CITY OF CLAYTON
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AGENDA

REGULAR MEETING
* * *
CLAYTON CITY COUNCIL

TUESDAY, October 7, 2008

6:15 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 *
October 7, 2008

6:15 P.M.

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

2. **CLOSED SESSION**

(a) *Government Code Section 54956.9*, Conference with Legal Counsel
Pending Litigation:

1. *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases
Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County

Report out of Closed Session: Mayor Manning.

7:00 P.M.

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

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

(a) Information Only
1. Summaries of new State Legislation (SB 375) outlining how the recent Greenhouse Gas Reduction Law (AB 32 - 2006) will require substantial changes to Local Planning Processes and impose new Affordable Housing Mandates.
(View Here)

(b) Approve the minutes of the regular meeting of September 16, 2008. (View Here)

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

(d) Approve the declaration of a 2003 Ford Crown Victoria (Police Vehicle No. 1725) as equipment surplus to the City's needs and authorize the City Manager to dispose of the surplus property for most economical value. (View Here)

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Proclamation declaring October as "Domestic Violence Awareness Month."
(View Here)

6. REPORTS

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

(b) Trails and Landscaping Committee – Special Meeting of September 30th.

(c) City Manager/Staff

(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

(e) Other – Introduction of City Council candidates present in the audience.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

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

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

8. PUBLIC HEARING – None.

9. ACTION ITEMS

(a) Consideration of Resolution amending the adopted Fiscal Year 2008-09 Capital Improvement Budget to reduce by $406,515 the Redevelopment Agency's transfer of monies to Project No. 10400 – Downtown Economic Development Fund, as a result of the State Budget's seizure of local funds. (City Manager) (View Here)

Staff recommendation – Adopt the Resolution.

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

11. ADJOURNMENT– the next regularly scheduled meeting of Tuesday, October 21, 2008

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Gary Napper

Agenda Date: 10-7-08

Agenda Item: 4a

From: Richards, Watson and Gershon [e-ALERT@rwglaw.com]
Sent: Wednesday, October 01, 2008 7:03 AM
To: gnapper@ci.clayton.ca.us
Subject: e-ALERT: Governor Signs SB 375

RICHARDS | WATSON | GERSHON

RW&G e-ALERT

PUBLIC LAW & CLIMATE CHANGE

September 2008

New Greenhouse Gas Reduction Law Requires Significant Changes to Local Planning Process and Imposes New Affordable Housing Mandates

The California State Legislature recently passed and the Governor has signed Senate Bill 375. This is a far-reaching bill that requires regional planning agencies to develop strategies for meeting greenhouse emission targets as a part of regional transportation plans, provides regulatory incentives for development projects near existing transit facilities, and strengthens mandates on local agencies to provide for affordable housing. The law will take effect on January 1, 2009.

SB 375 focuses on regional planning, but municipalities should heed its new affordable housing mandates. If local agencies fail to identify adequate sites in their housing elements to accommodate their share of regional housing needs, the law imposes sanctions, mandatory rezoning, and compulsory approval of multifamily housing developments. Local agencies must also now hold an annual public hearing to discuss their progress in accomplishing their housing element objectives. Additionally, housing element updates and the allocation of regional housing needs will now be timed to follow regional transportation plan updates every eight years.

Beyond the affordable housing mandates, the main goal of SB 375 is to discourage sprawl and reduce greenhouse gas emissions by linking regional transportation, land use, and housing development policies. The law requires the California Air Resources Board (CARB), in consultation with local governments and other stakeholders, to set greenhouse gas emission targets for regions across the state. Regional councils of governments, in consultation with local governments, must then draft transportation and land use strategies to meet these targets as a component of their regional transportation plans. If CARB finds these "sustainable communities strategies" to be insufficient to meet emissions targets, the regional councils must develop alternate strategies. Failure to complete the planning required by SB 375, and to update these plans every four years, could result in the loss of state and federal transportation funding for certain projects.

