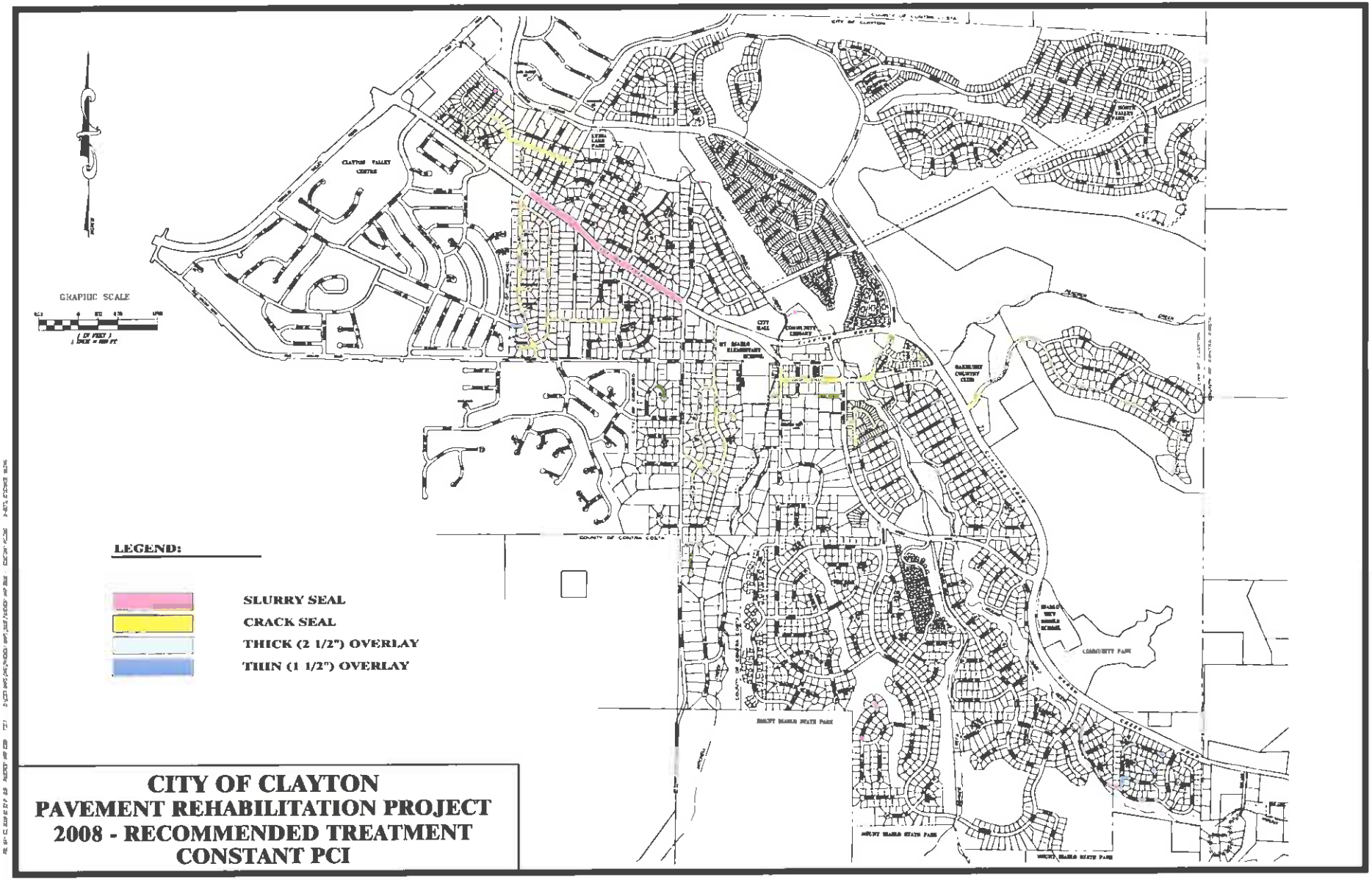
In order to rehabilitate the City's major arterials and avoid significant repair costs in the future, Staff recommends that the Council authorize the following:

1) The preparation of plans for the repair and overlay of Clayton Road and Marsh Creek Road as described in Method 3 above;
2) Preparation of plans for the reconstruction of the pavement on Center Street, east of Marsh Creek Road within the Town Center Area;
3) Preparation of plans for pavement patching on Oakhurst Drive, Mitchell Canyon Road and Pine Hollow Road;
4) Allowing construction to occur at night if deemed financially favorable;
5) The transfer and utilization of $112,814 from the Downtown Economic Development Project funds and $157,935 in Oakhurst Traffic Mitigation fees;
6) The advertisement for bids for the described construction.

Attachments:
1) Current PCI Ranges
2) Current Budget – 2008 Recommended Pavement Treatments
3) Constant PCI - 2008 Recommended Pavement Treatments
4) Constant PCI - 2009 Recommended Pavement Treatments
5) Staff Recommendations – 2008 Pavement Treatments
5) Arterial Treatment Methods
6) Cost Estimates


GRAPHIC SCALE
LEGEND:
100
90-99
80-89
70-79
60-69
50-59
40-49
30-39
20-29
10-19
0-9
PRIVATE ROAD
CITY OF CLAYTON
PAVEMENT REHABILITATION PROJECT
2008 - CURRENT PCI DESIGNATIONS


