CITY OF CLAYTON
Founded 1857.. Incorporated 1964

AGENDA

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

TUESDAY, July 1, 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 public 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**
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

* CITY COUNCIL *
July 1, 2008

7:00 P.M.

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

2. PLEDGE OF ALLEGIANCE – led by Mayor Manning.

3. 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 June 17, 2008. (View Here)

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

(c) Adopt a Resolution awarding contract to RGW Construction, Inc. in the amount of $1,125,848.20 for construction of the 2008 Street Pavement Rehabilitation Project (CIP No. 10406). (View Here)

(d) Adopt a Resolution revising the fee for monthly public street sweeping contract services, as billed and collected through Allied Waste Services. (View Here)

(e) Adopt a Resolution approving a one (1)-year Memorandum of Understanding (MOU) with the Clayton Police Officers Association effective the Fiscal Year 2008-2009. (View Here)

(f) Authorize the City Clerk to conduct the biennial review of the City's Conflict of Interest Code (per the state Political Reform Act) and submit a notice to the City Council regarding the results of the review by no later than October 1, 2008. (View Here)

4. RECOGNITIONS AND PRESENTATION

(a) Certificate of Appreciation to Joe Odrzywolski, Jr., for his 3½ years of public service as Commissioner and Chairman on the Clayton Planning Commission.

(b) Presentation on upcoming AT&T "Lightspeed Initiative" for digital TV and high-speed Internet telecommunication services in Clayton. (View Here)
(Will Rigney, AT&T Area Director)

5. REPORTS

(a) Planning Commission – Vice Chairperson Tuija Catalano
(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

6. 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.

7. ACTION ITEMS

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

Staff recommendation: Following presentation, adopt a motion accepting the Committee's Annual Report for 2008.

(b) Presentation of the Trails and Landscaping Committee recommendation for an Adopt-a-Trail Program. (View Here)
(Committee Members Disend, Marshall and Siegel)

Staff recommendation: That Council provide policy direction and guidance regarding the proposed Adopt-a-Trail Program.

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

Staff recommendation: That Council provide direction regarding the cancellation of any regularly scheduled City Council meetings in August and/or September 2008.

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

9. ADJOURNMENT– the next regularly scheduled meeting is Tuesday, July 15, 2008.

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* CLAYTON REDEVELOPMENT AGENCY *
July 1, 2008

1. CALL TO ORDER AND ROLL CALL- Chairman Stratford.

2. PUBLIC COMMENTS

Citizens may address the Redevelopment Agency on items within the Agency's jurisdiction, (which are not on the agenda) by completing a speaker card 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.

3. 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 June 17, 2008. (View Here)

4. PUBLIC HEARING

(a) Public Hearing for consideration and adoption of a 5-Year Implementation Plan for the City of Clayton Community Redevelopment Agency. (View Here)
(Executive Director and Marie Munson, Seifel Consulting Inc.)

Staff Recommendations: 1) Receive the Plan's presentation; 2) Open the Public Hearing and receive public comments; 3) Close the Public Hearing; and 4) Adopt the Resolution approving the 5-Year Implementation Plan.

5. ACTION ITEMS – None.

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

7. ADJOURNMENT – the next regular Redevelopment Agency meeting will be scheduled as needed.

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MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 7-1-08

Agenda Item: 3a

TUESDAY, June 17, 2008

1. CALL TO ORDER & ROLL CALL – the meeting was called to order at 6:15 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 Stratford and Walcutt. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Finance Manager Merry Pelletier, City Engineer Rick Angrisani, 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 6:15 p.m.

(a) Conference with Labor Negotiator, *Government Code Section 54957.6*
Instructions to City-designated negotiator: City Manager
Employee Organization: Clayton Police Officers Association (CPOA)

7:02 p.m. Report out from Closed Session: Mayor Manning reported the Council gave direction to its negotiator the City Manager.

3. PLEDGE OF ALLEGIANCE – Led by Mayor Manning.

4. CONSENT CALENDAR- Staff provided an update on Item 4(b) and asked that it be pulled from the Consent Calendar. It was moved by Vice Mayor Pierce, seconded by Councilmember Walcutt to approve the Consent Calendar with the exception of pulled Item 4(b) (4-0 vote).

(a) Approved the minutes of the regular meeting of June 3, 2008.

(b) Rescission of construction contract awarded to Odyssey Landscaping, Inc., on December 18, 2007 for the old Marsh Creek Road Retaining Wall Replacement Project (CIP No. 10404), and authorization for staff to advertise for new competitive bids to perform the work. No action.

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

(d) Accepted the City Financial Investment Report for the 3rd Quarter of Fiscal Year 2007-2008, ending March 31, 2008.

(e) Re-appointed Joyce Atkinson to the Contra Costa County Library Commission as Clayton's representative for the term of office expiring June 30, 2009.

(f) Re-appointed JoAnn Caspar, Victor Geisler, Jerry Kosel, and Kelly Marshall to the Trails and Landscaping Committee for terms office expiring June 30, 2010.

5. RECOGNITIONS AND PRESENTATIONS – None.

6. REPORTS

(a) Planning Commission – No meeting held to report.

(b) Trails and Landscaping Committee – Chairperson Bass reported on the June 16th meeting of the Trails and Landscaping Committee. She reported the Committee discussed the Annual Report of the Citywide Landscape Maintenance District, the Adopt a Trail program, and online reporting of problems in the District. The next meeting of the Trails and Landscaping Committee will be in September.

7:17 p.m. Councilmember Shuey arrived.

(c) The City Manager reported the Community Park Renovation Project punch list has been created and finishing touches are being placed on the park. The City hopes the park will be open by the July 4th weekend. He stated vandalism is up around the City and he encouraged people to report problems. Lastly he stated for the first time in City history a seasonal City Maintenance Worker is now on duty working in the City on a Saturday. The City Manager then introduced Mike Irwin, Executive Director of the Mt. Diablo YMCA, to discuss activities at the Clayton Community Gym.

Mr. Irwin introduced Noah Ochoa, the new Program Director at the Clayton Community Gym. He then discussed the busy summer schedule at the gym and stated the YMCA would like to start an Advisory Council for the gym so that they can get community feedback on program desires. In 2007 the YMCA served over 3,100 separate individuals through their programs at the Clayton Community Gym.

Vice Mayor Pierce asked if offering senior programs were being looked in to? Mr. Irwin stated the YMCA will be focusing on total health and wellness and clustering individuals with programs that interest them.

Councilmember Shuey asked Mr. Irwin to use the elementary school emails and bulletins to get the word out about programs. Mr. Irwin said the YMCA is working on a diverse advertising and marketing campaign.

(d) City Council

Councilmember Walcutt had no report but reminded citizens that skateboarding is prohibited in The Grove park and to report to the Police those that do.

Councilmember Shuey met with the economic development specialist Jim Harrigan to discuss his proposal for economic development in the Town Center. He stated Mr. Harrigan has put a lot of time and work into the project and the Council will be interested to see the results of his research to emphasize dining experiences/businesses.

The City Manager added the objective of the proposal was to get a realistic picture of what types of businesses to expect in Clayton.

Councilmember Stratford attended a conference at UC Berkeley for elected officials.

Vice Mayor Pierce attended the Trails and Landscaping Committee meeting, Mayors' Conference, ABAG Regional Planning Committee meeting, and she continues to enjoy the new Farmers' Market in downtown Clayton on Saturday mornings.

Mayor Manning attended a meeting with Supervisor Bonilla and the County Sheriff regarding the Marsh Creek Road Detention Facility. He also attended the Mayors' Conference, presented Officer Rich Enea for the Knights of Columbus Officer of the Year award, and attended a Red Cross presentation on shelter management. Lastly, he continues to attend and enjoy the Concerts in The Grove.

(e) Other- None.

7. **PUBLIC COMMENTS**- None.

8. **PUBLIC HEARINGS** –

(a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2008-2009 and the Capital Improvement Project Budget (CIP) for Fiscal Years 2008-2013.

City Manager presented the Budget and indicated there are no cuts in services or employees and the Budget is balanced. He discussed the State Budget but indicated that at this point it seems as though local property taxes and Prop. 42 monies will remain untouched. The City could lose 10% of its annual COPS Grant ($10,000 loss) but that shortfall could be covered by unused COPS Grant monies.

The City Council indicated their desire to have staff look into obtaining help for community events. (e.g. litter pickup; set-up/tear down).

Mayor Manning opened the Public Hearing at 8:15 p.m. No public comments were received. He then closed the Public Hearing.
It was moved by Councilmember Walcutt, seconded by Councilmember Stratford to adopt Resolution 28-2008 approving a City Budget for FY 2008-2009 and a 5-Year CIP for FY 2008-2013 (5-0 vote).

9. **ACTION ITEMS**

(a) Public Meeting on the levy of annual assessments on real property in the Street Lighting Assessment District (residential street lights) for FY 2008-2009, pursuant to Streets and Highways Code 18070 and Government Code 54954.6.

The City Engineer presented the staff report and indicated the annual Street Lighting Assessment would not be increased. No public comments were received regarding the levy of assessments for the District.

No action was taken.

(b) Council Sub-Committee recommendation on appointments to three (3) vacancies on the Planning Commission and setting terms of office from July 1, 2008 through June 30, 2010.

Vice Mayor Pierce stated the interview Subcommittee had interviewed the four applicants and that all were qualified for the position. Based on the interviews, the Subcommittee recommended the appointment of Bob Armstrong, Tuija Catalano and Sandra Johnson to the termed vacancies.

It was moved by Vice Mayor Pierce, seconded by Mayor Manning to adopt Resolution 29-2008 appointing Bob Armstrong, Tuija Catalano and Sandra Johnson to the Planning Commission for terms expiring June 30, 2010 (5-0 vote).

12. COUNCIL ITEMS – None.

13. ADJOURNMENT– On call by Mayor Manning the meeting adjourned at 8:20 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: 07/01/08

Agenda Item: 9b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: JULY 1, 2008

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

RUN DATE	OBLIGATION NUMBERS	TOTALS
06/18/08	14738 – 14740	$2,911.18
06/26/08	14741 – 14783	$156,815.96
07/01/08	Not assigned - For FY 08-09	$52,046.79

Attachments:
Batch 3744 (2 pages)
Batch 3750 (9 pages)
Batch Verification Report (2 pages)

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A212-2101-00.0.0-000		entry					600.00CR
PJ	Obligation summary A301-2101-00.0.0-000		entry					2,311.18CR
PJ	Neopost Postage A212-7314-00.0.0-000 Descl..........: GHAD postage 6/18/08	14738	entry					600.00
PJ	Don Stone A301-7520-00.0.0-003 Descl..........: Grove Concert Sound 5/31-6/14/08	14739	entry	8401				2,091.18
PJ	Don Stone A301-7520-00.0.0-003 Descl..........: Grove concert sound svc 6/21/08	14740	entry	8404				220.00

Batch 3744 posted on 06/19/08 by 1002 for business date 06/18/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	12 2008	A212-2101-00.0.0-000	Accounts Payable		600.00	
	12 2008	A212-7314-00.0.0-000	Postage	600.00		
	12 2008	A301-2101-00.0.0-000	Accounts Payable		2,311.18	
	12 2008	A301-7520-00.0.0-003	Concerts in the Grove Park	2,311.18		
		Total for Financial Reporting System		2,911.18	2,911.18	.00

Batch 3744 posted on 06/19/08 by 1002 for business date 06/18/08

FY 07-08

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					59,085.95CR
PJ	Obligation summary A201-2101-00.0.0-000		entry					1,741.07CR
PJ	Obligation summary A210-2101-00.0.0-000		entry					31,582.47CR
PJ	Obligation summary A211-2101-00.0.0-000		entry					250.00CR
PJ	Obligation summary A212-2101-00.0.0-000		entry					1,702.80CR
PJ	Obligation summary A230-2101-00.0.0-000		entry					2,806.25CR
PJ	Obligation summary A301-2101-00.0.0-000		entry					866.51CR
PJ	Obligation summary A302-2101-00.0.0-000		entry					15,262.67CR
PJ	Obligation summary A303-2101-00.0.0-000		entry					26,548.86CR
PJ	Obligation summary A304-2101-00.0.0-000		entry					122.00CR
PJ	Obligation summary A501-2101-00.0.0-000		entry					1,349.87CR
PJ	Obligation summary A601-2101-00.0.0-000		entry					14,021.24CR
PJ	Obligation summary A702-2101-00.0.0-000		entry					1,000.00CR
PJ	LarryLogic Productions A101-7419-01.0.0-000 Descl..........: Video City Council Mtg 6/17/08	14741	entry	864				337.50
PJ	All City Management Services. A101-7419-06.0.0-000 Descl..........: PD-Crossing Guard WE 6/7/08	14742	entry	13638				406.35
PJ	City of Concord A101-7312-06.0.0-000 Descl..........: PD Printing Services 6/08	14743	entry	11506				44.00
PJ	City of Concord A101-7343-06.0.0-000 Descl..........: PD Vehicle Maintenance 6/08	14744	entry	11541				302.87
PJ	CCC Office of the Sheriff-Coro A101-7425-06.0.0-000 Descl..........: PD-Crime Lab 5/08	14745	entry	ClayPD-080				1,379.00
PJ	Paramount Elevator Corp. A101-7341-03.0.0-000 Descl..........: City Hall Elevator Reg. Svc. 6/08	14746	entry	110008				100.00
PJ	CalPERS A101-7220-02.0.0-000 Descl..........: Retirement PPE 6/15/08	14747	entry					3,963.96
PJ	CalPERS A101-7220-03.0.0-000 Descl..........: Retirement PPE 6/15/08	14747	entry					2,296.41
PJ	CalPERS A101-7220-04.0.0-000 Descl..........: Retirement PPE 6/15/08	14747	entry					549.94

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	CalPERS A101-7220-06.0.0-000 Descl..........: Retirement PPE 6/15/08	14747	entry					12,329.52
PJ	US Bank Corp Pymt System A101-7312-05.0.0-000 Descl..........: Adm Misc Charges 5/08	14748	entry					623.16
PJ	US Bank Corp Pymt System A101-7345-05.0.0-000 Descl..........: Adm Misc Charges 5/08	14748	entry					234.19
PJ	US Bank Corp Pymt System A101-7372-01.0.0-000 Descl..........: Adm Misc Charges 5/08	14748	entry					403.39
PJ	US Bank Corp Pymt System A101-7419-02.0.0-000 Descl..........: Adm Misc Charges 5/08	14748	entry					49.95
PJ	US Bank Corp Pymt System A301-7520-00.0.0-002 Descl..........: Adm Misc Charges 5/08	14748	entry					35.81
PJ	US Bank Corp Pymt System A301-7520-00.0.0-003 Descl..........: Adm Misc Charges 5/08	14748	entry					610.70
PJ	US Bank Corp Pymt System A101-7311-03.0.0-000 Descl..........: PW Misc Charges 5/08	14749	entry					295.33
PJ	US Bank Corp Pymt System A101-7342-03.0.0-000 Descl..........: PW Misc Charges 5/08	14749	entry					80.00
PJ	US Bank Corp Pymt System A101-7344-03.0.0-000 Descl..........: PW Misc Charges 5/08	14749	entry					2,017.15
PJ	US Bank Corp Pymt System A101-7373-03.0.0-000 Descl..........: PW Misc Charges 5/08	14749	entry					125.00
PJ	US Bank Corp Pymt System A201-7311-00.0.0-000 Descl..........: PW Misc Charges 5/08	14749	entry					510.26
PJ	US Bank Corp Pymt System A210-7311-00.0.0-000 Descl..........: PW Misc Charges 5/08	14749	entry					372.53
PJ	US Bank Corp Pymt System A210-7344-00.0.0-000 Descl..........: PW Misc Charges 5/08	14749	entry					292.00
PJ	US Bank Corp Pymt System A230-7485-00.0.0-000 Descl..........: PW Misc Charges 5/08	14749	entry					2,806.25
PJ	US Bank Corp Pymt System A303-7520-00.0.0-110 Descl..........: PW Misc Charges 5/08	14749	entry					182.83
PJ	US Bank Corp Pymt System A101-7311-06.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					974.42
PJ	US Bank Corp Pymt System A101-7312-06.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					221.80

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	US Bank Corp Pymt System A101-7314-06.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					10.42
PJ	US Bank Corp Pymt System A101-7343-06.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					54.45
PJ	US Bank Corp Pymt System A101-7344-06.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					2,512.82
PJ	US Bank Corp Pymt System A101-7373-06.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					232.33
PJ	US Bank Corp Pymt System A101-7415-06.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					186.12
PJ	US Bank Corp Pymt System A101-7432-06.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					369.90
PJ	US Bank Corp Pymt System A601-2737-00.0.0-000 Descl..........: PD Misc Charges 5/08	14750	entry					1,496.24
PJ	CCC Office of the Sheriff-Fisc A101-7373-06.0.0-000 Descl..........: PD Traffic Coll Cls (3) 6/08	14751	entry	08-11952				750.00
PJ	Neopost Postage A101-7314-05.0.0-000 Descl..........: Adm Postage Added 6/19/08	14752	entry					300.00
PJ	Verizon Business A101-7332-02.0.0-000 Descl..........: Admin ISDN Line 6/08	14753	entry	69464287				211.34
PJ	Don Stone A301-7520-00.0.0-003 Descl..........: Grove Concert Sound Svc 6/28/08	14754	entry	8405				220.00
PJ	Municipal Pooling Authority A501-7352-00.0.0-000 Descl..........: Unmet Liability Ded 9-07-4/08	14755	entry	LDBB-FIX03				1,349.87
PJ	Gina Roth A211-2730-00.0.0-000 Descl..........: Refund Grove Dep 6/7/08	14756	entry	Grove 6/7/				250.00
PJ	Doug & Hildy Van Wyck A702-2730-00.0.0-002 Descl..........: Refund EH Dep 5/31/08	14757	entry	EH 5/31/08				500.00
PJ	Cynthia McGrath A601-2744-00.0.0-457 Descl..........: Refund SWP 07-20 Dep 6/08	14758	entry	SWP 07-20				500.00
PJ	Hawkins Pools A101-5791-00.0.0-000 Descl..........: Refund SWP 07-08 Dep 6/08	14759	entry	SWP 07-08				56.02CR
PJ	Hawkins Pools A601-2744-00.0.0-479 Descl..........: Refund SWP 07-08 Dep 6/08	14759	entry	SWP 07-08				1,626.50
PJ	Absolute Pool Builders A101-5791-00.0.0-000 Descl..........: Refund SWP 03-08 Dep 6/08	14760	entry	SWP 03-08				90.26CR

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Absolute Pool Builders A601-2744-00.0.0-469 Descl..........: Refund SWP 03-08 Dep 6/08	14760	entry	SWP 03-08				1,398.25
PJ	Keizer Construction & Dev A601-2744-00.0.0-480 Descl..........: Refund SWP 08-05 Dep 6/08	14761	entry	SWP 08-05				500.00
PJ	Keizer Construction & Dev A601-2744-00.0.0-470 Descl..........: Refund SWP 08-02 Dep 6/08	14762	entry	SWP 08-02				500.00
PJ	Sunstone Pools A101-5791-00.0.0-000 Descl..........: Refund SWP 22-07 Dep 6/08	14763	entry	SWP 22-07				229.29CR
PJ	Sunstone Pools A601-2744-00.0.0-421 Descl..........: Refund SWP 22-07 Dep 6/08	14763	entry	SWP 22-07				1,107.75
PJ	Clayton Pioneer A601-2750-00.0.0-004 Descl..........: July 4th Ad 6/08	14764	entry	6181				300.00
PJ	Don Stone A601-2750-00.0.0-004 Descl..........: 4th of July Sound Svc 7/08	14765	entry	7408				300.00
PJ	Grade Tech, Inc. A303-7520-00.0.0-110 Descl..........: EH Pkg Lot Retention 5/08	14766	entry	Prog Pymt				11,569.21
PJ	Berlogar Geotechnical Consulta A212-7413-00.0.0-000 Descl..........: Kelok Monitoring Svc 5/08	14767	entry	213459				1,577.50
PJ	CERCO Analytical, Inc. A101-7430-08.0.0-000 Descl..........: Well Monitoring 6/08	14768	entry	0806043				390.00
PJ	Allied Waste Services A302-7520-00.0.0-008 Descl..........: Gbg Svc 280 Stranahan 5/08	14769	entry	0210				51.31
PJ	Seifel Consulting Inc. A302-7419-00.0.0-000 Descl..........: RDA 5-yr Implementation Plan 5/08	14770	entry	5236				13,599.86
PJ	Macias Gini & O'Connell LLP A101-7419-04.0.0-000 Descl..........: Interim Comm Dev Director 6/8/08	14771	entry	23405				5,320.00
PJ	Gregory Anderson A702-2730-00.0.0-002 Descl..........: Refund EH Dep 5/17/08	14772	entry	EH 5/17/08				500.00
PJ	Economic Development Systems A303-7520-00.0.0-104 Descl..........: Downtown Econ Dev Prj 5/08	14773	entry					8,467.91
PJ	Goldfarb & Lipman A302-7413-00.0.0-000 Descl..........: RDA-LMI Legal Svc 5/08	14774	entry	89765				1,347.50
PJ	Wildland Resource Management A210-7419-00.0.0-000 Descl..........: Open Space Maint 6/08	14775	entry					27,450.00
PJ	Contra Costa Water Dist. A101-7338-03.0.0-000 Descl..........: City Water Usage 4/08-5/08	14776	entry	L Series 4				1,296.32

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Contra Costa Water Dist. A210-7338-00.0.0-000 Descl..........: City Water Usage 4/08-5/08	14776	entry	L Series 4				3,467.94
PJ	Clayton Pioneer A302-7419-00.0.0-000 Descl..........: Affordable Housing Ad 6/08	14777	entry	6198				264.00
PJ	PERMCO, Inc. A101-7411-08.0.0-000 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				2,343.50
PJ	PERMCO, Inc. A201-7412-00.0.0-000 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				1,230.81
PJ	PERMCO, Inc. A212-7412-00.0.0-000 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				58.38
PJ	PERMCO, Inc. A303-7520-00.0.0-108 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				3,633.06
PJ	PERMCO, Inc. A303-7520-00.0.0-112 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				1,737.32
PJ	PERMCO, Inc. A304-7520-00.0.0-001 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				122.00
PJ	PERMCO, Inc. A601-2740-00.0.0-096 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				207.50
PJ	PERMCO, Inc. A601-2740-00.0.0-107 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				83.00
PJ	PERMCO, Inc. A601-2741-00.0.0-077 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				1,350.00
PJ	PERMCO, Inc. A601-2741-00.0.0-153 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2743-00.0.0-220 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				1,094.75
PJ	PERMCO, Inc. A601-2744-00.0.0-077 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-288 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				42.50
PJ	PERMCO, Inc. A601-2744-00.0.0-329 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-381 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-434 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	PERMCO, Inc. A601-2744-00.0.0-444 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-449 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-459 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-461 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-467 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-469 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				62.25
PJ	PERMCO, Inc. A601-2744-00.0.0-473 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-474 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-479 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				62.25
PJ	PERMCO, Inc. A601-2744-00.0.0-482 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-485 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-487 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-491 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				41.50
PJ	PERMCO, Inc. A601-2746-00.0.0-129 Descl..........: Eng Svc 6/9/08-6/20/08	14778	entry	8449-8465				726.25
PJ	Macias Gini & O'Connell LLP A101-7419-04.0.0-000 Descl..........: Int CDD Director (+Svc Fee) 6/22/08	14779	entry	23487				18,580.00
PJ	Paramount Elevator Corp. A101-7341-03.0.0-000 Descl..........: CH Elevator Repair 6/08	14780	entry	109764				99.00
PJ	City of Concord A101-7312-05.0.0-000 Descl..........: Adm & GHAD Print Svc 6/08	14781	entry	11627				172.08
PJ	City of Concord A212-7321-00.0.0-000 Descl..........: Adm & GHAD Print Svc 6/08	14781	entry	11627				66.92

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	NSP3 A303-7520-00.0.0-113 Desc1..........: Comm Park Tot Lot Signs 6/08	14782	entry	11568				958.53
PJ	Jeffrey & Paula Grohs A101-5304-00.0.0-000 Desc1..........: Refund Unused C&D Dep 6/08	14783	entry					100.70CR
PJ	Jeffrey & Paula Grohs A601-2745-00.0.0-445 Desc1..........: Refund Unused C&D Dep 6/08	14783	entry					2,000.00

Batch 3750 posted on 06/26/08 by 1004 for business date 06/26/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	12 2008	A101-2101-00.0.0-000	Accounts Payable		59,085.95	
	12 2008	A101-5304-00.0.0-000	Planning Fees (Public Hearing)		100.70	
	12 2008	A101-5791-00.0.0-000	Overhead cost recovery		375.57	
	12 2008	A101-7220-02.0.0-000	PERS Retirement	3,963.96		
	12 2008	A101-7220-03.0.0-000	PERS Retirement	2,296.41		
	12 2008	A101-7220-04.0.0-000	PERS Retirement	549.94		
	12 2008	A101-7220-06.0.0-000	PERS Retirement	12,329.52		
	12 2008	A101-7311-03.0.0-000	General Supplies	295.33		
	12 2008	A101-7311-06.0.0-000	General Supplies	974.42		
	12 2008	A101-7312-05.0.0-000	Office Supplies/Expense	795.24		
	12 2008	A101-7312-06.0.0-000	Office Supplies/Expense	265.80		
	12 2008	A101-7314-05.0.0-000	Postage	300.00		
	12 2008	A101-7314-06.0.0-000	Postage	10.42		
	12 2008	A101-7332-02.0.0-000	Telecommunications	211.34		
	12 2008	A101-7338-03.0.0-000	Water Services	1,296.32		
	12 2008	A101-7341-03.0.0-000	Buildings/Grounds Maintenance	199.00		
	12 2008	A101-7342-03.0.0-000	Machinery/Equipment Maintenanc	80.00		
	12 2008	A101-7343-06.0.0-000	Vehicle Maintenance	357.32		
	12 2008	A101-7344-03.0.0-000	Vehicles: Gas, Oil & Supplies	2,017.15		
	12 2008	A101-7344-06.0.0-000	Vehicles: Gas, Oil & Supplies	2,512.82		
	12 2008	A101-7345-05.0.0-000	Office Equip-Maint/Repairs	234.19		
	12 2008	A101-7372-01.0.0-000	Conferences	403.39		
	12 2008	A101-7373-03.0.0-000	Education & Training	125.00		
	12 2008	A101-7373-06.0.0-000	Education & Training	982.33		
	12 2008	A101-7411-08.0.0-000	Professional Services Retainer	2,343.50		
	12 2008	A101-7415-06.0.0-000	Computer Services	186.12		
	12 2008	A101-7419-01.0.0-000	Other Professional Services	337.50		
	12 2008	A101-7419-02.0.0-000	Other Professional Services	49.95		
	12 2008	A101-7419-04.0.0-000	Other Professional Services	23,900.00		
	12 2008	A101-7419-06.0.0-000	Other Professional Services	406.35		
	12 2008	A101-7425-06.0.0-000	Crime Lab	1,379.00		
	12 2008	A101-7430-08.0.0-000	Well Monitoring Fee	390.00		
	12 2008	A101-7432-06.0.0-000	Emergency Services	369.90		
	12 2008	A201-2101-00.0.0-000	Accounts Payable		1,741.07	
	12 2008	A201-7311-00.0.0-000	General Supplies	510.26		
	12 2008	A201-7412-00.0.0-000	Engineering/Inspection Service	1,230.81		
	12 2008	A210-2101-00.0.0-000	Accounts Payable		31,582.47	
	12 2008	A210-7311-00.0.0-000	General Supplies	372.53		
	12 2008	A210-7338-00.0.0-000	Water Services	3,467.94		
	12 2008	A210-7344-00.0.0-000	Vehicle Gas, Oil, and Supplies	292.00		
	12 2008	A210-7419-00.0.0-000	Other Professional Services	27,450.00		
	12 2008	A211-2101-00.0.0-000	Accounts Payable		250.00	
	12 2008	A211-2730-00.0.0-000	D.T. Park Deposit	250.00		
	12 2008	A212-2101-00.0.0-000	Accounts Payable		1,702.80	
	12 2008	A212-7321-00.0.0-000	Printing & Binding	66.92		
	12 2008	A212-7412-00.0.0-000	Engineering/Inspection Service	58.38		
	12 2008	A212-7413-00.0.0-000	Legal Services	1,577.50		
	12 2008	A230-2101-00.0.0-000	Accounts Payable		2,806.25	
	12 2008	A230-7485-00.0.0-000	Capital Equipment-Cleep Grant	2,806.25		
	12 2008	A301-2101-00.0.0-000	Accounts Payable		866.51	
	12 2008	A301-7520-00.0.0-002	Farmer's Market	35.81		
	12 2008	A301-7520-00.0.0-003	Concerts in the Grove Park	830.70		

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal		** continued **			
	12 2008	A302-2101-00.0.0-000	Accounts Payable		15,262.67	
	12 2008	A302-7413-00.0.0-000	Legal Services	1,347.50		
	12 2008	A302-7419-00.0.0-000	Other Professional Services	13,863.86		
	12 2008	A302-7520-00.0.0-008	280 Stranahan LMI-Bamberger	51.31		
	12 2008	A303-2101-00.0.0-000	Accounts Payable		26,548.86	
	12 2008	A303-7520-00.0.0-104	Downtown Economic Dev Project	8,467.91		
	12 2008	A303-7520-00.0.0-108	MarshCreekRd Retaining Wall	3,633.06		
	12 2008	A303-7520-00.0.0-110	High-Diablo St. Public Parking	11,752.04		
	12 2008	A303-7520-00.0.0-112	Pavement Rehab Project 2008	1,737.32		
	12 2008	A303-7520-00.0.0-113	Com Park Tot Lot/BBQ/Picnic Up	958.53		
	12 2008	A304-2101-00.0.0-000	Accounts Payable		122.00	
	12 2008	A304-7520-00.0.0-001	Marsh Crk Rd Sewer Survey	122.00		
	12 2008	A501-2101-00.0.0-000	Accounts Payable		1,349.87	
	12 2008	A501-7352-00.0.0-000	Insurance Claims Expense	1,349.87		
	12 2008	A601-2101-00.0.0-000	Accounts Payable		14,021.24	
	12 2008	A601-2737-00.0.0-000	Police Department Donations	1,496.24		
	12 2008	A601-2740-00.0.0-096	Cost Recov Dep PG&E Minor EP	207.50		
	12 2008	A601-2740-00.0.0-107	Oh Rec Pac Bell Minor EP	83.00		
	12 2008	A601-2741-00.0.0-077	Oak Creek Canyon Plan Ck Dep	1,350.00		
	12 2008	A601-2741-00.0.0-153	Seeno Grading Insp (10351)	41.50		
	12 2008	A601-2743-00.0.0-220	Mitchell Crk Pl (Lenox) Const	1,094.75		
	12 2008	A601-2744-00.0.0-077	AD Seeno Oak Crk Cyn SW26-06	41.50		
	12 2008	A601-2744-00.0.0-288	Flora Square SWP 47-07	42.50		
	12 2008	A601-2744-00.0.0-329	Lemke Diablo Pt SW permit28-06	41.50		
	12 2008	A601-2744-00.0.0-381	Gonzalez SW Permit 18-07	41.50		
	12 2008	A601-2744-00.0.0-421	Sunstone Pools SW Permit 22-07	1,107.75		
	12 2008	A601-2744-00.0.0-434	C. DelMonte SW Permit 29-07	41.50		
	12 2008	A601-2744-00.0.0-444	Childs SW Permit 33-07	41.50		
	12 2008	A601-2744-00.0.0-449	Switzer SW Permit 36-07	41.50		
	12 2008	A601-2744-00.0.0-457	C. McGrath Minor SWPermit07-20	500.00		
	12 2008	A601-2744-00.0.0-459	J Lopez SW Permit 44-07	41.50		
	12 2008	A601-2744-00.0.0-461	G Beckham SW Pemit 45-07	41.50		
	12 2008	A601-2744-00.0.0-467	P Hollingsworth SW Permit02-08	41.50		
	12 2008	A601-2744-00.0.0-469	Absolute Pool SWP 03-08	1,460.50		
	12 2008	A601-2744-00.0.0-470	Keizer Constr Minor SWP 08-02	500.00		
	12 2008	A601-2744-00.0.0-473	American Technologies SWP04-08	41.50		
	12 2008	A601-2744-00.0.0-474	Insite Design SWP 05-08	41.50		
	12 2008	A601-2744-00.0.0-479	Hawkins Pools SWP 07-08	1,688.75		
	12 2008	A601-2744-00.0.0-480	Keizer Constr Minor SWP 08-05	500.00		
	12 2008	A601-2744-00.0.0-482	Michael Archeleta SWP 10-08	41.50		
	12 2008	A601-2744-00.0.0-485	Majestic Pools SWP 11-08	41.50		
	12 2008	A601-2744-00.0.0-487	Lance Brick SWP 12-08	41.50		
	12 2008	A601-2744-00.0.0-491	Hawkins Pool SWP 15-08	41.50		
	12 2008	A601-2745-00.0.0-445	Grohs C&D Deposit	2,000.00		
	12 2008	A601-2746-00.0.0-129	Diablo Pt Grading Inspections	726.25		
	12 2008	A601-2750-00.0.0-004	Clayton 4th of July	600.00		
	12 2008	A702-2101-00.0.0-000	Accounts Payable		1,000.00	
	12 2008	A702-2730-00.0.0-002	Endeavor Hall Cash Deposits	1,000.00		
		Total for Financial Reporting System		156,815.96	156,815.96	.00

Batch 3750 posted on 06/26/08 by 1004 for business date 06/26/08

FY 08-09

Batch Verification Report

Obligation / Vendor Name /User	Distribution Line Description	Account #	Amount
<New> - ABAG Dues 08-09/ ABAG / 1004			
	ABAG Dues 08-09	A101-7324-01.0.0-000	$2,382.00
		Total--	$2,382.00
<New> - Grove Concert 7/19/08/ Bill Garvin / 1004			
	Grove Concert 7/19/08	A301-7520-00.0.0-003	$650.00
		Total--	$650.00
<New> - Health Insurance 7/08/ CalPERS Health / 1004			
	Admin 7/08	A101-7246-02.0.0-000	$5,844.30
	Adm Fees Health 7/08	A101-7246-02.0.0-000	$58.70
	PW 7/08	A101-7246-03.0.0-000	$3,392.82
	Planning 7/08	A101-7246-04.0.0-000	$941.34
	Police Dept 7/08	A101-7246-06.0.0-000	$6,759.25
	ER Share -retired PD 7/08	A101-7246-06.0.0-000	$194.00
		Total--	$17,190.41
<New> - PD- CIC Svc 08-09/ CCC Employment & Human Services / 1004			
	PD- CIC Svc 08-09	A101-7419-06.0.0-000	$500.00
		Total--	$500.00
<New> - Animal Control Svc 4-9/08/ CCC Office of Revenue Collection / 1004			
	Anim Cnt Svc 7-9/08	A101-7429-06.0.0-000	$12,829.00
		Total--	$12,829.00
<New> - PD CCCNET Svc 08-09/ CCCNet / 1004			
	PD CCCNET Svc 08-09	A101-7428-06.0.0-000	$5,000.00
		Total--	$5,000.00
<New> - Public Mgr Assoc Due 08-09/ City of Walnut Creek / 1004			
	Public Mgr Assoc Due 08-09	A101-7324-02.0.0-000	$78.00
		Total--	$78.00
<New> - Grove Concert Sound Svc 7/19/08/ Don Stone / 1004			
	Grove Concert Snd Svc	A301-7520-00.0.0-003	$220.00
		Total--	$220 00
<New> - Grove Concert Sound Svc 7/12/08/ Don Stone / 1004			
	Grove Concert Sound Svc	A301-7520-00.0.0-003	$220.00
		Total--	$220.00
<New> - League Mtgs FY 08-09/ East Bay-League of Calif. Cities / 1004			
	League Mtgs FY 08-09	A101-7372-01.0.0-000	$450.00
		Total--	$450 00
<New> - Finance Acct System Support 08-09/ Fundware / 1004			
	Fin Acct System Support	A101-7419-02.0.0-000	$1,670.00
		Total--	$1,670 00
<New> - Dental Premimum 7/08/ Health Care Dental Trust / 1004			
	Admin Dental 7/08	A101-7246-02.0.0-000	$492.04
	PW Dental 7/08	A101-7246-03.0.0-000	$405.18

Batch Verification Report

FY 08-09

Obligation / Vendor Name /User	Distribution Line Description	Account #	Amount	
	Planning Dental 7/08	A101-7246-04.0.0-000		$202.59
	Police Dept Dental 7/08	A101-7246-06.0.0-000		$743.01
		Total–		$1,842.82
<New> - LTD, Life & ADD 4/08/ Municipal Pooling Authority / 1004				
	Adm LTD 7/08	A101-7218-02.0.0-000		$391.30
	PW LTD 7/08	A101-7218-03.0.0-000		$229.20
	Planning LTD 7/08	A101-7218-04.0.0-000		$55.06
	PD LTD 7/08	A101-7218-06.0.0-000		$624.14
	Adm Life, ADD 7/08	A101-7246-02.0.0-000		$61.50
	PW Life, ADD 7/08	A101-7246-03.0.0-000		$51.25
	Planning Life, ADD 7/08	A101-7246-04.0.0-000		$10.25
	PD Life, ADD 7/08	A101-7246-06.0.0-000		$123.00
		Total–		$1,545.70
<New> - CFD Admin Fees 7-9/08/ NBS Govt. Finance Group / 1004				
	CFD 07-1 Admin Fees	A210-7419-00.0.0-000		$917.75
	CFD 06-1 Admin Fees	A211-7420-00.0.0-000		$917.75
	CFD90-1 Admin Fees 7-9/08	A420-7419-00.0.0-000		$2,552.58
	CFD 90-2 Admin Fees	A421-7419-00.0.0-000		$1,094.28
		Total–		$5,482 36
<New> - Grove Concert 7/12/08/ Tess Reyes / 1004				
	Grove Concert 7/12/08	A301-7520-00.0.0-003		$650.00
		Total–		$650.00
<New> - EH Vly Yellow Pg Ad 7/08-3/09/ Valley Yellow Pages / 1004				
	EH Vly Yellow Pg Ad	A301-7361-00.0.0-000		$1,336.50
		Total–		$1,336 50

total $52,046.79

Agenda Date: 7-1-08
Agenda Item: 3C

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: JULY 1, 2008

SUBJECT: CONSIDERATION OF A RESOLUTION AWARDING A CONTRACT TO RGW CONSTRUCTION, INC., IN THE AMOUNT OF $1,125,848.20 FOR THE CONSTRUCTION OF THE 2008 PAVEMENT REHABILITATION PROJECT, CIP PROJECT NO. 10406.