SB 375 gives incentives to developments that minimize greenhouse gas emissions. To this end, it amends the California Environmental Quality Act (CEQA) to streamline "transit priority" projects that do not contribute to sprawl or traffic. For instance, residential and mixed-use residential projects consistent with a state-approved regional transportation plan will not have to analyze certain environmental impacts under CEQA. Similarly, high-density residential projects near transit corridors may qualify for a CEQA exemption or a streamlined approval process.

SB 375's effects will be felt locally. Municipalities will have to meet the new mandates for affordable housing. They will have a stake in how councils of governments will encourage or discourage development within their communities through transportation funding. They will also have to evaluate their general plans, including their land use, housing, and transportation elements for compliance with regional goals and to take into account how future housing and transportation projects contribute to global warming. And their planners will have new tools and exemptions to CEQA available to streamline the environmental review of urban "transit priority" projects.

FOR ADVICE FROM RW&G CONCERNING SENATE BILL 375, LAND USE OR GLOBAL WARMING ISSUES, PLEASE CONTACT GEOFFREY L. WARD AT GWARD@RWGLAW.COM, ALEXANDER ABBE AT AABBE@RWGLAW.COM, KEVIN G. ENNIS AT KENNIS@RWGLAW.COM, LAURENCE S. WIENER AT LWIENER@RWGLAW.COM, OR ANY OF THE LAWYERS IN THE FIRM'S PUBLIC LAW DEPARTMENT OR CLIMATE CHANGE PRACTICE GROUP.

LEAGUE OF CALIFORNIA CITIES

1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

To: California City Officials

From: Bill Higgins[1]
Legislative Representative
& Sr. Staff Attorney

Date: September 19, 2008

RE: Technical Overview of SB 375 (v 1.0)[2]

I. Introduction

SB 375, by Senator Darrell Steinberg, builds on the existing regional transportation planning process (which is overseen by local elected officials with land use responsibilities) to connect the reduction of greenhouse gas (GhG) emissions from cars and light trucks to land use and transportation policy. In 2006, the Legislature passed AB 32—The Global Warming Solutions Act of 2006,—which requires the State of California to reduce GhG emissions to 1990 levels no later than 2020. According to the California Air Resources Board (CARB), in 1990 greenhouse gas emissions from automobiles and light trucks were 108 million metric tons, but by 2004 these emissions had increased to 135 million metric tons. SB 375 asserts that "Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32."[3]

AB 32 set the stage for SB 375—or at least something like it. The issue was not "if" land use and transportation policy were going to be connected to reducing greenhouse gas emissions but "how" and "when." The issue was not "if" a governmental entity would regulate the car and light truck sector in order to reduce greenhouse gas emissions – the CARB already has that authority under AB 32 – but "how" and "when."

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[1] *Acknowledgement.* The author acknowledges and is grateful for the very significant contributions of the League's special counsel, Betsy Strauss, in preparing this document

[2] *Work in Progress Disclaimer.* This memorandum is a work in progress; it is not and should not be considered legal advice. It represents our best thinking to date on the scope and major implementation issues related to SB 375. As additional information becomes available, we will update this document. Readers who are aware of issues not addressed here, identify inadvertent errors, or want to make additional comments, should contact Bill Higgins at higginsb@cacities.org or 916/658-8250)

[3] See SB 375 (2008), Section 1(c) [uncodified]

Accordingly, SB 375 has three goals: (1) to use the regional transportation planning process to help achieve AB 32 goals; (2) to use CEQA streamlining as an incentive to encourage residential projects which help achieve AB 32 goals to reduce Greenhouse Gas emissions (GhGs); and (3) to coordinate the regional housing needs allocation process with the regional transportation planning process.

To be sure, the League remains fundamentally concerned about the keeping the line as bright as possible between regional planning and local land use authority. In the end, however, SB 375 answers the questions "how?" and "when?" by choosing regional agencies (controlled by cities and counties) rather than the CARB to lead the effort in this area; and by integrating RHNA with transportation planning to allow cities and counties to align existing mandatory housing element requirements with transportation funding. Those cities and counties that find the CEQA streamlining provisions attractive have the opportunity (but not the obligation) to align their planning decisions with the decisions of the region.