GRAPHIC SCALE
LEGEND:
SLURRY SEAL
CRACK SEAL
THICK (2 1/2") OVERLAY
THIN (1 1/2") OVERLAY
CITY OF CLAYTON
PAVEMENT REHABILITATION PROJECT
2008 RECOMMENDED TREATMENT
CURRENT BUDGET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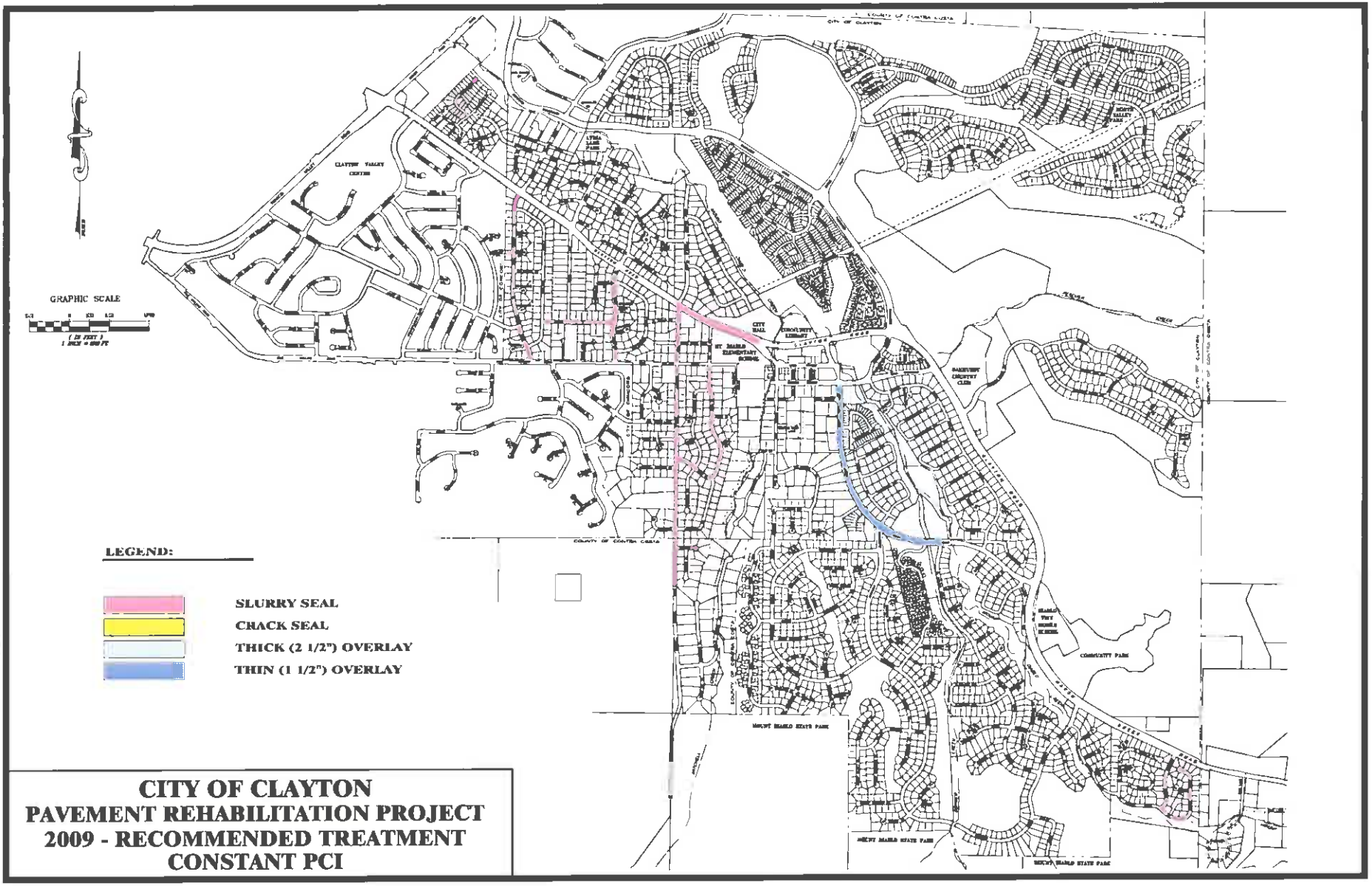
CRACK SEAL
THICK (2 1/2") OVERLAY
THIN (1 1/2") OVERLAY
CITY OF CLAYTON
PAVEMENT REHABILITATION PROJECT
2008 - RECOMMENDED TREATMENT
CONSTANT PCI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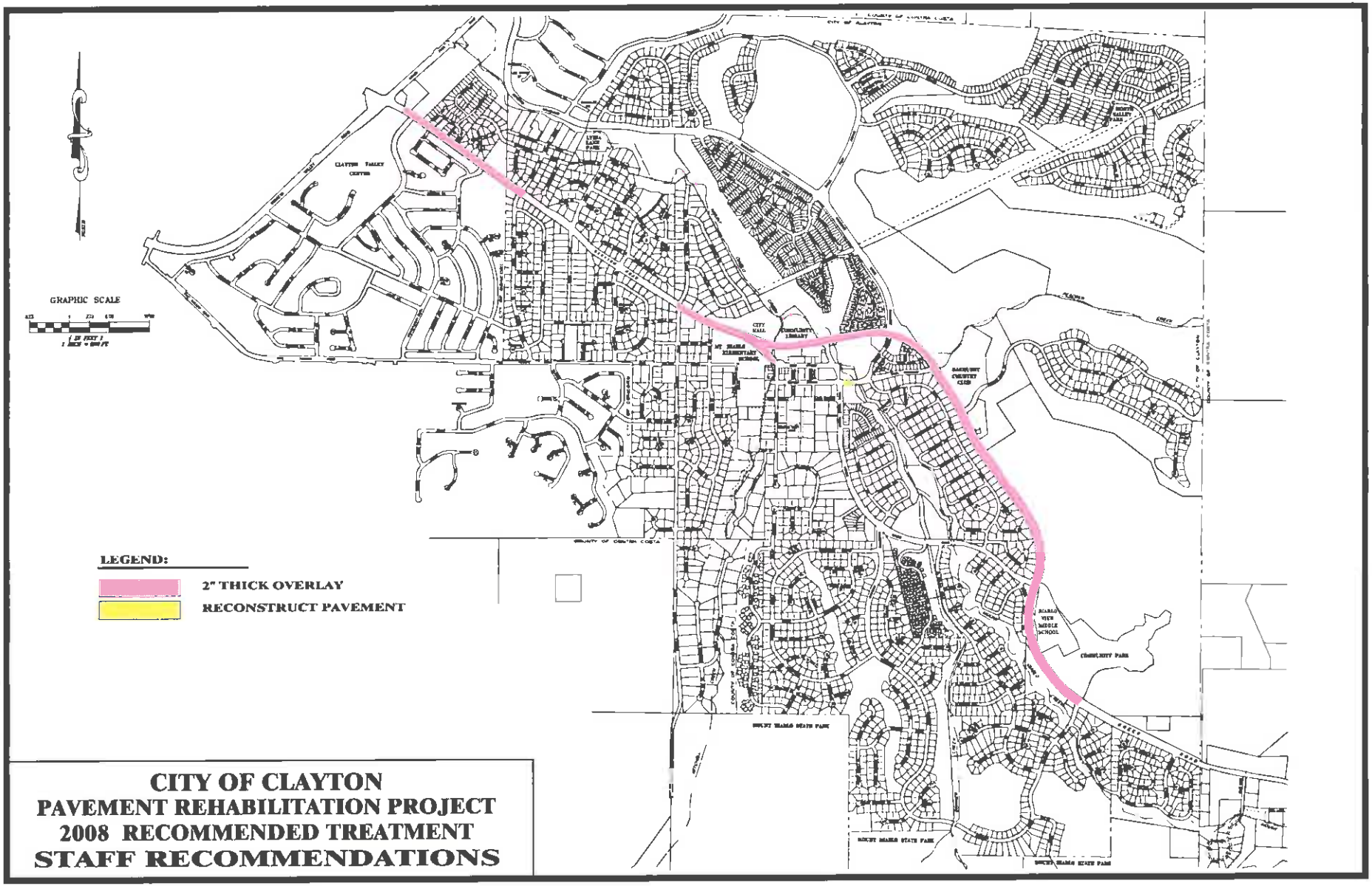
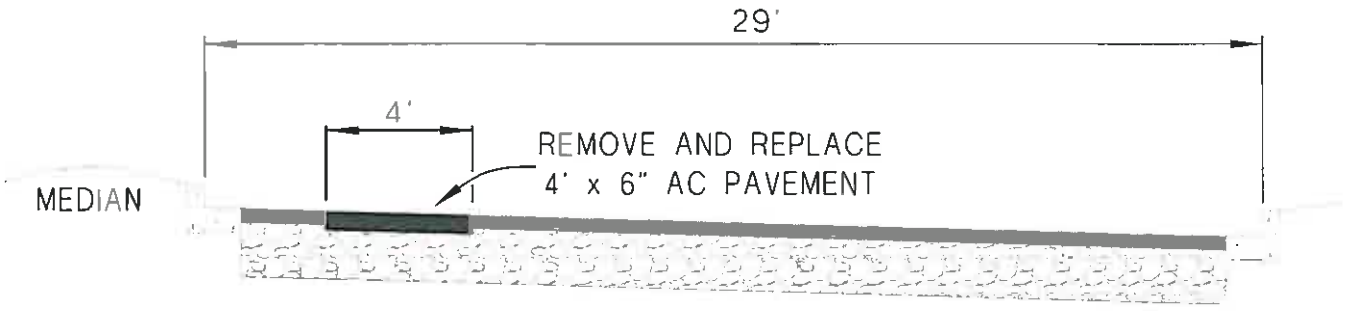
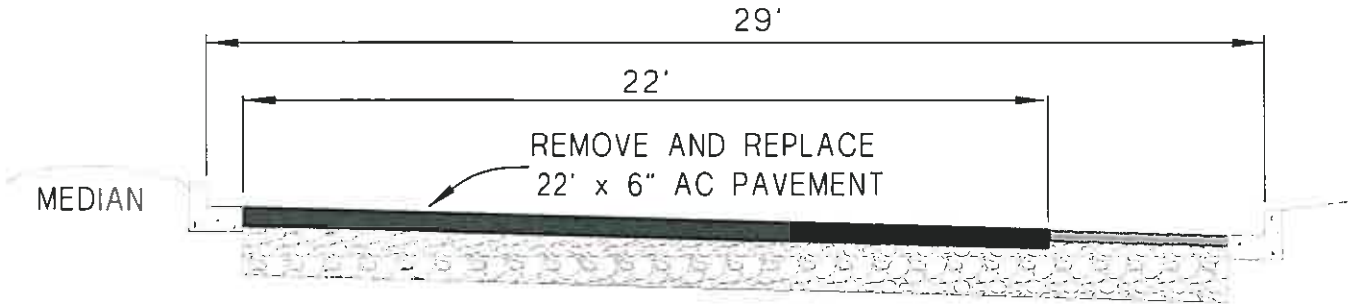
LEGEND:
SLURRY SEAL
CRACK SEAL
THICK (2 1/2") OVERLAY
THIN (1 1/2") OVERLAY
CITY OF CLAYTON
PAVEMENT REHABILITATION PROJECT
2009 - RECOMMENDED TREATMENT
CONSTANT PCI


GRAPHIC SCALE
LEGEND:
2" THICK OVERLAY
RECONSTRUCT PAVEMENT
CITY OF CLAYTON
PAVEMENT REHABILITATION PROJECT
2008 RECOMMENDED TREATMENT
STAFF RECOMMENDATIONS



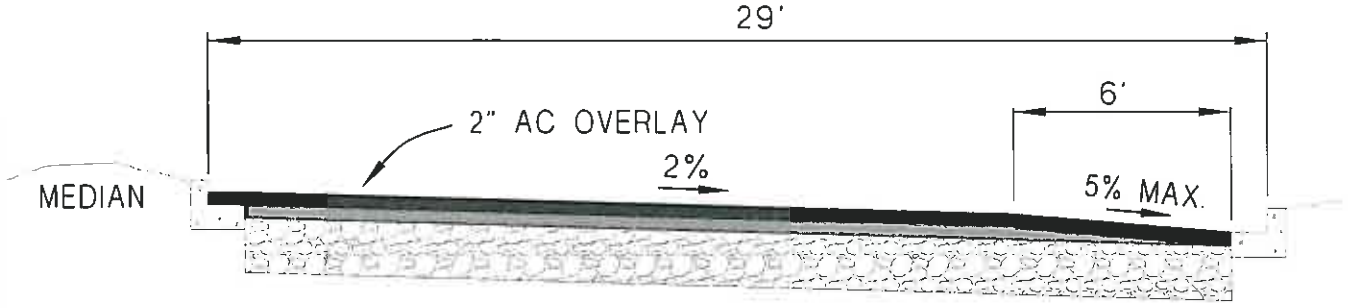
METHOD 1

SCALE 1" = 5'



METHOD 2

SCALE 1" = 5'



METHOD 3

SCALE 1" = 5'

ARTERIAL ROAD TREATMENTS
2008 PAVEMENT REHABILITATION

THU, MAY 01, 2008 12:56 P BJB DETAILS Z:\C001 MAPS\DWG\PAVEMENT MAPS\2008\PAVEMENT DETAIL 8 X 11.DWG

2008 Pavement Rehabilitation Project
Arterial Treatment & 2008 Pavement Rehabilitation Project
Cost Estimates

Method 1 - Patch Wheel Track Areas Only

#	Description	Quantity	Unit	Unit Price	Amount
1	Grind, remove and repave 4' wide, 6" deep strips	45,000	sf	$ 11.00	$ 495,000.00
2	Restriping	1	ls	$10,000.00	$ 10,000.00
	Method 1 - Total Cost				**$ 505,000.00**

Method 2 - Complete Removal and Repaving of Travel Lanes

#	Description	Quantity	Unit	Unit Price	Amount
1	Grind, remove and repave 22' +/- wide, 6" deep strips	530,000	sf	$ 3.50	$ 1,855,000.00
2	Reinstall traffic signal detector loops	175	ea	$ 500.00	$ 87,500.00
2	Restriping	1	ls	$50,000.00	$ 50,000.00
	Method 2 - Total Cost				**$ 1,992,500.00**

Method 3 - 2" Thick Overlay

#	Description	Quantity	Unit	Unit Price	Amount
1	Grind, remove and repave 4' wide, 4" deep strips	10,000	sf	$ 5.50	$ 55,000.00
2	Install 2" overlay	790,000	sf	$ 1.05	$ 829,500.00
3	Adjust Structures to Grade	1	ls	$20,000.00	$ 20,000.00
4	Restriping	1	ls	$70,000.00	$ 70,000.00
	Method 3 - Total Cost				**$ 974,500.00**

Total Project Cost

#	Description	Quantity	Unit	Unit Price	Amount
1	Arterail Treatment Method 3	1	ls	na	$ 974,500.00
2	Additional Pavement Patching	9,000	sf	$ 10.00	$ 90,000.00
3	Center Street Pavement Reconstruction	7,500	sf	$ 3.00	$ 22,500.00
4	Design, Construction Management, Inspection & Testir	1	ls	$25,000.00	$ 25,000.00
	Total Project Cost				**$ 1,112,000.00**

MINUTES
OF THE
REGULAR MEETING

Agenda Date: 5-6-08

CLAYTON REDEVELOPMENT AGENCY

Agenda Item: 4a RDA

April 15, 2008

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 6:34 p.m. by Chairman Stratford in the Library Community Room, 6125 Clayton Road, Clayton, CA. Boardmembers present: Chairman Stratford, Vice Chairman Shuey (arrived during closed session), Board Members Manning, Pierce and Walcutt. Staff present: Executive Director, Secretary, and General Counsel.