RECOMMENDATION

Adopt a Resolution awarding contract to RGW Construction, Inc. ("RGW") including authorization for performance of night work by the contractor for project cost savings and trail restoration work using Landscape Maintenance District funds.

BACKGROUND

On June 23rd, we opened bids for the above project. The bid amounts were based upon the desired construction plus an alternative bid item for performing the work at night. We received a total of eight bids with the following range:

#	Bidder	Base Bid	Night Work	Total
1	RGW Construction, Inc.	$1,147,383.20	($21,535.00)	$1,125,848.20
2	Ghilotti Bros. Inc.	$1,201,382.50	$10,000.00	$1,211,382.50
3	Granite Construction Co.	$1,206,333.50	$10,416.90	$1,216,750.40
8	North Bay Construction	$1,375,846.50	$19,349.00	$1,395,195.50

The scope of work is comprised of base failure repairs and the overlay of most of Clayton Road and Marsh Creek Road, as well as a portion of Oakhurst Drive.

The approved project budget allocated $1,087,000 for construction, approximately $40,000 less than the contract amount (assuming the City Council agrees to allow night work). The bid included an allowance of approximately $76,000 for base failure repairs. We believe that most, if not all, of the funding shortfall can be covered by reducing the quantity of repairs. In addition, we included an alternative bid item for a 1-1/2 inch overlay instead of the 2 inch overlay resulting in a unit price savings of $0.09 per square foot. Since Oakhurst Drive does not experience as much truck traffic as the other streets, Staff is confident that a 1-1/2 inch overlay will be adequate, resulting in a savings of almost $8,000.

Effect of Oil Prices

Since the lowest bid did come in higher than we expected, we questioned the contractor and some suppliers about the unit prices. Asphalt concrete is primarily a mixture of liquid asphalt, sand and gravel. The price of liquid asphalt has almost doubled since the beginning of the year ($350 per barrel to $650 per barrel). Over the past 30 to 60 days, the cost of the asphalt concrete material at the plant has risen from $52.00 per ton to $62 per ton. In the near term, staff does not foresee a reduction in this pricing.

We anticipate using almost 10,000 tons of asphalt concrete on this project. Therefore, the price of materials alone has increased the cost of the work by $100,000. Of course, this does not include other oil price -sensitive items such as trucking and prime coat.

Trail Restoration Work

The City has been setting aside restricted-use funds from the Landscape Maintenance District for trail rehabilitation work. At the request of the Maintenance Department, we included a bid item for the removal of the existing asphalt surfacing and the repaving of the trail along Mt. Diablo Creek from Marsh Creek Road, near Samuel Court, to Marsh Creek Road near Marsh Creek Circle.

We received a unit price bid of $3.40 for a total cost of $27,200.00, based upon 8,000 square feet of removal and replacement. Maintenance staff finds the price very acceptable and has requested the Council's approval to include this work in RGW's contract.

FISCAL IMPACT

By reducing the scope of work and allowing the work to be performed at night, the proposed work will not exceed the funding previously allocated by the City Council in its approval of the Capital Improvement Program and there will be no negative impact on the City's revenues or General Fund.

CONCLUSION

Based upon the above, Staff recommends that the City Council authorize the night work and the addition of the trail resurfacing and approve the attached Resolution awarding a contract in the amount of $1,125,848.20 for the 2008 Pavement Rehabilitation Project to RGW Construction, Inc.

Attachments: Council Resolution
Contract

RESOLUTION NO.

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF $1,125,848.20 WITH RGW CONSTRUCTION, INC. FOR THE 2008 PAVEMENT REHABILITATION PROJECT COVERING PORTIONS OF MAJOR ARTERIAL STREETS WITHIN THE CITY OF CLAYTON CIP PROJECT NO. 10406

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City Council approved a Capital Improvement Program for FY 2007/08 to 2011/12 which included a 2008 Pavement Rehabilitation Project (No. 10406); and

WHEREAS, the City Engineer prepared plans and specifications and advertised an invitation for bids as required by the Public Contract Code; and

WHEREAS, sealed bids were publicly opened on June 23, 2008; and

WHEREAS, RGW Construction, Inc. submitted a low bid of $1,125,848.20; and

WHEREAS, RGW Construction, Inc.'s bid included a credit of $21,535.00 if working at night is allowed and also included a bid of $27,200.00 for the restoration of the trail along Mt. Diablo Creek south of Marsh Creek Road;

WHEREAS, the City Engineer has reviewed RGW Construction, Inc.'s bid, found it to be responsive in all respects, and has recommended awarding the contract to RGW Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby name RGW Construction, Inc., as responsible low bidder, approves both the performing of the construction at night and the inclusion of the Mt. Diablo Creek trail restoration work, and authorizes the Mayor to execute the contract for the 2008 Pavement Rehabilitation Project on behalf of the City.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 1st day of July 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

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 July 1, 2008.

____
Laci J. Jackson, City Clerk

CITY OF CLAYTON
CALIFORNIA

CITY CONTRACT NO. E08-01

2008 PAVEMENT REHABILITATION

THIS CONTRACT, made and entered, into this ____day of ___________, 2008, between the CITY OF CLAYTON (hereinafter called "City"), and RGW CONSTRUCTION, INC._(hereinafter called "Contractor").

WITNESSETH

WHEREAS, the City has awarded a contract to Contractor for performing the work hereinafter mentioned in accordance with the Contractor's sealed proposal therefore;

NOW, THEREFORE, IT IS AGREED, as follows:

1. **Scope of Work:** The Contractor shall perform all the work, and furnish all the labor, materials, equipment, and all the utility and transportation services required to complete all of the public improvements portion of the improvements more particularly described in those certain specification and proposal forms, "2008 PAVEMENT REHABILITATION", dated May 30, 2008.

2. **Time of Performance and Liquidated Damages:** The Contractor shall begin work as stated in Section G-3 of these specifications and shall diligently prosecute the same to completion before the expiration of the working days as stated in the specifications.

The City has determined, that in the event the Contractor does not complete the work within the time limit so specified or within such further time as said City shall have authorized, the Contractor shall pay to the City liquidated damages in the amount of FIVE HUNDRED DOLLARS ($500.00) per day for each and every calendar day's delay in finishing the work beyond the completion and liquidated damages are set forth in the specification and contract documents, which provisions are hereby referred to and incorporated herein by this reference.

3. **Payments:** Payments under this Contract shall be for those public improvements set forth in the project plans, these special provisions and all the Standard Specifications and Standard Plans. Based upon the unit prices set forth in the Contractor's proposal, the estimated price of this Contract is $1,125,848.20. Payments will be made by the City to the Contractor for the work performed, including all labor, material, equipment, and utility and transportation services, to complete said public improvements, at the times and in a manner provided in the specifications, and at the unit prices stated in Contractor's proposal. For all moneys earned by the Contractor may, at his request and expense, substitute equivalent to the amount withheld in the form and manner and subject to the conditions provided in Section 22300 of the Public Contract Code.

4. **Component Parts:** This Contract shall consist of the following documents, each of which is on file in the office of the City Clerk and all of which are incorporated herein and made a part hereof by this reference thereto:

a. This Contract
b. Notice Inviting Sealed Proposals
c. Contractor's Proposal
d. Faithful Performance Bond
e. Labor and Material (Payment) Bond
f. General Conditions
g. Special Provisions
h. Standard Specifications
i. Standard Plans
j. Plans and Detailed Drawings

5. **Wage Scale:** The City has obtained from the Director of Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holidays and overtime work for each craft, classification or type of workman required to execute this Contract. A copy of said prevailing rate of per diem wages is on file in the office of the City Engineer, to which reference is hereby made for further particulars. The prevailing rate of per diem wages will be made available to any interested party upon request, and a copy thereof shall be posted by the Contractor at the job site. The Contractor shall comply with the provisions of Article 2, Chapter 1, Part 7, Division 2 (commencing with Section 1770) of the California Labor Code, and particularly Sections 1775 and 1776 thereof.

6. **Hour of Labor:** The Contractor shall forfeit, as penalty to the City, Fifty dollars ($50.00) for each worker employed in the execution of the Contract by him or by any subcontractor, for each calendar day during which any worker is required or permitted to labor more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week, if the Contractor is in violation of the provisions of Article 3, Chapter 1, Part 7, Division 2 (commencing with Section 1810) of Labor Code.

7. **Apprentices:** The Contractor shall be responsible for compliance with provisions of Labor Code Section 1777.5 for all apprenticeable occupations. In accordance with the provisions of said Section 1777.5, and in accordance with the rules and procedures of the California Apprenticeship Council, properly indentured apprentices shall be employed in the prosecution of the work. The ratio of apprentices to journeymen who shall be employed in the respective crafts or trades may be the ratio stipulated in the contract under which the apprenticeship committee operates, but in no event shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided pursuant to said Section 1777.5. Willful failure by the Contractor to comply with said Section 1777.5 shall result in his being denied the right to bid on a public works contract for a period of one year from the date the determination of noncompliance is made by the Administrator of Apprenticeship and the imposition of civil penalties, as more particularly set forth in Section 1777.7 of said Labor Code.

Information relative to the number of apprentice standards, wage schedules, and other requirements shall be obtained from the Director of the Department of Industrial Relations, ex officio the Administrator of Apprenticeship, San Francisco, California, or from the division of Apprenticeship Standards and its branch offices.

8. **Labor Discrimination:** Attention is directed to Section 1735 of said Labor Code, which reads as follows:

"No discrimination shall be made in the employment of persons upon public works because of the race, religious creed, color, national origin or ancestry, physical handicap, medical condition, marital status or sex of each persons, except as provided in Section 12940 of the Government Code, and section is subject to all the penalties imposed for a violation of this chapter."

9. **Worker's Compensation Insurance:** In accordance with the provisions of Article 5, Chapter 1, Part 7, Division 2 (commencing with Section 1860) and Chapter 4, Part 1, Division 4 (commencing with Section 3700 of said Labor Code), the Contractor is required to secure the payment of compensation to his employees and shall for that purpose obtain and keep in effect adequate Worker's Compensation Insurance.

By execution hereof, the undersigned Contractor certifies that he is aware of the provisions of Section 3700 of the California labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and performance of the work of this contract.

10. **Ineligible Contractors:** Contractor is expressly prohibited from employing any "ineligible subcontractors" (as defined in Labor Code Section 1777.1) on the project described herein.

11. **Attorneys' Fees**: In the event that the City is required to bring legal action against Contractor related to this agreement, the City, if determined to be the prevailing party, shall be entitled to recover its attorney's fees from Contractor.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their respective officers, thereunto duly authorized, all as of the day and year first above written.

CITY OF CLAYTON

By: ______________________________

Mayor

Attest: ______________________________

City Clerk

Approved as to Form & Procedure

____

City Attorney

RGW CONSTRUCTION, INC.

By:______________________________

Title:

By:______________________________

Title:

550 Greenville Road

Street Address

Livermore, CA 94550-9235

City

Mailing Address (if different)

P.O. Box 2910

P.O. Box

Livermore, CA 94551-2910

City

Mark Smith

Contact Person

925/606-2400

Telephone Number

____

Federal Tax I.D. Number

EXHIBIT A

CONTRACTOR BID PRICES

Item #	Description	Quantity	Unit	Unit Price ($)	Total ($)
1	Street Base Repair	17,800	SF	4.30	76,540.00
2	2" Thick Pavement Overlay	801,300	SF	1.24	993,612.00
3	Type IV Arrow	50	EA	86.32	4,316.00
4	Type VI Arrow	2	EA	180.00	360.00
5	Blue Reflective Marker	11	EA	22.00	242.00
6	Lane Line (Detail 10)	25,550	LF	0.45	11,497.50
7	Centerline (Detail 23)	165	LF	1.30	214.50
8	Channelized Line (Detail 38C)	3,150	LF	1.30	4,095.00
9	Bike Lane (Detail 39)	20,585	LF	0.72	14,821.20
10	Bike Lane (Detail 39A)	850	LF	0.65	552.50
11	Lane Line Extension (Detail 40A)	260	LF	2.90	754.00
12	12" White Line (Thermoplastic)	3,100	LF	3.60	11,160.00
13	"SIGNAL AHEAD" Marking	16	EA	323.00	5,168.00
14	"BIKE LANE" Marking	29	EA	93.50	2,711.50
15	"STOP" Marking	2	EA	129.50	259.00
16	Replace Traffic Signal Detector Loop	5	EA	500.00	2,500.00
17	Adjust Water Valve Can	13	EA	330.00	4,290.00
18	Adjust Monument Can	10	EA	330.00	3,300.00
19	Adjust Manhole Cover	22	EA	445.00	9,790.00
20	Adjust Misc. Utility Cover	3	EA	400.00	1,200.00
21	Alt. Bid Item 1 – Night Work	1	LS	(21,535.00)	(21,535.00)
		TOTAL BASE BID			1,125,848.20

LEGAL RELATIONS AND RESPONSIBILITIES

Nothing in the provisions of this agreement is intended to create duties or obligations to or rights in third parties not parties to this contract or affect the legal liability of either party to the contract by imposing any standard of care different from the standard of care imposed by law.

It is understood and agreed that neither the City of Clayton ("City") nor any officer or employee is responsible for any damage or liability occurring by reason of anything done or omitted to be done by RGW Construction, Inc. (Contractor") under or in connection with any work, authority or jurisdiction delegated to the Contractor under this agreement. It is understood and agreed that pursuant to Government Code Section 895.4 Contractor shall defend, indemnify and save harmless the City, its officers and employees from all claims, suits or actions of every name, kind and description brought for or in account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by the Contractor under or in connection with any work, authority or jurisdiction delegated to the Contractor under this agreement.

The Contractor waives any and all rights to any type of express and implied indemnity against the City, its officers and employees arising from any work, authority or jurisdiction delegated to the Contractor under this agreement.

Executed on ____________________________, 2008

____

RGW CONSTRUCTION, INC.

By ____

____

TITLE

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

Agenda Date: 7-1-08

Agenda Item: 3d

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: July 1, 2008

SUBJECT: Adoption of Resolution revising the fee for monthly public street sweeping contract service billed and collected through Allied Waste Services.

REQUEST

Adopt the attached Resolution setting forth a twenty cent per month increase in the street sweeping fee for residential units and equivalent increase for commercial businesses.

BACKGROUND

State Water Resources Control Board requirements as stipulated in the City's NPDES permit require all public streets to be swept at least monthly to minimize contaminants from autos such as heavy metals (nickel, lead, copper) and asbestos, (found in brake linings), and silts. The City contracts with Clean Street of California for sweeping, and Allied Waste Services provides the billing services for the cost on the bi-monthly billing statements. The programs last increase of ten cents per month was five years ago in 2003. (The program started in 2000 and the only increase since was the increase in 2003). Since 2003 the costs for sweeping services have increased and the revenues collected are no longer covering the costs. Since the last increase (2003) fuel costs have risen from $2.50 gallon (diesel) to over $5.00 gallon. In addition the company has seen increased workers compensation costs and disposal dumping fees. The program current annual costs are $37,150 annually. In 2005 the costs were $31,557. In order to ensure that the costs of the unfunded state mandated program are covered, an increase of twenty cents per month is needed for residential billings and the residential unit equivalent to commercial customers. Allied provides all billing and revenue collection as part of the bi-monthly garbage and recycling bill.

City staff has been pleased with the contractor service who has kept cost increases to a minimum since the program inception. Estimates from other sweeping companies that staff has contacted are $40,000 or more annually at this time for our community.

RECOMMENDATION

Adopt the attached Resolution authorizing a twenty cent per month increase in the Allied Waste Services billing for street sweeping for residential units and equivalent increase for commercial businesses.

RESOLUTION NO. __-2008

A RESOLUTION AUTHORIZING A TWENTY CENT PER MONTH INCREASE IN ALLIED WASTE SERVICES BILLING FOR RESIDENTIAL UNITS AND EQUIVILANT INCREASE FOR COMMERCIAL BUSINESSES FOR STREET SWEEPING SERVICE AS MANDATED BY THE STATE IN THE CITY OF CLAYTON'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

THE CITY COUNCIL
City of Clayton, California

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

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

WHEREAS, the permit requires the City to conduct monthly street sweeping of all public streets as prescribed in the NPDES permit; and

WHEREAS, the program cost currently exceed current revenues collected by Allied Waste Services for funding of the program; and

WHEREAS, the last increase was in 2003, since then the contractor (Clean Street of California) has had increased costs related to fuel, workers compensation and disposal, and the unfunded state mandate program cost currently exceed the revenues collected by Allied Waste Services; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby authorize a twenty cent per month increase in the Allied Waste Services billing for street sweeping for residential units and equivalent increase for commercial businesses.

Adopted by the City Council of the City of Clayton, California at a regular meeting of thereof held on July , 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

____

, Mayor

ATTEST:

____

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 July 1, 2008.

____

Laci J. Jackson, City Clerk

reso st sweep rate

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 7-1-08

Agenda Item: 3e

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 01 JULY 2008

SUBJECT: APPROVAL OF 1-YEAR MEMORANDUM OF UNDERSTANDING (MOU) CLAYTON POLICE OFFICERS ASSOCIATION (CPOA)

RECOMMENDATION

It is recommended the City Council adopt the prepared Resolution authorizing and approving a 1-year Memorandum of Understanding with the Clayton Police Officers Association (CPOA) concerning certain terms and conditions of employment and compensation with the City of Clayton.

BACKGROUND

In December 2005 the City of Clayton entered into a 3-year agreement (MOU) with the Clayton Police Officers Association (CPOA), retroactive to July 2005. This action was pursuant to California state laws that require a public employer and each of its organized collective bargaining units to meet and confer over terms and conditions of employment and compensation (ref. *Government Code Section 3500*, et. seq.). That 3-year MOU expires in July 2008, and City representatives and CPOA representatives have met and conferred on several occasions in the prior months to craft a new agreement. Once again, perennial fiscal constraints of the City guided much of the boundaries for negotiations, and these future uncertainties prompted both parties to focus on a 1-year contract to bridge the tentative financial situation.

For relativity, the San Francisco – Bay Area Consumer Price Index (CPI) rose by 2.9% during the latest full 12-month period of April 2007 to April 2008. Of additional concerns to both the City and the CPOA are the rampant increases in energy costs and medical insurance.

SUMMATION OF NEW MOU

The City and the CPOA have agreed upon the extension of most of the existing terms and conditions of employment plus adjustments to certain salary ranges and compensation for our law enforcement officers over the next year of operation. Once formally approved by the City Council, the term of this 1-year MOU starts 01 July 2008 and remains in place through June 2009. Overall, the 1-year agreement represents a total compensation (i.e. salary and benefits) cost of 2.93% to the City for Fiscal Year 2008-2009, which equates to an economic package to the employer of $37,807. Adjustments were made in three economic areas: salary (1.65% in July 2008 and 1.5% in January 2009), uniform allowance (to $900 per year) and City contribution toward employee health insurance premiums (employer pays up to a 7% increase in premium in the fiscal year).

Please note these calculations represent the cost to the employer (City), not the actual dollar received by the employee.

It is hoped these financial efforts will assist the officers and the City in continuous attempt to remain competitive and attractive in the employment market for sworn law enforcement personnel in a small public safety agency. It is always challenging to retain sworn personnel who are often tempted to jump to nearby higher-paying police agencies that will always out-stride Clayton's financial capacity to compensate. The adopted City Budget allocates approximately 49 cents of every General Fund tax dollar toward local law enforcement operations.

FISCAL IMPACT

As noted, the annual cost of this package is $37,807 to the City. The General Fund of the City is the source of funding for our local police department with the exception of a $100,000 COPS (state) grant. The adopted City Budget for FY 2008-2009 will cover the increased expense.

Respectfully submitted,

Gary A. Napper
City Manager

Attachments: 1. Resolution approving a 1-Year MOU [2 pp.]
2. MOU with CPOA [21 pp.]

RESOLUTION NO. - 2008

A RESOLUTION APPROVING A ONE (1)-YEAR MEMORANDUM OF UNDERSTANDING WITH THE CLAYTON POLICE OFFICERS ASSOCIATION EFFECTIVE THE FISCAL YEAR 2008-2009

THE CITY COUNCIL
City of Clayton, California

WHEREAS, authorized representatives of the City of Clayton and the Clayton Police Officers Association (CPOA) have met and conferred in good faith regarding certain matters including, but not limited to, wages, hours, and terms and conditions of employment with the City, pursuant to *California Government Code Section 3500*, et. seq.; and

WHEREAS, the parties to the aforementioned negotiations have set forth a one (1) year Memorandum of Understanding (MOU) that encompasses the full and complete agreements reached between the parties as a result of such good faith negotiations; and

WHEREAS, the proposed modifications to the MOU contained and described in its entirety in Attachment "A", incorporated herein by reference to this Resolution, have been presented to the members of the Clayton Police Officers Association and they have represented to the City of their ratification and approval, witnessed by the signatures of the authorized representatives of the CPOA; and

WHEREAS, the City Manager, as the City's designated labor negotiator, does herein recommend approval of the proposed modifications to the MOU, as outlined in its entirety in Attachment "A".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept and approve the attached Memorandum of Understanding (Attachment "A") between the City and the Clayton Police Officers Association during the term thereof effective the Fiscal Year 2008-2009 commencing on 01 July 2008, and does hereby authorize and instruct the City Manager to implement the agreed-upon terms and conditions accordingly.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 1st day of July 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Gregory J. Manning, Mayor

ATTEST:

Laci J. Jackson, City Clerk

"EXHIBIT A"

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLAYTON AND THE CLAYTON POLICE OFFICERS ASSOCIATION

ARTICLE 1: PREAMBLE

This Memorandum of Understanding, pursuant to the State of California Government Code Section 3500 et seq., entered into by the City of Clayton, hereinafter referred to as "City", and the Clayton Police Officers Association, hereinafter referred to as "CPOA", the recognized employee organization for sworn police personnel, excepting the Chief of Police, is hereby effective 01 July 2008 through 30 June 2009.

It is the intent and purpose of the Memorandum of Understanding, hereinafter referred to as "MOU", to set forth the understanding of the parties reached as a result of meeting and conferring in good faith regarding, but not limited to, matters relating to wages, hours, and terms and conditions of employees represented by the CPOA.

ARTICLE 2: SAVINGS CLAUSE

If any section, subsection, subdivision, sentence, clause or phrase of this MOU is, for any reason, held to be illegal or unconstitutional, such holding shall not affect the validity of the remaining portions of this MOU.

ARTICLE 3: MANAGEMENT RIGHTS

Section 3.1
Except as otherwise specifically provided and subject to applicable laws, the City has and retains sole and exclusive rights and functions of management, including, but not limited to, the following:

A. To determine the nature, standards, and extent of services to be performed, as well as the right to determine and implement its public function and responsibility.

B. To manage all facilities and operations of the City, including the methods, means, and numbers and kinds of personnel by which the City operations are to be conducted.

C. To direct the working forces, including the right to hire, assign, promote, demote, or transfer any employee.

D. To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments upon reasonable notice.

E. To discharge, suspend, demote, reprimand, withhold merit increases or otherwise discipline employees in accordance with applicable law.

F. To determine policies, procedures, and standards affecting the selection, training, and promotion of employees.

G. To establish, assess, and implement employee performance standards, including, but not limited to, quality and quantity standards, the assessment of employee performances, and the procedures for said assessment.

Section 3.2
CPOA recognizes the City has and will continue to retain the unilateral and exclusive right to operate, administer, and manage its municipal services and work force, performing those services in all respects subject to this MOU.

ARTICLE 4: ASSOCIATION AND EMPLOYEE RIGHTS

Section 4.1
The City recognizes the employees' rights to self-organization and to be represented by employee organizations of their own choosing as set forth in Chapter 10, Division 4 of the Government Code of the State of California.

Section 4.2
CPOA is entitled to use non-public area bulletin boards on City property for the purpose of posting notices of meetings and other official CPOA business with the understanding that material derogatory to or of the City will not be posted.

Section 4.3
CPOA representatives will be permitted access to work locations to confer with City employee members on matters of employer – employee relationship but not such internal employee organization business as soliciting membership, campaigning for office, and the organization meetings and elections. Such representatives shall not interfere with the efficiency, safety and security of City operations or in any way interfere with work in progress.

Section 4.4
City will provide to CPOA certain meeting space outside normal working hours, provided such space is available. Requests for use of facilities shall be made in advance and approved by the City.

Section 4.5 Personnel Files.
The City's secured personnel files, maintained in the City offices, are not subject to public inspection. Any employee has the right to inspect their own personnel file. An employee has the right, in accordance with law, to respond in writing to anything contained or placed in their own personnel file and any such response(s) shall become part of their personnel file.

ARTICLE 5: UNIT DESCRIPTION

Section 5.1
The following job classifications are represented by the CPOA and are members of this unit:

Job Classifications – Sworn Personnel
Police Sergeant
Police Officer

ARTICLE 6: DUES DEDUCTION

City shall provide payroll deductions of membership dues and legal assistance plan sponsored by CPOA/PORAC, upon the written authorization of employees described in Article 5 above and on forms provided by the City. The provision of such service to CPOA by the City shall be contingent upon and in accordance with the provisions of City ordinances, resolutions, memoranda of understanding, and applicable administrative procedures.

ARTICLE 7: COMPENSATION

Section 7.1 Wages.

A. Effective 01 July 2008, the monthly base salary ranges for the following classifications shall be:

Classification	A	B	C	D	E
Police Sergeant	5340	5607	5888	6182	6491
Police Officer	4544	4772	5010	5261	5524

B. Effective 01 January 2009, the monthly base salary ranges for the following classifications shall be:

Classification	A	B	C	D	E
Police Sergeant	5420	5691	5976	6275	6588
Police Officer	4613	4843	5086	5340	5607

Section 7.2 Salary Advancement

Assigned salary ranges normally contain five (5) steps, A through E. Employees move through these salary steps subject to satisfactory performance. Step "A" is an at-will eighteen (18) month probationary position.

Regular employees shall be eligible for step salary advancement consideration as follows:

1. To the "B" rate of the salary step schedule after successful completion of eighteen (18) months at the "A" rate. The date of this increase shall become the employee's salary review date for purposes of eligibility for future merit step increases.
2. To the "C" rate of the salary step schedule after successful completion of one (1) year at the "B" rate.
3. To the "D" rate of the salary step schedule after successful completion of one (1) year at the "C" rate.
4. To the "E" rate of the salary step schedule after successful completion of one (1) year at the "D" rate.

When an employee (except laterals) is hired at a salary rate other than Step "A" of the salary step schedule assigned to the classification, the employee shall be eligible for a step increase eighteen (18) months from the date of employment, and this date shall become the employee's salary review date for purposes of eligibility for future merit increases. Thereafter, the above merit pay procedure shall be followed. Laterals will remain at a twelve (12) month probation period and be eligible to receive a salary step increase after twelve (12) months of full time services.

Salary advancements are granted for continued meritorious and efficient service, and after continued improvements in assigned tasks, in conjunction with performance appraisal procedures. Recommendations for salary advancement are initiated by immediate supervisors and are then forwarded to the Chief of Police for acceptance. These recommendations are then transmitted to the City Manager for approval.

Salary step advancements are not guaranteed. When an employee is denied a merit step increase, the employee shall be informed of such and the reasons therefore in writing. The employee shall be reconsidered for advancement within six (6) months, and if still denied at that time, may be reconsidered for advancement at any subsequent time recommended by the Chief of Police.

Employees who have received internal promotions, if assigned to a salary step in the new classification salary range offering a minimum five percent (5%) salary increase, shall be eligible for a step increase upon successful completion of twelve (12) months in the new position. If employees are placed on a higher salary step than this, based upon the recommendation of the Chief of Police and approval of the City Manager, they shall be eligible to advance to the next step of the new classification salary range one (1) year from the date of their promotion. This promotion date shall also become the employee's new salary review date for purposes of eligibility for future merit salary increases.

Section 7.3 Uniform Program

The Uniform Program is for sworn personnel only.

The purpose of this Uniform Program is to provide uniforms to those personnel who are required to perform duties that require identifying uniforms. All identifying patches, badges, etc., purchased by the City for an employee must be returned to the City when an employee terminates City employment. To make the program effective, all eligible employees shall be required, as a condition of their employment, to participate in accordance with this policy. All personnel required under the program to wear uniforms must comply with departmental rules and regulations.

A. Sworn Police Personnel
Sworn police personnel shall receive a uniform allowance of $900.00 per year payable at the first pay period of each fiscal year. New employees shall receive their uniform allowance upon appointment. Unless the new employee commences employment on the start of a fiscal year, this annual uniform allowance shall be pro-rated.

Section 7.4 Deferred Compensation Plan

At least one (1) deferred compensation plan shall be offered by the City and made available to all employees in this unit, which provides for tax-deferred savings and/or a retirement supplement. Employee deposits into such plan(s) shall be made by payroll deduction and at monetary levels of the employee's choice, subject to the maximum(s) allowed according to Internal Revenue Service (IRS) regulations and laws.

Section 7.5 Sick Leave Incentive

Sworn members of the CPOA will be awarded an additional four (4) hours of vacation time for every three (3) consecutive months during which sick leave was not used by the member after one's accrual of two hundred forty (240) hours of sick leave time.

Section 7.6 Educational Incentive Program

The City shall pay an educational incentive for job-related P.O.S.T. certificates obtained by the employee which exceed the normal established job requirements for the classification held by the affected sworn police employee. Eligible employees shall be compensated as follows:

P.O.S.T. Intermediate Certificate	$1,200/Year	or
P.O.S.T. Advanced Certificate	$2,160/Year	

The monetary equivalent of this education incentive pay is disbursed to an eligible employee in the form of one's hourly wage basis through the City's bi-weekly pay cycle, pursuant to the federal Fair Labor Standards Act (FLSA)

If an employee qualifies for an incentive in one classification but is assigned to another classification that *requires* the P.O.S.T. certificate presently earned, the employee is no longer eligible to receive the associated incentive pay.

Payment of the incentive shall be subject to the approval of the City Manager. The following criteria will be used to determine an employee's eligibility for and/or continued eligibility in the incentive program:

A. An employee must have successfully completed his/her probationary period of eighteen (18) months prior to becoming eligible for this educational incentive program.

B. It will be the responsibility of the immediate supervisor or the Chief of Police to notify the City Manager of an employee's eligibility in this incentive program, using the applicable City Personnel Action Form, and secure the City Manager's approval. Once approved, it will be the responsibility of the immediate supervisor or the Chief of Police to notify the City payroll department, using the applicable City Personnel Action Form with the required approval signatures, at the beginning of the pay period in which the incentive pay will be paid as to the affected employee.

This educational incentive pay is separate and distinct from the base salary compensation for each classification for purpose of calculating salary advancements.

Section 7.7 Special Duty Assignments

A. Field Training Officer (FTO)
City agrees to pay a five percent (5%) premium to employees within the CPOA who are assigned by the Chief of Police to the training of new, full-time, regular employees and Reserves, based on a training plan and schedule approved by the Chief of Police. FTO premium will be paid only for those hours for which the assigned trainer has been actually provided the field training.