II. SB 375 in Context: AB 32, CARB, and Global Warming

AB 32 granted CARB broad authority over any "source" of GhG emissions.[4] The definition of "source" includes automobiles and light trucks,[5] which account for more than 30 percent of the state's GhG emissions. AB 32 authorizes the CARB to require "participation" in CARB's program to reduce greenhouse gas emissions and to "monitor compliance" with the statewide greenhouse gas emissions limit.[6]

SB 375 represents a "program" for the automobile and light truck sector.[7] It provides a means for achieving the AB 32 goals for cars and light trucks. This is important to understanding why the agreement on SB 375 was reached: SB 375 provides <u>more certainty</u> for local governments and developers by framing how AB 32's reduction goal from transportation planning for cars and light trucks will be established. It should be noted, however, that SB 375 does not prevent CARB from adopting additional regulations under its AB 32 authority.[8] (However, given the degree of consensus that emerged on SB 375, such actions should be politically difficult for CARB at least for the foreseeable future).

[4] Cal. Health & Safety Code § 38560

[5] Cal. Health & Safety Code § 38505(i)

[6] Cal. Health & Safety Code § 38562 and following

[7] Cal. Health & Safety Code § 38562.

[8] It should be noted, however, that SB 375 does not prevent CARB from adopting additional regulations under its AB 32 authority.

SB 375 requires the CARB to establish the GhG emission reduction targets for each region (as opposed to individual cities or households) and to review the region's determination that its plan achieves those targets. Each Metropolitan Planning Organization (MPO) must include a sustainable communities strategy (SCS) in the regional transportation plan that seeks to achieve targeted reductions in GhG emissions from cars and light trucks if there is a feasible way to do so. CARB establishes the targets for each region in accordance with the following:

- *CARB must take other factors into account before setting target.* Before setting a reduction target for the reduction of GhGs from cars and light trucks, CARB must first consider the likely reductions that will result from actions to improve the fuel efficiency of the statewide fleet and regulations relating the carbon content of fuels (low carbon fuels). [9]

- *Targets are set regionally, not locally.* SB 375 assures that the target to reduce GhGs from cars and light trucks will be regional. (CARB has received many comments and suggestions on its Scoping Plan that it should adopt targets and enforce requirement on an agency-by-agency basis).

- *Committee to advise CARB.* A Regional Targets Advisory Committee, which includes representation from the League of California Cities, California State Association of Counties, metropolitan planning organizations, developers, planning organizations and other stakeholder groups, will advise the Board on how to set and enforce regional targets.

- *Exchange of technical information.* Before setting the targets for each region, CARB is required to exchange technical information with the MPO for that region and with the affected air district. The MPO may recommend a target for the region.

The CARB's role in SB 375 is limited. Although the CARB retains its broad grant of authority to act independently under AB 32, SB 375 provides the framework for reducing greenhouse gas emissions in the car and light truck sector through the tie between land use and transportation planning.

Moreover, SB 375 indirectly addresses another longstanding issue: single purpose state agencies. The League, among others, has argued that these agencies often fail to recognize other competing state goals enforced by a different state agency. SB 375 takes a first step to counter this problem by connecting the Regional Housing Needs Allocation (RHNA) to the transportation planning process. As a result, SB 375 will require CARB to look at how new climate regulations could affect state and regional transit and housing policies; likewise, Department of Housing and Community Development (HCD) will

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[9] Cal. Gov't Code § 65080(b)(2)(A)(iii). Citations to language in SB 375 is to the section of the code as it proposed to be amended based on the August 22 version of SB 375 that was approved by the Assembly and concurred with by the Senate.

have to consider the effects of housing policy on state and regional efforts to address climate change.

III. Planning for Greenhouse Gas Emission Reduction within the RTP

Regional transportation plans have long been a part of the transportation planning horizon in California. Federal law requires regional transportation plans (RTPs) to include a land use allocation and requires the metropolitan planning organizations that prepare RTPs to make a conformity finding that the Plan is consistent with the requirements of the federal Clean Air Act. Some regions have also engaged in a regional "blueprint" process to prepare the land use allocation.