2. **CLOSED SESSION**

On call by Chairman Stratford, the Redevelopment Agency adjourned into Closed Session for the stated purpose at 6:34 p.m.

(a) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Property: 278 Stranahan Circle, Clayton, CA (APN 119-620-040-4)
Instructions to Agency negotiator (Executive Director) concerning terms and conditions.
Negotiating Party: Linda M. Farrell.

7:11 p.m. Report out from Closed Session: Chairman Stratford reported the Board gave direction to its Real Property Negotiator.

3. **PUBLIC COMMENTS**- None.

4. **CONSENT CALENDAR – It was moved by Boardmember Pierce, seconded by Vice Chairman Shuey to approve the Consent Calendar as submitted. (5-0 vote).**

(a) Approved the minutes of the regular meeting of March 4, 2008.

5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**- None.

6. **PUBLIC HEARINGS**- None.

7. **ACTION ITEMS**- None.

8. **BOARD ITEMS**- None.

9. **ADJOURN** – on call by Chairman Stratford the meeting adjourned at 7:13 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

Ross "Hank" Stratford, Chairman

Agenda Date: 5-6-08

Agenda Item: 4b RDA

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIR AND BOARD MEMBERS

FROM: EXECUTIVE DIRECTOR

DATE: 06 MAY 2008

SUBJECT: PURCHASE OF 278 STRANAHAN CIRCLE - AFFORDABLE HOUSING UNIT

RECOMMENDATION

It is recommended the Board of Directors grant authorization for the Executive Director to purchase 278 Stranahan Circle (APN 119-620-040-4) in behalf of the Clayton Redevelopment Agency using Agency Low – Moderate Affordable Housing restricted-use funds for the cash net purchase price of $503,500.00; and, authorize the Executive Director to commence procedures to resell the residential unit to a qualified Moderate Income Household with appropriate 45-year covenants and restrictions required by California Redevelopment Law.

BACKGROUND

The owner of 278 Stranahan Circle, Linda M. Farrell, notified the Redevelopment Agency on 07 April 2008 of her intent to sell this residence following completion of the minimum ten (10) years of residency in the unit. By direction in a previous closed session, the Board of Directors instructed the Executive Director to repurchase the unit from Ms. Farrell, with certain conditions, and the process has proceeded in good faith by both parties during the ensuing time period. Ms. Farrell retained a real property appraiser from the list of acceptable appraisers compiled by the Agency and the selected appraiser (Gary Gum Appraisal Service) issued his appraisal report on 30 April 2008.

TERMS AND CONDITIONS

A. Purchase Price

The purchase price of this residential unit by the Agency is not established by a negotiated process, rather it is a contractual determination based on the language provided in the "Resale Restriction and Option to Purchase" document recorded by the Agency on the

property back in May 1996. Specifically, should the Agency exercise its option to repurchase the unit, Section 8 – Fair Market Value outlines the agreed-upon process:

> *"If it is necessary to determine the fair market value of the Residence, it shall be determined by a real estate appraiser. The appraisal shall be made by an independent residential appraiser selected by the Owner, from a list of appraisers provided by the Agency.*
> *If possible, the appraisal shall be based upon the sales prices of comparable properties sold in the market area during the preceding three-month period. The cost of the appraisal shall be shared equally by the Agency and the Owner."*

An independent appraisal performed by Gary Gum Appraisal Service established the Fair Market Value of this unit to be **$530,000.00** [as of 30 April 2008].

Ms. Farrell has been very cooperative during this entire process to date and previously agreed (in writing) that the actual purchase price would be Fair Market Value less a 5% real estate commission fee value. Therefore, the Agency's net purchase price would be:

Fair Market Value:	$530,000
less 5% Commission:	- 26,500
Purchase Price:	**$503,500**

B. Seller and Buyer Responsibilities

The Seller will secure the required Termite Inspection Report from a reputable company and will complete the Section 1 required repairs. She has further agreed to pay for the cost of a 1-year Home Warranty Plan transferable to a new affordable income household when the Agency resells the residence. The Buyer (Agency) has agreed to pay for the Title Insurance Policy and a Home Inspection Report (to be performed shortly), with the purchase conditioned on our acceptance of any health and safety findings in the Home Inspection Report and the Seller's correction thereof. The parties will share equally the usual and customary costs arising from escrow, and prorated payment of real property taxes and assessments will be allocated for the current tax year only (07-08). The Seller must provide clear, unencumbered title of the property to the Agency. Since the Seller has also entered escrow to purchase a residence elsewhere in Clayton, both parties are agreeable to a swift process.

C. Agency Revenue Source

The purchase of an affordable housing unit within the Agency's Project Area is a permissible expense of Low – Moderate Income Affordable Housing set aside revenues. Presently, the Agency has an unencumbered reserve of $3.77 million in this Fund.

AGENCY RESALE OF UNIT

Looking to the short term of reselling the unit to a qualified household income, the table below outlines the range of probable return of funds to the Agency:

RDA RESALE PRICES		
RHNA #S NEEDED	**INCOME CATEGORY**	**LIKELY RESALE PRICE ***
65	Moderate-Income Household	$ 372,500
10	Lower Income Household	$ 184,000
-	Very-Low Income Household	$ 119,400

- Assumptions: 5.7% mortgage rate, no HOA dues, 5% down payment, 5-person household.
- As "Moderate Income Household" (for 5 persons), annual income cannot exceed $111,600.
- As "Lower Income Household (for 5 persons), annual income cannot exceed $71,500.

The existing affordable-housing assisted units in the Stranahan Subdivision are placed in the housing category of "Moderate Income Household" for purpose of our Housing Element. In the past, the Agency purchased and resold two (2) of these units to households in the Lower Income category, yet more recently five (5) additional homes have been purchased and re-sold as Moderate-Income units.

FISCAL IMPACT

The Agency's cash purchase of 278 Stranahan Circle will cause a short-term draw on the Affordable Housing Fund reserves by approximately $508,535 (purchase price + 1% costs of escrow). It is further recommended the Board authorize staff to resell this unit to a qualified Moderate Income Household, which is the housing category needing our greatest attention in terms of our Regional Housing Needs Allocation (RHNA) and Housing Element. Using the above proximate resale price, the Agency's final assistance in this regard would have an overall *net* cost of approximately $132,310 (resale price less another 1% for escrow expenses).

Respectfully submitted,

Gary A. Napper
Executive Director

Attachments:
1. Acceptance of Deal Points letter [2 pp.]
2. Location Map [1 pg.]
3. Appraisal Report [19 pp.]

ATTACHMENT 1

CITY OF CLAYTON

Founded 1857 . . . Incorporated 1964

COMMUNITY DEVELOPMENT (925) 673-7340
ENGINEERING (925) 672-9700

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
GREGORY J MANNING, *MAYOR*
JULIE K. PIERCE, *VICE MAYOR*
DAVID T. SHUEY
HANK STRATFORD
WILLIAM R. WALCUTT

17 April 2008

PLEASE RETURN A SIGNED COPY

Linda M. Farrell
278 Stranahan Circle
Clayton, CA 94517

Received
APR 23 2008
City of Clayton

Re: Agency Purchase of Residence, 278 Stranahan Circle

Dear Ms. Farrell:

During a Closed Session on 15 April 2008 of the Board of Directors [City Council] of the Clayton Redevelopment Agency, the Board authorized me to exercise the Agency's contractual right to purchase your residence and property located at 278 Stranahan Circle. Although the Resale Restriction and Option to Purchase Agreement allows for us to agree on a price independent of an appraisal, we are convinced the best procedure for both of our interests is to have your property appraised by an independent real estate appraiser. By employing such an expert, we each avoid claims that your property was sold or purchased for a price that was too high or too low.

Pursuant to Section 8 – Fair Market Value of the referenced Agreement, I enclose a list of approved property appraisers from which to select for the purpose of an independent appraisal. You should contact one or each of them to determine your acceptance of one to serve as your chosen property appraiser. The Agency is then prepared to execute an Appraisal Contract with that selected firm and the actual appraisal can commence after you provide a check to the Agency for 50% of the quoted appraisal cost. Please note that a "Fair Market Value" assumes a value that includes real estate commissions normally paid by the seller to the listing and buying real estate agent(s). As this payment is not incurred by you in this purchase transaction, the Agency Board of Directors has conditioned its purchase offer of your property subject to a 5% real estate commission value subtracted from the appraiser's Fair Market Value in order to determine our actual sale/purchase cash price.

There are other expenses associated with this transaction. Escrow/title company costs will be shared equally between the parties, except the Agency will pay 100% of the cost for the Title Insurance Policy report (a fairly expensive item yet such is the practice for real estate transactions in Contra Costa County). The Agency will also pay for and does condition its purchase offer on the results of a Home Inspection Report and the Seller's satisfactory corrections of health and safety items therein. As the Seller, you are required to obtain a certified Termite Inspection Report of the premises and to pay the costs of Section 1 required repairs, and possible Section 2 cites. The Seller must also purchase a Home Warranty Plan for a period of 12 months following close of escrow that includes air conditioning coverage) in order for the eventual new buyer to have those protections and not bother you or the Agency as to post-transaction repairs or problems.

Property taxes are further prorated between the parties by the escrow company. These requirements and expenses are part of any normal real estate transaction.