It is the intent of this provision that assignments involving training shall not be assigned for less than one (1) work shift.

Section 7.8 Working In A Higher Classification

An employee covered by this MOU who is assigned to work in a position of a higher classification shall be paid an additional five (5) percent of his or her current salary for the time the employee works in the higher classification. Such assignments to a higher classification shall be approved by the Chief of Police and City Manager. This provision does not apply to employees performing higher duties as a result of a written training program.

Salary adjustments under this section shall not be retroactive.

Section 7.9 Shift Differential

Sworn officers regularly assigned to Graveyard Shift shall receive an additional four (4) percent compensation above base pay for hours worked on the Graveyard Shift. Regularly assigned to a Graveyard Shift shall mean a sworn officer who is assigned to work between the hours of 2100 to 0700 for at least four (4) days per week.

Sworn officers regularly assigned to Swing Shift shall receive an additional two and one-half (2.5) percent compensation above base pay for hours worked on a Swing Shift. Regularly assigned to a Swing Shift shall mean a sworn officer who is assigned to work between the hours of 1400 to 2400, or 1700 to 0300 for at least four (4) days per week.

Hours not worked on the officer's regularly assigned shift are compensable at base pay. This provision includes off hours such as paid and unpaid leave.

ARTICLE 8: MEDICAL, DENTAL, LIFE/ACCIDENTAL DEATH DISMEMBERMENT INSURANCE

Section 8.1 City Contribution To Premiums

The maximum monthly City premium contribution for combined medical, dental, and life/accidental death/dismemberment insurance coverage for sworn personnel shall be paid by the City during the term of this MOU in accord with the following employee subscription enrollment schedules. Every member of this unit is required to be enrolled in and pay for the City's life/accidental death/dismemberment insurance coverage.

A. Effective 01 July 2008, the City's following maximum monthly contribution will be:

No Enrollment (Provided proof of similar medical and dental coverage is available to the employee and placed via another qualified third party insurance policy)	$ 706.00 per month.
Employee Only	$ 706.00 per month.
Employee + 1 Enrolled Dependent	$1,159.00 per month.
Employee + 2 or more Enrolled Dependents	$1,517.00 per month.

B. Effective 01 January 2009, the City's following maximum monthly contribution will be:

No Enrollment (Provided proof of similar medical and dental coverage is available to the employee and placed via another qualified third party insurance policy)	$ 250.00 per month.
Employee Only	$ 706.00 per month.

For the following two subscription enrollments, on 01 January 2009 the City will pay 100% of the actual premium increase up to and including a 7% increase in the medical plan of the employee's selection, yet subject to the following maximum City contribution per month:

Employee + 1 Enrolled Dependent	$1,233.00 per month.
Employee + 2 or more Enrolled Dependents	$1,614.00 per month.

Section 8.2 Medical Insurance, Dental Insurance, Life/Accidental Death/Dismemberment Insurance

The City will contract to provide medical and dental insurance coverage for all full-time regular employees and their enrolled dependents, in addition to the mandatory enrollment in a $50,000 face amount life insurance policy and the $50,000 Accidental Death and Dismemberment Insurance coverage for each regular employee. Any premium in excess of the maximum amount contributed by the City as outlined in Section 8.1 above shall be the responsibility of the individual employee, to be paid through City payroll deductions.

Employees may elect to decline City-provided medical and/or dental coverage only in cases when the employee is covered under an alternate third party insurance plan. Proof of insurance is required. For employees authorized to decline City-provided medical and/or dental coverage, the City will contribute a monthly amount, up to the maximum monthly premium cap outlined in Section 8.1 above under "No Enrollment", to a City-approved deferred compensation plan or to the employee's Unused Medical Benefit account, at the employee's designated option. Those employees whose monthly expense for their enrolled subscription in City-secured medical and dental insurance is less than the maximum amounts listed in Section 8.1 may only elect to have said monthly difference placed in their City-approved deferred compensation plan or deposited into the employee's Unused Medical Benefit account, at the employee's designated option. Employees (2) who, as of July 2004, were cashing-out the excess premium or using it to make public safety equipment purchases may continue to select those options as long as their enrollment subscription remains the same as it was in July 2004.

Section 8.3 Short Term and Long Term Disability Insurance

The City shall provide and pay for short term (STD) and long term disability (LTD) insurance(s) in behalf of each employee of this unit for the purpose of providing contracted levels of continued compensation in the event of an off-duty illness or injury.

ARTICLE 9: RETIREMENT SYSTEM

The City is a member of the California Public Employee's Retirement System, hereinafter referred to as "CalPERS". All regular full and part time employees of this unit are required to be members of this retirement system. Under CalPERS, the City and employees in this unit are members of the "3% at 55" Safety Retirement System.

The City shall pay the entire required Employer CalPERS rate and share for this Safety Retirement System and any increases in rate thereof during the term of this MOU, as well as cover the cost of administration.

The City will also pay the current 9% Employee CalPERS rate and share for this Safety Retirement System during the term of this MOU.

The City agrees to contract for the CalPERS 1959 Survivor Benefit Program – Fourth Level, and provide the annual employer cost for this contracted retirement benefit. Employees of this unit shall be solely responsible for the employee monthly cost for this added contractual benefit, payable through mandatory City payroll deductions.

ARTICLE 10: HOLIDAYS AND LEAVES

Section 10.1 Holiday Leave

Employees of this unit shall receive the following eleven (11) days of paid holiday leave each calendar year:

New Year's Day	Martin Luther King, Jr. Day
Lincoln's Birthday	President's Day
Memorial Day	Independence Day
Labor Day	Veteran's Day
Thanksgiving Day	Friday after Thanksgiving Day
Christmas Day	

Section 10.2 Holiday Pay

Members of this unit whose work assignments preclude them from celebrating designated City holidays on the actual calendar day(s) shall be paid for the eleven (11) holidays per year as set forth in Section 10.1.

Payment of Holiday Pay provides when a pay period includes an actual calendar holiday, or holidays, designated as a City holiday(s), the employee is paid an additional eight (8) hours of pay per holiday, based on the rate of the employee's pay at the time of the holiday. If an employee is scheduled to work the designated holiday and actually works the full holiday shift, said employee receives an additional four (4) hours pay at their rate of compensation.

Section 10.3 Personal or "Floating" Leave

In addition to the holidays listed under Section 10.1, all members of this unit shall receive twenty-four (24) hours of Personal Leave for each fiscal year. Said leave hours shall be taken at the employee's discretion, with the consent of the supervisor. If Personal Leave hours are not taken or exhausted by the end of the fiscal year (June 30^{th}), the remaining hours are forfeited.

Section 10.4 Vacation Leave

Permanent, regular employees shall be entitled to annual vacation leave with pay as earned.

A. Vacation leave credit for a 40-hour work week employee shall be accrued on the following basis:

    1. 6.67 hours per month from the date of initial hire through month 24.
    2. 8.00 hours per month from month 25 through month 48.
    3. 10.00 hours per month from month 49 through month 96.
    4. 13.33 hours per month from month 97 through month 180.
    5. 16.67 hours per month from month 181 and beyond.

B. Vacation leave credit for regular full-time employees working less than a forty (40) hour week shall be credited as in paragraph "A" above on a pro-rata basis based on the number of hours worked per week.

C. Vacation leave must be used in increments of one-quarter (0.25) hour or more.

D. Vacation leave may be taken as earned but must be requested in writing as far in advance as possible. Vacation leave scheduling is subject to the approval of the Chief of Police, based on labor deployment requirements.

E. In the event one or more observed holidays fall within the vacation leave of an employee, such holiday shall not be charged as vacation leave, and the vacation leave may be extended accordingly.

F. Upon leaving City employment, the employee will be paid for all accrued, unused vacation leave.

Section 10.6 Sick Leave

Sick leave is earned at the rate of eight (8) hours for each month worked. Maximum accrual will be unlimited. Unused sick leave will not be paid upon separation from City employment.

Sick leave may generally be used for any illness, injury, medical or dental appointment/treatment, or disability (including pregnancy and childbirth) of the employee. Sick leave may also be used for illness or injury of the employee's immediate family; however, absences for family leave purposes in excess of one (1) week (or a cumulative two [2] weeks in any calendar year) must be approved by the City Manager. A physician's report may be required for extended periods of sick leave usage, or if in the determination of the City Manager, the employee exhibits greater than average, or unusual patterns or circumstances in the use of sick leave.

Up to three (3) days of sick leave may be used to attend funerals of close family members, with the approval of the City Manager.

Members of this unit are entitled to certain disability benefits as defined by state law, and may not therefore use sick leave for on-the-job injuries or illnesses. Further, any unused sick leave shall not extend the retirement date of an employee who has been granted a disability retirement, notwithstanding the provisions of CA Government Code Section 21025.2

Employees may use accrued sick leave for non work-related disabilities up to the effective or commencement date of short-term or long-term disability benefits.

Employees unable to return to work within six (6) months of the date of disability (non work-related) may be separated from City employment, unless an extension is approved by the City Manager, and except as otherwise restricted by state law.

Section 10.7 Potential Use of Accrued Sick Leave for Payment of Retired Employee Health Insurance Premiums

During the term of this MOU, the City and the CPOA agree to mutually consider and work together on prospective terms and conditions for a retired employee's use of accrued sick leave for payment of a retiree's health insurance coverage (until determined value is exhausted) for a member of this unit that has retired from the City's employment on or after 01 July 2008.

ARTICLE 11: HOURS OF WORK, WORK PERIODS AND PAY PERIODS

Section 11.1 Standard Work Assignment

The standard work assignment shall be eighty (80) hours in a two week pay period.

Section 11.2 Shifts

Regular shifts consist of 8, 10, or 12 hours of work per day, as assigned. Each time an assigned work shift schedule is established or altered for members of this unit, the Chief of Police is responsible to so inform the Payroll/Finance Department accordingly, pursuant to the federal Fair Labor Standards Act.

Section 11.3 Pay Periods

The pay period for all employees shall be bi-weekly. The pay period is from 12:00 a.m. Monday through 12:00 midnight Sunday. There are twenty-six (26) pay periods in a fiscal year from July 1st through June 30th. Time sheets are due to Payroll at the start of the day work shift the Monday following the close of the pay period on Sunday. City pay checks are available and distributed on the Wednesday following the close of a pay period.

Note: From time to time, Payroll deadlines for submittal of time sheets and actual pay day may be altered due to designated City holidays. Payroll will notify all employees in advance when these circumstances arise. The time sheet deadline may be adjusted as needed to meet City payroll deadlines. Employees required to estimate hours worked due to an early time sheet deadline shall do so based on an employee's normally-assigned work schedule.

ARTICLE 12: OVERTIME

Section 12.1 Regular Overtime

The City will compensate eligible regular employees for each one-quarter hour (0.25) of overtime worked at a rate of one and one-half times (1.5) the employee's base hourly rate including applicable FLSA-required compensation. Overtime is defined as hours worked in excess of eighty (80) hours per pay period, or hours worked in excess of a regularly scheduled shift. Employees working partial or reduced shifts will not be eligible for overtime until the hours worked exceed the regular shift hours noted in Section 11.2. Authorization of the employee's supervisor must be obtained prior to the working of overtime hours, except in emergency situations. Compensation for overtime shall be in the form of cash payment, or if requested by the employee and approved by the Chief of Police, in the form of compensatory time off (CTO) that shall also accrue at the rate of one and one-half (1.5) times the actual overtime hours worked.

For purposes of overtime and compensatory time calculations, all paid leave shall be considered as hours worked.

Section 12.2 Compensatory Time Off

A maximum of one hundred fifty (150) hours of compensatory time off (CTO) may be accrued by each employee, except when approved by the City Manager for a recognized or specific operational need or situation. Whenever possible and in the discretion of the immediate supervisor or Chief of Police, overtime shall be compensated with compensatory time off. Compensatory time off may be used by written request of the employee filed three (3) days in advance with the appropriate supervisor or the Chief of Police. Management will make every effort to comply with time off requests of the employee and shall not arbitrarily assign employees to compensatory time off. Upon leaving City employment, the employee will be paid for all accrued, unused compensatory time.

Section 12.3 Call-Out Pay

In the event an employee is called out for emergency duty, the employee will receive compensation at a rate of one and one-half (1.5) times the employee's regularly hourly rate. When an employee is called to duty more than forty-five (45) minutes prior to one's normal work shift, or is called back to duty after leaving work following a normal work shift, the employee will be compensated a minimum of three (3) hours of overtime pay.

Call-out time shall be defined as time worked by the employee, in excess of forty (40) hours per week, which time is not an extension of the normal work day or for which the employee has not been notified at least twenty-four (24) hours in advance. Call-out shall occur only when there has been a break in work service, i.e., the employee has left work for the day and is required to return to duty. In addition, weekend work for which the employee has been notified at least twenty-four (24) hours in advance shall not be considered call-out time. Attendance at regularly-scheduled meetings held after normal working hours that are recognized as part of the job duties of an individual employee shall not be recognized a call-out time.

Section 12.4 Court Time and Appearances

A. Sworn employees of this unit shall receive overtime pay for each hour they are required to, as a direct result of their City employment, and actually appear in court during their off-duty hours, yet said pay shall not be less than four (4) hours of overtime, except as provided below.

B. Sworn employees shall receive regular compensation (straight time) for appearing in court during their regular work hours when such appearance is a direct result of their City employment.

C. Sworn employees shall receive overtime pay only for each hour they actually appear in court, as a direct result of their City employment, while off-duty but within four (4) hours prior to the start of their work shift, yet shall not receive the guaranteed minimum of four (4) hours overtime as provided in "A" above.

D. Sworn employees required to appear in court commencing at a time less than one-half (½) hour following the end of his/her shift regardless of the length of the work shift, and said appearance is due to the employee's City employment, shall be paid overtime only for the time he/she actually appears in court, and shall not be paid the guaranteed four (4) hours minimum of overtime as provided in "A" above.

E. Sworn employees required to present criminal cases in person to the local district attorney's office during regularly-scheduled time off shall receive overtime pay as provided for in Section 12.4 above. The administrative sergeant responsible for assigning the filing of such criminal cases shall first endeavor to require such assignments to be conducted by sworn employees during one's work shift, and shall only make such assignments to off-duty personnel when no other reasonable alternative exists.

ARTICLE 13: RESIDENCY REQUIREMENT

Each member of this unit shall maintain their principal residence at all times within a fifty (50)-mile radius of the City of Clayton Police Department headquarters.

Upon recommendation from the Chief of Police, the City Manager may grant exception to this residency requirement when special circumstances or hardships warrant, and may condition such exception as the City Manager deems appropriate and consistent with the purpose of this requirement to insure rapid public safety response time to emergency and disaster situations within the city.

ARTICLE 14: CLASSIFICATION AND COMPENSATION PLANS

Each position with the City shall be allocated to its appropriate classification on the basis of assigned job duties and responsibilities such that the same qualifications may be reasonably required for and the same schedule of pay may be equitably applied to all positions in the same classification. Positions may, from time to time, be reclassified on the basis of changes in or re-evaluation of the duties and responsibilities of the positions.

ARTICLE 15: LAYOFF PROCEDURE

Section 15.1 Purpose

The purpose of this section is to provide a fair and equitable basis for the reduction of personnel when this action becomes necessary in a department comprised of members of this unit or in the total work force of the City. In such circumstances, the City will make every effort to assist those employees who may be subject to layoff due to lack of work or a similarly compelling reason. Assistance will be made available through utilizing existing vacancies elsewhere in the department or work force, if any, to the fullest extent possible to relocate affected employees. In addition, contact will be made with other employees to refer those employees who are unable to be placed in other City vacancies.

Section 15.2 Causes

The Chief of Police may layoff an employee in the classified service because of shortage of work or budgeted funds. In addition, for the interest of economy or because the necessity for the position or employment involved no longer exists, the City Manager may request, and the City Council may concur, to abolish any position or employment in the classified service and discharge, transfer or demote the employee or officer holding such position or employment.

Section 15.3 Procedure

A. When a reduction in personnel is anticipated, the Personnel Officer or his/her designee shall notify the CPOA in writing forty-five (45) calendar days before the effective date of the layoff with the reasons thereof.

B. The Personnel Officer, or his/her designee, shall determine what openings exist in the same classification in other departments so the affected employee(s) may be considered for transfer or relocation. The employee(s) may be considered for transfer or relocation into a lower classification, where practicable, prior to affecting layoff.

C. If transfer or demotion is not practicable, the affected employee, upon layoff, shall be placed on the appropriate re-employment list as provided for by this Section.

D. Provisional employees of the affected classification(s) shall be laid off prior to the layoff of a probationary or permanent employee.

E. Probationary employees in the affected classification(s) shall be laid off prior to the layoff of a permanent employee.

F. Permanent employees shall be designated for layoff based on an evaluation of all employees in the same classification. Such evaluation will include work assignment, certification, education and seniority.

G. The names of probationary and permanent employees who have been laid off shall be placed upon re-employment lists for classification(s) which, in the opinion of the Personnel Officer, require basically the same qualifications, duties and responsibilities of the classification(s) from which the layoff was made. Re-employment lists will be maintained and valid for a period of one (1) year following the effective date of that layoff.

H. In filling vacancies, eligible individuals on the re-employment lists take precedence over eligible individuals on any other list for the same classification.

ARTICLE 16: DISCIPLINARY PROCESS

After the process has progressed from the investigation, recommendation for discipline, the Skelly hearing, and the City Manager's decision to impose the discipline, the next step to the appeal process is non-binding arbitration.

Any side can appeal the arbiter's ruling, but only as to the issues raised in the arbitration.

Final appeal will be to the City Council.

ARTICLE 17: GRIEVANCE PROCEDURE

Section 17.1 Definition

A grievance is any dispute between the City and employee or employees or recognized employee organization with respect to the meaning, interpretation, application or enforcement of the Personnel System Rules and Regulations or the Memorandum of Understanding (MOU).

Section 17.2

It is the intent of the City to anticipate and diminish causes of grievances and to settle any which arise informally at the lowest practicable level of supervision, and as fairly and promptly as possible. To accomplish this, there are time limits between the initiation of a grievance and its occurrence, between steps of the grievance procedure, and the time in which each answer must be given. Any grievance, whether initiated by the employee or the City, is subject to the time limits set herein. Failure to pursue or conduct a grievance within these time limits shall constitute said grievance to have been settled on the basis of the last timely demand or answer. The time limit set forth can only be extended by written agreement of both parties.

At each step of the grievance procedure, the City shall make available any record relied upon to sustain the action which gave rise to the grievance and any other information necessary and pertinent to the processing of the grievance.

Exception: Any materials which in the City Manager's discretion must, in the public or City's interest, remain confidential or which is intimate and private to the grieving employee.

Section 17.3

Any employee in the merit system shall have the right to use the grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee, supervisor, department head, or representative of recognized employee organizations.

Employee shall have the right to present grievances individually or through his/her recognized employee organization. Employee shall have the right to withdraw the grievance at any step in the procedure. Employee shall have the right to designate a representative of a recognized employee organization at the second step, or any succeeding step, of this grievance procedure. If the employee is represented by a representative of a recognized employee organization, the employee filing the grievance shall also be present during the discussion at all steps of the grievance procedure.

Section 17.4

Grievances will be processed in the following manner and within the stated time limits:

A. Step No. 1

When an employee has a grievance, he/she shall, within ten (10) working days following the occurrence of the event or the discovery of the event on which the grievance is based, prepare in writing a complete description of the grievance and submit the grievance to his/her immediate supervisor. The employee and supervisor shall discuss the matter in private. Should the substance of the grievance by the employee be connected with actions of the immediate supervisor and/or Chief of Police, said grievance shall be filed with the Personnel Officer.

The supervisor, Chief of Police, and/or Personnel Officer shall make a thorough investigation of the reported grievance and render his/her/their decision within three (3) working days. The decision shall be made in writing to the aggrieved employee.

Most grievances should be solved at the employee – supervisor level.

B. Step No. 2

If the employee is not satisfied with the decision of his/her supervisor, Chief of Police, and/or Personnel Officer in Step No. 1 above, he/she has the right to appeal the decision to the next higher level of supervision. The aggrieved employee, either individually or by instructing the chosen representative of the recognized employee organization, must prepare a written appeal or must file said appeal within ten (10) working days after the applicable decision is rendered to the next level of supervision.

At this Step of the grievance procedure, the supervisor or employee, individually or through his/her designated recognized employee organization representative, shall have the opportunity to provide evidence from witnesses. In this Step, the management person receiving the appeal shall make a thorough investigation of the reported grievance and shall render his/her decision in writing within five (5) working days of concluding the investigation, but not longer than fifteen (15) working days from the receipt of the appeal.

C. Step No. 3

If the aggrieved employee is not satisfied with the decision made on his/her appeal at the level of management specified in Step No. 2, he/she has the right of appeal to the City Manager. The aggrieved employee, either individually or by instructing his/her chosen representative from a recognized employee organization, shall submit in writing an appeal to the City Manager within ten (10) working days of the date of the decision rendered by the management person in Step No. 2.

The written appeal shall include a detailed statement of the grievance. The City Manager shall arrange a prompt hearing of the grievance. Following the close of the hearing before the City Manager, the City Manager shall make a thorough investigation of the reported grievance and render his decision in writing to the aggrieved employee within five (5) working days after the close of the hearing. The City Council is given a copy of the City Manager's decision, and the City may initiate its own grievances at this step of the grievance procedure.

D. Step No. 4

If the aggrieved employee, or City, is not satisfied with the decision of the City Manager in Step No. 3, and wish to appeal the decision, the aggrieved employee, either individually or by instructing his/her designated representative of a recognized employee organization, can appeal the decision in writing to the Personnel Board (City Council) within ten (10) days of the City Manager's decision.

Decisions of the Personnel Board (City Council) pursuant to this grievance procedure will be final and binding.

ARTICLE 18: JOINT LABOR/MANAGEMENT SAFETY COMMITTEE

Section 18.1

The City shall attempt to provide a safe and healthy work place for all City employees. The CPOA supports the creation of a safe working environment.

Section 18.2

The City will establish and maintain an Employee Safety Committee. Not less than two (2) members of the committee shall be appointed from the Clayton Police Department, one (1) of which shall be named by the CPOA.

Section 18.3

Employees required to attend mandatory safety meetings will be compensated according to the provisions of this MOU.

ARTICLE 19: SCOPE OF AGREEMENT

Except as otherwise specifically provided herein, this MOU fully and completely incorporates the understanding of the parties hereto and constitutes the sole and entire agreement between the parties on any and all matters subject to meeting and conferring laws. Neither party shall, during the term of this MOU, demand any change therein nor shall either party be required to negotiate with respect to any other matter, provided that nothing herein shall prohibit the parties from changing the terms and conditions of this MOU by mutual consent and agreement.

ARTICLE 20: TERM

Except as indicated herein, this MOU shall be effective commencing 01 July 2008 and continue through 30 June 2009.

IN WITNESS THEREOF, this MOU is entered into by the following authorized representatives this 24th day of June 2008 pursuant to the provisions of *CA Government Code Section 3500*, et. seq. for presentation to and adoption by the City Council of Clayton, California.

CLAYTON POLICE OFFICERS ASSOCIATION (CPOA)

By:____________________________________
CPOA President

By:____________________________________
CPOA Vice President

By:____________________________________
CPOA Labor Consultant

CITY OF CLAYTON, CA (CITY)

By:____________________________________
City Manager

# # # # # # # # #

Agenda Date: 7-1-08

Agenda Item: 3f

Approved:

Gary A. Napper
City Manager/Executive Director

CITY OF CLAYTON

Founded 1857 . Incorporated 1964

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laci J. Jackson City Clerk

DATE: July 1, 2008

SUBJECT: Biennial Review of Conflict of Interest Code

RECOMMENDATION

Direct the City Clerk to review Clayton's Conflict of Interest Code and submit a notice to the City Council no later than October 1, 2008 indicating whether or not amendments are required or that no amendments are necessary.

BACKGROUND

The Political Reform Act requires every local government agency to review its conflict of interest code biennially to determine if it is accurate or, alternatively, that the code must be amended. Once the determination has been made, a notice must be submitted to the Code Reviewing Body (City Council) no later than October 1 of even-numbered years.

Therefore, the City Council must, no later than July 1, 2008, officially instruct its city organization to review its code and submit a notice to the City Council that either amendments are required or that no amendments are necessary. This action constitutes the initiation of the procedure required by State law.

FISCAL IMPACT

None.

Agenda Date: 7-1-08

Agenda Item: 4b

AT&T Lightspeed Initiative

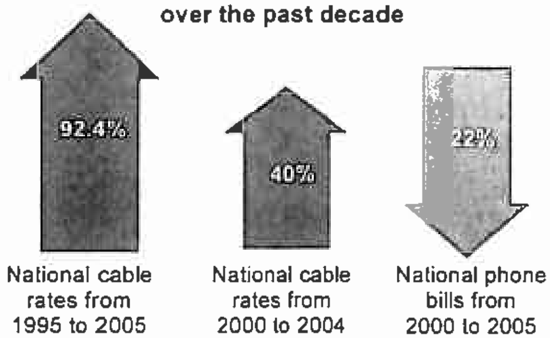
Working together to bring the most advanced broadband communications network to residents in your community

at&t

Our Lightspeed Initiative

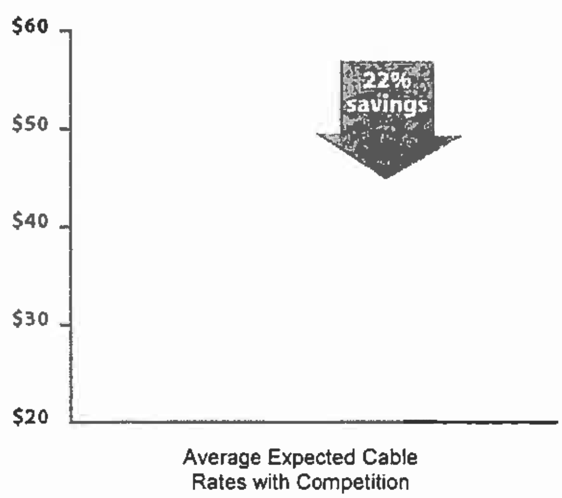
Choice. Competition. Consumer Savings.

Cable prices have risen 92.4% over the past decade



With cable competition, California consumers are expected to save $1 billion annually

California cable customers can expect to save 22% with real competition



Source: UC Berkeley's Dr. Yale Braunstein, 2006.

AT&T has invested nearly $20 billion in its California network since 1996 to provide our customers with state-of-the-art voice, data, Internet – committed to investing an additional $1 billion in the state to provide customers with exciting new Internet protocol-based services, including TV/video entertainment services.

When it comes to TV/video service, AT&T believes it's time Californians had a real choice to cable. Currently, cable subscribers in the state spend $2.8 million per day too much for cable TV. That adds up to a staggering $1 billion every year. Competition can be the antidote that leads to consumer savings. That's why we've set out to upgrade our network to deliver new services that will bring real competition cable and choice to consumers. After all, consumers win when companies compete.

With an eye towards the future, AT&T has continuously evolved its broadband network through a series of sequential major upgrades, each building upon one another. This latest network upgrade will further increase the bandwidth available to our customers using a broad new suite of integrated, advanced services, all speaking the same language, Internet protocol or IP – the language of the Internet. The new fiber optic facilities will enable AT&T to make faster high speed Internet service available to more of our customers at a time when competition is fierce in this arena, and allow them access to even better products and services, like digital voice and next-generation television services.

With our fiber-optics network pushed even deeper into neighborhoods, we can deliver AT&T U-verse^{SM} TV, voice and high-speed Internet access services. The multi-billion dollar investment and deployment of next-generation, IP-based video services reflect AT&T's strategy to become customers' preferred communications and entertainment provider. AT&T expects to reach approximately 19 million households by the end of 2008 as part of initial deployment, using fiber-to-the-node (FTTN) and fiber-to-the-premises (FTTP) technologies.

Our Lightspeed Initiative

The Method

Push fiber to within 3,000 to 5,000 feet of many existing neighborhoods and, to the premises, in many new developments

The Investment

$5.2B initial investment between now and 2008 including $1 billion here in California!

The Benefits

15-25 Mbps for IPTV, super high-speed Internet access, and IP Telephony (VoIP)

Through the Lightspeed initiative, AT&T is extending the existing fiber in its network closer to customers' homes by using fiber to the "serving area interface" in existing neighborhoods. (Serving Area Interfaces, or SAIs, are located in the cabinets located in the City's public rights of way; they serve as the connection point for copper distribution lines to and customers' premises).

Lightspeed consists of placing a new cabinet to pair with existing SAIs; these new cabinets will provide the fiber optic capability for the neighborhood (approximately 200-500 homes), and will connect to the existing copper distribution network into homes (with new construction, AT&T often places fiber directly to the premises). In some cases, the existing SAI may need to be upgraded as well. Ongoing, routine maintenance will be performed on copper connections as necessary, to ensure that each resident connected to the SAI receives sufficient enhanced transmission capacity. Each new cabinet will be placed as close as possible to, and connected using underground conduit with, the paired SAI, and will be connected by new conduit to the nearest available power source. Very little additional trenching will be needed; in most cases, AT&T will use existing fiber or pull fiber through existing conduit to reach the new cabinets.

With this upgraded network, AT&T will be positioned to offer residents a broad new suite of integrated, advanced services. In addition to making faster high speed Internet service available to more of our customers, Lightspeed will also provide customers with an unprecedented ability to manipulate and share data and messages over various IP-based devices, and will facilitate enhanced security and quality of service guarantees.

Another key feature of the enhanced AT&T network is our advanced TV/video capability. U-verse is also IP-based and is being fully integrated with AT&T's other advanced services. This next generation, IP-based service is transmitted over new fiber optic lines, the same lines that also will be used to provide IP-based voice service or VoIP (Voice over Internet Protocol).

AT&T's IP TV/video service will provide subscribers with an enormous range of content. Cable companies rely on traditional, point – to – multipoint distribution technology in offering video program channels.

In contrast, AT&T's TV/video service is designed for "switched, point-to-point" communications between individual subscribers and the network. Most important, AT&T's service creates a two-way dialogue between the subscriber and AT&T and, as a result, will be vastly more interactive than one-way legacy cable services.

Our Lightspeed Initiative

San Francisco Chronicle

TECHNOLOGY AND BUSINESS

SECTION E — Monday, February 26, 2007

REVIEW

It exceeds satellite, cable in many ways

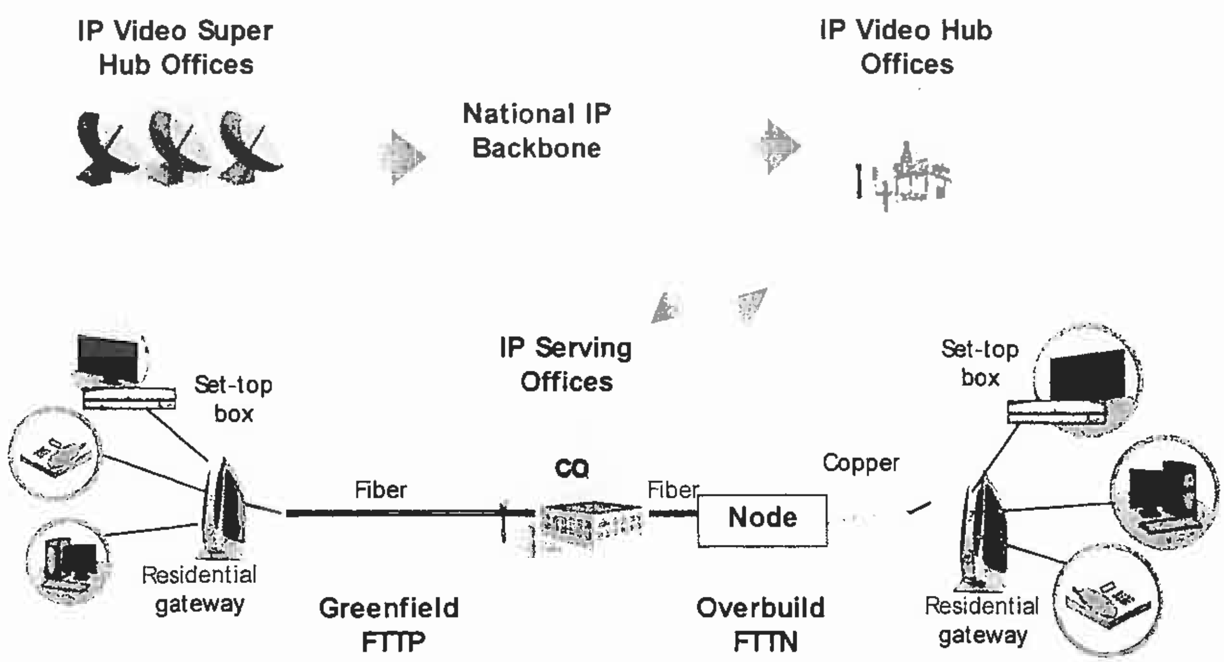
AT&T's building U-verse TV service delivers a full plate of television programming through upgraded DSL.

Harnessing the benefits of an IP-based fiber optic network, one where devices such as cell phones, computers and TVs interact, AT&T is truly building California's next-generation of interactive digital communications and entertainment services.

Please let us know if you'd like to discuss AT&T's advanced network upgrade in your area. Additional information on Lightspeed and U-verse services is available at http://uverse.att.com.

We hope to be in your neighborhood soon!

How is AT&T U-verse TV Delivered?



Evolution of the network

At-a-glance: here's how AT&T has – and continues to – evolve its broadband network:

1999:

DSL is introduced, bringing a new generation of digital services, including broadband Internet access. In its initial application DSL was provided by the placement of electronics in an AT&T central office, which were connected to individual customer homes via the use of copper facilities. Copper facilities enabled AT&T to provide DSL to subscribers who resided within 14,000 feet of the central office.