1. The Sustainable Communities Strategy (SCS)

SB 375 integrates AB 32's goal to reduce GhG emissions into transportation planning by requiring that a sustainable communities strategy (SCS) be added to the RPT. SB 375 recognizes that, because of the constraints of federal law and inadequate funding for infrastructure and public transit, an SCS may not be able to achieve the region's targets. If the metropolitan planning organization (MPO) determines that the SCS cannot achieve the targets, then the MPO must develop an Alternative Planning Strategy (APS) (see discussion below). The biggest single difference is that the SCS is part of the RTP and the APS is not.

To fully understand what an SCS is—and is not—it's worth taking a step back and look at what is required in existing regional transportation plans. RTPs are regulated by a conglomeration of state and federal law. State law requires that an RTP include "clear, concise policy guidance to local and state officials" regarding transportation planning.[10] The federal law requires that RTPs, among other things, work toward achieving the goals of the Clean Air Act.

One important component of the RPT for federal purposes is an estimate of a likely or realistic development pattern for the region over the next 20 to 30 years. This estimate informs the decision-making process for transportation funding. The forecasted growth pattern must be based upon "current planning assumptions" to assure that the air conformity provisions are meaningful. Put another way, if the growth pattern is not realistic, then the accompanying policies to achieve air quality conformity relating to air pollutants from traffic are not likely to work. If the federal government determines that the projected growth development pattern is not realistic, it can withhold federal transportation funding.

Like the federal Clean Air Act, SB 375 requires the growth pattern in the SCS to be based upon the "most recent planning assumptions considering local general plans and other

[10] Cal. Gov't Code § 65080(a).

factors."[11] It also requires that the SCS be consistent with the federal regulations that require a realistic growth development pattern. In addition, the SCS must consider or address several additional factors:

- Consider the spheres of influence that have been adopted by the local agency formation commission (LAFCO).[12]
- Identify the <u>general</u> location of uses, residential densities, and building intensities within the region;
- Identify areas sufficient to house all economic segments the population of the region over the long term planning horizon of the RTP;
- Identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region;
- Identify a transportation network to service the transportation needs of the region;
- Gather and consider the best practically available scientific information regarding resource areas and farmland in the region (note, there is no requirement to act on this information);
- Set a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce the GhG emissions from automobiles and light trucks to achieve, <u>if there is a feasible way to do so</u>, the GhG emission reduction targets approved by the state board: and
- Quantify the reduction in GhG emissions projected to be achieved by the SCS and, if the SCS does not achieve the targeted reductions in greenhouse gas emissions, set forth the difference between the amount that the SCS would reduce GHG emissions and the target for the region.[13]

Of all these requirements, the one that has generated the most concern to date is the requirement that the RTP include a development pattern which, if implemented, would achieve the GHG emissions targets if there is a feasible way to do so. It is important to emphasize that this development pattern must comply with federal law, which requires that any pattern be based upon "current planning assumptions" that include the information in local general plans and sphere of influence boundaries. If a certain type of

[11] Cal. Gov't Code § 65080)b)(2)(B).

[12] Cal. Gov't Code § 65080(b)(2)(F).

[13] Cal. Gov't Code § 65080(b)(2)(G).

development pattern is unlikely to emerge from local decision-making, it will be difficult for the regional agency to say that it reflects current planning assumptions.

In addition, the SCS will not directly affect local land use decisions. The SCS does not in any way supersede a local general plan, local specific plan, or local zoning. SB 375 does not require that a local general plan, local specific plan, or local zoning be consistent with the SCS.[14]

2. The Alternative Planning Strategy (APS)

In the case where the SCS does not achieve the GhG emission reduction target, the MPO must develop an Alternative Planning Strategy (APS).[15] The APS is a separate document from the RPT[16] and therefore does not automatically affect the distribution of transportation funding. The APS must identify the principal impediments to achieving the targets within the SCS. The APS must also include a number of measures—such as alternative development patterns,[17] infrastructure, or additional transportation measures or policies—that, taken together, would achieve the regional target.