You will need to complete and sign a variety of real estate disclosure forms, which I will provide to you once your written acceptance of this offer has been obtained. Our offer is understandably conditioned on your full clearance of any and all liens and any deeds of trust recorded or encumbered on the property through escrow.

Please indicate below your approval of these requirements and return a signed copy to me. After receipt of that signed document, the first order of business will be the real estate appraisal in order to determine today's value of the property. The appraisal report will provide the foundation to calculate the ultimate sale price and then we can officially open escrow with the escrow instructions. For your information, the Agency uses Placer Title Company in Walnut Creek as its escrow firm (Ms. Kathy Warner, Vice President; 925.945-1710).

At this time it is my understanding you will vacate the premises on close of escrow. Should you wish to "rent back" after close of escrow, we will need to negotiate those terms and conditions in advance (and outside of escrow) since the Agency will be moving forward to have another affordable-income household purchase the property from us and move into the dwelling. We are open to your designation of a reasonable date for closure of escrow.

I look forward to working with you for a smooth transition in housing. Should you at any time wish to discuss these matters and other details of this transaction, please contact me at 925.673-7300.

Regards,

Gary A. Napper
Executive Director, Redevelopment Agency
City Manager

Enclosure: List of Approved Property Appraisers [1 pg.]

* * * * *

The Terms and Conditions of purchase as outlined above are accepted and approved:

Linda M. Farrell

Linda M. Farrell

April 19, 2008
Date

ATTACHMENT 2

REVISED	CHANGE	BY
03-20-95	T7887(PCL 01-59)	IB
03-20-95	P60&61(POR TO RD)	IB

ATTACHMENT 3

Uniform Residential Appraisal Report

File # 043008Farrell

The purpose of this summary appraisal report is to provide the lender/client with an accurate and adequately supported, opinion of the market value of the subject property.

SUBJECT

Property Address 278 Stranahan Circle | City Clayton | State CA | Zip Code 94517

Borrower N/A | Owner of Public Record Farrell, Linda M | County Contra Costa County

Legal Description Lot 40, Tract 7887-Preliminary Title Report not provided for review

Assessor's Parcel # (APN 119-620-040) | Tax Year 2007/2008 | R.E. Taxes $ 3,293.00

Neighborhood Name Stranahan/Clayton | Map Reference T.B. 593-H7 | Census Tract 3553.04

Occupant ☒ Owner ☐ Tenant ☐ Vacant | Special Assessments $ Unk. | ☐ PUD | HOA $ None ☐ per year ☐ per month

Property Rights Appraised ☒ Fee Simple ☐ Leasehold ☐ Other (describe) N/A

Assignment Type ☐ Purchase Transaction ☐ Refinance Transaction ☒ Other (describe) Purpose: Current market value for a potential sale.

Lender/Client N/A/Linda Farrell | Address 278 Stranahan Circle, Clayton, CA 94517 (925) 672-4145

Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? ☐ Yes ☒ No

Report data source(s) used, offering price(s), and date(s). Local MLS. The subject property has not been listed for sale during the past 36 months per review of the MLS as of April 30, 2008.

CONTRACT

I ☐ did ☐ did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. The subject property is currently owner occupied and not under contract to sale per the Client as of April 30, 2008. Purpose of appraisal: Current market value for a potential sale.

Contract Price $ N/A | Date of Contract N/A | Is the property seller the owner of public record? ☐ Yes ☐ No | Data Source(s) N/A

Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? ☐ Yes ☐ No

If Yes, report the total dollar amount and describe the items to be paid. N/A. All sales utilized reflect current market conditions and buyer attitudes.

I have considered relevant competitive listings and/or contract offerings in the performance of this appraisal and in trending information reported in this section. If a trend is indicated, I have attached an addendum providing relevant purpose and function of the appraisal.

NEIGHBORHOOD

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics			One-Unit Housing Trends			One-Unit Housing			Present Land Use %	
Location	☐ Urban	☒ Suburban ☐ Rural	Property Values	☐ Increasing	☐ Stable ☒ Declining	PRICE	AGE		One-Unit	60 %
Built-Up	☐ Over 75%	☒ 25-75% ☐ Under 25%	Demand/Supply	☐ Shortage	☒ In Balance ☐ Over Supply	$ (000)	(yrs)		2-4 Unit	0 %
Growth	☐ Rapid	☒ Stable ☐ Slow	Marketing Time	☐ Under 3 mths	☒ 3-6 mths ☒ Over 6 mths	400	Low	New	Multi-Family	0 %
Neighborhood Boundaries	Conforming att./det. PUD homes in the subject's immediate to general					1+M	High	60+	Commercial	5 %
neighborhood and specifically the subject's project and similar PUD type homes in Clayton.						625	Pred.	20/40	Other	35 %

Neighborhood Description The subject is located in a pocket detached PUD type project in Clayton. Conforming suburban neighborhood with single family detached/attached homes, PUD homes, some retail & commercial, public schools, local and regional parks, golf course and some open space for future residential/retail development.

Market Conditions (including support for the above conclusions) Property values have declined approximately 15-30% since early 2006 and are currently declining based on MLS research with longer marketing times, noted price reductions and seller paid sales concessions. There has been noticeable increases in property values from 1998 through August 2005 in the subject's neighborhood along with the entire Bay Area.

SITE

Dimensions See County Plat Map | Area 3,267 Sqft | Shape Rectangular-Interior Lot | View Foothills

Specific Zoning Classification SFR/Del. PUD | Zoning Description Detached Single Family Residential-1 unit on one site

Zoning Compliance ☒ Legal ☐ Legal Nonconforming (Grandfathered Use) ☐ No Zoning ☐ Illegal (describe) N/A

Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? ☒ Yes ☐ No If No, describe N/A

Utilities	Public	Other (describe)		Public	Other (describe)	Off-site Improvements - Type	Public	Private
Electricity	☒	☐ None	Water	☒	☐ None	Street Asphalt	☒	☐
Gas	☒	☐ None	Sanitary Sewer	☒	☐ None	Alley None	☐	☐

FEMA Special Flood Hazard Area ☐ Yes ☒ No | FEMA Flood Zone Zn X | FEMA Map # 060027 0001 C | FEMA Map Date 9-7-2001

Are the utilities and off-site improvements typical for the market area? ☒ Yes ☐ No If No, describe Standard conforming detached PUD subdivision site.

Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? ☐ Yes ☒ No If Yes, describe

The subject site is a standard residential detached PUD subdivision site with all off-site improvements including underground tel./elect. which is typical for this neighborhood. No adverse site conditions such as easements, encroachments or adverse environmental conditions noted. The dwelling/site per review of the most recent FEMA map is in Zone X. Flood insurance is not currently required. Public street with public access.

IMPROVEMENTS

General Description		Foundation		Exterior Description	materials/condition	Interior	materials/condition
Units	☒ One ☐ One with Accessory Unit	☒ Concrete Slab	☐ Crawl Space	Foundation Walls	Concrete-Good	Floors	Hrdwd/Tile-Good
# of Stories	Two	☐ Full Basement	☐ Partial Basement	Exterior Walls	Wd Siding-Good	Walls	Drywall-Good
Type	☒ Det. ☐ Att. ☐ S-Det./End Unit	Basement Area	None sq.ft.	Roof Surface	Syn. Shake-Good	Trim/Finish	Wood-Good
	☒ Existing ☐ Proposed ☐ Under Const.	Basement Finish	None %	Gutters & Downspouts	GI-Good	Bath Floor	Hrdwd/Tile-Good
Design (Style)	2 St. Det. PUD	☐ Outside Entry/Exit	☐ Sump Pump	Window Type	Vinyl Sliders-Good	Bath Wainscot	Tile-Good
Year Built	1995	Evidence of	☐ Infestation None	Storm Sash/Insulated	None	Car Storage	☐ None
Effective Age (Yrs)	6 Yrs	☐ Dampness	☐ Settlement	Screens	Yes-Good		☒ Driveway # of Cars Two
Attic	☐ None	Heating	☒ FWA ☐ HWBB ☐ Radiant	Amenities	☐ Woodstove(s) # 0	Driveway Surface	Concrete
	☐ Drop Stair ☐ Stairs		☐ Other None Fuel Gas		☒ Fireplace(s) # 1 ☒ Fence Wood		☒ Garage # of Cars Two
	☐ Floor ☒ Scuttle	Cooling	☒ Central Air Conditioning		☒ Patio/Deck Patio ☒ Porch Cov.		☐ Carport # of Cars
	☐ Finished ☐ Heated		☐ Individual N/A ☐ Other None		☐ Pool None ☐ Other		☐ Att. ☐ Det. ☒ Built-in

Appliances ☐ Refrigerator ☒ Range/Oven ☒ Dishwasher ☒ Disposal ☒ Microwave ☐ Washer/Dryer ☒ Other (describe) Hood & Fan

Finished area above grade contains: 8 Rooms | 3L Bedrooms | 2.5 Bath(s) | 1,712 Square Feet of Gross Living Area Above Grade

Additional features (special energy efficient items, etc.). Typical energy efficient items considering the age and regional location of the subject. Typical conforming newer detached PUD subdivision home in good condition with no apparent repairs needed as of April 30, 2008.

Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). The subject is a conforming detached PUD subdivision home built in 1995 per public records and it is assumed it was built with typical and acceptable materials that were legal at that time. The subject is in good condition based on interior & exterior inspection with some recent noted interior updating and no apparent repairs needed. Noted recent noted renovations or remodeling considered.

Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? ☐ Yes ☒ No If Yes, describe

The home is in good condition overall with no apparent repairs needed and no functional or external depreciation noted. Typical physical depreciation noted do to age and condition. This appraisal assumes that all section 1 items of a current termite report, if any, have been corrected.

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? ☒ Yes ☐ No If No, describe

The subject was built in 1995 per County public records. The subject is a conforming detached PUD type (parcel size) subdivision home surrounded by some similar homes, attached homes, but mostly detached homes on larger parcels and some retail & commercial.