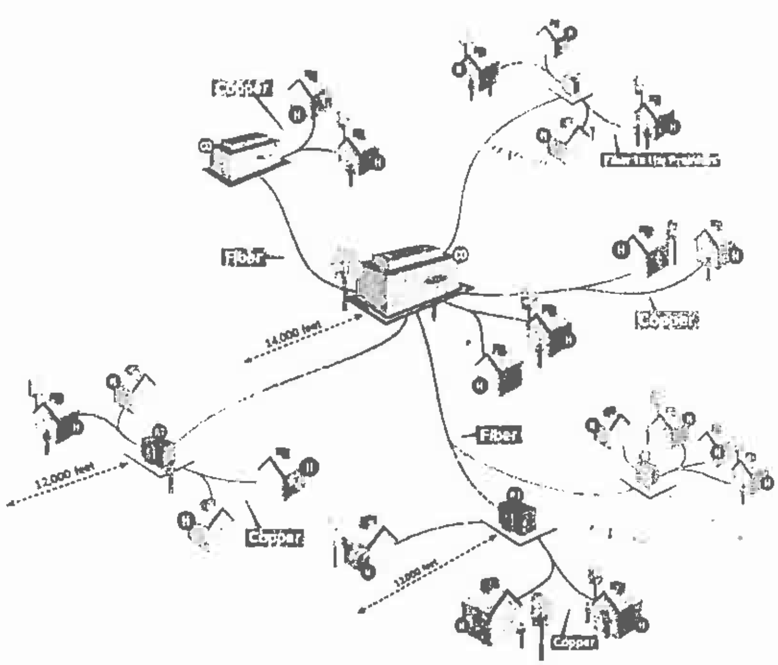
2000:

AT&T made its network more robust by pushing the electronics that previously resided in our central offices closer to the end user. This was done by placing the electronics in remote terminals that were then connected to AT&T's central offices via the deployment of fiber which is not a distance-sensitive technology. Today, nearly 90% of our customers in California have the ability to access our DSL high speed Internet service, and that number continues to grow.

2004- Present:

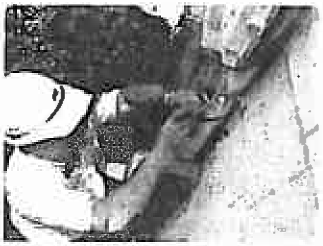
The current evolution of AT&T's network pushes another new generation of advanced service through central offices, beyond remote terminals and into neighborhoods. We call this our Lightspeed initiative.

Upgrading our network enables us to deliver a real competitive choice to cable



Serving low income households

AT&T is committed to bringing new technologies to low income households



- AT&T has a legacy of consistently rolling out new technologies, services and features to as many customers as possible and as quickly as possible.
- AT&T has made DSL available to nearly 90% of our residential customers in California since we first offered it on a trial basis to a few hundred early adopters.
- AT&T is rolling out video technology, nationally, at three times the pace of the nation's existing cable TV network and we are reaching lower income customers in our local service area at twice the speed that cable broadband reached lower income households.
- AT&T is committed to serving all income levels within its California broadband footprint and will bring video technology to as many customers as possible as quickly as possible.

- Low income residences in California will be among the first to have access to our video offer within the first three years.
- Bi-partisan legislation passed last year included tough requirements, that AT&T fully supported, to ensure that low income households have access to our video services.
- AT&T is committed that within three years at least 25% of the households in which we provide service will be low income households. That threshold increases to 30% in five years. ("Low income" is defined as earning less than $35,000 per year.)
- Additionally, free service will be provided to community centers in underserved areas — one community center for every 10,000 video customers.
- Discrimination or denial of access to potential residential customers based on income is prohibited. If the California Public Utilities Commission or court finds a violation of the build-out or non-discrimination obligations fines and/or immediate franchise termination may apply.

AB 2987 summary

ISSUE	AS PASSED
Franchise Authority	Public Utilities Commission – CPUC must begin accepting applications by April 1, 2007. • 30 days to determine if application is complete • If complete, 14 additional days to issue franchise
Franchise Fees	Up to 5% of gross revenue; additional specificity regarding what is included in gross revenue. Payment – 180 day lag for first payment; 45 days after end of quarter for additional payments
PEG Channels	Channels must be provided within three months; communities will get no fewer than three PEG channels; cash payments due in the future under the local cable franchise to support PEG and I-Net are grandfathered until the franchise expires or January 1, 2009, whichever is later; cash support obligations are shared among all providers in that area.
PEG Support	Local government receiving between 1% and 3% of gross revenue in PEG support today is eligible to continue receiving the same amount; any local entity receiving more than 3% today is capped at 3%. All other cities are capped at 1%.
Non-Discrimination – Build Commitments	Non-discrimination: ▪ For state franchise holders with more than 1,000,000 telephone customers, within five years after beginning to provide service, at least 30% of households with access must be low-income (based on Census Bureau numbers). Holders must provide video service to community centers in underserved areas without charge at a ratio of one center per 10,000 video customers. ▪ State franchise holders with fewer than 1,000,000 telephone customers satisfy the non-discrimination requirement if they offer video service to all customers within their telephone service area within a reasonable time. Build commitments: ▪ Only applies to state franchise holders with more than 1,000,000 telephone customers. ▪ Holder that predominantly uses fiber-to-the-premises technology must make video service available to 40% of households in its telephone service area within five years. ▪ Holder that predominantly uses technology other than fiber-to-the-premises must make video service available to 50% of

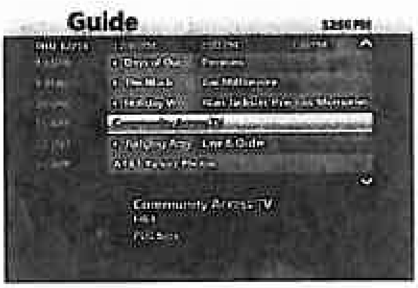
ISSUE	AS PASSED
	households in its telephone service area within five years.
Emergency Alert Carriage	Any provision in a local franchise allowing local entities to provide emergency notifications is grandfathered until the franchise would have expired, or January 1, 2009, whichever is later. All providers serving that city must honor emergency notification provisions.
Customer Service Standards	State and federal consumer protection rules apply; enforced by local governments; local governments may not impose additional or different rules.
Abrogation	Starting January 1, 2008, cable providers operating under local government franchises may abrogate their existing franchise in favor of a state-issued franchise when a new competitor enters their franchise area. If the cable provider chooses to opt-out, provisions in the local franchise dealing with PEG, I-Nets and emergency alerts are grandfathered until the franchise would have expired or until January 1, 2009, whichever is later.
Privacy	State franchise holders must comply with state and federal privacy laws.
Basic Telephone Service Price Cap	State franchise holder prohibited from raising basic residential telephone service rate to finance the cost of deploying a network to provide video service; may not raise rate for basic residential telephone service until January 1, 2009. PUC may allow increases to reflect inflation, based on CPI.

Public, Educational and Government Programming (PEG)

AT&T community television – meeting the needs of our communities

Strong education, effective government and open communication. These principles help create a sense of unity and clarity that ties a community together. Access to local programming serves as a central component of that togetherness. AT&T recognizes that and welcomes the opportunity to help the communities it serves by providing the next generation of television, including access to local Public, Educational and Governmental (PEG) programming.

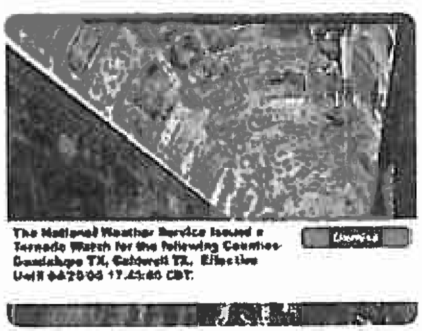
For more information on PEG in your community, contact your local AT&T External Affairs manager.



Emergency Alert System (EAS)

AT&T plans to offer an EAS solution that includes:

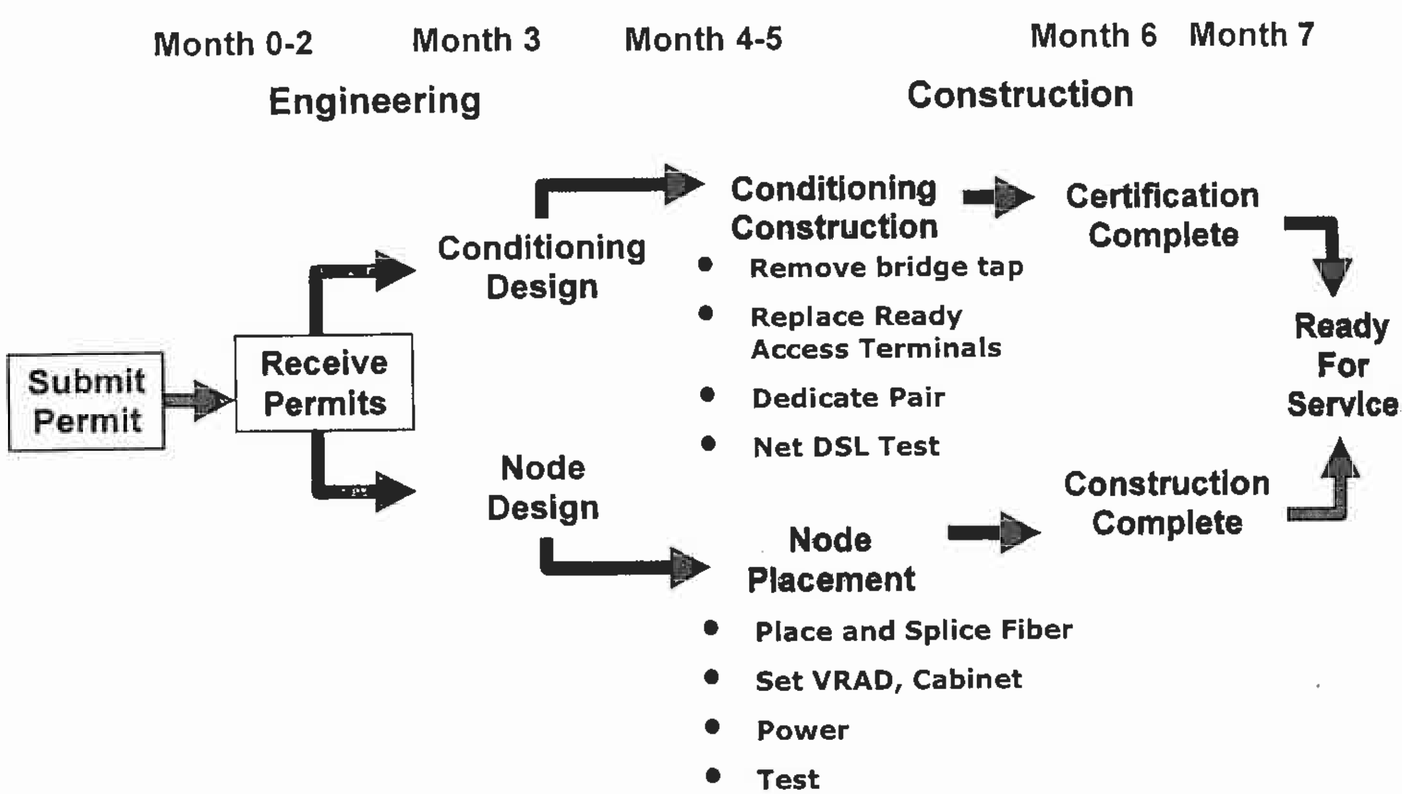
- Weather alerts from the National Weather Service
- Emergency notifications from government offices
- Presidential alerts



Emergency alerts will be provided as a text overlay on the television screen and will be color-coded for easy recognition. Alerts will be available on nearly all sources of content, including national channels, local broadcast channels, video on demand, channel lineups and other viewings.

- The new video franchise law requires that cities act **within 60 days** on our encroachment permit requests relating to the construction or operations of our facilities.
- Similar to our previous network technology upgrades, we'll be using the public rights of way to provide new video service. Like we've always done in the past, we will continue to work closely with city officials on our plans.
- The new law also reaffirms local government control over time, place and manner of access to public rights of way.
- We look forward to working together to install the necessary technology to provide this new service, giving your residents a competitive alternative to cable TV and, ultimately, the promise of choice and consumer savings.
- ***The permits requested for our Lightspeed upgrade are no different than permits submitted in the past.*** The sooner AT&T can obtain the necessary permits, the sooner we can deliver exciting new technology to residents.

Estimated Lightspeed Timeline



Notification to residents & cities

Communications Objectives

- To inform those community residents who will benefit from the Lightspeed initiative
- To provide a means for the community to communicate any concerns
- To inform the community as to when and how we'll respond to inquiries and concerns

Communication Vehicles to residents:

The activation of Lightspeed cabinets and construction of the new system will be designed by geographical location. Our deployment strategy will be highlighted in our ongoing communications with your Public Works Department. Notification materials to residents will highlight the purpose of the network upgrade and proposed cabinet locations in the Public Right of Way.

The notification vehicles:

- **Direct mail/notification letter**
- **Door hanger**

Direct mail/notification letter to residents/owners - communication with city residents before a permit is issued helps alleviate any impacts of the Lightspeed upgrades:

- The informal notice shall provide a telephone number to be called in the event a property owner is concerned over the installation of a pedestal or the precise pedestal location. The initial notice shall be received by the property owner at the time of the preliminary site selection and not less than three (3) weeks prior to construction and the second notice shall be received by property owners at least 48 hours before the commencement of the proposed construction.

- Property owners impacted by the Lightspeed initiative shall be able to request, within the limits of the system design, pedestal locations on their properties within existing utility easements least objectionable to them, and AT&T shall make an effort to work with the property owner to accommodate such requests.

- The City will provide the contact information for property owners.

]

Door hanger/construction notice – A final notice will be delivered to residents 48 hours before construction.

When we're finished installing the cabinet, we restore the site to the same or better condition as when we first found it, including reseeding or sodding nearby landscaping where necessary.

Here's how AT&T will work with property owners to address any visual concerns:

- In the event a property owner (or adjacent property owner) raises a concern about the proposed placement of a Lightspeed cabinet; AT&T will work to resolve the issue with the property owner.

- Where the property owner's concern cannot be addressed solely by placement, and screening is necessary in order to resolve the concern, AT&T will consider installing organic vegetation on the traffic-side of the Lightspeed cabinet.

- Organic vegetation will need to be maintained by the property owner although AT&T will replace any vegetation that dies within six months of the Lightspeed cabinet installation.

Video cabinets

Graffiti Removal

Easy to clean graffiti-resistant finish.

AT&T's rapid-response graffiti clean-up system for California communities:

- Email graffiti@att.com
- Include "Graffiti Clean Up Request" in subject line along with the location and other relevant information about the cabinet

Box identification sticker and phone number to reach AT&T should a city have an issue with one of our boxes:

Property of
AT&T
IF THIS BOX NEEDS ATTENTION
CALL: **X XXX-XXX-XXXX**

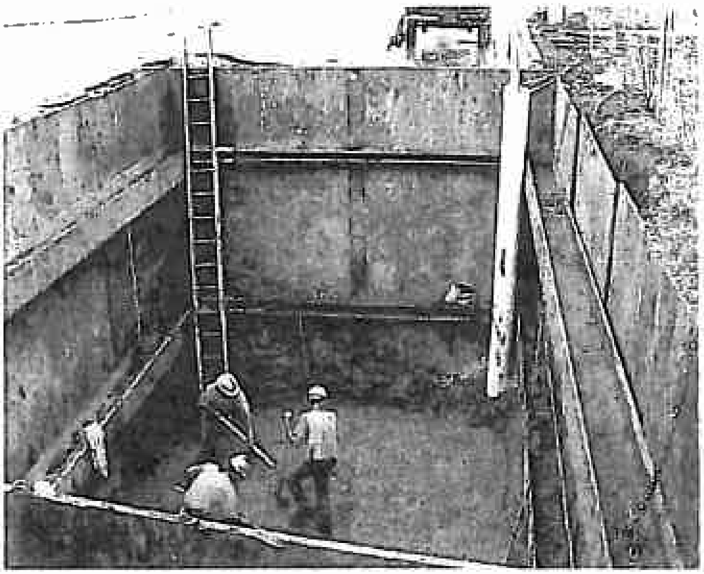
C&E TO PROVIDE NEW TOLL-FREE NUMBER

Video cabinets

Above ground cabinets

An integral component of our network upgrade is the need to design and install above ground video equipment cabinets in neighborhoods. As discussed below, there are technical, practical, and economic reasons why this technology cannot generally be placed underground.

Here's why AT&T video equipment cabinets are best installed above ground



- AT&T currently does have some controlled environment vaults ("CEVs") that can be used to deploy Lightspeed technology underground in certain limited circumstances, i.e., where a CEV already exists, has available space, and is in close proximity to our residential customers. It is not technically, practically, or economically feasible to construct new CEVs solely for Lightspeed technology.

- Lightspeed technology consists of high-speed electronic circuitry needed to light the fiber-optics and convert the fiber signal to a bandwidth that can be transmitted over copper to residences. As such, if it were placed underground, it would have to be in a controlled environment, free from moisture and excessive temperature extremes. It would also have to be placed in a vault or enclosure large enough for regular access by our technicians for routine maintenance and repair.

- Other factors limiting the feasibility of placing Lightspeed cabinets in an underground vault include the need for backup power, lighting, gas testing, ventilation, cooling, alarms, emergency water pumping, and waterproofing.

- There is clearly not enough room in some residential public rights of way for these large underground vaults. The vaults could block use of the rights of way by other utilities, including City water and sewer, creating traffic issues during construction and after completion when being accessed by our technicians. In addition, the above-ground Lightspeed cabinet was designed to fit within the right of way usually behind or in the sidewalk area. The access point for an underground vault would most likely extend into the road portion of the right of way creating potential safety concerns.

CEQA

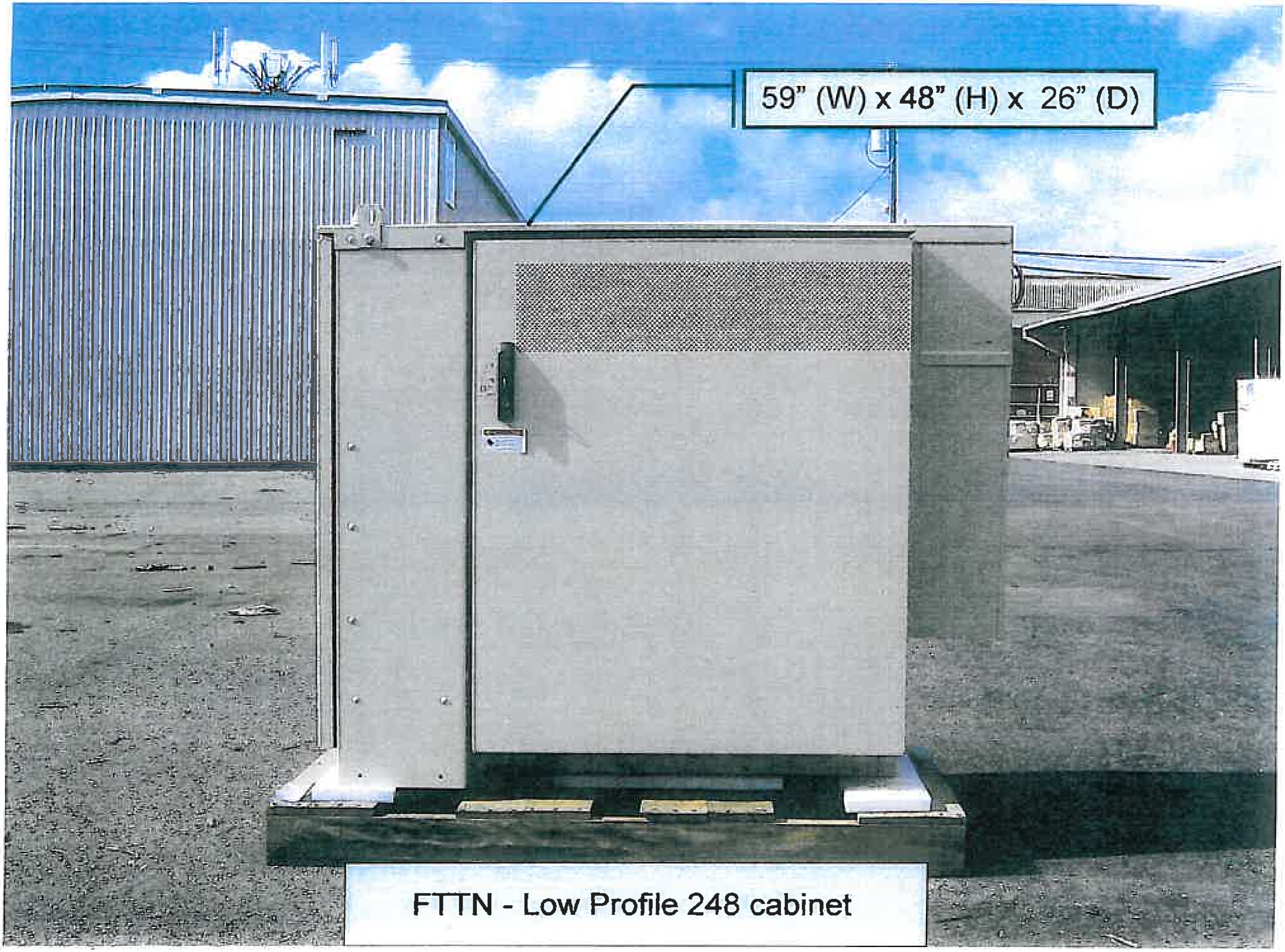
The California Environmental Quality Act (CEQA) was adopted in 1970. Its basic purpose is to require state and local agencies to identify potential significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

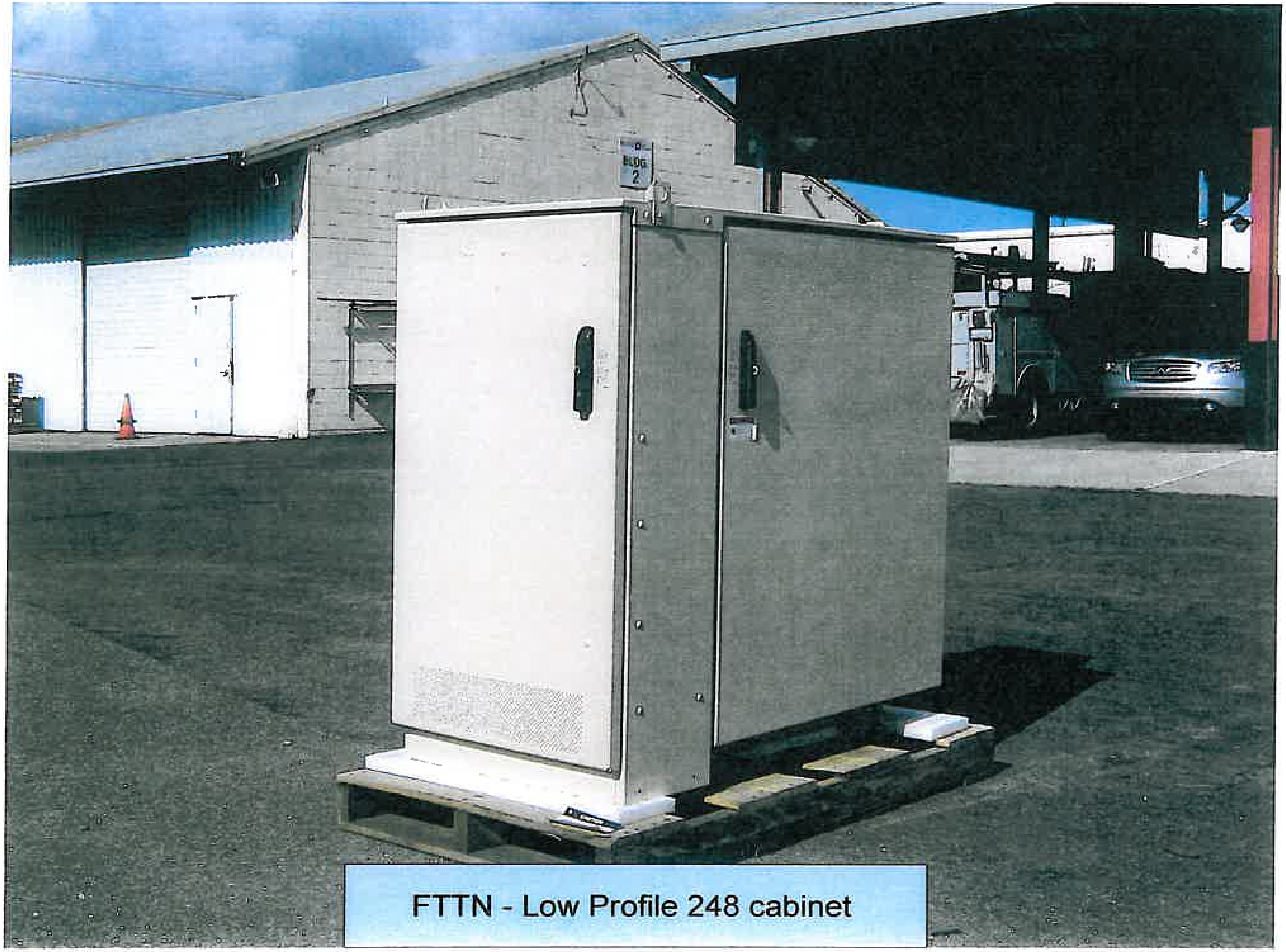
Although DIVCA (Digital Infrastructure and Video Competition Act) confirms that the local entities are the "lead agencies" for any environmental review that may be required under CEQA, nothing in DIVCA changes existing law regarding the permitting process or CEQA obligations.

Cities, therefore, should be applying the same standard of review to our Lightspeed installations that they applied to our previous network upgrades and other utility work in the public rights of way.

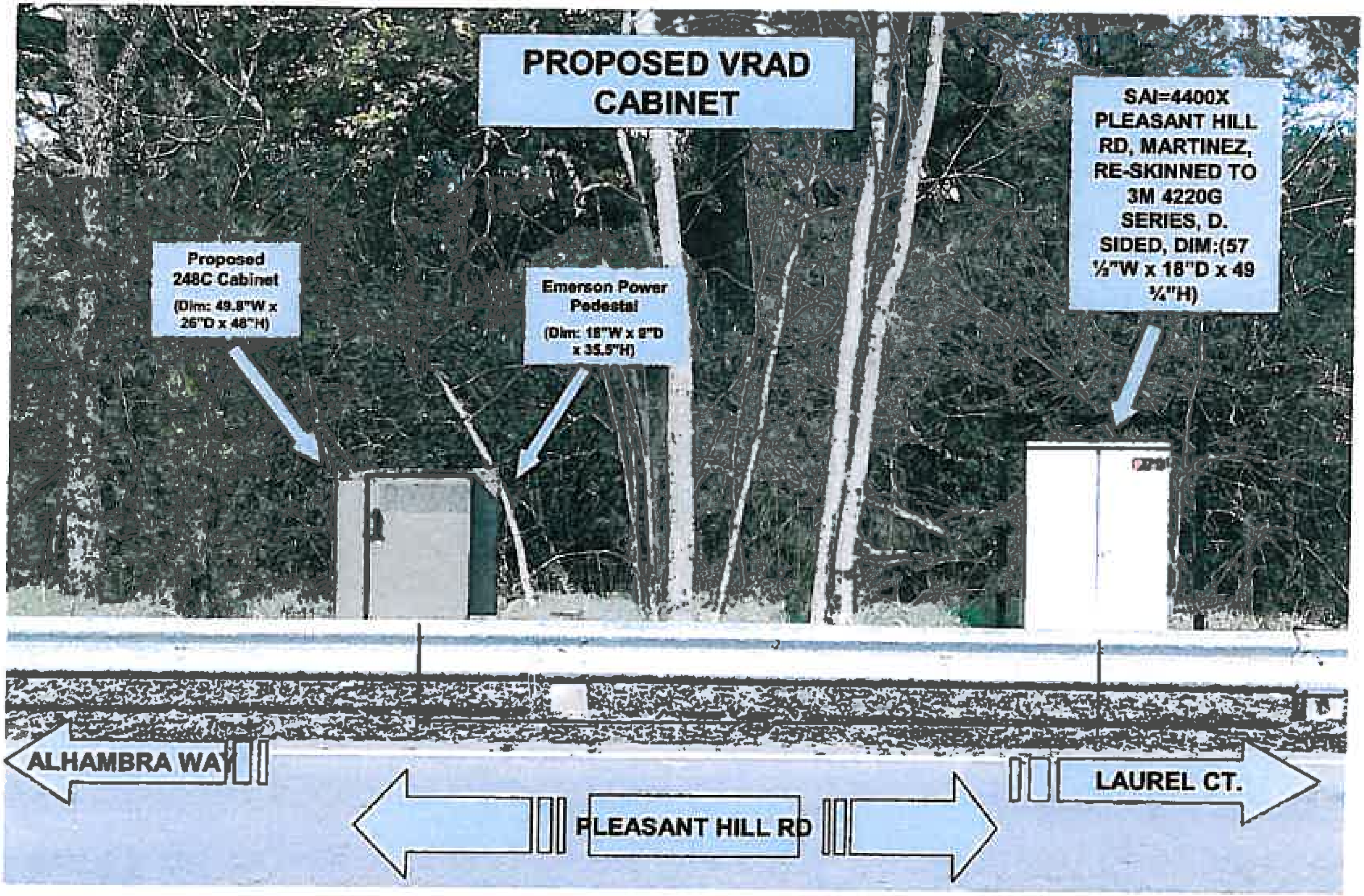
CEQA is generally not implicated when there is no likelihood that a proposed activity will cause a "significant" environmental effect. As such, there are certain "categorical exemptions" in the CEQA guidelines for specific types of activities that by their very nature are unlikely to cause a significant visual impact or any other environmental impact within the meaning of CEQA.

Like our previous installations and other utility fixtures and boxes, our Lightspeed cabinets fit within several of these categorical exemptions including new construction or conversion of small structures (CEQA Guidelines § 15303(d)) and minor land alterations (§ 15304).


59" (W) x 48" (H) x 26" (D)
FTTN - Low Profile 248 cabinet



FTTN - Low Profile 248 cabinet



PROPOSED VRAD CABINET
Proposed 248C Cabinet (Dim: 49.8"W x 26"D x 48"H)
Emerson Power Pedestal (Dim: 18"W x 9"D x 35.5"H)
SAI=4400X PLEASANT HILL RD, MARTINEZ, RE-SKINNED TO 3M 4220G SERIES, D. SIDED, DIM:(57 ½"W x 18"D x 49 ¾"H)
ALHAMBRA WAY
PLEASANT HILL RD
LAUREL CT.

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

Agenda Date: 7-1-08

Agenda Item: 7a

Approved:
Gary A. Napper, City Manager

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

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

MEETING DATE: **July 1, 2008**

SUBJECT: **Consideration and Acceptance of the 2007-08 Annual Citizens Oversight Report by the Trails and Landscape Committee for Measure B, Citywide Landscape Maintenance District**

REQUEST

Consider and accept the Annual Report for 2007-2008 from the Citizens Oversight Committee [Trails and Landscape Committee (TLC)] as stipulated in Measure B as approved by the voters for the Community Facilities District Funding of the City of Clayton roadway landscaping, trail and openspace maintenance (Landscape Maintenance District)

BACKGROUND

Measure B was passed by the voters of Clayton in June 2007 which established special district funding for the Citywide Landscape Maintenance District. The measure called for the preparation of an Annual Report by the Citizens Oversight Committee to be prepared and submitted to the City Council. The Trails and Landscaping Committee (TLC) is the name used to refer to the Citizens Oversight Committee called for in the measure. The TLC has prepared the attached Annual Report for the City Councils consideration and acceptance. The TLC independently prepared the report and at their June 15th meeting reviewed and unanimously recommended the report to the City Council.

The report provides information and highlights of the past fiscal years activities, and provides some information as to what is expected to occur in the upcoming fiscal year.

RECOMMENDATION

Approve the recommendation of the Trails and Landscaping Committee to accept the Citizens Oversight Committee 2007-08 Annual Report for the Landscape Maintenance District.

Attachments: Citizens Oversight Committee FY 07-08 Annual Report for the Citywide Landscape Maintenance District

Laura/TLC annual report ccr

2007-2008 ANNUAL REPORT

of the

CITIZENS' OVERSIGHT COMMITTEE

to the

CITYWIDE LANDSCAPE MAINTENANCE DISTRICT

CLAYTON, CA

JUNE 2008

MESSAGE FROM THE CHAIR

I feel very privileged to have assisted with this project. In addition, I have been asked to highlight my perceptions of the T & L C's and the District's most important achievements for the fiscal year.

Two of the most important recommendations that we made were ultimately approved by other bodies before becoming District assets: The irrigation truck was approved by Council; and the planting of several Columbia Sycamore trees in a median were approved by the Yes for Clayton Landscape P.A.C. The trees have since been integrated into the L.D. Though acquired differently, both will be beneficial to the District for years to come.

The oversight committee which oversees the District, recognizes hard work, dedication, and excellence in those who try to enhance the Landscape District. Clearly, this was accomplished by the Clayton Maintenance Department when they completed their 69 - page "Trails Inventory and Evaluation" report. Their contribution to the trails system will prove to be invaluable.

Many of the T & L C's achievements this year can be attributed to one of its greatest assets, which is perhaps overlooked, and that is its volunteerism. It was the driving force behind Measure B which mobilized our community, and provided for the present oversight committee.

Along with designing an original brochure, the volunteers on the Committee initiated many enterprising and innovative projects this year. Collectively, we have: Organized the first Budget Subcommittee and produced the first Annual Report; Proposed Clayton's first Adopt-a-Trail Program; Written the first monthly T & L C article in the Clayton Pioneer; and using donated funds and materials, completed a joint beautification project around the Clayton Fountain with another civic organization, the Clayton Valley Garden Club.

One of my aspirations as Chair, is for these novel projects to elicit additional support and interesting ideas from other corners of the community. Many of us hope that the T & L C's enthusiasm and concern for the District will evoke that in others, and that they in turn, might one day consider committee membership.

My sincere thanks to our hard working T & L C volunteers. May this report serve as a testament to their devotion to the Clayton Landscape District and to the goals of the oversight committee.

CE Bass

Candace Bass
Chairperson
Trails and Landscaping Committee
June 16, 2008

A NEW LANDSCAPE MAINTENANCE DISTRICT IS BORN!

On July 1, 2007 the Citywide Landscape Maintenance District was established after Clayton voters approved Measure B by an overwhelming 83% affirmative vote in the June 2007 special election. The District will be in effect for a period of 10 years until it expires on June 30, 2017.

The District operates and maintains the public roadway landscaping and its irrigation system, the trail system, and the "Clayton fountain". It also provides weed abatement and fire breaks in the open spaces as indicated on the attached map. The District does not include any of the city parks, the City Hall and Library yards, or the athletic fields whose operation and maintenance are financed by the General Fund. The new downtown Grove Park is not part of the District and is funded by its own special tax.

The special tax to fund the District began at $196.77 per parcel (about $850,500 per year) for the first year which is a considerable improvement over the woefully inadequate $127.86 per parcel rate in effect when the former District expired in June 2007. Yet the new funding level falls far short of the $365 per parcel that was recommended by the citizens' Blue Ribbon Committee for the failed Measure M which was voted down by the citizens in 2005. The current revenue level is insufficient to allow the District to make major capital improvements and the revenue stream did not begin until about December 2007 when property taxes were paid. However, the new funding level offers the District a compromise in which increased maintenance and some minor improvements may be gradually made to the landscaping, the trails, and the irrigation systems which have deteriorated substantially over the past 10 years because the former District was under funded from its inception in 1997.