The APS must describe how the GHG emission reduction targets would be achieved and why the development pattern, measures, and policies in the APS are the most practicable choices for the achievement of the GHG targets. Like the SCS the APS does not directly affect or supersede local land use decisions; nor does it require that a local general plan, local specific plan, or local zoning be consistent with the APS.[18]

In addition, SB 375 provides that the APS does not constitute a land use plan, policy, or regulation and that the inconsistency of a project with an APS is not a consideration in determining whether a project may be deemed to have an environmental effect for purposes of the California Environmental Quality Act (CEQA).

Some have asked about the purpose of the APS: Why should an MPO spend the time to develop an alternative planning strategy if there is no requirement to actually implement it? The answer is two-fold. First, a general consistency with a CARB approved plan—whether it's an SCS or APS—allows projects to qualify for the CEQA streamlining provisions in the bill (see Part IV, below). Second, it adds a new focus for the regional transportation planning and housing allocation: reductions in GhG emissions.

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[14] The CEQA changes made by the bill require residential projects to be consistent with the SCS in order to take advantage of streamlined CEQA processing.

[15] Cal. Gov't Code § 65080(b)(2)(H).

[16] Government Code 65080(b)(2)(H).

[17] The development pattern must still comply with the provisions of the SCS that require consistency with the RHNA distribution and other factors.

[18] The CEQA changes made by the bill require residential projects to be consistent with the APS in order to take advantage of streamlined CEQA processing.

3. CARB's Role in the Approval of the SCS or APS

CARB's role in reviewing the SCS or APS is very limited. It can only accept or reject the MPO's determination that the plan would, if implemented, achieve the regional GHG emission reduction target established by CARB.[19] CARB must complete its review within 60 days. It may not issue conditional approvals or otherwise interfere in any way with local decision-making.

In addition, the process is designed so that there will be an extended exchange of information between the MPO and CARB about the technical methodology that the region intends to use to estimate the GHG emissions reduction. SB 375 encourages the MPO to work with CARB until it concludes that the technical methodology it intends to use operates accurately. CARB must respond to such consultations in a timely manner. This type of communication before the actual submission should reduce the chance that CARB will find a particular plan does not achieve the regional target.

4. Setting the Regional Target for GhG Emissions

There are two questions relevant to setting the regional targets. The first is: How much of the overall AB 32-imposed reduction will be required from transportation planning for cars and light trucks statewide? This amount will be set by CARB in the AB 32 Scoping Plan, which assigns reduction targets for the 2020 goal on a sector-by-sector basis and lays the framework for achieving that goal.

In the early draft of the Scoping Plan released in June 2008, CARB called for a reduction of 2 million metric tons of GhG statewide (out of a total of 169 million metric tons needed to achieve AB 32's 2020 target).[20] This amounts to approximately 1.2 percent of the total reductions. This number is likely to go up in the final Scoping Plan, but should remain small in proportion to total amount of GhGs generated by cars and light trucks (at least for the 2020 target).

Once the statewide target is set, the second question is: How will it be assigned to the individual regions? SB 375 requires CARB to set regional targets by September 30, 2010 (draft targets will be released to the regions by June 30).[21] The target may be expressed in gross tons, tons per capita, tons per household, or in any other metric deemed appropriate by the state board.

To assist in this process, the CARB's board appoints a Regional Targets Advisory Committee to recommend factors and methodologies to be used for setting these

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[19] See 65080(b)(2)(I)(ii).

[20] See California Air Resources Board, Climate Change Draft Scoping Plan (June 2008 Discussion Draft), pages 11 and 33.

[21] Cal. Gov't Code § 65080(b)(2)(A).

targets.[22] The committee is made of representatives from the League of California Cities, California State Association of Counties, MPOs, affected air districts, planners, homebuilders, affordable housing organizations, environmental justices organizations, and others. The committee will make its report to CARB by September 30, 2009.