Uniform Residential Appraisal Report

File # 043008Farrell

There are 10 comparable properties currently offered for sale in the subject neighborhood ranging in price from $ 480,000 to $ 629,000

There are 24 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from $ 515,000 to $ 650,000

FEATURE	SUBJECT	COMPARABLE SALE # 1		COMPARABLE SALE # 2		COMPARABLE SALE # 3	
Address	278 Stranahan Circle Clayton, CA 94517/593-H7	1234 Buckeye Terrace Clayton, CA 94517/593-H6		1238 Buckeye Terrace Clayton, CA 94517/593-H6		914 Arrowhead Terrace Clayton, CA 94517/593-H6	
Proximity to Subject		1/2 Mile/Similar Project		1/2 Mile/Similar project		1/2 Mile/Similar Project	
Sale Price	$ N/A		$ 525,000		$ 585,000		$ 525,000
Sale Price/Gross Liv. Area	$ 309.57 sq.ft.	$ 320.32 sq.ft.		$ 342.11 sq.ft.		$ 292.15 sq.ft.	
Data Source(s)		MLS/AIRD/RES-MLS#40321107		MLS/AIRD/RES-MLS#40294504		MLS/AIRD/RES-MLS#40286927	
Verification Source(s)		RES/Doc#-08-0041785		RES/Doc#-08-0008537		RES/Doc#-08-0043031	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) $ Adjustment	DESCRIPTION	+(-) $ Adjustment	DESCRIPTION	+(-) $ Adjustment
Sales or Financing		Conv. Loan	0	Conv. Loan	0	Conv. Loan	0
Concessions		None Noted	0	Conc. Noted	-5,000	None Noted	0
Date of Sale/Time		2-28-2008	-5,000	1-30-2008	-10,000	2-29-2008	-5,000
Location	Good	Gd/OakHrst	-10,000	Gd/OakHrst	-10,000	Gd/OakHrst	-10,000
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Site	3,267 Sqft	4,070 Sqft	0	3,685 Sqft	0	4,000 Sqft	0
View	Foothills	Foothills	0	Foothills	0	Foothills	0
Design (Style)	2 St. Det. PUD	2 St. Det PUD	0	2 St. Det PUD	0	2 St. Att. Duet	+15,000
Quality of Construction	Ave.-Good	Ave.-Good	0	Ave.-Good	0	Ave.-Good	0
Actual Age	13 Yrs.	14 Yrs	0	13 Yrs.	0	14 Yrs.	0
Condition	Good-Insp.	Ave.-Good-MLS	0	Very Good-MLS	-15,000	Good-MLS	0
Above Grade Room Count	Total 8 / Bdrms 3L / Baths 2.5	Total 8 / Bdrms 3 / Baths 2.5	+5,000	Total 8 / Bdrms 3 / Baths 2.5	+5,000	Total 9 / Bdrms 3 / Baths 2.5	+5,000
Gross Living Area	1,712 sq.ft.	1,639 sq.ft.	0	1,710 sq.ft.	0	1,797 sq.ft.	0
Basement & Finished Rooms Below Grade	None / None	None / DOM: 141 Days	0	None / DOM. 125 Days	0	None / DOM. 182 Days	0
Functional Utility	Good/Del. PUD	Good/Del. PUD	0	Good/Del. PUD	0	Good/Att. Duet	0
Heating/Cooling	FAU/C. Air	FAU/C. Air	0	FAU/C. Air	0	FAU/C. Air	0
Energy Efficient Items	Typical	Typical		Typical		Typical	
Garage/Carport	B.I. Garage-2	B.I. Garage-2	0	B.I. Garage-2	0	B.I. Garage-2	0
Porch/Patio/Deck	Patio/Porch	Patio/Porch	0	Patio/Porch	0	Patio/Porch	0
	1 Fireplace	1 Fireplace	0	1 Fireplace	0	1 Fireplace	0
	No Pool	No Pool	0	No Pool	0	No Pool	0
	Gd Landscape	Gd Landscape	0	Gd Landscape	0	Gd Landscape	0
Net Adjustment (Total)		☐ + ☒ -	$ 10,000	☐ + ☒ -	$ 35,000	☒ + ☐ -	$ 5,000
Adjusted Sale Price of Comparables		Net Adj. 1.9 % Gross Adj. 3.8 %	$ 515,000	Net Adj. 6.0 % Gross Adj. 7.7 %	$ 550,000	Net Adj. 1.0 % Gross Adj. 6.7 %	$ 530,000

SALES COMPARISON APPROACH

I ☒ did ☐ did not research the sale or transfer history of the subject property and comparable sales. If not, explain Contra Costa County public records and the local MLS was researched and all findings within the specified time frame has been reported in this summary appraisal report

My research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s) Contra Costa County public records & the local MLS.

My research ☐ did ☒ did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.

Data Source(s) Contra Costa County public records & the local MLS

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

ITEM	SUBJECT	COMPARABLE SALE #1	COMPARABLE SALE #2	COMPARABLE SALE #3
Date of Prior Sale/Transfer	May 10, 1996	March 22, 2005	January 29, 1998	January 30, 1998
Price of Prior Sale/Transfer	204,000	$640,000	$252,000	$224,000
Data Source(s)	Public records	Public records/MLS	Public records/MLS	Public records/MLS
Effective Date of Data Source(s)	Current (APN 119-620-040)	Current (APN 118-470-025)	Current (APN 118-470-023)	Current (APN 118-460-111)

Analysis of prior sale or transfer history of the subject property and comparable sales The subject property has not had a recorded sales transfer in the past 36 months as noted above. The subject property has no MLS history and it has never sold on the open market. The comparables have not had a recorded sales transfer in the prior 12 months as noted above

Summary of Sales Comparison Approach The subject property is typical and conforming for the project. The subject property is in good condition overall with noted updating and no apparent repairs needed. All sales utilized are considered similar to the subject in quality and concept. Only only detached/attached PUD homes in Clayton were considered thus current sales are very limited. All sales are similar PUD homes with typical and acceptable adjustments considered. They demonstrate similar age, location, bedroom utility, condition and/or concept. Sales utilized considered to be the best available to demonstrate an opinion of value for the subject property. The most recent and most comparable sales were utilized. Most emphasis on all sales and it is noted that there are very few current sales in all of Clayton to demonstrate an opinion of value for the subject property. Considering the sales utilized, review of current active listings and pending sales in the subject's neighborhood, a final certification at $530,000 (rounded) is deemed reasonable and supportable. The subject is currently owner occupied and not under contract to sale.

Indicated Value by Sales Comparison Approach $ 530,000

Indicated Value by: Sales Comparison Approach $ 530,000 Cost Approach (if developed) $ 530,920 Income Approach (if developed) $ ND

RECONCILIATION

Based on the above sales data, listings reviewed, pending sales reviewed, considering information obtained from local realtors and reconciled with the subject's condition and utility, the subject's most probable sale price is fairly represented at $530,000 (rounded). The income approach was not utilized do to the lack of reliable rental in the subject's market area. All sales are confirmed closed escrows

This appraisal is made ☒ "as is", ☐ subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed. ☐ subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or ☐ subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair: None. This complete summary appraisal was completed "as is." Appraisal conditions: Termite report. See attached addendums. Purpose: Current market value for a potential sale.

Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is $ 530,000, as of April 30, 2008, which is the date of inspection and the effective date of this appraisal.

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File # 043008Farrell

ADDITIONAL COMMENTS

There are very few current sales in Clayton similar to the subject property. The last open market sale in the subject project was over six months ago. There are 2 current listings in the subject project per review of the MLS. Only attached or detached PUD sales in Clayton were considered. The most recent and most comparable sales were utilized and it is noted that there is a small pool of comparable sales. All three sales are similar attached or detached PUD subdivision homes in the Clayton market area. All adjustments are considered appropriate and justified. Concept (att. or det. homes) adjustments and location adjustments were considered based on market analysis. Adjustments were abstracted from the market place. Based on the sales utilized in this report a final certification at $530,000 with a market range between $520,000 to $540,000 is deemed reasonable and supportable considering the cost approach, listing and sale reviewed along with the sales data utilized herein. All sales are considered good comparable sales with typical noted adjustments. Only attached or detached PUD homes in the subject's immediate to general Clayton market area were considered at this time, thus adjustments had to be considered for home utility/size, concept, location, time and concessions. An historical paired sales analysis was completed to establish a reasonable adjustment for time adjustments and location adjustments utilized and the overall comparability of all sales utilized. Sales data/price verified through the MLS, property information and zoning verified through County public records and transaction date verified through Title company and/or County public records when available.

The subject property is in good condition overall with noted updating and no apparent repairs needed as of April 30, 2008.

All areas of the detached home were accessible. Interior and exterior measurements were taken. All mechanical/electrical systems appear to be in working order at the time of inspection. The roof appears to be sound and in good condition. Photographs of the subject and the comparables were taken April 30, 2008 or earlier for a prior appraisal by the undersigned appraiser.

The subject backs to Marsh Creek Road buffed by distance, fencing and a public sidewalk with no marketable adversity noted based on review of similar PUD homes sales in Clayton backing to either Oakhurst Blvd, Clayton Road and single family detached homes backing to the same street.

Marketing time estimates is obtained from the average days on market (DOM) as reported by the Contra Costa Association or Realtors. Concessions and some VA/FHA loans are being offered in the Clayton market area. The subject has not been listed through the MLS during the past 36 months. Per review of the MLS the current final listing to sales price ratio ranges from 75% to 100% in this section of Contra Costa County.

There has not been a recorded sales transactions involving the subject property during the past 36 months per County public records.

Note: Throughout this report the subject has been referred to as a Detached PUD. The subject is not zoned PUD nor is there a homeowners association, no dues and no common facilities. The subject is considered a detached PUD considering lot size and overall concept and historically the most comparable homes in Clayton have been detached/attached PUD homes in the Oak Hollow; Black Diamond; Chaparral Springs and Westwood PUD projects.

A preliminary title report and the termite report was not provided for review.

This appraisal meets all current FNMA and HUD/FHA appraisal guidelines. The subject property currently meets and exceeds all HUD/FHA minimum property standards.

See attached addenda.

COST APPROACH

COST APPROACH TO VALUE (not required by Fannie Mae)

Provide adequate information for the lender/client to replicate the below cost figures and calculations.

Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value): Level interior PUD subdivision site with no noted adverse easements or encroachments per the County plat map. Typical structural settlement noted do to the age and regional location of the subject property. Land value developed through abstraction.

ESTIMATED ☐ REPRODUCTION OR ☒ REPLACEMENT COST NEW	OPINION OF SITE VALUE				=$	175,000
Source of cost data: Marshall & Swift/Local Builders	DWELLING	1,712	Sq.Ft. @ $	200.00	=$	342,400
Quality rating from cost service: 7.0 Effective date of cost data: Current			Sq.Ft. @ $		=$	
Comments on Cost Approach (gross living area calculations, depreciation, etc.)	Porch/Patio				=$	20,000
Cost estimates developed through Marshall & Swift Cost data and from information from local builders and developers. The land to value ratio utilized is typical for this section of Clayton for Det./Att. PUD homes. No external or functional depreciation noted. Typical physical depreciation noted. The subject is an average to good conforming det. PUD home in good condition as of April 30, 2008 with no apparent repairs needed. This complete summary appraisal was completed "as is."	Garage/Carport	410	Sq.Ft. @ $	80.00	=$	32,800
	Total Estimate of Cost-New				=$	395,200
	Less Depreciation	Physical: 59,280	Functional: 0	External: 0	=$(	59,280)
	Depreciated Cost of Improvements				=$	335,920
	"As-is" Value of Site Improvements				=$	20,000
Estimated Remaining Economic Life (HUD and VA only): 50+ Years	INDICATED VALUE BY COST APPROACH				=$	530,920

INCOME

INCOME APPROACH TO VALUE (not required by Fannie Mae)

Estimated Monthly Market Rent $: X Gross Rent Multiplier: = $: Indicated Value by Income Approach

Summary of Income Approach (including support for market rent and GRM): The income approach was not used for this analysis and it is noted that there is a lack of reliable rental data in the subject's neighborhood. The subject property is currently owner occupied per the Client.

PUD INFORMATION

PROJECT INFORMATION FOR PUDs (if applicable)

Is the developer/builder in control of the Homeowners' Association (HOA)? ☐ Yes ☒ No Unit type(s): ☒ Detached ☐ Attached

Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit.

Legal Name of Project: The subject project is zoned detached PUD with no association no dues and no common facilities.

Total number of phases: 1 Total number of units: 54 Total number of units sold: 54

Total number of units rented: Unk. Total number of units for sale: 2 Data source(s): MLS. Both listings are reported active.

Was the project created by the conversion of existing building(s) into a PUD? ☐ Yes ☒ No If Yes, date of conversion.

Does the project contain any multi-dwelling units? ☐ Yes ☒ No Data Source: Public Records

Are the units, common elements, and recreation facilities complete? ☐ Yes ☐ No If No, describe the status of completion. No common elements.

Are the common elements leased to or by the Homeowners' Association? ☐ Yes ☒ No If Yes, describe the rental terms and options.

Describe common elements and recreational facilities. None. The small park area is maintained by the City of Clayton.

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This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.

2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.

3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.

4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.

5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing the appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.

6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

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APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.

2. I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.

3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.

4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.

5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.

6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.

7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.

8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.

9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.

10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.

11. I have knowledge and experience in appraising this type of property in this market area.

12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.

13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.

14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.

15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.

16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.

17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.

18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).

19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.

20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

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21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.

24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.

2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.

3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.

4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.

5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature _____
Name Gary Dwight Gum
Company Name GDG Appraisal Service
Company Address 752 Blocking Circle
Clayton, CA 94517
Telephone Number (925) 672-5187
Email Address gdgappraisal@cs com
Date of Signature and Report May 2, 2008
Effective Date of Appraisal April 30, 2008
State Certification # AG007416
or State License # _____
or Other (describe) _____ State # _____
State CA
Expiration Date of Certification or License 11-08

ADDRESS OF PROPERTY APPRAISED
278 Stranahan Circle
Clayton, CA 94517
APPRAISED VALUE OF SUBJECT PROPERTY $ 530,000

LENDER/CLIENT
Name Linda Farrell (925) 672-4145
Company Name N/A/Linda Farrell
Company Address 278 Stranahan Circle, Clayton, CA 94517 (925) 672-4145
Email Address lindafarrell007@comcast.net

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
Name _____
Company Name _____
Company Address _____
_____
Telephone Number _____
Email Address _____
Date of Signature _____
State Certification # _____
or State License # _____
State _____
Expiration Date of Certification or License _____

SUBJECT PROPERTY

☐ Did not inspect subject property
☐ Did inspect exterior of subject property from street
Date of Inspection _____
☐ Did inspect interior and exterior of subject property
Date of Inspection _____

COMPARABLE SALES

☐ Did not inspect exterior of comparable sales from street
☐ Did inspect exterior of comparable sales from street
Date of Inspection _____

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Uniform Residential Appraisal Report

File # 043008Farrell

SALES COMPARISON APPROACH

FEATURE	SUBJECT	COMPARABLE SALE #4		COMPARABLE SALE #5		COMPARABLE SALE #6	
Address	278 Stranahan Circle Clayton, CA 94517/593-H7	228 Stranahan Circle Clayton, CA 94517/593-H7					
Proximity to Subject		Same Street/Same Project					
Sale Price	$ N/A		$ 569,980		$		$
Sale Price/Gross Liv. Area	$ 309 57 sq.ft.	$ 345 44 sq.ft.		$ sq.ft.		$ sq.ft.	
Data Source(s)		Active Listing-MLS#40328310					
Verification Source(s)		Listed: 6-11-2007 @$599,000					
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) $ Adjustment	DESCRIPTION	+(-) $ Adjustment	DESCRIPTION	+(-) $ Adjustment
Sales or Financing Concessions		Active Listing Unk.	-30,000 0				
Date of Sale/Time		3-6-2008	0				
Location	Good	Good	0				
Leasehold/Fee Simple	Fee Simple	Fee Simple					
Site	3,267 Sqft	3,597 Sqft	0				
View	Foothills	Foothills	0				
Design (Style)	2 St. Det. PUD	2 St. Det. PUD	0				
Quality of Construction	Ave.-Good	Ave.-Good	0				
Actual Age	13 Yrs.	13 Yrs.	0				
Condition	Good-Insp	Good-MLS	0				
Above Grade Room Count (Total / Bdrms / Baths)	8 / 3L / 2.5	8 / 3L / 2.5	0	/ /		/ /	
Gross Living Area	1,712 sq.ft.	1,650 sq.ft.	0	sq.ft.		sq.ft.	
Basement & Finished Rooms Below Grade	None None	None DOM: 237 Days	0				
Functional Utility	Good/Del. PUD	Good/Del. PUD	0				
Heating/Cooling	FAU/C. Air	FAU/C Air	0				
Energy Efficient Items	Typical	Typical					
Garage/Carport	B.I. Garage-2	B.I. Garage-2	0				
Porch/Patio/Deck	Patio/Porch	Patio/Porch	0				
	1 Fireplace	1 Fireplace	0				
	No Pool	No Pool	0				
	Gd Landscape	Gd Landscape	0				
Net Adjustment (Total)		☐ + ☒ -	$ 30,000	☐ + ☐ -	$	☐ + ☐ -	$
Adjusted Sale Price of Comparables		Net 5.3 % Gross 5.3 %	$ 539,980	Net % Gross %	$	Net % Gross %	$

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

SALE HISTORY

ITEM	SUBJECT	COMPARABLE SALE #4	COMPARABLE SALE #5	COMPARABLE SALE #6
Date of Prior Sale/Transfer	May 10, 1996	May 6, 2003		
Price of Prior Sale/Transfer	204,000	$447,500		
Data Source(s)	Public records	Public Records/MLS		
Effective Date of Data Source(s)	Current (APN 119-620-040)	Current (APN 119-620-015)		

Analysis of prior sale or transfer history of the subject property and comparable sales See page 2 of the attached report.

ANALYSIS / COMMENTS

Analysis/Comments The active listing are for reference only. The active listing is the same plan in a very similar utility plan in similar condition overall per the MLS. This home has been listed for over 6 months. All time and/or status adjustments considered are based on reported trends in the MLS and they may or may not be accurate for the active listing referenced above.

This appraisal was completed for the purpose of a potential sale as of April 304, 2008 using the accepted guidelines of "90 days as is." REO/Short sales were avoided do to the low percentage of those sales & listings in the Clayton market. Considering the current declining market conditions, emphasis should be on the lower estimated range value and concessions paid by the seller must be anticipated. Do to the current listings for similar homes and the reported sales in the past six months, a lower value must be anticipated within 90 days. The current good condition and noted updating and the current market conditions was a consideration in the final value estimate contained in this report.

See page 3 of the attached URAR for additional analysis/comments

Form 1004.(AC) — "TOTAL for Windows" appraisal software by a la mode, inc. — 1-800-ALAMODE

Supplemental Addendum

File No. 043008Farrell

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			

• **URAR : Additional Comments**

Purpose and Function of Appraisal:

The purpose of this appraisal report is to estimate the current market value of the subject property as of April 30, 2008 for a potential sale by the current owner. Resale restrictions have been indicated by the Client. The appraisal report was signed May 2, 2008. The appraised value estimate is an "as is" valuation at the date of the appraisal.

The report function is to assist the Client in procuring financing for the subject property, assessing its economic viability, and various other decision-making considerations in regard to either buying, selling or pricing thereof.

The scope of this appraisal included an inspection of the subject property complete with measurements and photographs thereof. The process then pursued conversations with realtors, developers, appraisers, property owners, and public officials regarding the real property values, market conditions, zoning and building issues, and cost estimates in the subject area.

In the appraisal process, there were no conditions revealed that would indicate a protracted marketing time other than stated. Interviews with real estate brokers knowledgeable with the Clayton market area suggest a marketing time for single family residential homes in the subject price range is approximately between 0 to 9 months. The subject property is currently owner occupied and in good condition overall with no apparent repairs needed and it is a conforming pocket detached PUD subdivision home.

Intended Use:

The Intended User of this appraisal report is the Client & the potential buyer. The Intended Use is to evaluate the herein described property that is the subject of this appraisal for a potential sale, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser.

Market Value.