CITY COUNCIL ESTABLISHES THE CITIZENS' OVERSIGHT COMMITTEE

Measure B required that a Citizens' Oversight Committee (Trails and Landscaping Committee) be established to advise the City Council and staff on matters concerning the District budget, priorities, and proper level of landscape care and maintenance. The Committee consists of up to eleven (11) non paid, volunteer citizens of Clayton and was established by the Council in Resolution No. 38-2007 dated August 7, 2007. The original members were:

Member Name	Term of Office Expires
Candace Bass (Chairperson)	30 June 2009
David Disend	30 June 2009
David Johnson	30 June 2009
Virginia Siegel	30 June 2009
Bill Vineyard	30 June 2009
JoAnn Caspar	30 June 2010 (Second term)
Victor Geisler (Vice-Chairman)	30 June 2010 (Second term)
Jerry Kosel	30 June 2010 (Second term)
Kelly Marshall	30 June 2010 (Second term)
Jerry Zimmerman	Resigned
Dan Richardson (Former Chairman)	Resigned

The Vice Mayor serves as the City Council's non-voting representative to the Committee in an ex-officio liaison capacity. The original representative was former Vice Mayor Gregg Manning. The current representative is Vice Mayor Julie Pierce. As of June 2008, nine (9) of the original members remain on the Committee.

THANK YOU FOR YOUR DONATIONS TO THE DISTRICT

Fourteen Columbia sycamore trees were planted in the median on Clayton Road between Atchinson Stage Road and Mitchell Canyon Road to replace failing tulip trees. The funds for the new trees were donated by the Jeffry Ranch Civic Association and the "Yes for Clayton Landscape Maintenance" P.A.C.

In September of 2007, members of the Clayton Valley Garden Club, some members of the Committee and several volunteers planted annual flowers around the Clayton Fountain using donated funds and plant materials to help the City prepare for Oktoberfest. The Committee wishes to thank the Clayton Valley Garden Club for donating their time and energy to this worthwhile project. The Committee also wishes to thank the following businesses and individuals for their generous donations:

R& M Pool, Patio & Gardens	Kim and Gary Napper
Navlet's	Home Depot Yardbirds

Photo courtesy of Barry Hart

The Clayton Valley Garden Club continues to maintain and provide plant material for the raised planter boxes downtown on Main and Center Streets. The Committee wishes to thank them and all other civic groups and individuals who have donated their time and energy to help beautify all areas of the District.

ADOPT-A-TRAIL IDEA MOVES AHEAD

A number of Committee members who are frequent trail users and enthusiasts have been investigating the interest in an Adopt-A-Trail program for the City. This subcommittee has spent considerable time and effort in learning how other cities host this program and have put together a draft proposal for review by the City Council. In order to assess community interest in either actively participating or helping financially, the subcommittee mailed 300 informational and survey packets to local businesses and organizations. As of May, over 50 responses have been returned; about 70% of which have been very positive. A copy of the survey is attached.

HAPPY TRAILS TO YOU

One of the major assets and attractions of Clayton are its 27 miles of trails on over 500 acres of open space. Flat, paved routes wander along the creeks while steep, rugged trails climb through the surrounding hills. In 1998, *Walking Magazine* named Clayton as one of the five most walkable small cities in America. In 2007, *Money Magazine* referred to Clayton as "a hiker's paradise" and rated the City number 57 of the "Top 100 Best Places to Live" in America.

Unfortunately, the trails have deteriorated over the past 10 years because of lack of funding for maintenance and repair. However, with the passage of Measure B, funds are now available to begin the process of reversing this downward trend. The District staff prepared an extensive "Trails Inventory and Evaluation" report which catalogs the condition and required repairs for the entire trail system. This was followed by a "Deferred Trail Maintenance List" which prioritizes the need for maintenance and repairs of each trail based on safety considerations and the amount of usage. These reports can be viewed at the city website www.ci.clayton.ca.us. Click on "Local Government/Trails and Landscaping Committee/Agenda Packets" for March 2008 and May 2008).

The District is also currently investigating the possibility of re-paving some of the trails in conjunction with this summer's scheduled road paving project which could result in substantial savings based on economies of scale.

CLAYTON IS GETTING "TRIMMER"

Have you noticed that over the past year the shrubs and groundcover along Clayton's major roads are trimmed neater than they used to be? Rarely do you see overgrown vegetation or ragged looking bushes that were common in the past. That's because the higher level of funding allows the District to upgrade the trimming frequency from every eighteen months to twice a year; usually in November/December and in the late Spring/early Summer.

Well trimmed hedges not only give Clayton an esthetically pleasing appearance but they also provide a number of other benefits. Sidewalks are no longer blocked. Street signs are no longer obscured. Weeds, leaves and debris are more easily accessed for removal. Sprinklers spray more efficiently and are more easily accessed for repair.

NEW IRRIGATION CONTROL TRUCK ROCKS!

In the past, when a repair such as a broken sprinkler head was required, a District employee had to go to the site, assess the damage, determine the parts needed for repair, return to the shop to get the right parts, and then return to the site to do the repair. Obviously, this was a time consuming and inefficient procedure.

With adequate funding now available, the District began looking for a truck which would be dedicated to doing irrigation repairs by carrying the necessary tools and spare parts. A tip, provided by a member of the Committee, led them to purchase a used truck in very good condition from another City at a very attractive price. It was outfitted to carry all the irrigation parts and tools required for most repairs. Now the driver efficiently goes from repair site to repair site to make the repairs.

FOUNTAIN FREQUENCY

Many Clayton residents and visitors enjoy the fountain at the intersection of Oakhurst Drive and Clayton Road and have requested that the District operate it more frequently than it does now. The frequency of operation was not mandated in Measure B and is at the discretion of the Committee and the District. Although the Committee agrees that more frequent operation is desirable, it has determined that the District cannot afford this luxury at this time. The cost of electricity to run the geyser pumps every day or even on the weekends is prohibitive. Doing so would divert limited District funds away from more pressing needs.

The fountain will continue to operate only on certain holidays and during City sponsored events for the foreseeable future. However, when the fountain is operating, residents can now enjoy an unobstructed view of the geysers. Following a citizen's suggestion, the District removed the crepe myrtles that grew at the top of the fountain and replaced them with star jasmine.

COMMITTEE RECOMMENDS 2008-2009 BUDGET TO CITY COUNCIL

In April, the Committee reviewed the proposed 2008-2009 fiscal year budget with the District staff and unanimously voted to recommend it be approved by the City Council. The proposed budget of $875,500 was based on an estimated 3% increase in the San Francisco-Bay Area Consumer Price Index which is the maximum annual increase allowed by Measure B. Subsequently, the budget was reduced slightly to $874,650 based on an actual CPI increase of 2.9%. A copy of the budget is attached.

PUBLIC OUTREACH IS A PRIORITY

Both the Committee and the District are committed to reaching out to the public to keep the citizens informed of their activities in a number of ways which include:

* The Committee invites the public to bring their questions and comments to its meetings. Residents may also submit their questions online at cityinfo@ci.clayton.ca.us
* Minutes of the meetings are posted on the City website at www.ci.clayton.ca.us
* Committee members present summaries of the proceedings of their recent meetings at City Council and CBCA meetings.
* The City publishes a "Round the Yard" report of recent Maintenance Staff activities which is included in the Committee Meeting Minutes and posted in the Clayton Library lobby.
* A "Maintenance Update" is found within the body of the T&LC report published in the *Clayton Pioneer* newspaper. A copy of the most recent article is attached.
* A Trails and Landscaping Committee informational brochure is available in the Clayton Library lobby.

WHAT DOES THE FUTURE HOLD?

The Committee and the District will continue to work together to insure that your tax dollars are spent wisely. Our common short and long term goals are:

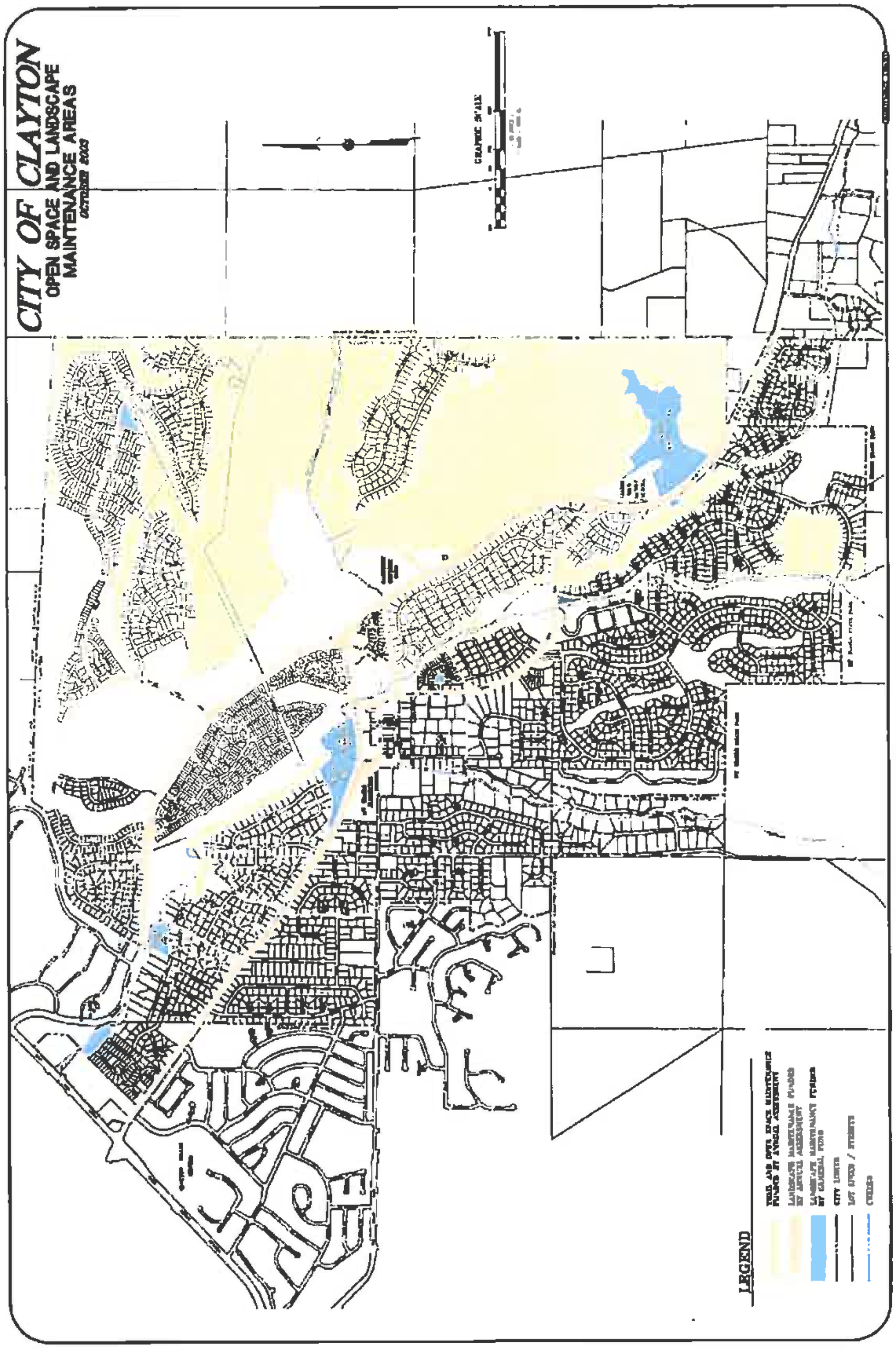
* Assess the existing roadside landscaping and modify it as necessary to create an esthetically pleasing design that will minimize operating and maintenance costs.
* Repair and upgrade the trail system.
* Repair and upgrade the irrigation system. Operate it more efficiently to conserve water which accounts for about 20% of the budget. Long term plans include hiring a full time "Irrigation Specialist".

BECOME A COMMITTEE MEMBER OR OFFER YOUR IDEAS

There are currently openings on the Committee and you are invited to join. Your fresh ideas and help are always encouraged and welcome. Contact the City of Clayton to apply or to learn more.

Attachments:

A) Map of District
B) Adopt-A-Trail Survey
C) 2008-2009 District Budget
D) T&LC Article in Pioneer
E) T&LC "After Measure B" Brochure



Attachment A

Clayton Adopt-A-Trail
Business Owner Survey

1) In what capacity might you, as a business owner, support an Adopt-A-Trail program in the city of Clayton? (Please check all that apply)

___Financially, through an annual donation
___Physically, by supplying volunteer labor for periodic trail clean-up and maintenance
___By supplying financial support and volunteer labor
___I would not do any of the above
___Other (Please specify)_______________________________

2) If you participated in the Adopt-a-Trail program by providing a financial or volunteer labor donation, what recognition would you expect?
(Please check all that apply)

___Business name on an "Adopt-a-Trail" sign with other participants in a prominent area of Clayton;
___Business name on an "Adopt-a-Trail" sign on the specific trail adopted by your business;
___"Adopt-a-Trail" T-shirt to wear on work days
___Annual "Thank You" BBQ (for all volunteers and financial donors)

3) If supporting the Adopt-a-Trail program financially, what seems like a reasonable annual donation on behalf of your business?

We hope the Adopt-A-Trail will be self-supporting and not cost the city additional expense. Although all the details have not yet been worked out, various models are being considered for publicity of the sponsors, appropriate signage, t-shirts and recognition for the volunteers. Sponsor willingness might well determine some of these matters, so we wonder if your business would consider an annual amount of:

$____$250 ____$500 _____$1,000 _____$2,500 ____ $5,000 _________other (please specify)

4) If supporting the Adopt-A-Trail program physically by supplying volunteer labor for periodic trail clean-up and maintenance, what seems like a reasonable annual time commitment?

___2 times a year (for example, spring and fall) ___4 times a year (quarterly)
___6 times a year (every other month) ___12 times a year (monthly)

Comments:____

____

Name:_______________________Business/Organization_______________________

Please return to: 1074 Mitchell Canyon Rd, Clayton 94517
or by fax (510) 245-0613

Attachment B

B. <u>Citywide Landscape Maintenance District – Fund No. 210</u>
In June 2007, Clayton voters approved a replacement real property tax to continue funding the operation and maintenance of our citywide public landscaped areas. This annual tax is specifically for costs associated with roadway medians and parkways, our trails system, open space weed abatement and irrigation, and also funds the "Clayton Fountain". Maintenance of City parks *is not* included as an authorized expense under the District's act; park maintenance obligation falls to the City's General Fund. *Citywide public landscaping services have always been funded by a special revenue tax levied on private properties throughout the City.* Last fiscal year (07-08) was the initial year of operation under Measure B (CFD 2007-1), and a citizens' oversight committee (Trails and Landscaping Committee) has been meeting regularly to ensure the promised maintenance standards and efficiencies are achieved with these special-purpose tax revenues.

Pursuant to the terms of voter-approved Measure B, the special tax rate may be modified annually by the change in the Consumer Price Index (CPI; San Francisco – Bay Area) from April to April. In no event shall the tax rate be increased by more than 3% each year. At its public meeting on 14 April 2008, the Trails and Landscaping Committee reviewed a preliminary budget for the Landscape Maintenance District predicated on a maximum tax rate (revenue) increase of 3%. The citizens' Committee unanimously voted to recommend that proposed District Budget to the City Council and is expected to provide its Annual Report during the Budget's public hearing on June 17^{th}. Subsequent to its Committee meeting, the CPI change (from April 2007 to April 2008) arrived at 2.9%. Consequently, the accompanying District Budget for FY 2008-09 has been reduced to reflect the decrease from the 3% rate approved by the Committee.

The Landscape Maintenance District opens the fiscal year with a projected equity of $112,322, down by $45,508 from the carry-over balance of unexpended 1997 CFD funds wholly allocated to the District. The tax revenue projection for the District next year is $874,650 or $24,650 (2.9%) more than last year's revenue budget. With its positive equity balance the District "earns" additional interest of $7,000 for total District revenues at $874,650. Staff presented a balanced expenditure budget to the citizens Committee that maintains the Measure B performance standards of additional landscape trimming (semi-annual vs. the former 18 month cycle), mowing of trail weeds twice per fire season, irrigation control and repair services using a pre-owned Irrigation Control Truck now in service, annual open space weed abatement Citywide ($31,600 for the fire season), and the fairly expensive ($61,450) noxious and exotic weed abatement for the Oakhurst Hills (required of the residential development). Measure B's standards primarily addressed more maintenance care of existing landscaping and irrigation systems; voters did not approve Measure M (2005) which contained funding to make actual improvements in landscaping and irrigation systems.

On the expense side of the District's ledger, the annual $20,000 in Measure B monies have been established again in Account no. 7316 for District improvements to which the Trails and Landscaping Committee have targeted the Trails System.

Attachment C 1

For informational purposes, our 5 Public Works permanent employees now expend 55% of their total City work hours maintaining Landscape District assets. Landscaping routinely matures and dies, irrigation systems break and break and break, and vandalism or vehicle accidents cause destruction and damage to public trees and shrubs. Crews could spend more time performing these services to the "front yard" of our community. However, in order to keep the per residential parcel cost low, the Measure B Budget did not plan on higher tax revenues to elevate standards for landscape plant replacements after fixed costs (water; supplies; vehicle repairs and fuel) of the District are budgeted. The following table illustrates where five (5) permanent Public Works employees (and our seasonal field workers) spend their labors during a fiscal year:

PUBLIC WORKS LABOR TIME

Area	% of Labor Time	Source of Funds
Landscape Maintenance	55.5%	District Tax
Parks	22.0%	General Fund (GF)
Storm Water System	10.0%	Storm Water Tax
Streets	7.0%	Gas Tax
Library	2.5%	General Fund
Public Facilities/Bldgs.	2.0%	General Fund
Endeavor Hall	1.0%	Rental Fees/GF
Total:	100.0%	

In comparison to last year's labor allocation, Public Works personnel are spending more time performing Landscape Maintenance duties (1.5% increase), taking care of our parks system (+ 4%), and addressing clean water/storm water issues (+ 1.7%). Conversely, less time is being spent on Street activities (- 4.6%), Library building needs (- 1.4%) and Public Facilities/Buildings (- 1.2%). Accountability has been implemented.

Attachment C2

City of Clayton
Landscape Fund 210
Estimated Budget 2008-09

Account Number	Account Name	2006-07 Actual 6/30/2007	2007-08 Adopted Budget	2007-08 Actual 3/31/2008	2007-08 Projected 6/30/2008	2008-09 Proposed Budget	
7111	Salaries/Regular	143,668	162,950	108,912	156,389	202,258	
7112	Temporary Help	45,962	96,797	55,831	66,686	75,115	
7113	Overtime						
7114	Holiday Pay						
7115	Council/Commission Comp						
7116	Part-time Salaries						
7218	LTD Insurance	1,640	2,137	1,290	1,741	1,921	
7220	PERS Retirement	27,786	32,849	21,540	32,422	48,378	
7221	City Attorney PERS						
7231	Workers Comp Insurance	6,736	7,542	6,625	6,625	5,305	
7232	Unemployment Insurance		1,610	1,610	1,740	840	
7233	FICA and Medicare	5,168	9,640	5,035	8,083	8,679	
7241	Auto Allowance/Mileage						
7242	Uniform Allowance						
7243	Certificate Pay						
7244	Tuition Reimbursement						
7246	Benefit Insurance	28,680	34,415	20,099	25,115	58,652	
7310	Supplies & Equipment						
7311	General Supplies		45,328	41,558	45,328	38,718	
7312	Office supplies						
7313	Small Tools & Equipment						
7314	Postage						
7315	Materials						
7316	Landscape Replacement	28,188	20,000	225	20,000	20,000	
7319	Safety supplies						
7321	Printing and Binding	274	-	-	-	-	
7322	Newsletter						
7323	Books/Periodicals						
7324	Dues and Subscriptions						
7327	Street Maint. Supplies						
7328	Park Services						
7329	Park Supplies						
7331	Rentals/Leases						
7332	Telecommunications						
7335	Gas & Electric Serv	22,760	26,240	18,051	26,240	26,240	+3,375 water feature
7338	Water Service	170,663	185,000	102,478	176,227	185,000	4 12% increase
7339	Equipment Lease						
7341	Buildings & Grounds Mtn						
7342	Machinery/ Equip Maint		12,123	2,840	5,000	8,758	
7343	Vehicle Maintenance		8,092	1,218	3,000	8,334	
7344	Vehicle Gas, Oil, and Supplies		8,247	7,361	8,247	8,494	
7345	Office Equip Maint & Repairs						
7346	HVAC Mtn & Repairs						
7347	Deferred Mtn Projects/Depreciation						
7348	Shop Equip & Supplies						
7351	Insurance Premiums						
7352	Insurance Claim Expense						
7361	Advertizing						
7362	City Promotional Activity						
7363	Business Expense						
7364	Employee recognition						
7365	Volunteer Appreciation						
7371	Travel						
7372	Conference						
7373	Education and Training						
7374	Recycling Education						
7375	Training Reimbursable						
7381	Property Tax Admin Cost	3,700	3,700	3,515	3,701	3,152	
7382	Election Services						
7384	Legal Notices						
7385	Transpac Fees						
7386	NPDES Permit Fees						
7389	Misc. Expenses (Special Election)	591	-	38,465	38,465	-	
7409	Street Sweeping Services						
7411	Prof Services Retainer						
7412	Engineering Inspection	6,208	-				
7413	Special Legal Services						
7414	Auditing Services						
7415	Computer Services						
7417	Janitorial Services						
7418	Eng Plan Check						
7419	Other Prof Services	94,414	100,252	60,457	110,316	133,852	
7420	Other Outside Services						
7422	HHW Program Expense						
7423	Business Audit / Library Aide						
7424	Dispatch Services						
7425	Lab Fees						
7426	Jail Booking Fees						
7427	Cal ID Services						
7428	C N E T Services						
7429	Animal Control Services						
7430	Well Monitoring Contract						
7431	Recycling Contract						
7432	Emergency Services						
7433	Integrated Justice System						
7481	Permit Fees						
7485	Capital Equipment		59,508	36,714	59,508	-	
7486	CERF Charges/Depreciation		12,936	9,702	12,936	12,936	
7520	Project/Program costs						
7611	Principal						
7612	Interest Payment						
7613	Paying Agent Fees						
7615	Property Taxes	892	892	3,048	3,048	3,048	
8101	Transfer to General Fund	26,970	26,970	20,228	26,970	26,970	
8111	Transfer to CIP Fund						
	Total Expenses	614,301	857,328	566,602	857,766	874,650	

Attachment C3

City of Clayton
Landscape Fund 210
Estimated Budget 2008-09

Account Number	Account Name	2006-07 Actual 6/30/2007	2007-08 Adopted Budget	2007-08 Actual 3/31/2008	2007-08 Projected 6/30/2008	2008-09 Proposed Budget
4604	Clayton LMD Assessment	551,314	850,000	473,568	860,631	874,650
5601	Interest	5,613	-	5,353	9,000	7,000
	Reimbursement					
	Total Revenue	556,927	850,000	478,921	869,631	881,650
	Annual Balance (Shortfall)	(57,374)	(7,328)	(87,681)	11,866	7,000
	Beginning Fund Balance	157,830	100,455	100,455	100,455	112,321
	Ending Fund Balance	100,455	93,127	12,775	112,321	119,321

Account Number	Account Name	2006-07 Actual 6/30/2007	2007-08 Adopted Budget	2007-08 Actual 3/31/2008	2007-08 Projected 6/30/2008	2008-09 Proposed Budget
7419	**Wildland Resource Mgmt**		27,850	27,450	44,650	61,450
	Signs & Fence repairs& Recording fee		-	5,941	5,941	-
	Waraner Brothers -Tree trimming		15,000	10,925	10,925	15,000
	Paco Pumps					
	Ed Richard Discing 1x per yr		31,600	-	31,600	31,600
	NBS Admin Fees		3,900	3,631	3,900	3,900
	Martel Water Systems					
	Rodent Control		5,500	3,690	5,500	5,500
	Water Feature		16,402	5,850	7,800	16,402
	Total	-	**100,252**	57,487	110,316	133,852

Account Number	Account Name	2008-09 Proposed Budget
7311	**Herbicides**	**13,720**
	Fertilizer	**5,000**
	Irrigation	**15,000**
	Misc Supplies	**4,280**
		38,000

Extra to run pump for fountain
10 events (29 days @ $160.)
Art n Wine, Memorial Day, 4th of July, Halloween Parade/Ghost Walk, Veterans Day, Xmas Tree Lighting, Presidents Day, Thanksgiving, Garden Tours, Oktoberfest

Attachment C4

CLAYTON PIONEER

IT'S YOUR PAPER

www.claytonpioneer.com June 6, 2008 925.672.0500

City's Trails and Landscaping Committee reports on progress

CANDACE BASS
Special to the Pioneer

Although a Trails and Landscaping Committee (TLC) has been an integral part of the community since 2004, some confusion remains about the committee's responsibilities and parameters. Occasionally, questions arise regarding TLC's relationship with city staff and the City Council. TLC evolved from the citizens' Blue Ribbon Committee, which the City Council created 4½ years ago. Volunteer members are appointed by the City Council and serve in an advisory capacity. Recommendations are submitted to the City Council, with the council ultimately making decisions on behalf of the public Landscaping Maintenance District (LMD). Replaced in 2007 and funded by passage of Measure B, the LMD includes public roadway landscape, open space and the trails system.

The LMD excludes city parks; the city maintenance staff cares for the parks with general fund money. The new downtown park, the Grove, is funded separately through Measure O and is not overseen by the TLC or included in the LMD.

The frequency and scope of many LMD tasks have been made possible because of the replaced funding of Measure B. Recently, a 69-page "Clayton Trails Inventory and Evaluation" report was compiled by the maintenance staff. The semi-annual trimming effort of overgrown landscaping is another example of the key accomplishments in the TLC's initial year of oversight.

One of TLC's outreach priorities is to articulate to the Clayton community how the new funding and Maintenance Department's efforts have benefited the LMD. To that end, the committee has decided to communicate with the Clayton community on a monthly basis. Predicated upon the maintenance staff 's monthly progress, residents may now obtain information from three sources. In the Clayton Pioneer, readers will find a summary in a trails and landscape report entitled "Maintenance Update." Residents will find a copy of a more detailed report posted in the Clayton Community Library lobby. A copy of the report may also be reviewed inside each TLC agenda online at www.ci.clayton.ca.us . Click on Trails and Landscaping Committee Meeting.

MAY MAINTENANCE UPDATE

- All the lawns were mowed in the district.
- Public landscaping was trimmed in the following areas:
  - Clayton Road from the city limits to Mitchell Canyon Road, eastbound.
  - Peacock Creek Drive, westbound and along the median.
  - The downtown area, including Old Marsh Creek, Main, Center and Oak streets.
- The weed abatement program was initiated for the district, beginning with the Peacock Creek development.
- Spot spray was applied to the entire district.
- Fourteen Columbia sycamore trees were planted in the median between Mitchell Canyon Road and Atchinson Stage Road. Funding was made possible by the Yes for Clayton Landscape Maintenance P.A.C. and the Jeffry Ranch Civic Association.
- Soil was amended near the Clayton Fountain and at the Peacock Creek entrance.
- Annuals were then planted at those locations and in the planters downtown.
- Crape myrtle near the Clayton Fountain was replaced with star jasmine.

Thanks to Measure B, the TLC has evolved into a direct citizens' oversight committee of the district for the next 10 years. The committee is chaired by Candace Bass. Other members are vice chair Victor Geisler, JoAnn Caspar, David Disend, David Johnson, Jerry Kosel, Kelly Marshall, Virginia Siegel and Bill Vineyard.

The committee invites the public to bring questions and comments to meetings. The next TLC meeting is 7 p.m. Mon., June 16, in the Clayton Community Library Meeting Room. Residents may also email questions to cityinfo@ci.clayton.ca.us.

Attachment D

Attachment E

A NEW MISSION
Beginning 2007/2008

YOUR new Trails and Landscaping Committee (TLC) consists of community volunteers: neighbors, friends, business partners, and residents of Clayton. The Committee began its new mission in August of 2007 to help the City implement the voter-approved plan to manage the current and future needs of the Landscape Maintenance District.

As the oversight committee, the TLC provides short-, mid-, and long-term implementation guidance to the City Staff and City Council regarding the spending of Measure 'B' funds within the Landscape Maintenance District.

In the coming months and years, you will begin to notice the prudent visual & aesthetic improvements that your tax dollars will make possible under Measure B.

However, in addition to what you will "see" in the District, there will also be functional, structural and process-oriented improvements which will yield long-term cost-savings and equity within the District. The future will be an exciting time for the District and the City.

The TLC in Action!

The Trails and Landscaping Committee meets the 2nd Monday evening of the month (7:00 pm) at the City Library. Residents of Clayton are invited to attend these meetings to hear what is being proposed, to provide input and to get your questions answered.

Meeting agendas are posted at: City web site at www.ci.clayton.ca.us; City Hall, 6000 Heritage Trail; Clayton Library, 6125 Clayton Road; Ohm's Bulletin Board, 1028 Diablo Street.

Please direct any questions or concerns to the City via its website or address above.

Your Trails and Landscaping Oversight Committee Members

Candace Bass, JoAnn Caspar, David Disend, Victor Geisler, David Johnson, Jerry Kosel, Kelly Marshall, Dan Richardson, Virginia Siegel, Bill Vineyard.

AFTER MEASURE 'B'

NOW THAT MEASURE 'B' PASSED, WHAT CAN YOU EXPECT?

Thanks to overwhelming support of Clayton voters, funds are now approved to keep your landscaping and trails maintained. With your passage of Measure 'B' there is an initial annual assessment of $197, a much needed increase. The City Maintenance Department will receive new funds by December 2007, once property tax bills are paid.

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

Agenda Date: 7-1-08

Agenda Item: 7b

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

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

MEETING DATE: **July 1, 2008**

SUBJECT: **Consideration and direction on the Trails and Landscape Committee Adopt-a-Trail program concept for the Citywide Landscape Maintenance District**

REQUEST

Consider and provide direction on the Trails and Landscape Committee (TLC) proposed Adopt-a-Trail program concept for the City of Clayton Landscape Maintenance District.

BACKGROUND

During the TLC meetings there was interest by members to investigate and develop an Adopt-a-Trail program since the Clayton Trail System is a part of the Citywide Landscape Maintenance District. The TLC established a sub-committee to research other cities programs, prepare a survey on interest in the Clayton area.

After sharing its subcommittee results on its research and survey data, the entire TLC then authorized the sub-committee to prepare a draft concept program for the TLC review. The TLC reviewed the attached program at its May meeting and recommended it forward to the City Council for review and direction.

The following key highlights are from the attached report that staff requests the City Council provide direction:

Financial donations:

- What should the minimum financial contribution for sponsors be? The report suggests $500.
- Should groups that would only provide volunteer labor also be required to financially contribute, if so how much? The report suggest $100.

The above contributions are proposed to pay for initial trail signage, recognition event, t-shirts. sponsor/volunteer trail signage recognition, tee shirts, annual recognition event and certificate.

Signage:

- As to signage the report suggests that signs should be allowed along the adopted trail segments, of which 10-15 may be established. Signage could be marking the beginning of each segment, which would yield 10-15 signs. In addition the report suggests a second centrally located donation signage could be established (e.g.: Black Diamond Plaza).

The TLC sub-committee strongly felt that each tail segment should be signed in order to provide the most business recognition.

Staff concerns are that segment trail signage could easily become subject to vandalism issues, lack of funds or maintenance time to address replacing signs or removing or repairing signs which could become potential liability issues. There are also issues with the sign placement --being far enough off the trail for clearance but would then be somewhat impacting to weed abatement along the trails for tractors and weed whackers. Additionally there is the overall issue of whether signs which would likely have a business name/logo etc. on them would be introducing a commercial aspect and sign clutter to the interior of the trail system where it is currently a more natural setting. A central recognition sign located at a key area such as Black Diamond Plaza would be easier to maintain and still provide recognition to sponsors/volunteers.

Administration:

Lastly any Adopt-a-Trail program would need to ensure that it did not impact existing limited staff resources (time). It would need to have its own group to supervise volunteers, plan/organize/staff the work days, recognition events, and solicit participants including all correspondence. The City can serve as the financial agent for the purposed of the funds collected and set those up into a separate account as we do for other special activities such as the 4th of July Parade, Clayton Counts Down etc. The report recognizes this aspect indicating that a separate volunteer group, possibly some of the TLC members, or the TLC as a whole might serve in this capacity, and "the City Manager or his designee would negotiate with the TLC the list of specific responsibilities." The City manager advises that any new District program must fund solely its additional draw on staff resources (and not the General Fund), and there is simply no further cushion for existing staff to take on new obligations.

RECOMMENDATION

Provide direction and feedback on the proposed Adopt-a-Trail program recommendations provided by the Trails and Landscape Committee.

Attachments: Trails and Landscape Committee Recommend Adopt- a – Trail Program (rev.June 9, 2008).

Laura/TLC adopt a trail report ccr

Trails and Landscaping Committee Recommendation
Clayton, California 94517
as revised June 9, 2008

Executive Summary

"Adopt-a-Trail" programs are used in many communities, and people in Clayton are aware of such programs and generally receptive to their use. The specifics of these programs vary a bit from community to community, but they typically encompass the opportunities for groups to assist in clean-up and basic maintenance—and financial support to cover the costs of operating the program and to generate additional revenue for trail upkeep.

Clayton area businesses, churches, and service organizations were polled to assess their interest in Clayton establishing an Adopt-a-Trail program. Respondents were very supportive of the idea.

The Trails and Landscaping Committee (TLC) recommends to the Clayton City Council that such a program be started. Based on the responses to the survey, the TLC further recommends that the program have two facets: one to encourage and enable volunteers—particularly groups such as scouts, businesses, service clubs and churches—to clean and do basic maintenance on trail sections; and a second component to encourage financial support of the trails by businesses, organizations, and people to cover the costs of administering the program.

Background

At the August 13, 2007 meeting of the TLC, during a presentation for expenditure priorities and strategic plan for the district's operation and maintenance, the idea of an "adopt-a-trail" program for citizens surfaced.

At its next meeting on September 10, 2007, the TLC expressed interest in "recruiting volunteers to assist with yearly trail inspection and/or trail adoptions."

Shortly thereafter Gary Napper received an unsolicited letter on September 19, 2007, from the CD Federal Credit Union expressing interest in adopting a trail.[1]

At its October 8, 2007, meeting, the TLC formed a sub-group to gather information about adopting trails and to return to the TLC with its findings. Virginia Siegel, Kelly Marshall, and David Disend volunteered to form a sub-committee and to gather that information. Later, Victor Geisler joined the group.

Sub-committee members gathered information on a number of different programs and used the information to do basic benchmarking. This information was assimilated by the sub-committee and shared with the TLC at its November 19, 2007 meeting. At that time the TLC asked the sub-committee "to move forward to prepare a draft Clayton concept program. The concept should first identify trails and/or trail segments and then secondly describe the tasks that could be done by volunteers on the trails." The TLC asked that this be presented at the next (December) TLC meeting. From the beginning, the goal was to develop a program that extends and enhances trail beauty and maintenance and does not deplete, and potentially extends, Measure B funds.

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[1] A copy of that letter is appended to this report. See Appendix A.

At the December 10, 2007 meeting the sub-committee posed what they felt were the questions that should be answered to give dimension to the Clayton program, if it should move ahead for approval and implementation. Those questions were:

- Should there be two components?: one for those who want to donate funds, and another for those that want to provide volunteer time?
- Appreciation needs to be shown to those who participate: should it be t-shirts for the volunteers, a recognition event such as a barbeque, signage at each adopted segment for volunteers and/or financial sponsors, and/or a single sign in a fairly visible place such as downtown?
- If we proceed with financial sponsors, at what level should the price point be set—particularly since the idea is that the program should, at minimum, cover its own costs?

At the December meeting, a general outline of volunteer duties and a pro forma financial sponsor form were shared with the TLC.[2]

At both the December meeting and at the February 11, 2008, meeting, TLC members expressed various opinions on these questions. At the March 10 meeting it was agreed that the sub-committee should poll the community to see if there were enough interest to proceed.[3]

The results of the survey and the recommendation from the sub-committee were shared with the TLC on May 19. A Few small suggestions were made at that meeting, which are now incorporated into this report, and the TLC unanimously endorsed the recommendation to ask the Council to embrace and Adopt-a-Trail program.

On June 9, 2008, TLC representatives Disend and Siegel met with Laura Hoffmeister to receive counsel on how the TLC could minimize the use of city staff in establishing such a program.

Survey Results

Approximately 300 surveys were mailed (this is an estimate based on the number of stamps used. No final tally was made before posting, and about a dozen were returned because of address problems): recipients included members of the Clayton Business and Community Association, businesses licensed in Clayton, and businesses located in the two shopping centers at the corners of Ygnacio Valley and Clayton Roads. To date, 52 surveys have been competed and returned—approximately 18% of those contacted responded by filling out a survey.

Of those that responded, 69% were in favor of having an Adopt-a-Trail program and offered to provide labor, financial support or both to participate in the program. Fully 81% of those that offered to participate thought that recognition of those involved in the program would be important.

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[2] See Appendix B for copies of these documents.
[3] See Appendix C for a copy of the cover letter and survey document.

Survey Analysis and Program Recommendations

There is clearly interest in supporting an Adopt-a-Trail program in Clayton. The TLC recommends that a program be started. We believe that with proper stewardship and visibility, interest in participating in the program will increase in future years.

Based on information provided from the survey results, we suggest:

- The program have two tiers—one for those people or organizations that want to provide volunteer labor for cleanup, and one for those that want to provide financial support. This will mean that many segments will have two "owners": one doing cleanup and maintenance, one providing financial support.
- We believe there's enough demand to consider dividing the existing trails into 10-15 roughly equal length segments. In the first year, we would let participants select their segment on a first come, first served basis.
- We believe that groups providing clean-ups should commit to doing so three times per year. We think winter is wet and cold enough to be an idle quarter.
- We think financial sponsorship should be at least $500, perhaps $1,000. The truism in fund raising is that a donor's unsolicited offer is many (10-12) times less than what they would provide if asked properly. Nine survey participants expressed interest in making a contribution of $250 or greater, and six other respondents said they would contribute an amount that coordinated with the program's expenses.
- Recognition will be crucial for the program's success. This is a voluntary effort, and participants will need to feel good about their involvement.
    - A $500 sponsorship would potentially cover these costs:
        - Trailside signage (approx. $250/segment)
        - T-shirt for volunteer participants
        - Annual recognition event, perhaps a barbeque
        - Paper certificate of participation or recognition
    - We also believe that volunteer groups desiring recognition on a sign should be asked to pay for it ($100-150)
    - A more prominent and centrally located sign which lists all sponsors and participating groups should also be considered. Perhaps funding for this could be provided by a combination of city funds and an appeal to the CBCA.
    - Sponsors and volunteer groups should be responsible for any additional costs associated with sign replacement because of vandalism or theft, that is, if a sign goes missing or is damaged and the person or group recognized on the sign wants it replaced, s/he or they will need to pay additional to have it done.
- As interest to participate in the program grows, it could be handled, as existing commitments expire, by creating more segments and/or increasing the cost of financial sponsorship.
- We envision the program being "owned" by the city, but administered by the TLC or such other volunteer group the City Council would choose to establish.
- Sign designs and maintenance would go through all city processes and approvals.
- The TLC recognizes that the launch of any program has many masters: not all of who have yet expressed their specific needs. To those ends, we strongly encourage the City Council to approve

this recommendation to establish an Adopt-a-Trail program in concept, and to let the City Manager or his designee(s) negotiate with the representatives of the TLC the list of specific responsibilities.

- This program will not succeed without funding, funding will not occur without sponsors, and sponsors will not occur unless adequate recognition is provided.

Appendix A

CD FEDERAL
CREDIT UNION

Agenda Date: 10-08-07

Agenda Item: 6 (a)

Received

SEP 21 2007

City of Clayton

September 19, 2007

Dear Gary,

I am writing this letter to express CD Federal Credit Union's interest in participating in the city of Clayton's Adopt-a-Trail program. We are interested in possibly "adopting" a trail and helping to keep the trail clean by picking up trash on a regular basis. Please consider us in your planning process with rolling out this excellent new program.

Thank you for extending the opportunity to us to support the city of Clayton's visions and plans. If we can be of further assistance in the future, please feel free to contact us. We look forward to helping in any way we can.

Thank you for your consideration.

Sincerely,

Jeremy Jacobs
VP of Operations

Sumer Chatham

Sumer Chatham
Marketing Coordinator

1855 Second Street
Concord, California
94519-2693

Tel.925.825.0900
Fax.925.825.0167
www.cdfcu.org

Appendix B

DRAFT

City of Clayton
Maintenance Department

Clayton Adopt-a-Trail Program
Fact Sheet

Mission
To develop a working partnership with the Clayton Maintenance Department and the Clayton community to assist in the ongoing protection, maintenance and beautification of the Clayton trail network.

Description
The Adopt-a-Trail Program will allow community groups to act as stewards for specific segments of one of Clayton's trails. The program will be overseen by the Maintenance Department, and it will be administered by Clayton's Trails and Landscaping Committee. The program will be supported from sponsorships from the business community and other interested people.

Adopt-a-Trail Agreement
Groups interested in becoming community adopters will be required to sign an Adopt-a-Trail Agreement, outlining the specific responsibilities and expectations as given to the Trails and Landscaping Committee by the city Maintenance Department. Each adopting organization commits to a one-year period of adoption and may renew, if desired. Financial sponsors will sign a similar agreement.

Recommended Activities
- Pick up trash
- Pull weeds
- Sweeping and raking
- Monitor and report maintenance needs
- Minor repairs of surfaces and finishings
- Where appropriate, and under city direction, and then administered by the TLC:
    - Plant trees
    - Plant and maintain flower beds

What Can Be Adopted
See map in Appendix D

Recognition
Each group that fulfills its Adopt-a-Trail agreement—both community adopters and financial sponsors—will receive an official Certificate of Adoption, an invitation to the Annual Recognition Event, and an adoption sign naming the adopters to be posted at the adopted segment. Community adopters will also receive t-shirts to be worn during their work days.

DRAFT

City of Clayton
Maintenance Department

Clayton Adopt-a-Trail Program
Program Outline

Introduction
What follows is a summary of the benefits, roles and responsibilities, and operation of the Clayton Adopt-a-Trail Program. This document is intended to be an internal planning document to be shared between parties that will participate in the creation and operation of the program. Separate external marketing and promotional materials may also be created.

The Adopt-a-Trail Program is intended to build a sense of responsibility and pride within the Clayton community. The program will provide community groups and businesses with the opportunity to become involved in conserving, maintaining and beautifying Clayton's trails and the space contiguous to them. The program will not only supplement the efforts and resources of the city's Maintenance Department to care for the trails; it will also help to enhance community connections to the trails.

Roles and Responsibilities
There are four main roles concerning the operation of the Clayton Adopt-a-Trail Program:

1. **Community adopters** are groups of volunteers that commit to routine trash clean-ups, and the beautification of a specific segment of trail. They will coordinate with the Trails and Landscaping Committee to schedule work days, request materials and tools, and organize trash pick-ups. Each group will sign a one-year work agreement with the Department, outlining the expectations of both parties and appointing one central contact person/coordinator from the group. Members of each group will receive adopt-a-trail t-shirts that will be worn during their work-days.

   Each segment will have at least one community adopter; larger segments may have more.

2. **Financial sponsors** are businesses or citizens that make financial contributions specifically to the Adopt-a-Trail program. The money from this fund will be utilized to purchase materials and tools for the community adopters, purchase t-shirts, and contribute to beautification efforts (tree plantings, etc.). Financial sponsors will be acknowledged with signage on their respective segments of trail, and during Clayton community events. They will also receive regular updates regarding projects and activities on their segments. Financial sponsors are also encouraged to organize their own community adopter group as well. Financial sponsors will make a $500 per year commitment.

3. The **Maintenance Department** will act to define the appropriate work for each trail segment, and the Trails and Landscaping Committee will serve as the on-the-ground contact for the community adopters. The TLC will enter into separate work agreements with each group to define this relationship. The TLC will coordinate work-days and ensure that each group has the required materials and tools. The City will act as the financial manager of the program, maintaining exclusive access to adopt-a-trail funds. The TLC will provide regular updates to the City Council and City Manager on recent developments (new adopters, new financial sponsors, finances, etc.).

4. **The Trails and Landscaping Committee** will seek potential community adopters and financial sponsors and work to secure financial and volunteer commitments.

Adopt-a-Trail Program Operation

Finances
To ensure that contributions to the Adopt-a-Trail program are used solely for this purpose, the city will maintain a separate deposit account to enable these funds to be tracked separately. The City Manager of his designee will have exclusive access to the account (depositing and withdrawing). The Trails and Landscaping Committee will provide regular reports about how funds are being allocated and the benefits they are producing.

DRAFT

City of Clayton
Maintenance Department

Clayton Adopt-a-Trail Program

APPLICATION

Date: ______________

Adopt-a-Trail Group: ____

Group Contact: ____

Contact's Mailing Address: ____

Phone Number: ____________________ Email: ________________________

Requested Segment to Adopt: ____

Tentative Start Date: ____

Average number of volunteers per work day: ________________________________

STATEMENT OF AGREEMENT

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

____

(signature/date)

Group Coordinator

ADOPT-A-TRAIL WORK PLAN

Proposed Program Plan for: ____
[Insert Segment Name]

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

Suggested Project Items

__ Pick up litter and debris (required)

__ Remove weeds (required)

__ Raking and sweeping (required)

___ Minor repairs of surfaces/furnishings

___ Other ____

____

__ Monitor/report maintenance needs (req)

___ Plant trees*

___ Plant and maintain flowerbeds*

* The planting of all flowers, trees and other plants must be pre-approved by the Maintenance Department. Support for special projects by adopting organizations will be arranged with and approved with the Maintenance Department through the TLC.

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

Work Day #1 ________________

Work Day #2 ________________

Work Day #3 ________________

Additional Work Days

____

____

____
(signature/date)

Group Coordinator

____
(signature/date)

for the TLC

POLICIES

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

____________________________ ____________________________

(signature/date) (signature/date)

Group Coordinator for the TLC

Please return application to [address inserted here]
For questions, please contact [name], title, phone, e-mail, land address.

Appendix C

April 1, 2008

Name
Address
Clayton CA 94517

Dear :

Those of us who have lived and worked in Clayton cherish its quality of life and often pitch-in to make it a better place. Among other things, Clayton is known for the network of its trails and we'd like to elicit your opinions on a possible new program to enhance their quality and beauty.

Many communities encourage sponsors to provide volunteer time for cleaning and/or financial support for maintenance. The city's Trails and Landscaping Committee is considering such a plan, but before such would be recommended, we'd like to determine whether the community thinks that this kind of program would be timely or useful. And, if so, to get a feel for what people think should be its scope and dimensions.

So, if you would, please take a minute or two to provide answers to the questions on the enclosed questionnaire and return it in the envelope provided. Feel free to add additional comments on the back of the form—or to ask questions if you should have them by contacting any of the sub-committee members listed below.

If we don't receive your completed survey by mid-April, we will contact you to see if we can complete the survey by phone.

Thanks for your assistance!

Sincerely,

Virginia Siegel
525-9855
Virginia@onsitehealthandsafety.com

Kelly Marshall
914-0327
kellyxmike@earthlink.net

David Disend
693-0313
dsdisend@gmail.com

Victor Gelsler
673-5607
victorgelsler@yahoo.com

Encl.

Clayton Adopt-A-Trail
Business Owner Survey

1) In what capacity might you, as a business owner, support an Adopt-A-Trail program in the city of Clayton? (Please check all that apply)

____Financially, through an annual donation
____Physically, by supplying volunteer labor for periodic trail clean-up and maintenance
____By supplying financial support and volunteer labor
____I would not do any of the above
____Other (Please specify)____

2) If you participated in the Adopt-a-Trail program by providing a financial or volunteer labor donation, what recognition would you expect?
(Please check all that apply)

____Business name on an "Adopt-a-Trail" sign with other participants in a prominent area of Clayton;
____Business name on an "Adopt-a-Trail" sign on the specific trail adopted by your business;
____"Adopt-a-Trail" T-shirt to wear on work days
____Annual "Thank You" BBQ (for all volunteers and financial donors)

3) If supporting the Adopt-a-Trail program financially, what seems like a reasonable annual donation on behalf of your business?

We hope the Adopt-A-Trail will be self-supporting and not cost the city additional expense. Although all the deatails have not yet been worked out, various models are being considered for publicity of the sponsors, appropriate signage, t-shirts and recognition for the volunteers. Sponsor willingness might well determine some of these matters, so we wonder if your business would consider an annual amount of:

$____$250 ____$500 ____$1,000 ____$2,500 ____ $5,000 ________other (please specify)

4) If supporting the Adopt-A-Trail program physically by supplying volunteer labor for periodic trail clean-up and maintenance, what seems like a reasonable annual time commitment?

____2 times a year (for example, spring and fall) ____4 times a year (quarterly)
____6 times a year (every other month) ____12 times a year (monthly)

Comments:____

____

Name:______________________________Business/Organization____________________

Please return to: 1074 Mitchell Canyon Rd, Clayton 94517
or by fax (510) 245-0613

Appendix D

Insert map here

PROPOSED LIST OF TRAILS FOR ADOPTION

	Trail	Location & Route	Trail Bed	Usage
1	****Cardinet/Lydia Ln**	Begins near Library and Indian Head Way, and goes to Westwood	Dust & Gravel, includes three bridges	Very High
2	****Donner Creek**	From Marsh Creek near El Molino to Mt. Diablo trailhead	Asphalt & Gravel	High
3	****Mt. Diablo Creek Trail**	From Marsh Creek to Regency Drive and along Portal Drive. Passes dog park	Old asphalt.	High
4	****Bruce Lee Trail (AKA EASLEY TRAIL)**	From Center Street to Marsh Creek.	Old asphalt.	Moderate to High
5	**Black Diamond**	From Marsh Creek through golf course to Regional Park.	Gravel & Dirt	Moderate to High
6	**Blue Oak trail**	From golf course at Indian Head, up to Regional Park.	Dirt	Low
7	**Peacock Ridge**	Begins at Community Park, loops in northerly direction to Peacock Creek	Dirt road.	Low
8	****Peacock Creek Trail**	From Peacock Ridge Trail to Black Diamond	Narrow dirt.	Low
9	**Lower Blue Oak**	Offshoot from Blue Oak Trail. Goes to Regional Park.	Dirt (Cow Trail)	Low
10	****Peacock Flats**	Begins at Community Park, loops to Equestrian park in westerly direction.	Narrow dirt.	Low
11	**North Valley Trail**	Offshoot from Blue Oak Trail along side of North Valley Park and into Regional Park.	Dirt	Low
12	**Clayton Rd Trail**	Equestrian Park to Library	1/4 by dust	High
13	**Atchinson Stage Horse Trail**	Pine Hollow Rd. to Lydia Ln. trail		Low
14	**Mitchell Canyon Rd.**	Pine Hollow to Widmar	gravel	Moderate
	** PRIORITY			

TO BE USED IN CONJUCTION WITH "TRAILS AND INVENTORY EVALUATION " PREPARED BY CITY MAINTENANCE STAFF

Agenda Date: 7-1-08

Agenda Item: 7c

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:
Gary A. Napper **City Manager/Executive Director**

AGENDA REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **CITY MANAGER**

DATE: **01 JULY 2008**

SUBJECT: **CONSIDER CANCELLATION OF ANY REGULAR COUNCIL MEETINGS SUMMER 2008**

RECOMMENDATION

It is recommended the City Council provide policy direction concerning the prospect of canceling any regularly-scheduled City Council meetings during the upcoming summer months of August or September 2008.

BACKGROUND

Clayton Municipal Code Section 2.04.010 specifies the regular meetings of the Clayton City Council shall be held on the first and third Tuesdays of each and every month.

In previous years, the City Council has canceled one or more of its regularly-scheduled meetings during summer months to accommodate various vacation plans of its elected members and management staff. In addition, the workload of City Council business items to perform often decreases in the summer months following formal adoption of the annual City and RDA Budgets and the associated procedures to levy the annual special taxes for our several assessment and maintenance districts administered by the City.

In order to provide optimum notice of meeting cancellation to interested members of the public and the development community as well as to arrange placement of agenda matters around the vacation plans of the City Council, this item has been placed on the Agenda for discussion and direction purposes. The action of canceling one or more regularly-scheduled meetings is a matter to be taken in open public session by the City Council.

SUMMER 2007 REGULAR MEETINGS

The following table outlines the upcoming dates for regular City Council meetings in the summer months of 2008:

MEETNG DATE	COMMENTS
Tuesday, July 15th	Agenda handles a host of annual assessment levies for existing tax districts in FY 2008-2009.
Tuesday, August 5th	No critical Agenda items at this time.
Tuesday, August 19th	No critical Agenda items at this time.
Tuesday, September 2nd	Evening after Labor Day Holiday on Monday.

FISCAL IMPACT

There is no real financial impact to the City for cancellation of City Council meetings, except nominal savings for expenses incurred in the preparation, publication and holding of a Council meeting (e.g. staff time, paper and copying expenses, meeting room expenses, video taping of the meeting for replay).

If necessary or if an emergency arises between cancelled meetings, a special Council meeting may always be called by the Mayor with proper notice to members of the City Council, the press, and with fully-required public postings of the Agenda.

Respectfully submitted,

Gary A. Napper
City Manager

Attachments: 1. Calendar Months of July, August & September 2008 (3 pp.)

Mountain gorilla infant kissing Silverback male *(Gorilla beringei beringei)* © *Paul Souders*
Inset: Petit Loango National Park sunset near Sette Cama, Gabon © *WWF/Olivier Langrand*

July 2008

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3 New Moon	4 Independence Day	5
6	7	8	9	10 First Quarter	11	12
13	14	15	16	17	18 Full Moon	19
20	21	22	23	24	25 Last Quarter	26
27	28	29	30	31		

JUNE 2008

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

AUGUST 2008

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

WWF
World Wildlife Fund
www.worldwildlife.org

Gorillas *(Gorilla gorilla)* live in family groups led by one dominant male called a silverback because of the wide band of silvery white hair that extends down his back. Gestation usually produces one infant and lasts 8 to 9 months. Mothers care for their young for a long period and tend to successfully rear only one infant every 6 to 8 years.

Humpback whale mother and calf *(Megaptera novaeangliae)* © Jim Watt
Inset: Olive ridley turtle *(Lepidochelys olivacea)* © WWF-Canon/Michel Gunther

August 2008

JULY 2008

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER 2008

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

SUN	MON	TUE	WED	THU	FRI	SAT
					1 New Moon	2
3	4	5	6	7	8 First Quarter	9
10	11	12	13	14	15	16 Full Moon
17	18	19	20	21	22	23 Last Quarter
24 / 31	25	26	27	28	29	30 New Moon

WWF

World Wildlife Fund
www.worldwildlife.org

Humpback whales *(Megaptera novaeangliae)* live in every ocean on Earth. They travel seasonally and spend the summer in cold waters in high latitudes where they feed. In autumn they migrate to warmer waters to mate and give birth. Outside of their feeding grounds, Humpbacks are "baleen whales," which means they feed by gulping large quantities of water and straining crustaceans and fish by shooting the water out between the baleen plates in their large mouths.

Orangutan parent with infant *(Pongo pygmaeus pygmaeus)* © *Frans Lanting/Corbis*
Inset. Trees in mist, early morning, Danum Valley, Sabah, Malaysia © *WWF-Canon/Alain Compost*

September 2008

SUN	MON	TUE	WED	THU	FRI	SAT
	1 Labor Day	2	3	4	5	6
First Quarter 7 Grandparents Day	8	9	10	11 Patriot Day	12	13
14	Full Moon 15	16	17	18	19	20
21	Last Quarter 22 First Day of Autumn	23	24	25	26	27
28	New Moon 29 Rosh Hashanah begins	30				

AUGUST 2008

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

OCTOBER 2008

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

WWF

World Wildlife Fund
www.worldwildlife.org

Orangutans *(Pongo pygmaeus pygmaeus)* are the largest tree-climbing mammals and the only great apes found in Asia. Unlike other great apes, this "red man of the forest" is a solitary creature, except for juveniles and mothers with babies.

Agenda Date: 7-1-08

Agenda Item: 3a RDA

MINUTES
OF THE
REGULAR MEETING

CLAYTON REDEVELOPMENT AGENCY

June 17, 2008

1. CALL TO ORDER & ROLL CALL - the meeting was called to order at 8:20 p.m. by Chairman Stratford in the Library Community Room, 6125 Clayton Road, Clayton, CA. Boardmembers present: Chairman Stratford, Vice Chairman Shuey, Board Members Manning, Pierce and Walcutt. Staff present: Executive Director, Secretary, and General Counsel.

2. PUBLIC COMMENTS- None.

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

(a) Approved the minutes of the regular meeting of June 3, 2008.

4. PUBLIC HEARINGS-

(a) Public Hearing on the proposed Agency Budget for Fiscal Year 2008-2009.

The Executive Director presented the Agency Budget and stated that at its July 1st meeting the Board would be discussing the Agencies 5-year Implementation Plan. He indicated that housing for low and very low income households would need to be addressed in that plan.

Chairman Stratford opened the Public Hearing at 8:40 p.m. No public comments were received. He then closed the Public Hearing.

It was moved by Boardmember Manning, seconded by Vice Chairman Shuey to adopt Resolution 2-2008 approving the Agency's Budget for FY 2008-2009 (5-0 vote).

5. ACTION ITEMS- None.

7. BOARD ITEMS- None.

9. ADJOURN – on call by Chairman Stratford the meeting adjourned at 8:42 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

Ross "Hank" Stratford, Chairman

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 7-1-08

Agenda Item: 4a RDA

Approved:	
Gary A. Napper **City Manager/Executive Director**	

AGENDA REPORT

TO: HONORABLE CHAIRMAN AND BOARD MEMBERS

FROM: EXECUTIVE DIRECTOR

DATE: 01 JULY 2008

SUBJECT: ADOPTION OF 5-YEAR IMPLEMENTATION PLAN
CLAYTON COMMUNITY REDEVELOPMENT AGENCY PROJECT AREA

RECOMMENDATION

It is recommended the Board receive a presentation and overview of the proposed 5-Year Implementation Plan for the Agency, hold the noticed Public Hearing on the proposed Plan, and then following receipt and consideration of any public comments, the Board adopt the prepared Resolution approving the 5-Year Implementation Plan.

BACKGROUND

Formed in 1987, the Clayton Community Redevelopment Agency with its associated Project Area has been addressing its primary mission over the last 21 years to mitigate blighted conditions within its boundaries, stimulate economic development, and facilitate and produce affordable housing opportunities within the Clayton community. As part of its obligations under California Community Redevelopment Agency Law, the Agency must prepare and administer a 5-Year Implementation Plan to guide its actions and activities in accomplishing its mission.

Working with Seifel Consulting Inc., Agency staff has produced the proposed 5-Year Implementation Plan to cover the ensuing time period from FY 2008-2009 through FY 2012-2013. The Plan encompasses a review of the Agency's achievements during the past 5 years. It further outlines an action plan to steer the next 5 years of financial and program commitments to community enhancements and required affordable housing opportunities within the Agency's boundaries. After its adoption the Plan can be modified and amended as deemed appropriate by the Board to address changing circumstances and situations over the next 5 years.

Attachments: 1. Resolution [2 pp.]
2. 5-Year Implementation Plan [42 pp.]

RESOLUTION NO. -2008

A RESOLUTION APPROVING A FIVE-YEAR IMPLEMENTATION PLAN FOR THE CITY OF CLAYTON COMMUNITY REDEVELOPMENT (RDA) PROJECT AREA

THE BOARD OF DIRECTORS
CLAYTON COMMUNITY REDEVELOPMENT AGENCY

WHEREAS, the Redevelopment Agency of the City of Clayton (the "Agency") is responsible for implementation of the Redevelopment Plan for the Community Redevelopment Project Area of the City of Clayton (the Redevelopment Plan") to redevelop the Community Redevelopment Project Area of the City of Clayton (the "Project Area") consistent with the policies and standards of the General Plan of the City of Clayton (the "City"); and

WHEREAS, pursuant to CA Health & Safety Code Section 33490, the Agency is required to conduct a noticed public hearing on, and to adopt an implementation plan for the Project Area (the "Implementation Plan"); and

WHEREAS, notice of the public hearing was published in the *Contra Costa Times* daily newspaper on 30 May 2008, on 06 June 2008 and on 13 June 2008, and posted in accordance with the requirements of Health and Safety Code Section 33490(d); and

WHEREAS, Agency staff has prepared and presented to the Agency a proposed Implementation Plan for 2008-2009 through 2012-2013, a copy of which is on file with the Agency Secretary and attached hereto as "Exhibit A" and incorporated herein as if fully set forth in said Resolution; and

WHEREAS, on the date of this Resolution, the Agency did conduct and did conclude a duly noticed public hearing on the Implementation Plan in accordance with Health & Safety Code Section 33490; and

WHEREAS, the Agency and its Board of Directors do find that the Implementation Plan, with any modifications as considered and approved in connection with the public hearing, constitutes a statement of the Agency's goals and objectives for the Project Area, a summary of the specific programs and proposed expenditures proposed to be made by the Agency during the next five years, and an explanation of how the goals and objectives, projects, and expenditures will eliminate blight within the Project Area and implement the affordable housing obligations of the Community Redevelopment Law; and

WHEREAS, pursuant to Health & Safety Code Section 33490, approval of the Implementation Plan does not constitute a project for purposes of the California Environmental Quality Act ("CEQA"), and therefore no environmental documentation is required pursuant to CEQA.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS by the Board of Directors of City of Clayton Community Redevelopment Agency:

1. The Agency hereby approves and adopts the Implementation Plan for the Community Redevelopment Project Area of the City of Clayton for 2008-2009 through 2012-2013.

2. The Agency hereby authorizes the Agency Executive Director to take such other actions as are appropriate to effectuate the intent of the Implementation Plan.

3. This Resolution shall take immediate effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the City of Clayton Community Redevelopment Agency at a regular public meeting thereof held the 1st day of July 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CLAYTON REDEVELOPMENT AGENCY

____
ROSS T. "HANK" STRATFORD, Chairman

ATTEST:

____
Laci J. Jackson, Secretary

FINAL

Five Year Implementation Plan
FY 2008/09-FY 2012/13

Prepared for:

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

June 25, 2008

Seifel
CONSULTING INC.

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Table of Contents
Clayton Redevelopment Agency
Five Year Implementation Plan FY 2008/09–FY 2012/13

Table of Figures

Table of Contents
Clayton Redevelopment Agency
Five Year Implementation Plan FY 2008/09–FY 2012/13

Table of Tables

Appendices

Executive Summary
Five Year Implementation Plan

The Executive Summary serves as a synopsis of the Five Year Implementation Plan, a multi-year planning document whose purpose is to describe the redevelopment program activities the Agency intends to undertake during the five year period to continue the elimination of blight, stimulate economic development, and produce and facilitate affordable housing opportunities within the Project Area. The Implementation Plan for the Clayton Redevelopment Project Area outlines the program of revitalization, economic development and affordable housing activities of the Agency for the five year Implementation Plan period FY 2008/09 through FY 2012/13.

The California Redevelopment Law (CRL) requires the Implementation Plan to include goals, activities and estimates of expenditures, as well as a description of how they will alleviate blight and meet affordable housing requirements. The Affordable Housing Component must summarize historical and projected housing production, the affordable housing obligation and the Agency's progress in meeting the obligation. It also must include information on the Affordable Housing Program and the Housing Fund.

A. Agency Accomplishments FY 2003/04–FY 2007/08

Over the past five year period, the Agency's substantial investments in community enhancements, downtown revitalization and affordable housing have helped to improve conditions in the Project Area, as well as to serve as catalysts for other non-Agency assisted development. These activities have resulted in significant alleviation of blighting conditions in the Project Area and are the foundation for the Agency's efforts for the next five years. Much of the Agency's efforts have been focused on the revitalization of the Town Center. To highlight past key activities, the Agency has:

- Developed downtown park, "The Grove;"
- Constructed second municipal parking lot;
- Purchased downtown vacant land for sale to commercial developer;
- Established Downtown Economic Development Fund;
- Assisted with construction of youth center/gym; and
- Improved access to municipal sewerage system.

Downtown Clayton Public Parking Lot

Over the past five years, the Agency has also assisted with the production of affordable housing and has made progress in meeting its affordable housing production and expenditure obligations required by the CRL.

B. Five Year Non-Housing Redevelopment Program

The Agency's financial consultants have estimated the tax increment cap of $55 million will be reached in FY 2013/14, one year after the end of the five year Implementation Plan period. In order to retire all of its long-term debt obligations before it loses the ability to collect tax increment, the Agency has issued bond calls annually since 2004.

The Agency is projected to receive approximately $30.1 million in gross tax increment revenues during the five year Implementation Plan period. In addition, it will begin the five year period with $408,000 from the FY 2007/08 fund balance. After deducting obligations including the Housing Fund deposits, pass-through payments, Agency administration, debt service payments including bond calls, and other obligations, the Agency will have available approximately $5.2 million in net funds for non-housing expenditures during FY 2008/09 through FY 2012/13.

Community Enhancements

The primary focus of the Agency's efforts over the next five years will be to continue to enhance public facilities that improve public safety, foster private commercial investment in the Town Center and cultivate a sense of community in Clayton. Examples of specific activities include the following:

- Municipal sewer system connection assistance;
- Residential streetlights installation;
- Clayton Road utility undergrounding assistance; and
- Continued pedestrian connectivity improvements.

The Agency will also invest significant resources in the Keller House Master Plan, which will facilitate the rehabilitation and preservation of the structures listed in the California Register of Historical Resources.

Estimated five year expenditures on Community Enhancements are $2.6 million.

Sewer Project

Economic Development

The goals of economic development activities are to develop and promote programs that address the needs of the existing business community, enhance the City's ability to attract new businesses and ensure the vitality of Clayton's Town Center. To this end, the Agency will seek to attract residents, workers and visitors to patronize businesses in the Town Center through public improvements as follows:

- Acquisition of vacant and underutilized properties that could be redeveloped into vibrant and attractive mixed use (commercial and housing) developments.
- Continue to offer promotional programs and activities in order to draw investors and visitors to and generate economic activity in the Town Center.

- Gateway beautification.
- Installation of signage along Clayton Road.
- Support downtown retailers and restaurants through economic incentives and loans for storefront and façade improvements.

Estimated five year expenditures on Economic Development are $2.6 million.

Oak Street Entryway Banner Hill

C. Affordable Housing

The Affordable Housing component of the Implementation Plan summarizes the Agency's housing obligations pursuant to the legal requirements of the CRL and provides an overall framework for the Agency's Housing Program, goals and expenditures.

Affordable Housing Obligation and Production Plan

The Project Area is subject to the CRL affordable housing production requirement. When new dwelling units are developed in a project area by entities other than the Agency, the CRL requires at least 15 percent of these units to be affordable to very low, low or moderate-income households. Of those units, at least 40 percent must be affordable to very low-income households.

The Agency estimates that a total of 812 units will be constructed within the Project Area over the life of the Redevelopment Plan. Based upon this projection, the CRL requires the Agency to ensure 124 units (15 % of the 812) are affordable to very low, low and moderate-income households. Of these, the CRL requires 51 units (40%) to be available at affordable housing cost to very low-income households.

Currently, the Agency is 8 units short of meeting its affordable housing obligation of 113 affordable units (15% of the 741 units produced in the Project Area to date.) However, the Agency anticipates that over the life of the Redevelopment Plan, 124 housing units affordable to very low, low and moderate-income households will be developed, with 117 units affordable to very low-income households. Thus, the Agency expects to meet its affordable housing production obligations.

Low and Moderate-Income Housing Fund

The CRL requires an agency to set aside 20 percent of its annual tax increment revenues into a Housing Fund for the purpose of increasing, improving and preserving the community's supply of affordable housing. Housing assisted by the Housing Fund must be available to, and occupied by low and moderate- income households at an affordable housing cost in accordance with the CRL.

The Agency has made deposits to the Housing Fund in an amount not less than 20 percent of the cumulative tax increment revenue allocated to the Agency. The Housing Fund balance, less notes receivable, is estimated to be $4.2 million at the end of FY 2007/08. The Agency estimates that the cumulative deposit of tax increment revenue into the Housing Fund between FY 2008/09 and FY 2012/13 will be $5.7 million. After subtracting out Agency obligations, such as Agency administration costs, the Agency will have $9.2 million available for its Housing Program through FY 2012/13, including the current balance in the Housing Fund as of July 1, 2008.

The Agency plans to spend its Housing Fund to target specific income groups and non-age restricted housing as required by the CRL. The Agency will make every effort to encourage the development of housing affordable to a variety of income levels and needs. By combining various funding sources, and in partnership and collaboration with others dedicated to the development of affordable housing, the Agency is confident it will be able to meet its housing expenditure obligations.

Affordable Housing Program

The Agency has actively pursued affordable housing activities including assistance to affordable housing developers with funding, site selection, and infrastructure improvements as well as inclusionary agreements with market rate developers and purchasing of affordability covenants. Over the next five years, the Agency will continue to expand affordable housing opportunities available to very low, low and moderate-income households.

The Agency intends to either purchase properties outright, or facilitate their purchase by private developers for conversion into affordable ownership and rental units. The Agency will target vacant and underdeveloped residential parcels enumerated in the Housing Element in order to assist in the development of affordable housing units over the next five years. In addition, the Agency will continue to seek other opportunities to partner with affordable housing developers to produce affordable housing.