The purpose of this appraisal is to estimate the current market value or the most probable sale price for the subject property at the effective date of 4-30-2008 for the purpose of a potential sale. Definitions of market value is given in the enclosed Freddie Mac form 70/Fannie Mae form 1004 dated 3-05. This report employs two approaches to value, namely the cost approach and the direct sales comparison approach.

The definition of "Market Value" or "Most Probable Sale Price" as used in this report is defined as being the highest price estimated in terms of money which a property will bring if exposed for sale in the open market allowing a reasonable time to find a purchaser who buys with knowledge of all the uses to which it is adapted and for which it is capable of being used.

Market Value may also be defined as being the amount at which the property would exchange in a current real estate market between a willing seller and a willing buyer with equity to both. Or it might also be simply defined as the amount at which ownership may be justified. See the definition of market Value in the attached Statement of Limiting Conditions and Appraiser's Certification.

Subject Project/Area/Site:

The subject is located in a conforming average to good single family detached/attached area of Clayton which is in close proximity to Concord. The area has some commercial/retail uses, open space, public schools, golf course and public parks. The population of Clayton is approximately 12,000 and this incorporated city is in Contra Costa County.This community is influenced by central and west Contra Costa County and San Francisco which is thirty five miles west from the subject neighborhood.

The general neighborhood consists of Clayton Community Park and the Oakhurst Country Club Golf Course. The subject is within 3 miles of Clayton High School and within 1/4 mile of downtown Clayton. Access to Highway 680, which is the access route to San Francisco, is Clayton Road which is 5 blocks from the subject's street.

There is an average mixture or retail/commercial in the general market area of the subject's neighborhood. The subject is approximately 1/4 mile from downtown Clayton. There are no adverse factors that would affect the marketability of the subject property nor the subject's neighborhood.

The subject is zoned single family residential (SFR/Del. PUD). There is no homeowners association, no dues and no common facilities. The small park in the project is maintained by the City of Clayton. A preliminary title report was not provided for review by the Client. It is assumed that the subject's neighborhood is effected by typical and legal CC&R's plus the typical property taxes assessed by Contra Costa County.The subject parcel is not effected by any adverse easements or encroachments per County public records.

Effective Age:

The subject is an average to good quality single family detached two story PUD subdivision home that is in good condition per interior and exterior observation. The actual age is 13 years and the effective age is estimated to be 6 years. The home demonstrates lower physical depreciation and there was no functional or external obsolescence noted for the dwelling.

Depreciation Comments:

The subject is a home of wood frame construction built with average to good quality materials and design. The floor plan is functional and there are no physical or external inadequacies noted for the dwelling.

Supplemental Addendum

File No. 043008Farrell

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			

Hazardous Materials Disclaimer:

To the best of my knowledge, the existence of hazardous waste materials or any other dangerous substances (such as toxic mold), which may or may not be present on the property, was not observed by the appraiser. It should be noted that the appraiser is not trained or qualified to detect such substances. The presence of substances or materials such as asbestos, urea-formaldehyde foam insulation, toxic mold, dry rot, or other potentially dangerous substances or materials may effect the value of the property. This appraisal is based on the assumption that there are no such substances or materials on or in the property that would cause a loss in value. No responsibility is assumed for any such condition, or for any engineering knowledge required to discover them. The Client is urged to retain an expert in this field, if deemed necessary.

The subject property is in good condition overall with noted updating no apparent repairs needed as of April 30, 2008. The undersigned appraiser performed a visual inspection of the accessible areas only. This appraisal cannot be relied upon to disclose conditions and/or defects of the subject property that are not visibly apparent. This appraisal is not a home inspection. The appraiser recommends a home inspection and termite report for all homes over 10 years old and all sales transactions but there was no noted apparent adverse conditions or defects to the detached PUD concept home as of April 30, 2008. This appraisal report assumes a clear section 1.

Listing/Sale History:

The subject property has not been listed for sale through the MLS during the past 36 months. The home was purchased new by the current owner in May 1996 per public records.

Trend Analysis:

Unless otherwise noted in the appraisal report, the marketing time and marketability of the subject property is similar to the neighborhood described in the report.

Closed Sales Comments:

Appraiser verifies that the sales utilized in this report are closed escrows. To the best of my knowledge, no concessions were given to buyers other that stated.

Market Data Analysis:

All comparables chosen are located in the subject's market area and immediate to general Clayton neighborhood. The sales utilized demonstrate similar age, concept, utility, location and/or similar construction.

The sales utilized were deemed to be the best available do to size, utility, quality of construction, condition and close proximity to the subject. The transactions were the best available as of the appraisal date of April 30, 2008. The unadjusted price range is $525,000 to $585,000 with an adjusted price range from $515,000 to $550,000. The adjusted price range of $530,000 was certified do to the sales reviewed in and around the Clayton market area, listings and pending sales reviewed, the current declining market conditions and do to the good condition, concept and location of the subject property.

Final Reconciliation:

I have based my conclusions on two of the three recognized approaches to value: The direct sales approach and the cost approach. The income approach was not utilized because the home is and will be owner occupied and do to the lack of reliable rental data in the subject's project and general Clayton neighborhood.

This appraisal is subject to those items which have been detailed throughout this appraisal report and this addendum dated May 2, 2008. The subject property is 278 Stranahan Circle, Clayton, CA 94517. (APN 119-620-040)

This appraisal report complies with the Uniform Standards of Professional Appraisal Practices (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation as of August 9, 1990.

This appraisal report is prepared for the sole and excusive use of the appraiser's named Client & the potential buyer. No third parties are authorized to rely upon this report without the express written consent of the appraiser. This report is prepared for the Client's use in making a pricing decision and it is not intended for a borrowers use to determine value.

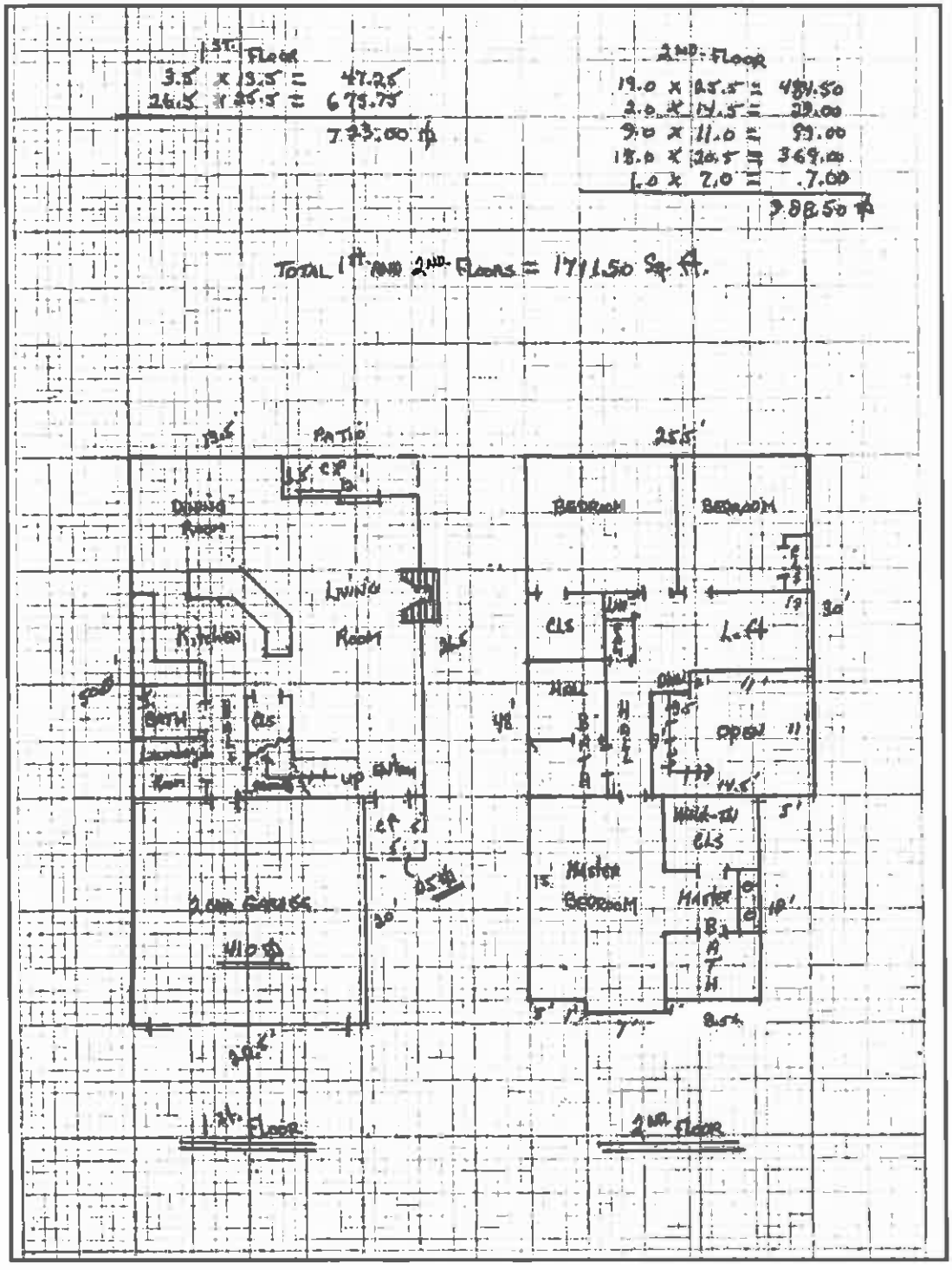
The estimated market value in this report is the result of a complete summary appraisal report which is intended to comply with the reporting requirement set forth under Standards Rule 2-2(b) of the Uniform Standards of professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of data, reasoning and analyses that were used in the appraisal process to develop the appraiser's opinion of value.

I hereby attest that the author of this report has attained a level of competency necessary to complete the assignment in a diligent manner, utilizing all of the commonly recognized analysis techniques considered normal for a prudent evaluation effort.

Based on the analysis of the approaches to value utilized in this appraisal report, it is my opinion that the "as is," fee simple value of the subject property, as of April 30, 2008, and subject to the attached limiting conditions is: $530,000.