Completion of Housing Obligations

A redevelopment project cannot be terminated if an agency has not complied with its affordable housing obligations. The law further requires that for a Redevelopment Project that is within six years of reaching its limit on plan effectiveness, the Implementation Plan needs to address the ability of the agency to comply with its housing responsibilities.

By partnering and collaborating with other entities dedicated to the preservation and development of affordable housing, the Agency is poised to meet its affordable housing production obligations and expenditure requirements within the compliance period ending in 2014, which is also the year in which the Agency will likely reach its tax increment collection cap of $55 million. Specifically, the Agency:

- Does not have a deficit in its deposits to the Housing Fund.
- Currently has an excess surplus in its Housing Fund; however, the Housing Program for the five year Implementation Plan period will exhaust the funds in the Agency's Housing Fund through the production of units affordable to very low, low and moderate-income families. The Agency expects to spend significant funds to assist the development of affordable housing units in the Project Area, beginning in FY 2008/09. Thus, it is not expected that the Agency will continue to carry excess surplus funds.
- Has not undertaken any activities that would incur a relocation assistance obligation or replacement housing obligation.
- Will meet its Housing Fund expenditure targeting requirements by increasing the proportion of the Housing Fund spent on housing affordable to very low and low income households and reduce the proportion of the funds expended on moderate income housing.
- Will reduce the deficit in its affordable housing production obligation, and meet its affordable housing production obligations.

I. Introduction

The California Community Redevelopment Law (CRL) requires each redevelopment Agency administering a redevelopment plan to prepare and adopt a Five Year Implementation Plan. The principal goal of the document is to guide an agency in implementing its redevelopment programs. The affordable housing component of the Implementation Plan provides a mechanism for a redevelopment agency to monitor its progress in meeting both the affordable housing requirements and obligations under the CRL and the affordable housing needs of the community. The Implementation Plan is a guide, incorporating the goals, objectives and programs of an agency for the next five years while providing flexibility so the agency may adjust to changing circumstances and new opportunities.

A public hearing must be held on the Implementation Plan prior to its adoption by the agency. In addition, the CRL requires an agency to hold, between two and three years after the plan's adoption, a public hearing to review the Implementation Plan and evaluate the agency's progress.

This document is the Five Year Implementation Plan for the Clayton Redevelopment Project Area (Project Area) administered by the Clayton Redevelopment Agency (Agency). It outlines the proposed program of revitalization, economic development and affordable housing activities of the Agency for the five year Implementation Plan period, FY 2008/09 through FY 2012/13. It includes goals, activities, estimates of expenditures, and a description of how the activities will alleviate blight and meet affordable housing requirements.

The Affordable Housing Component, Chapter III of this document, includes the Affordable Housing Production Plan, which summarizes historical and projected housing production, the affordable housing obligation and the Agency's progress in meeting the obligation. Additionally, the Housing Component includes the status of the Low and Moderate-income Housing Fund (Housing Fund) and estimated annual deposits into the Housing Fund over the next five years. The Housing Program estimates the Housing Fund expenditures and affordable housing units to be assisted by the Housing Fund in each of the five years in the Implementation Plan period.

If a project area is within six years of reaching the time limit of redevelopment plan effectiveness, the CRL mandates that an agency address certain requirements in regards to its ability to comply with its affordable housing obligations. The Agency will not reach its Redevelopment Plan effectiveness time limit until July 2027. However, the Agency is expected to reach its $55 million tax increment collection cap in FY 2013/14 and may consider terminating the Redevelopment Plan when the cap is reached.[1] Given that the Redevelopment Plan may be terminated by FY 2013/14, Section III.E outlines the CRL requirements for agencies within six years of reaching redevelopment plan effectiveness and how the Agency currently meets or expects to meet these obligations.

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[1] The Redevelopment Plan expires on July 20, 2027, as outlined in Table I-1.

The Implementation Plan is a multi-year planning document whose purpose is to describe the redevelopment program activities the Agency intends to undertake during the five year period to eliminate blight, stimulate economic development and produce affordable housing. The Agency expects that particular constraints and opportunities, not fully predictable at this time, will arise in the course of undertaking the projects and activities described in this Implementation Plan over the next five years. Therefore, the Agency intends to use and interpret this Implementation Plan as a flexible guide. The Agency understands that specific projects and activities as actually implemented over the next five years may vary in their precise timing, location, cost, expenditure, scope, and content from those set forth in this document.

A. Organization

Generally, the Implementation Plan must contain the following information:

1. Goals and objectives for the next five years for both the housing and non-housing activities.
2. Programs and expenditures for the next five years for both housing and non-housing activities.
3. An explanation of how the goals, objectives, programs, and expenditures will assist in the elimination of blight and in meeting affordable housing obligations.
4. Other information related to the provision of affordable housing.

Chapter I provides an overview of the CRL requirements, a description of the Project Area and a summary of Agency accomplishments to date. Chapter II includes five year goals and objectives for the Project Area, the activities and related revenues and expenditures for the next five years, and a description of the blighting conditions and how they will be alleviated by the activities. Chapter III, the Housing Component, addresses affordable housing activities and expenditures and charts the Agency's progress in meeting its affordable housing obligations. Chapter III also includes the Affordable Housing Production Plan and a description of actions the Agency will undertake to fulfill its affordable housing obligations if it chooses to terminate the Redevelopment Plan once it reaches its tax increment cap.

B. Description of the Clayton Redevelopment Project Area

The City of Clayton is located north of Mount Diablo, neighboring the City of Concord. The 852-acre Project Area was adopted in November 1987. It follows Clayton Road through most of the City's extension and encompasses about half of the City's urbanized land. The Project Area includes the downtown blocks along Main Street and the Clayton Station Center on Kirker Pass Road, bordering Concord, which together comprise most of the City's commercial land uses. The Project Area excludes the residential areas in the northern and southern portions of the City, as well as two smaller areas in the northwestern portion on both sides of Clayton Avenue, as shown in Figure I-1.

Table I-1 summarizes time and fiscal limits and key dates specified in the Redevelopment Plan. Although the time limits for project activities and tax increment collection are July 2027 and July 2037, respectively, the Agency is expected to reach its tax increment cap of $55 million in FY 2013/14 and may choose to terminate the Redevelopment Plan that year if it has met all CRL obligations by that time.

Figure I-1
Location and Boundaries of the Clayton Redevelopment Project Area

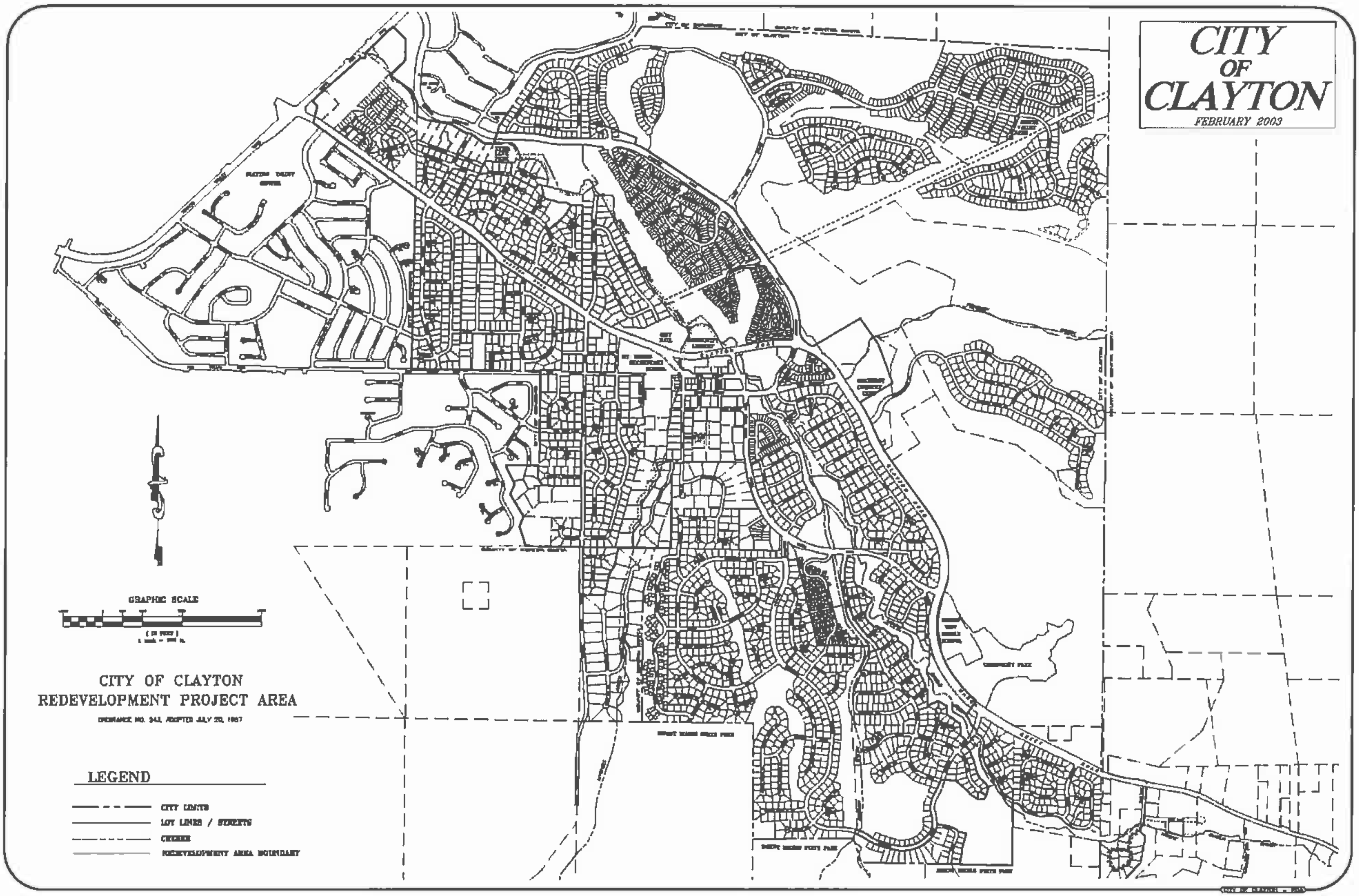

Table I-1
Summary of Existing Time and Fiscal Limits
Clayton Redevelopment Project Area

Acres	852
Date Adopted	July 1, 1987
Plan Effectiveness Date	August 1, 1987
Base Year	FY 1987/88
Base Year Assessed Value	$129,551,846
Time Limits	
Incurring Debt	July 20, 2007
Eminent Domain	July 1, 1999
Project Activities	July 20, 2027
Tax Increment Receipt	July 20, 2037
Financial Limits	
Tax Increment Cap[a]	$55,000,000
Outstanding Indebtedness Limit	$30,000,000

a. Limit on tax increment collection for non-housing program. Does not include pass-through payments and 20 percent housing set-aside.

Source: Clayton Redevelopment Agency

C. Agency Accomplishments FY 2003/04–FY 2007/08

Over the past five year period, the Agency's investments in community enhancements, downtown revitalization and affordable housing have helped to improve conditions in the Project Area, as well as serve as catalysts for other non-Agency-assisted development. These activities have resulted in significant alleviation of blighting conditions in the Project Area and are the foundation for the Agency's efforts for the next five years.

The Agency's activities can be grouped into three main categories: community enhancements, economic development and affordable housing. Much of the Agency's efforts has been focused on the revitalization of the Town Center through activities such as the development of the Downtown Park, the building of the second municipal parking lot, the purchase of vacant land for sale to a commercial developer, the establishment of a Downtown Economic Development Fund, and the enhancement of Clayton's trail system, which improves pedestrian connectivity throughout the City. The Agency's projects and activities during the past five years are summarized in Table I-2.

Table I-2
Redevelopment Agency Accomplishments
FY 2003/04–2007/08
Clayton Redevelopment Project Area

Project Title		Project Expenditures (In Nominal $)
Community Enhancements		
Old Marsh Creek Road Retaining Wall	$	320,000
Pine Hollow Area Sewer	$	144,000
Keller Ranch House Preservation	$	129,468
Downtown Park	$	2,100,000
Bocce Ball Courts Design	$	43,431
ADA Handicap Sidewalk Ramps	$	65,000
Endeavor Hall Parking Lot Phase II	$	165,500
Youth Center/Gym	$	977,000
Pavement Rehabilitation	$	254,000
Utility Undergrounding	$	105,930
Subtotal	**$**	**4,304,329**
Economic Development		
Downtown Economic Development Fund	$	1,141,467
Town Center Property Purchase	$	106,508
Subtotal	**$**	**1,247,975**
Total Projected Non-Housing Expenditures	**$**	**5,552,304**
Affordable Housing		
Diamond Terrace Senior Housing	$	1,000,000
Stranahan Circle Property Acquisition and Sale	$	3,587,977
Total Projected Housing Expenditures	**$**	**4,587,977**
Total Projected Redevelopment Program Expenditures	**$**	**10,140,281**

Source: Clayton Redevelopment Agency.

II. Redevelopment Program Goals, Projects and Activities

This chapter describes the five year Redevelopment Program, including the goals and objectives, project and activity descriptions, deficiencies to be corrected, and estimated costs. As they are implemented, these projects and activities may be modified over time to better serve the purposes of redevelopment. The cost estimates are preliminary and subject to refinement as redevelopment planning and implementation proceed. Some of these projects and activities may not be completed within the next five years, and thus, related costs may not be incurred in the next five years.

The Agency's financial consultants have estimated that the tax increment cap of $55,000,000 will be reached in FY 2013/14, one year after the end of this five year Implementation Plan period. The Agency has issued bond calls annually since 2004 in order to retire all of its long-term debt obligations before it loses the ability to collect tax increment. With this in mind, the Agency could expect to conclude its housing and non-housing project activities within the five year Implementation Plan period, or soon thereafter. The Agency anticipates that it will be in compliance with its affordable housing obligations by the end of the CRL-mandated 10-year compliance period ending in 2014, as outlined in Section III.E below.

A. Goals and Objectives

The CRL requires the Agency to establish goals and objectives for the Project Area over the five year Implementation Plan period. The FY 2008/09–2012/13 goals and objectives, intended to eliminate physical and economic blighting conditions and produce affordable housing, are based on the goals and objectives established when the Redevelopment Plan was adopted, as well as the Clayton General Plan and Town Center Specific Plan. Together with zoning regulations, these documents will continue to guide the direction of all future development and activities within the Project Area over the next five years.

1. Redevelopment Plan Goals and Objectives

The 1987 Redevelopment Plan sets forth a series of general goals as well as specific development techniques to achieve Redevelopment Plan objectives. The goals and objectives of the Redevelopment Plan serve as a guide to the five year Redevelopment Program. The goals and objectives excerpted from the plan are listed below (in italics):[2]

a. General Goals of the Redevelopment Plan

- *To provide a stable, diversified and stronger economic base for the Project Area and community.*
- *To provide safer, more efficient, and more economical movement of persons and goods within the Project Area and community.*

[2] The Plan of the Proposed Community Redevelopment Project Area of the City of Clayton. July 1987, p. 6–7.

- *To conserve and improve existing public facilities and provide new such facilities as needed for the improvement of the Project Area.*
- *To enhance the physical environment of the Project Area and to emphasize its favorable environmental characteristics.*
- *To maximize opportunities wherever possible for the retention of existing property interests, for local investors as well as for the continuation, revitalization and expansion of existing commercial enterprise within the area.*
- *To accomplish these goals with a minimum displacement of any property owner, resident or business person who may wish to remain within the Project Area.*

b. Development Techniques to Achieve Redevelopment Plan Objectives

- *Installation, construction, or reconstruction of streets, utilities, landscaping, and other on-site and off-site improvements.*
- *Encouragement of development of land by private enterprise for use in accordance with this plan.*
- *Encouragement of renovation and improvement by private land owners.*
- *Rehabilitation and rejuvenation of existing structures.*
- *Limited acquisition of real property.*
- *Relocation assistance to displaced residential and non-residential occupants.*
- *Limited demolition or removal of buildings and improvements.*
- *Disposition of property for uses in accordance with this plan.*
- *Provision of tax-exempt financing to those projects in conformance to the Community Redevelopment Plan as well as all appropriate City Codes and Plans.*
- *Utilization of tax-exempt financing vehicles available to the Agency and the City, including but not limited to those authorized by the Redevelopment Construction Loan Act, those available through the General Powers of the Agency, and those available via the Parking and Assessment District Statutes of the State of California.*

2. Five Year Implementation Plan Goals and Objectives

As indicated above, the Redevelopment Plan for the Project Area represents a comprehensive economic development and community enhancement approach to redevelopment based on a mix of public actions and private activities. The Implementation Plan's five year goals and objectives draw from the goals and objectives of the Redevelopment Plan and are also based on land use and development policies, design recommendations and capital improvements detailed in the Clayton General Plan and the Town Center Specific Plan. Lastly, the goals and objectives of the Implementation Plan were shaped with the understanding that the Agency will likely reach its tax increment collection cap soon after the five year Implementation Plan period, and thus the Agency may choose to terminate the Redevelopment Plan soon thereafter.

In addition to the goals and objectives outlined in the Redevelopment Plan, the Agency plans to focus on the following goals and objectives over the next five year period:

- Encourage the use of the Town Center by residents and visitors by sponsoring promotional programs and activities that increase economic activity, as well as improving signage and beautifying gateways into the downtown area.

- Invest in programs to stimulate economic development and job creation, such as incentives to improve storefronts/façades, develop vacant and underutilized properties, and improve public parks and open space in the Town Center.
- Assist City efforts to correct municipal sewer system deficiencies within the Project Area by extending sewer laterals to areas still reliant on septic tanks, such as Clayton Woods, and existing capacity deficiencies on El Molino Drive.
- Continue to expand the City's trail system, particularly focusing on improving pedestrian access to the Town Center.
- Strengthen the City's economic base by increasing opportunities to purchase local goods, services and entertainment and creating local jobs.
- Provide a supportive environment for the business community, encourage existing businesses and to attract new ones.
- Ensure the availability of affordable housing opportunities in Clayton.
- Improve the physical and natural environment and maintain the City's long-term infrastructure investment.

B. Redevelopment Program FY 2008/09–FY 2012/13

The Agency will undertake projects and activities in the Project Area over the next five years to alleviate blighting conditions, revitalize the Project Area and attain the Redevelopment Program goals. The Agency has ample resources to fund the program, including significant balances in both its non-housing and housing funds. These projects and activities can be categorized into three basic program categories, with specific projects and activities summarized in Table II-1. The community enhancements, economic development activities and the Affordable Housing Program are described below.

1. Community Enhancements

The primary focus of the Agency's efforts over the next five years will be to continue to enhance public facilities that improve public safety, foster private commercial investment in the Town Center and foster a sense of community in Clayton. The Agency will focus particularly on assisting properties that use septic tanks to connect to the municipal sewer system. Several properties utilizing septic tank systems are in close proximity of Mount Diablo, Mitchell and Donner Creeks and could possibly create public health hazards if those systems leach into the waterways. In addition, the installation of residential street lights in certain areas can lead to improved public safety. The Agency will also seek to combine tax increment funds with other funding sources to underground utilities along Clayton Road, the main gateway into the City. Finally, the Agency will continue to improve pedestrian connectivity throughout the Project Area, particularly into the Town Center by extending and improving the Clayton Road Trail.

The Agency will also invest significant resources in the Keller House Master Plan, which will rehabilitate and preserve these structures listed in the California Register of Historical Resources. The Master Plan will restore the 1912 ranch house and likely convert it to a museum or an interpretive center that will complement other adjacent civic buildings such as the City Hall and the Community Library.

2. Economic Development

The goal of economic development activities is to develop and promote programs that address the needs of the existing business community, enhance the City's ability to attract new businesses and ensure the vitality of Clayton's Town Center. To this end, the Agency will seek to attract residents, workers and visitors to patronize businesses in the Town Center through public improvements such as gateway beautification, installation of signage along Clayton Road and acquisition of vacant and underutilized properties that could be redeveloped into vibrant and attractive mixed use (commercial and housing) developments. In addition, the Agency will support downtown retailers and restaurants through economic incentives and loans for storefront and façade improvements. Lastly, the Agency will continue to offer promotional programs and activities in order to draw investors and visitors to and generate economic activity in the Town Center.

3. Affordable Housing

The Agency will continue to expand affordable housing opportunities available to very low, low and moderate-income households. The Agency dedicates 20 percent of its tax increment revenues towards the production of affordable units through varied strategies such as purchasing affordability covenants in market-rate units, partnering with affordable housing developers and negotiating inclusionary requirements with developers within the Project Area. Additionally, the Agency will update its Housing Element in the next year, which will help to further identify potential sites for the production of affordable housing projects. Chapter III describes the Affordable Housing Program in further detail.

Table II-1
Projected Redevelopment Expenditures
FY 2008/09 to FY 2012/13
Clayton Redevelopment Agency

Project Title	Project Number[a]	Projected Expenditures FY 08/09 - 12/13	
Community Enhancements			
Sewer lateral connections to municipal sewer	–	$	400,000
El Molino Drive Sanitary Sewer Master Plan - Phase 1	–	$	118,000
Keller Ranch House Master Plan	CIP 10337A	$	1,780,000
Residential street lights	–	$	50,000
Underground overhead utilities	CIP 10397	$	106,000
Clayton Road Trail connection	CIP 10402	$	100,000
Subtotal		**$**	**2,554,000**
Economic Development			
Acquisition of vacant and underutilized properties	CIP 10400	$	2,000,000
Economic incentives for downtown retail	CIP 10400	$	250,000
Façade improvement program	CIP 10400	$	250,000
Town Center entry/gateway beautification & signage	CIP 10403	$	100,000
Subtotal		**$**	**2,600,000**
Total Projected Non-Housing Expenditures		**$**	**5,154,000**
Affordable Housing			
Development asssistance for ownership units[b]	–	$	6,500,000
Development assistance for rental units[c]	CIP 10361	$	1,500,000
HCD-Certified Housing Element Implementation	–	$	50,000
Total Projected Housing Expenditures		**$**	**8,050,000**
Total Projected Redevelopment Program Expenditures		**$**	**13,204,000**

a. Project numbers provided only for projects already in Capital Improvement Program budget. Actual dollar values may be based on Agency projections and differ from those in CIP budget.
b. Includes projected costs of property purchase and development assistance at affordable housing opportunity sites outlined in 2005 Housing Element as well as annual $200,000 payments to Diamond Terrace senior housing development.
c. Includes projected costs of property purchase and development assistance at affordable housing opportunity sites outlined in 2005 Housing Element.
Notes: Numbers shown are in thousands of dollars.
Source: Clayton Redevelopment Agency, Seifel Consulting Inc.

C. Linkage Between Program and Elimination of Blighting Influences

The CRL requires that the Implementation Plan provide an explanation of how the goals, objectives, programs, and expenditures for the next five years will serve to eliminate blight in a project area. The five year Redevelopment Program will continue to improve the Project Area and alleviate blighting conditions. This section describes how deficiencies will be corrected by the projects and activities proposed for the five year period.

1. Blighting Conditions in the Project Area

The Agency has made substantial progress towards the elimination of physical and economic blight and towards the redevelopment of the Project Area. Blighting influences at the time of adoption of the Redevelopment Plan in 1987 included unsafe buildings, areas susceptible to flooding and lack of parking, as well the underutilization of the Town Center due to inadequate public improvements such as parks, streets, decorative sidewalks and street lights, and signalization.

Over the past two decades, Agency investments have ameliorated many of these issues. Table I-2 describes the Agency's actions over the past five years in greater detail. Other projects over the past two decades include the renovation of the DeMartini Winery into the Clayton City Hall; installation of retaining walls to prevent landslides; renovation of the historic Endeavor Hall, including a parking facility; and revitalization of the Town Center through building new sidewalks, installing benches and street planters, and other projects to encourage use of Clayton's Downtown by residents and visitors. These projects have helped to address blighting conditions and encourage private investment in the Project Area.

The Agency intends to address remaining blighting influences during the five year Implementation Plan period. It is unlikely that the private or public sector alone can financially support the substantial costs of the Redevelopment Program without redevelopment assistance. The remaining blighting conditions in the Project Area include:

- Deficient or deteriorated buildings in which it is unsafe or unhealthy for persons to live or work.
- Underutilized buildings.
- Adjacent or nearby incompatible uses.
- Depreciated values and impaired investments.
- Inadequate public improvements and utilities.

2. How the Agency's Proposed Goals, Objectives, Programs, and Expenditures Will Eliminate Remaining Blighting Influences

The Agency's proposed goals, objectives, programs, and expenditures, as outlined in Sections A and B of this chapter, will help eliminate blighting influences in the Project Area. Table II-2 provides a matrix summarizing the relationship between proposed projects and activities and how they will eliminate blight.

Redevelopment is a vital tool in the City's toolbox for economic and neighborhood development. During the FY 2008/09–FY 2012/13 Implementation Plan period, the Agency will continue to focus on a number of economic development projects within the Project Area, with a particular focus on activities that will increase economic activity in the Town Center, thus facilitating private commercial investment in the area.

The Agency's economic development efforts will continue to encourage private sector investment within the Project Area and enhance the City's ability to attract new businesses and visitors. One example of such future efforts is the beautification of the gateway and the installation of signage into the Town Center from Clayton Road, the City's main arterial. Currently, drivers and pedestrians on Clayton Road have limited visibility of the Town Center, which hampers local businesses and dampens economic activity in Clayton's downtown. Additionally, the Agency is seeking to purchase underutilized and vacant properties, some of which are outlined in Section 5.0 of the 2005 Housing Element, in order to convert them into affordable housing or mixed use commercial developments, helping to eliminate blighted buildings with uses that would improve economic activity throughout the Project Area.

These economic development efforts, combined with improved pedestrian circulation infrastructure and other public improvements are consistent with the Town Center Specific Plan and are expected to enhance economic activity in the area while maintaining the existing character of the downtown. These projects are prioritized, not only because they eliminate physical blighting conditions, but also because they promote economic development opportunities and facilitate private investment in the Project Area.

The Agency will also seek to assist property owners within the Project Area to convert from septic tanks into the municipal sewer system. These improvements will help the City avoid public health hazards that may arise should septic tanks leach into waterways such as Mount Diablo and Mitchell and Donner Creeks. Other public improvements that will improve safety in the Project Area and help to eliminate remaining blighting influences include installing streetlights and extending the City's trail network to improve pedestrian safety.

Table II-2
How the Redevelopment Program Activities will Alleviate Blighting Conditions
Clayton Redevelopment Agency

Blighting Condition	Community Enhancements	Economic Development	Affordable Housing
Deficient or deteriorated buildings	■	■	■
Incompatible Uses	■	■	
Depreciated values and impaired investments	■	■	■
Inadequate Public Improvements	■		■

Source: Clayton Redevelopment Agency; Seifel Consulting Inc.

D. Five Year Implementation Plan Expenditures

Table II-3 summarizes estimated non-housing program expenditures during the five year Implementation Plan period, shown in greater detail in Table II-1.[3] The nature and scope of the activities and expenditures have been shaped primarily by the Agency goals and objectives for the Project Area, available revenues for funding projects and activities, and blighting conditions to be eliminated within the Project Area. The projected expenditures on Agency non-housing projects and activities included in Table II-3 represent an estimate based on reasonable assumptions regarding potential tax increment revenues over the five years and is organized by the Redevelopment Program activities.[4]

Table II-3
Summary of Projected Five Year Non-Housing Redevelopment Program Expenditures
FY 2008/09–FY 2012/13
Clayton Redevelopment Agency

Programs and Projects	Projected Expenditures[a]
Community Enhancements	$2,554,000
Economic Development	$2,600,000
Total	**$5,154,000**

a. Projected non-housing expenditures rounded to the nearest thousand.

Source: Clayton Redevelopment Agency.

E. Five Year Implementation Plan Revenues

Over the next five years, the Agency will undertake those activities that can be financially supported by its revenue stream. The Agency's two basic revenue sources include annual tax increment revenues and other Agency and non-Agency financial resources.

1. Projected Funds for Non-Housing Program

The main source of revenue available to the Agency for its programs and projects has been and will continue to be property tax increment. Property tax increment is that portion of the total amount of property tax revenues collected annually from all the properties in the Project Area above the amount collected at the time the Project Area was adopted. Much of the tax increment funds available for the Non-Housing Program are dedicated to fulfill prior debt obligations from tax allocation bonds issued in 1993, 1996 and 1999.

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[3] All historical and projected revenues and expenditures in this document are expressed in future value dollars, also referred to as nominal dollars.

[4] FY 2008/09–FY 2012/13 revenues and expenditures do not include prior year appropriations, but show the FY 2007/08 year end balance.

Additionally, as the Agency will no longer be able to collect tax increment beyond its cap of $55 million, likely to be reached in FY 2013/14, it will spend revenues collected from tax increment during the five year Implementation Plan period to retire its debt obligations through bond calls.

The Agency projects that approximately $5.2 million in funds above its debt obligations will be available during the five year Implementation Plan period for non-housing projects and activities. Table II-4 summarizes the Agency resources available for non-housing projects during the next five years of the Redevelopment Program. Table II-5 presents the supporting detailed projections for the next five years.

Table II-4
Summary of Projected Funds for
Non-Housing Redevelopment Program
FY 2008/09–FY 2012/13
Clayton Redevelopment Agency

Fiscal Year	Revenues
Starting Fund Balance	$408,000
2008/09	$537,000
2009/10	$677,000
2010/11	$738,000
2011/12	$1,159,000
2012/13	$1,684,000
Total	**$5,203,000**

Source: Clayton Redevelopment Agency.

As indicated on Table II-5, the Agency is projected to receive approximately $30.1 million in gross tax increment revenues during the five year Implementation Plan period. In addition, it will begin the five year period with $408,000 from the FY 2007/08 fund balance. After deducting obligations including the Housing Fund deposits, pass-through payments, Agency administration costs, debt service payments including bond calls, and other obligations, the Agency will collect approximately $5.2 million in net funds available for non-housing expenditures during the five year Implementation Plan period.

The Agency will continue to have various administration and operational requirements associated with carrying out projects and activities. These will include program staff, planning functions and legal and other technical assistance.

As required by the CRL, the Agency must invest its property tax increment revenue in the Project Area to revitalize the Project Area and eliminate blight. By encouraging and expanding local commercial, retail and residential opportunities, the Agency will achieve the greatest return on its investment while creating local jobs, enhancing sales tax generation and increasing property values. Property values increase when the Agency maximizes the investment and leverage of tax increment revenue. Increased property values will ultimately translate to a greater tax base to support the General Fund, the Mount Diablo Unified School District and other public entities that collect property taxes within the Project Area.

2. Other Agency and Non-Agency Financial Resources

Wherever possible, the Agency will continue to leverage other Agency and non-Agency funds in connection with its redevelopment efforts. If more funds are received, the Agency could potentially undertake additional activities. To assist with financing eligible projects, the Agency has targeted local, state and federal funding sources, including the City of Clayton, other local entities, Contra Costa County, the State of California, and the federal government. Revenues from Measures C and J to fund street improvements, developer fees, and PG&E's Rule 20A funds for undergrounding utilities will also provide financial resources for Agency programs and activities.

Table II-5
Projected Revenues Available for Non-Housing Redevelopment Program
FY 2008/09 to FY 2012/13
Clayton Redevelopment Agency

Fiscal Year	2008/09	2009/10	2010/11	2011/12	2012/13	Total
FY 2007/08 Year End Fund Balance	$408,000					
Gross Tax Increment[a]	$5,460,000	$5,726,000	$6,002,000	$6,290,000	$6,589,000	$30,067,000
Agency Obligations						
Less: 2% Elections	$245,000	$260,000	$274,000	$290,000	$305,000	$1,374,000
Less: Housing Set-Aside[b]	$1,043,000	$1,093,000	$1,146,000	$1,200,000	$1,257,000	$5,739,000
Less: Pass-Through Payments	$710,000	$745,000	$781,000	$818,000	$1,202,000	$4,256,000
Less: Debt Service[c]	$1,100,000	$1,022,000	$934,000	$478,000	$380,000	$3,914,000
Less: Bond Calls[d]	$1,525,000	$1,615,000	$1,800,000	$2,000,000	$1,430,000	$8,370,000
Less: Agency Administration[e]	$300,000	$314,000	$329,000	$345,000	$331,000	$1,619,000
Subtotal Agency Obligations	$4,923,000	$5,049,000	$5,264,000	$5,131,000	$4,905,000	$25,272,000
Net Funds for Non-Housing Projects and Activities	$537,000	$677,000	$738,000	$1,159,000	$1,684,000	$4,795,000
Cumulative Funds for Non-Housing Programs[f]	$945,000	$1,622,000	$2,360,000	$3,519,000	$5,203,000	$5,203,000

a. Tax increment projections calculated by Piper Jaffray & Co. in May 2008.

b. Housing Set-Aside payment equals 20 percent of gross tax increment minus 2 percent elections (CRL Section 33676).

c. Debt service includes agency obligations for 1993, 1996 and 1999 tax allocation bonds totaling $19,590,000.

d. The Agency is projected to reach its tax increment collection limit of $55,000,000 in FY2013/14. Therefore, it is seeking to retire its debt obligations by FY 2013/14 through bond calls.

e. Agency administration assumed at 9 percent of gross tax increment minus 2 percent elections, housing set-aside and pass-through agreements, based on projected administrative costs.

f. Based on prior year-end balance plus net funds from current fiscal year.

Note: Numbers rounded to the nearest thousand. May not add up precisely due to rounding.

Source: Clayton Redevelopment Agency, Piper Jaffray & Co. and Seifel Consulting Inc.

III. Housing Component

This chapter comprises the housing component of the Implementation Plan, which summarizes the Agency's housing obligations pursuant to the legal requirements of the CRL and provides an overall framework for the Agency's Housing Program goals and expenditures. Pursuant to state law, the Agency is guided by the City's adopted and certified General Plan Housing Element. The Agency intends to implement all relevant goals, policies, strategies, and programs from the Housing Element, as generally described in this chapter.

This chapter is organized as follows:

- Section A includes the Housing Production Plan.
- Section B describes the Replacement Housing Plan.
- Section C details the Housing Fund deposits and expenditures for five years.
- Section D includes the Agency's Affordable Housing Program.
- Section E describes the completion of housing obligations.

The housing portion of the Implementation Plan is required to set forth housing goals and objectives for the five year Implementation Plan period (FY 2008/09 through FY 2012/13), present estimates of Housing Fund deposits, describe potential projects and estimated expenditures planned for the five year Implementation Plan period, and explain how the stated goals, objectives, deposits, programs, projects, and expenditures will produce affordable housing units to meet these obligations. The CRL requires an implementation plan to include the following affordable housing planning components:

- The Housing Production Plan, including the total number of housing units estimated to be produced and the number of affordable housing units to be produced for two time periods:
  - 10-year compliance period (2005 through 2014), and
  - Over the life of the Redevelopment Plan.
- Identification of proposed locations for replacement housing that the Agency would be required to produce if a planned project will result in the destruction of existing affordable housing.
- The Amount available in the Housing Fund, estimates of annual deposits into the Housing Fund during the five year Implementation Plan period and the Agency's plans for using the annual deposits to the Housing Fund.
- The Affordable Housing Program, with estimates of the number of new or rehabilitated price-restricted affordable housing units to be assisted by the Housing Fund during each of the five years.
- A description of how the Affordable Housing Program will implement the Housing Fund expenditure targeting and other requirements.
- For plans that are within six years of completion of project activities, a detailed description of how the Agency will meet its affordable housing production and expenditure targeting obligations prior to termination of the plan.

A. Housing Production Plan and Affordable Housing Obligation

This section constitutes the Housing Production Plan for the Agency's 10-year housing compliance period and over the life of the Project Area. It includes estimates of housing production subject to the affordable housing production requirement and the Agency's strategy for meeting its affordable housing production obligation.

The Project Area was established after 1976 and is therefore subject to the affordable housing production requirement. For agency-produced housing units, the CRL inclusionary housing obligation requires at least 30 percent of all new or substantially rehabilitated housing units to be available at affordable housing cost to persons and families of very low, low or moderate-income.[5] Of those units, at least 50 percent must be affordable to very low-income households. This requirement applies only to units developed by an agency and does not apply to units developed by housing developers pursuant to agreements with an agency. The Agency has not directly developed housing in the past, nor does it have plans to do so in the future. Therefore, the Agency does not have an affordable housing production requirement of 30 percent with respect to agency-developed housing.

When new dwelling units are developed in a project area by public or private entities other than the agency or when housing is substantially rehabilitated in a project area by public or private entities with agency assistance, the CRL requires that at least 15 percent of these units be affordable to very low, low or moderate-income households. Of those units, at least 40 percent must be affordable to very low-income households. This affordable housing production requirement applies to the Project Area, as discussed below.

Units produced toward the Agency's affordable housing production obligation are also required by the CRL to meet the length of affordability covenant standards. Currently, affordability covenants are to be no less than 55 years for rental units and 45 years for owner-occupied units to meet CRL housing production requirements. Over the life of the Redevelopment Plan, the duration requirements for affordability covenants have changed. The Agency housing production units and regulatory agreements reflect these changes to state law.

The Agency's affordable housing production requirement must be satisfied in the aggregate for each successive 10-year period during the life of the Redevelopment Plan as well as over the life of the Redevelopment Plan. Consequently, the Housing Production Plan is organized to meet CRL requirements for each 10-year compliance period as well as over the life of the Plan. The Housing Production Plan compliance periods for the Agency are the following:

- Inception of the Redevelopment Plan in 1987 through 1994;
- The initial 10-year compliance period of 1995 through 2004;
- 2005 through 2014; and
- Over the life of the Redevelopment Plan.

[5] As of January 1, 2002, the CRL defined "substantially rehabilitated units" as all units substantially rehabilitated with agency assistance. "Substantial rehabilitation" means rehabilitation, the value of which constitutes at least 25 percent of the after-rehabilitation value of the housing unit, inclusive of land value.

1. Historical Housing Production and Obligation (1987 through 1994)

The Agency reports that 407 housing units were developed or substantially rehabilitated in the Project Area from inception of the Redevelopment Plan through 1994, as shown in Table III-1. The housing obligation, as defined by the CRL, requires that of the 407 housing units produced through 1994, 62 be affordable units (15 percent), of which 25 units (40 percent) must be affordable to very low-income households. Through 1994, 20 affordable units were developed, all of which were made affordable to very low-income households, as shown in Table III-2.[6]

2. Historical Housing Production and Obligation (1995 through 2004)

The Agency reports that 334 housing units were developed or substantially rehabilitated in the Project Area during the first 10-year compliance period ending in 2004, as shown in Table III-2. The housing obligation, as defined by the CRL, requires that of the 334 housing units produced through 2004, 51 be affordable units (15 percent), of which 21 units (40 percent) must be affordable to very low-income households, as shown in Table III-2. Between 1995 and 2004, 85 affordable units were developed, all of which were made affordable to very low-income households.

The Agency has actively pursued affordable housing activities, including assistance to affordable housing developers with funding, site selection and infrastructure improvements as well as inclusionary agreements with market rate developers and purchasing of affordability covenants.

Table III-1
Summary of Historical and Projected Housing Production
1987 through 2014
Clayton Redevelopment Agency

Years	New Units	Substantially Rehabilitated[a]	Total
1987 through 1994	407	0	407
1995 through 2004	334	0	334
2005 through 2014	71	0	71
Total over Life of Plan	**812**	**0**	**812**

a. Reflects the CRL definition of substantially rehabilitated units as of January 1, 2002.

Source: Clayton Redevelopment Agency.

[6] Affordable units developed inside the Project Area count on a one-for-one basis; affordable units developed outside the Project Area count on a two-for-one basis. All affordable units produced were within the Project Area boundaries.

3. Ten-Year Production and Obligation (2005 through 2014)

During the current compliance period, the Agency estimates 71 housing units will be developed or substantially rehabilitated in the Project Area. Based upon this forecast, the Agency will have an obligation to ensure that 11 units (15 percent) are affordable to very low, low and moderate-income households. Of these, 5 units (40 percent) must be available at affordable housing cost to very low-income households, as shown in Table III-2. The Agency estimates that 19 housing units affordable to very low, low and moderate-income households will be produced. Of these, 12 units are anticipated to be affordable to very low-income households. Therefore, the Agency is expected to exceed its affordable housing production obligation during the current compliance period.

4. Production and Obligation over the Life of the Redevelopment Plan

The Agency has evaluated the potential for future housing production in the Project Area through the end of the Redevelopment Plan. Based on the Agency's analysis of the potential for new development on existing vacant residential parcels, the possibility for inclusionary agreements with market rate housing developers and the anticipated dates of development, the Agency has developed a projection for the number of units likely to be produced in the Project Area over the life of the Redevelopment Plan. The Agency estimates that a total of 812 units will have been constructed within the Project Area over the life of the Redevelopment Plan. Table III-1 summarizes the units projected to be produced through the end of the Redevelopment Plan.

Based on the projection of 812 housing units, the Agency will have an obligation to ensure 124 units (15 percent) are affordable to very low, low and moderate-income households. Of these, 51 units (40 percent) must be available at affordable housing cost to very low-income households, as shown in Table III-2.

The Agency anticipates that over the life of the Redevelopment Plan, 124 housing units affordable to very low, low and moderate-income households will have been developed, and of these 117 units will be affordable to very low-income households. Thus, the Agency expects that it will meet its affordable housing production obligations over the life of the Redevelopment Plan.

Table III-2 shows the Agency's housing production, the affordable housing obligation and progress toward meeting the obligation. Appendix A shows a list of affordable housing developments counted towards the Agency's affordable housing production requirement.

5. Agency's Plan to Meet Its Affordable Housing Obligation

The Agency has supported, and plans to continue to support, the development of affordable housing within Project Area. The Agency plans to meet its obligation through Agency assistance for affordable housing development, negotiated inclusionary requirements with housing developers and purchases of affordability covenants for market-rate housing units. Anticipated future projects will continue the Agency's compliance over the current 10-year compliance period and through the remaining life of the Redevelopment Plan.

Table III-2
Housing Production and Affordable Housing Obligation
1987 through 2014
Clayton Redevelopment Project Area

	1987–1994[a]	1995–2004[b]	2005–2014[c]	Total over Life of Plan[d]	Percent
Housing Production[e]					
New Units	407	334	71	812	
Substantial Rehabilitation	0	0	0	0	
Total	407	334	71	812	
CRL Affordable Housing Obligation[f]					
Very Low	25	21	5	51	6%
Very Low, Low or Moderate	62	51	11	124	15%
Affordable Housing Production[g]					
Very Low	20	85	12	117	
Very Low, Low or Moderate	20	85	19	124	
Affordable Production Surplus (Deficit)[h]					
Very Low		64	7	66	
Very Low, Low or Moderate		34	8	0	

a Period ranging from Redevelopment Plan adoption to the beginning of the first compliance period

b First ten-year compliance period ending in 2004, as required by CRL (Section 33490(a)(2)(B))

c As required by CRL (Section 33490(a)(2)(B)) ten-year compliance period ending in 2014

d As required by the CRL, total units over the life of the Redevelopment Plans (Section 33490(a)(2)(B))

e Total units produced in the Project Area during the specified time period Total for 2005–2014 period includes units in Mitchell Creek Place and Diablo Pointe, both under construction, and affordable housing development in Housing Element opportunity site Projection assumes that no other market-rate housing will be built in Project Area prior to 2014

f Number of affordable units required based on units produced. Affordable housing production obligation for non-Agency developed housing requires 15% of total units to be available at affordable cost Of those units, at least 40% must be affordable to very low income households (6% of the total units) Agency developed housing has higher inclusionary requirements The Agency has not, and does not anticipate, directly developing units

g Number of units satisfying CRL affordable housing production obligation Assumes 30 affordable units will be developed at two housing opportunity sites outlined in 2005 Housing Element. None of the affordable units have been produced or are expected to be produced outside of the Project Area

h Remaining affordable production surplus or obligation at the end of the period

Note Numbers may not add exactly due to rounding CRL affordable housing production requirements are rounded up to the nearest whole unit

Source Clayton Redevelopment Agency, Seifel Consulting Inc

B. Replacement Housing

Historically, the Agency has not destroyed or removed any residential units. Over the next five years, the Agency does not expect to destroy or remove any residential units. In the event that the Agency were to undertake projects that could result in the displacement of households in the next ten years, the Agency would plan for and undertake replacement of any units and would follow all state requirements for replacement housing and relocation.

C. Low and Moderate-Income Housing Fund

The CRL requires an agency to set aside 20 percent of its annual tax increment revenues into the Housing Fund for the purpose of increasing, improving and preserving the community's supply of affordable housing.[7] The primary funding source for the Agency's affordable housing activities during the Implementation Plan period will be the 20 percent portion of annual tax increment revenue deposited by the Agency into its Housing Fund.

The Agency will also seek to combine its Housing Fund revenue with other funding sources devoted to the provision of affordable housing to maximize the number of affordable units that can be developed or rehabilitated with available Housing Funds. Federal funding sources include HOME Investment Partnership funds from the US Department of Housing and Urban Development (HUD) on a project-specific basis and Community Development Block Grants (CDBG) through partnerships with Contra Costa County. The Agency's nonprofit partnerships allow the City to leverage local funds with outside sources, such as the California Housing Finance Commission (CalHFA), the Department of Housing and Community Development (HCD) program, the Low-Income Housing Tax Credit program, and private investments.

The history, status and estimated future level of deposits to the Housing Fund are described below.

1. Income Levels and Affordable Housing Costs

Agencies are specifically required to expend their Housing Fund moneys to assist very low, low and moderate-income households, generally defined as:

- Very Low Incomes: Up to 50 percent of area median income, adjusted for household size;
- Low Incomes: From 50 percent up to 80 percent of area median income, adjusted for household size; and
- Moderate Incomes: From 80 percent up to 120 percent of area median income, adjusted for household size.

Table III-3 shows the maximum income limits for each income level by household size, published in 2008 by the HCD utilizing income limits prepared by HUD for Contra Costa County.

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[7] The CRL requires the placement and recordation of affordability controls on any new or substantially rehabilitated housing assisted by Housing Fund moneys. As of January 1, 2002, the controls are as follows: for rental housing, the assisted housing must remain affordable for 55 years, and for owner-occupied housing, the units must remain affordable for 45 years.

Table III-3
2008 Contra Costa County Maximum Incomes
By Income Category and Household Size
Clayton Redevelopment Agency

	Persons per Household							
Income Category	1	2	3	4	5	6	7	8
Extremely Low Income	18,100	20,700	23,250	25,850	27,900	30,000	32,050	34,100
Very Low Income	30,150	34,450	38,750	43,050	46,500	49,950	53,400	56,850
Lower Income	46,350	53,000	59,600	66,250	71,550	76,850	82,150	87,450
Median Income	60,300	68,900	77,500	86,100	93,000	99,900	106,800	113,700
Moderate Income	72,300	82,600	93,000	103,300	111,600	119,800	128,100	136,400

Source: California Department of Housing and Community Development, 2008.

Housing assisted by the Housing Fund must be available to and occupied by low and moderate-income households at an affordable housing cost in accordance with the CRL. The affordable housing cost definitions presented in Table III-4 apply.

Table III-4
Affordable Housing Cost
Clayton Redevelopment Agency

Income Level	Rental Housing[a]		Ownership Housing	
	% Income Spent on Housing	% of Area Median Income[b]	% Income Spent on Housing	% of Area Median Income[b]
Very Low	30%	50%	30%	50%
Low	30%	60 %	30%[c]	70%[c]
Moderate	30%	110%	35%[c]	110%

a. Rental housing costs include rent and utility allowance. Affordable housing costs are adjusted by number of persons in household.

b. The CRL requires HCD median income figures published by HCD, and not HUD, to be utilized. In many instances, this causes CRL-restricted rents to be lower than HOME rents and low-income housing tax credit rents. In the instance a project receives Housing Fund and HOME or tax credit assistance, the owner must comply with all applicable legal requirements and the lower CRL-restricted rents will prevail.

c. With optional higher housing cost linked to actual income at upper end of income category.

Source: CRL Sections 50052.5 and 50053(b).

As an illustration, a four-person household with an annual income of less than $66,250 (80 percent of AMI) qualifies for low-income housing in the Project Area, as shown in Table III-3. The maximum rent the family would pay for their rental unit, as shown in Table III-4, would be 30 percent of 60 percent of AMI, or $15,498 per year, including a utility allowance.

2. History and Status

The Agency has made deposits to the Housing Fund in an amount not less than 20 percent of the cumulative tax increment revenue allocated to the Agency. The Housing Fund balance, less notes receivable, is estimated to be $4.2 million at the end of FY 2007/08.

3. Estimated Revenues During the Implementation Plan Period

The Agency plans to continue to deposit funds from its Project Area into the Housing Fund. Based on the Agency's projections, the Agency estimates that the cumulative deposit of tax increment revenue into the Housing Fund between FY 2008/09 and FY 2012/13 will be $5.7 million as shown in Table III-5. After subtracting out Agency obligations, such as Agency administration costs and other local obligations outlined in Table III-5, the Agency will have approximately $9.2 million available for its Housing Program through FY 2012/13, including the current balance in the Housing Fund as of July 1, 2008.

4. Estimated Expenditures During the Implementation Plan Period

To carry out the Agency's Affordable Housing Program, described in Section D, the Agency estimates expenditures for housing activities of approximately $9.2 million in addition to the prior obligation of $1.2 million to the Diamond Terrace senior housing development, for a total of $10.4 million, as shown in Table III-6. Projected tax increment revenues over the next five years and the current Housing Fund balance will be sufficient to cover the Agency's planned expenditures for housing projects and activities during the Implementation Plan period as well as to cover estimated administrative expenses. The Agency may seek to exhaust its Housing Fund balance if it decides to terminate the Redevelopment Plan after it reaches its tax increment cap in FY 2013/14, while meeting its affordable housing production obligations.

The Agency plans to spend its Housing Fund to target specific income groups and non-age restricted housing as required by the CRL and as described in Section D below. The Agency will make every effort to encourage the development of housing affordable to a variety of income levels and needs. By combining various funding sources, and in partnership and collaboration with others dedicated to the development of affordable housing, the Agency is confident it will be able to meet its housing expenditure obligations.

Table III-5
Projected Revenues Available for Housing Program
FY 2008/09 to FY 2012/13
Clayton Redevelopment Agency

	Fiscal Year					
	2008/09	**2009/10**	**2010/11**	**2011/12**	**2012/13**	**Total**
Fund Balance through FY 2007/08	$4,150,000					
Housing Fund Deposits[a]	$1,043,000	$1,093,000	$1,146,000	$1,200,000	$1,257,000	$5,739,000
Plus: Additional Revenues[b]	$156,000	$164,000	$172,000	$180,000	$189,000	$861,000
Less: Housing Administration Costs[c]	$100,000	$105,000	$110,000	$115,000	$121,000	$551,000
Less: Local Obligation Expenditure[d]	$200,000	$200,000	$200,000	$200,000	$200,000	$1,000,000
Funds Available for Affordable Housing Program	**$899,000**	**$952,000**	**$1,008,000**	**$1,065,000**	**$1,125,000**	**$5,049,000**
Cumulative Funds Available for Affordable Housing Program	**$5,049,000**	**$6,001,000**	**$7,009,000**	**$8,074,000**	**$9,199,000**	**$9,199,000**

a. Housing Fund deposit equals 20 percent of gross tax increment to Agency.
b. Additional revenues include interest income and unrealized gain/loss from investments. These additional revenues equaled 15 percent of Housing Fund Deposits in FY 2006/07 and the same percentage is assumed through FY 2012/13.
c. Administration costs calculated at 8 percent of Housing Fund deposits plus additional revenues based on projected future costs. Includes transfer of 5 percent of Housing Fund deposits from the Agency to the City to cover Housing Program overhead costs.
d. Annual installment payments to Diamond Terrace senior housing development.
Note: Numbers rounded to the nearest thousand.
Source: Clayton Redevelopment Agency and Seifel Consulting Inc.

Table III-6
Projected Housing Program Expenditures
FY 2008/09–FY 2012/13
Clayton Redevelopment Agency

	Number of Units by Targeting					Housing Fund Expenditures						
	Very Low Income	Low Income	Moderate Income	Total Affordable	Age Restricted	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14[a]	Total
Ownership												
Diamond Terrace[b]	85	0	0	85	85	$200,000	$200,000	$200,000	$200,000	$200,000	$200,000	$1,200,000
Agency-assisted ownership development[c,d]	15	0	0	15	0	$0	$0	$1,500,000	$0	$0	$0	$1,500,000
Other Agency-assisted housing[e]	TBD	TBD	TBD	TBD	TBD	$0	$0	$0	$2,000,000	$2,000,000	$2,200,000	$6,200,000
Subtotal Ownership	**100**	**0**	**0**	**100**	**85**	**$200,000**	**$200,000**	**$1,700,000**	**$2,200,000**	**$2,200,000**	**$2,400,000**	**$8,900,000**
Rental												
Agency-assisted rental development[c]	15	0	0	15	0	$1,500,000	$0	$0	$0	$0	$0	$1,500,000
Subtotal Rental	**15**	**0**	**0**	**15**	**0**	**$1,500,000**	**$0**	**$0**	**$0**	**$0**	**$0**	**$1,500,000**
Total	**115**	**0**	**0**	**115**	**85**	**$1,700,000**	**$200,000**	**$1,700,000**	**$2,200,000**	**$2,200,000**	**$2,400,000**	**$10,400,000**

a FY 2013/14 included because it is the final year of the 10-year compliance period for income and non-age restricted targeting requirements as well as the year in which the Agency is expected to reach its cap on tax increment collectio

b Annual payments of $200,000 to Diamond Terrace senior housing development pursuant to original 2001 agreement

c Number of units based on estimates in Section 5 0 of the 2005 Housing Element enumerating units that could be built on vacant and underdeveloped residential land Assumes that average Agency assistance per affordable unit will be $100,000

d Units have not been included in Table III-2, outlining the Agency's production requirements

e Agency to complete Housing Strategy outlining its expenditures before termination of the Redevelopment Plan Agency will comply with targeting requirements shown in Tables III-8 and III-9

Source Clayton Redevelopment Agency, 2005 Housing Element

D. Affordable Housing Program

During the five year Implementation Plan period, the Agency will concentrate on housing activities that are most applicable to the Agency's goals and objectives. In developing its Affordable Housing Program, the Agency has been guided by the goals, policies and programs of the City's HCD-certified Housing Element. The City's Housing Element is incorporated into this Implementation Plan by this reference. The goals stated in the City's Housing Element are:[8]

- *Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation.*
- *To the extent feasible, remove governmental constraints on the production of affordable housing and create incentives for the production of affordable housing.*
- *Increase housing opportunities for lower-income renters and first-time homebuyers.*
- *Ensure equal housing opportunities for all persons in Clayton regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.*
- *Encourage and maintain energy efficiency in new and existing housing.*
- *Promote and participate in the resolution of housing, employment and transportation issues on a regional basis in cooperation with all Contra Costa County jurisdictions.*

The Agency is committed to creating affordable housing that assists the City in achieving the goals presented in the Housing Element, as permitted under the CRL.

1. Affordable Housing Program Components

The Agency recognizes the important role of the Affordable Housing Program and its activities in its overall Redevelopment Program. Consequently, the proposed Affordable Housing Program should be viewed not simply as the means of implementing the Agency's stated goals and objectives related to affordable housing, but as a key element in its overall blight alleviation and revitalization efforts.

2. Proposed Affordable Housing Activities

The Agency plans to target its Housing Fund to provide affordable housing units for the changing needs of the community. The Housing Fund will be utilized in conjunction with other funding sources to serve very low, low and moderate-income households based on the community's fair share of regional housing needs as determined by the Association of Bay Area Governments and the Agency's determination and prioritization of the community's housing needs.

The 2005 Housing Element has identified sites for development of affordable housing. The Agency will continue to work with nonprofit developers regarding the most feasible ways to develop affordable housing and will continue to leverage its funds to the greatest extent possible. The Agency will target vacant and underdeveloped residential parcels enumerated in the Housing Element in order to assist in the development affordable housing units over the next five years.

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[8] City of Clayton 2000 General Plan, Section IV, Housing Element, as amended February 6, 2007.

The Agency intends to either purchase properties outright, or facilitate their purchase by private developers for conversion into affordable ownership and rental units. In addition, the Agency will continue to seek other opportunities to partner with affordable housing developers to produce affordable housing opportunities.

The Agency will make every effort to encourage the preservation and development of housing affordable to a variety of income levels by combining various funding sources. Leveraging other funding sources devoted to the provision of affordable housing will maximize the number of affordable units that can be developed or substantially rehabilitated. By partnering and collaborating with other entities dedicated to the preservation and development of affordable housing, the Agency is confident that it will be able to meet its affordable housing production obligations and expenditure requirements within the compliance period ending in 2014, which is also the year in which the Agency will likely reach its tax increment collection cap of $55 million.

It should be noted, however, that several factors may result in estimated expenditures and unit production being either less than or greater than what is projected for any given year. These factors include the timing of the development process, the levels of Housing Fund revenue and other public assistance, development opportunities, land availability, cost of construction material and labor, cost of financing, neighborhood acceptance, environmental, and other issues.

3. Affordable Housing Assisted by Housing Fund

The Agency expects to take advantage of various opportunities as they are presented and to initiate actions as necessary, consistent with the CRL and the City's Housing Element, to preserve and facilitate the development of housing affordable to households whose basic needs are not met by the private housing market.

The Agency expects to meet its legal housing production and expenditure obligations under the CRL before it seeks to terminate the Redevelopment Plan once the tax increment cap is reached. The Agency will utilize its Housing Fund as well as other local, state and federal funding sources to assist nonprofit developers to create and preserve affordable housing within the community as well as to meet the CRL's housing production and expenditure requirements. It will also seek to partner with affordable housing developers who may bring additional funding to particular projects.

Table III-6 presents the housing units to be assisted by the Housing Fund over the Implementation Plan period, as well as through the CRL production compliance period ending in 2014. In summary, from FY 2007/08 through FY 2013/14, the Agency plans to assist in the production of at least 30 affordable housing units as well as to continue to fulfill its obligation towards the 85 affordable units at Diamond Terrace, developed in 2001. The tenure mix of the 30 new units may vary, but all units will be affordable to low and/or very low-income families and will be developed in one of the housing opportunity sites listed in Section 5.0 of the 2005 Housing Element. Additionally, the Agency will develop a strategy for spending the remaining balance in its Housing Fund by FY 2013/14, the year in which it is expected to reach its cap on tax increment collection.

Please note the number of affordable housing units in Table III-6 does not correspond to the number of affordable housing units in Table III-2, which presents affordable housing units produced with and without Agency assistance. Additionally, Table III-6 includes affordable housing projects currently in the pre-planning stage targeted for development in housing opportunity sites highlighted in the 2005 Housing Element, which are not included in the estimates in Table III-2. Affordable units produced outside the Project Area are counted on a one-for-two basis for purposes of calculating the number of affordable housing units counted towards the Agency's affordable housing production obligations presented in Table III-2.

4. Housing Fund Targeting Requirement

The CRL imposes Housing Fund expenditure requirements based on the proportion of unmet need for housing affordable to households of very low, low and moderate-incomes. It also limits the percentage of Housing Fund expenditures that can be spent on age-restricted housing. The Housing Fund expenditure requirements must be met over the duration of the 10-year compliance periods. Compliance with targeting requirements is measured based on dollars expended over the current compliance period, which spans from January 1, 2002 through December 31, 2014. The following sections describe in greater detail the Agency's requirements to target the Housing Fund expenditures by income need and non-age restricted housing.

a. Targeting According to Income Need

Agencies must target the use of Housing Fund moneys to specific income levels. Funds must be spent to assist low and moderate-income households in at least the same proportion as the ratio of (1) the total number of housing units needed for each of these income groups in the community to (2) the number of units needed for very low, low and moderate-income groups within the community. This income-targeting obligation must be met over the 10-year compliance period. However, the initial period for meeting this requirement is January 1, 2002, the date the targeting requirement became effective, through the 10-year compliance period ending in December 31, 2014.

The regional fair share housing need allocation must be used to determine the targeting obligation. The Association of Bay Area Governments (ABAG) has determined the affordable housing need for the City of Clayton in its regional fair share allocation for 2007 through 2014. Table III-7 shows the fair share allocation applicable to the Agency for housing affordable to persons at or below 120 percent of median income.

Table III-7
ABAG Regional Fair Share Allocations 2007–2014
Affordable Housing Need by Income Category
City of Clayton

Income Group	Total Housing Units Needed	Expenditure Percentage need by Income Level
Very Low (0–50% AMI)	49	At least 42%
Low (51–80% AMI)	35	At least 30%
Moderate (81–120% AMI	33	No more than 28%
Total	**117**	**100%**

Source: ABAG Regional Housing Needs Allocation, 2007–2014.

As Table III-7 indicates, the Agency is required to expend Housing Fund moneys in the following proportions: at least 42 percent for units affordable to very low-income households, at least 30 percent for units affordable to low-income households, and no more than 28 percent on housing affordable to moderate-income households. However, the Agency is entitled to expend a disproportionate amount of the funds for very low-income households, and to subtract a commensurate amount from the low and/or moderate-income thresholds. Similarly, the Agency can provide a disproportionate amount of funding for low-income housing by reducing the amount of funds allocated to housing affordable to moderate-income households. In no event can the expenditures targeted to housing affordable to moderate-income households exceed the threshold amount (28 percent).

b. Targeting to Non-Age Restricted Housing

In addition to the requirement outlined above, as of January 1, 2002, a defined minimum percentage of Housing Fund moneys must be spent on housing available to all persons regardless of age. In 2005, the state legislature amended the method of determining the minimum percentage of Housing Fund moneys spent on non-age restricted housing. This minimum is equal to the percentage of Clayton's low-income households with a member under age 65, as reported in the most recent US Census. The 2000 Census indicates that 57 percent of the City's low-income households have a householder under 65 years of age.[9] (Refer to Table III-8.) Thus, the Agency must expend at least 57 percent of its funds on housing that does not impose age restrictions on residents. This targeting obligation must be met over the compliance period.

Table III-8 Housing Fund Expenditures Requirement
Non-Age Restricted Housing
City of Clayton

Age Targeting[a]	Low Income Households[b]	Expenditure Percentage
With Householder under 65	311	57% minimum expenditures
With Householder 65 and over	234	43% maximum expenditures
Total	**545**	**100% Total Expenditures**

a. Based on Census data showing low-income households by householder age. Data is not available for low-income households by household members ages.
b. Three-person households with incomes of less than $45,200 (HCD limit published in 2000 defined as "lower income").

Source: 2000 US Census, HCD Income Limits 2000, Seifel Consulting Inc.

[9] The Census does not report low-income household information according to the age of household members, but rather identifies households by the age of the householder.

c. Agency Compliance with Targeting Requirements

The Agency will monitor Housing Fund expenditures in order to ensure compliance with the expenditure requirements through the end of the compliance period in 2014 based on income need levels outlined in ABAG's fair share housing allocations as well as non-age restricted housing. Tables III-9 and III-10 show that the Agency's expenditures from January 1, 2002 through the end of the compliance period on December 31, 2014 meet the targeting requirements of the CRL.

As Table III-9 shows, the Agency will spend significant funds to assist the development of very low and low-income housing in the Project Area before the end of the compliance period in 2014. Between July 1, 2008 and the end of the compliance period, the Agency will target 50 percent of its Housing Fund expenditures on housing units affordable to very low-income households, 34 percent on units affordable to low-income households and no more than 17 percent on units affordable to moderate-income households. In so doing, the Agency expects to meet the expenditure targeting requirements outlined in Table III-7.

Table III-9
Low and Moderate-Income Housing Fund Expenditures
Expenditure Targeted by Income 1/1/2002–6/30/2014
Clayton Redevelopment Agency

	1/1/2002–6/30/2008		7/1/2008–6/30/2014		Over Compliance Period	
Income Targeting	LMIHF Expenditures[a]	Percent Targeted	LMIHF Expenditures[b]	Percent Targeted	LMIHF Expenditures	Percent Targeted
Very Low	$1,200,000	25%	$5,160,786	50%	$6,360,786	42%
Low	$1,038,000	22%	$3,505,419	34%	$4,543,419	30%
Moderate	$2,550,000	53%	$1,733,795	17%	$4,283,795	28%
Total	**$4,788,000**	**100%**	**$10,400,000**	**100%**	**$15,188,000**	**100%**

a. Includes Agency expenditures on Diamond Terrace senior housing project and purchase of affordability covenants in Stranahan Circle homes.
b. Projected Agency expenditures detailed in Table III-6.
Note: Numbers rounded to the nearest thousand.

Source: Clayton Redevelopment Agency, Seifel Consulting Inc.

As Table III-10 shows, the Agency will target most of its Housing Fund expenditures to assist the development of non-age restricted housing in the Project Area. Over the compliance period ending in 2014, the Agency will target 57 percent of its Housing Fund expenditures on affordable housing units that are not age restricted. Thus, the Agency expects to meet the expenditure targeting requirements on non-age restricted housing shown in Table III-8.

Table III-10
Low and Moderate-Income Housing Fund Expenditures
Targeted Non-Age Restricted Housing 1/1/2002–6/30/2014
Clayton Redevelopment Agency

	1/1/2002–6/30/2008		7/1/2008–6/30/2014		Over Compliance Period	
Age Targeting	LMIHF Expenditures[a]	Percent Targeted	LMIHF Expenditures[b]	Percent Targeted	LMIHF Expenditures	Percent Targeted
Age-restricted housing	$1,200,000	25%	$5,321,086	51%	$6,521,086	43%
Non-age restricted housing	$3,588,000	75%	$5,078,914	49%	$8,666,914	57%
Total	**$4,788,000**	**100%**	**$10,400,000**	**100%**	**$15,188,000**	**100%**

a. Includes Agency expenditures on Diamond Terrace senior housing project and purchase of affordability covenants in Stranahan Circle homes.
b. Projected Agency expenditures detailed in Table III-6.
Note: Numbers rounded to the nearest thousand.

Source: Clayton Redevelopment Agency, Seifel Consulting Inc.

The Agency plans to meet its income and non-age restricted housing targeting requirements from January 1, 2002 through the end of the compliance period in 2014, or the termination of the Redevelopment Plan.

E. Completion of Housing Obligations

The CRL requires that the Agency comply with and fulfill its affordable housing responsibilities, including housing fund, replacement housing, and affordable housing production responsibilities, over the 10-year compliance periods and prior to the expiration of the time limit on redevelopment plan effectiveness. A redevelopment project cannot be terminated if an agency has not complied with its affordable housing obligations. The law further requires that for a Redevelopment Project that is within six years of reaching its limit on plan effectiveness, the Implementation Plan needs to address the ability of the agency to comply with its housing responsibilities.

The Agency is expected to reach the cap on tax increment collection of $55 million, established by the 1987 Redevelopment Plan, during FY 2013/14. Once the Agency reaches this cap, it would no longer be able to rely on its principal revenue source, tax increment funds, to carry out housing and non-housing projects and activities. Thus, it is likely that the Agency will consider terminating the Redevelopment Plan after it meets its housing and debt obligations, which may occur within the next six years. This section describes how the Agency intends to comply with its housing responsibilities for the Project Area.

1. Deposits to and Expenditures from the Housing Fund

The Agency has deposited at least 20 percent of its gross tax increment revenues into the Housing Fund since its inception in 1987. Expenditures must meet targeting requirements including income need and non-age restricted housing, as described in Section III.D.4 above.

2. Elimination of Project Deficits

If an agency deposits less than 20 percent of tax increment revenues to the Housing Fund in any year beginning in FY 1985/86, the difference between the 20 percent and the amount allocated to the Housing Fund that year constitutes a deficit of the project. An agency is required to adopt a plan to eliminate the deficit in subsequent years. The Agency does not have a deficit.

3. Excess Surplus Funds

According to Schedule C of the Agency's FY 2006/07 HCD Annual Report of Housing Activity, the Agency currently has an excess surplus of $757,605. As described in Section III.D, the Housing Program for the five year Implementation Plan period will exhaust the funds in the Agency's Housing Fund through the production of units affordable to very low, low and moderate-income families. As shown in Table III-6 above, the Agency expects to spend significant funds to assist the development of affordable housing units in the Project Area, beginning in FY 2008/09. Thus, it is not expected that the Agency will continue to carry excess surplus funds.

4. Relocation Assistance

The Agency has not undertaken any activities that would incur a relocation assistance obligation.

5. Replacement Housing

The Agency has not undertaken any activities that would incur a replacement housing obligation.

6. Affordable Housing Production Requirement

Redevelopment agencies administering project areas adopted on or after January 1, 1976, and territories added to project areas by amendments adopted on or after January 1, 1976, must meet affordable housing production requirements. The information provided in Section III.A above demonstrates that the Agency has met and will continue to meet its production requirements.

Appendix A:

Clayton Affordable Housing Developments

Appendix Table 1
Affordable Housing Developments in Clayton
Clayton Redevelopment Agency

Project Name	Date of Occupancy (FY)	Tenure (Rental or Ownership)	Total # of Units in Project
Kirker Court	1993	Ownership	20
Diamond Terrace	2002	Ownership	85
Stranahan Circle	2003–2008	Ownership	7
Housing Opportunity Site Development[a]	TBD	Rental	30

a. Project planned by Agency for one or more of the housing opportunity sites highlighted in Section 5.0 of the 2005 Housing Element.

Source: Clayton Redevelopment Agency.