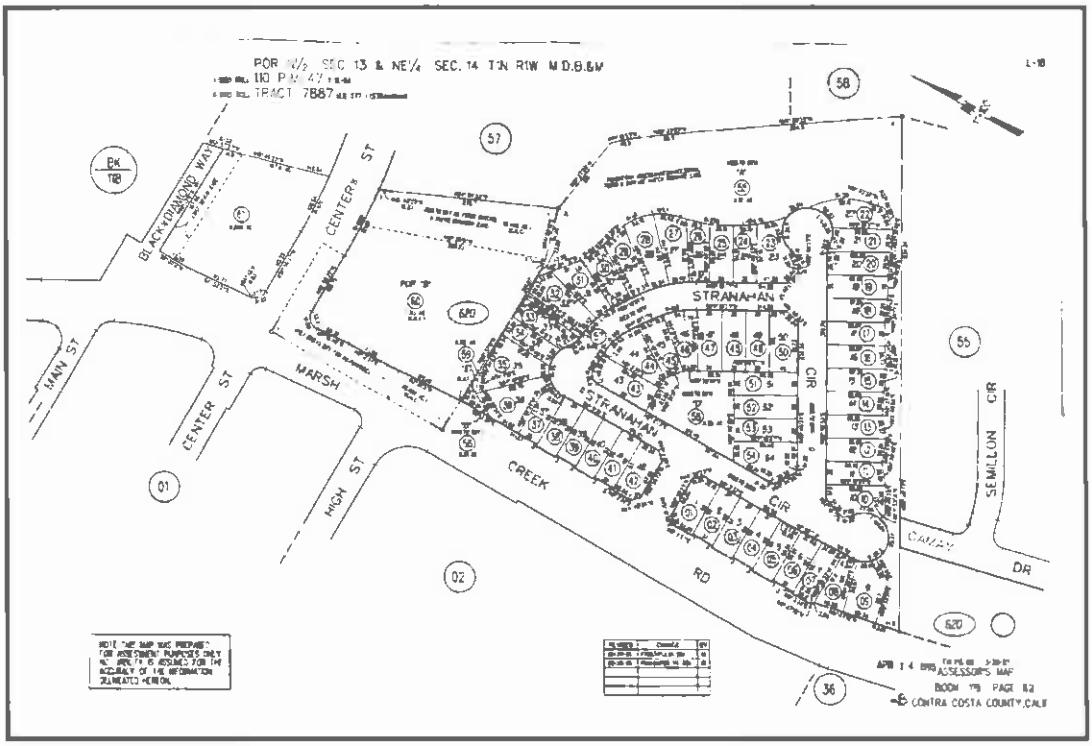
Building Sketch

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			



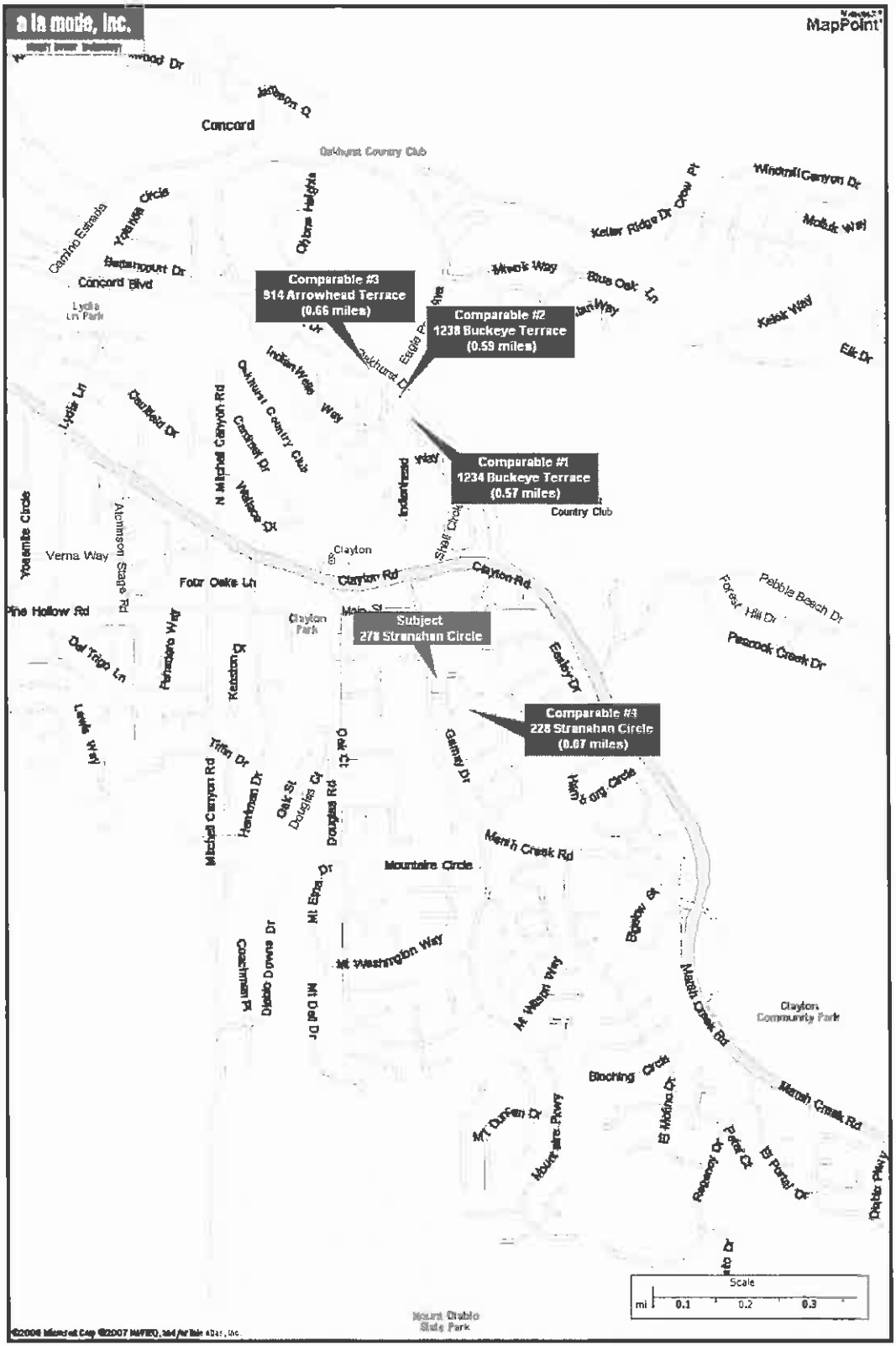
Plat Map

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			



Location Map

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			



Subject Photo Page

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Londa Farrell			

Subject Front

278 Stranahan Circle

Sales Price	N/A
Gross Living Area	1,712
Total Rooms	8
Total Bedrooms	3L
Total Bathrooms	2 5
Location	Good
View	Foothills
Site	3,267 Sq/t
Quality	Ave.-Good
Age	13 Yrs.

Subject Rear

Subject Street

PHOTOGRAPH ADDENDUM

Borrower/Client	N/A						
Property Address	278 Stranahan Circle						
City	Clayton	County	Contra Costa County	State	CA	Zip Code	94517
Lender	N/A/Linda Farrell						

Front of Subject

Rear/Side of Subject

Rear Yard of Subject

Subject Interior Photo Page

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			

Subject Interior

278 Stranahan Circle

Sales Price	N/A
Gross Living Area	1,712
Total Rooms	8
Total Bedrooms	3L
Total Bathrooms	2.5
Location	Good
View	Foothills
Site	3,267 Sqft
Quality	Ave.-Good
Age	13 Yrs.

Subject Interior

Subject Interior

Subject Interior Photo Page

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			

Subject Interior

278 Stranahan Circle

Sales Price	N/A
Gross Living Area	1,712
Total Rooms	8
Total Bedrooms	3L
Total Bathrooms	2 5
Location	Good
View	Foothills
Site	3,267 Sqft
Quality	Ave -Good
Age	13 Yrs

Subject Interior

Subject Interior

Subject Interior Photo Page

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			

Subject Interior

278 Stranahan Circle

Sales Price	N/A
Gross Living Area	1,712
Total Rooms	8
Total Bedrooms	3L
Total Bathrooms	2 5
Location	Good
View	Foothills
Site	3,267 Sqft
Quality	Ave -Good
Age	13 Yrs

Subject Interior

Subject Interior

Comparable Photo Page

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			

Comparable 1

1234 Buckeye Terrace

Prox. to Subject	1/2 Mile/Similar Project
Sale Price	525,000
Gross Living Area	1,639
Total Rooms	8
Total Bedrooms	3
Total Bathrooms	2.5
Location	Gd/OakHrst
View	Foothills
Site	4,070 Sqft
Quality	Ave -Good
Age	14 Yrs.

Comparable 2

1238 Buckeye Terrace

Prox. to Subject	1/2 Mile/Similar project
Sale Price	585,000
Gross Living Area	1,710
Total Rooms	8
Total Bedrooms	3
Total Bathrooms	2.5
Location	Gd/OakHrst
View	Foothills
Site	3,685 Sqft
Quality	Ave.-Good
Age	13 Yrs

Comparable 3

914 Arrowhead Terrace

Prox. to Subject	1/2 Mile/Similar Project
Sale Price	525,000
Gross Living Area	1,797
Total Rooms	9
Total Bedrooms	3
Total Bathrooms	2.5
Location	Gd/OakHrst
View	Foothills
Site	4,000 Sqft
Quality	Ave.-Good
Age	14 Yrs

Comparable Photo Page

Borrower/Client N/A			
Property Address 278 Stranahan Circle			
City Clayton	County Contra Costa County	State CA	Zip Code 94517
Lender N/A/Linda Farrell			

Comparable 4

228 Stranahan Circle

Prox. to Subject	Same Street/Same Proje
Sale Price	569,980
Gross Living Area	1,650
Total Rooms	8
Total Bedrooms	3L
Total Bathrooms	2 5
Location	Good
View	Foothills
Site	3,597 Sqft
Quality	Ave -Good
Age	13 Yrs

Comparable 5

Prox. to Subject
Sale Price
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location
View
Site
Quality
Age

Comparable 6

Prox. to Subject
Sale Price
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location
View
Site
Quality
Age