In addition, prior to setting the target for the region, CARB must exchange technical information with the MPO and affected air district. The MPO may also recommend its own target for the region. The MPO must hold at least one public workshop within the region after receipt of the report from the Advisory Committee. CARB shall release draft targets for each region no later than June 30, 2010. In setting these targets, CARB must first consider the GhG reductions that will be achieved from improved vehicles emission standards (overall fuel efficiency improvements), changes in fuel composition (such as low carbon fuels) and other measures that CARB has adopted to reduce GhGs from other emissions sources.[23]

Once set, the targets must be updated every 8 years, which is consistent with the new RHNA planning cycle and two RTP planning cycles in non-attainment areas. The board can also, at its discretion, revise the targets every four years based on changes in fuel efficiency, use of low carbon fuels, or other factors that CARB can take into account in setting the target.[24] Before revising or updating the regional targets, CARB must engage the primary stakeholders (Dept. of Transportations, MPOs, air districts, and local governments) in a consultative process.

5. What SB 375 means for transportation funding

SB 375 requires the RTP to be internally consistent much like the internal consistency requirement of a city or county's general plan. This means that the "action element" and the "financial element" of the RTP must be consistent with the SCS, since the SCS is part of the RTP. (The "action element" and the "financial element" of the RTP, however, do not need to be consistent with the APS, since the APS is not part of the RTP.) This means that decisions about the allocation of transportation funds must be consistent with the SCS, its land use plan, and its transportation policies. The land use plan must be based upon the most recent planning assumptions. These are taken in part from local city and county general plans. As cities and counties use the CEQA streamlining in SB 375, their planning assumptions will align more closely with those in the SCS or APS, whichever CARB agrees would achieve the region's GhG target, if implemented.[25]

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[22] Cal. Gov't Code § 65080(b)(2)(A)(i)

[23] Cal. Gov't Code § 65080(b)(2)(A)(iii).

[24] 65080(b)(2)(A)(iv).

[25] This is because the CEQA streamlining should act to change some of the projects as they are proposed to be built by developers. Assuming that the CEQA streamlining is sufficient to motivate developers to propose projects that are consistent with the SCS or APS, this may impact the "current planning assumptions" for the region. Nothing requires local agencies to approve such proposals, but if local

SB 375 makes explicit the authority that already exists in the law. MPOs already have authority to impose policies or condition transportation funding. The Metropolitan Planning Commission, for example, does not fund certain types of transit projects unless they serve areas that meet minimum density standards.[26] Even without SB 375, MPOs were likely to take additional steps in the direction of adopting policies related to reducing GhG emissions within their RTPs planning because the California Transportation Commission recently amended its RPT Guidelines to require that MPOs consider GhG emissions as part of the RTP process.

It is worth noting that the decision-makers on the regional MPOs are made up wholly of local elected officials. Accordingly, MPOs are not likely to support measures that limit the discretion of cities and counties, particularly in those MPOs where every city and county in the region has a seat on the MPO board. Only two regions, SCAG and MTC, do not fit that model. SB 375 provides an exception for the SCAG region that allows for sub-regional development of the SCS and APS, where local representation is more broadly reflected.

6. How are Local Officials and the Public involved in Developing the SCS/APS

Once the region has its target, the question turns toward developing a regional plan to achieve GhG reductions. SB 375 requires the following public and local official participation processes before the plan can be adopted:

- *Local Elected Official Workshops.* MPOs must conduct at least two informational meetings in each county within the region for local elected officials (members of the board of supervisors and city councils) on the SCS and APS. The MPO may conduct only one informational meeting if it is attended by representatives representing the county and a majority of the cities representing a majority of the population in the incorporated areas of that county.
- *General Public Participation.* Each MPO must adopt a participation plan consistent with the requirements of the participation plan required by federal law that includes a broad range of stakeholder groups. These workshops must be sufficient to provide the public with a clear understanding of the issues and policy choices. At least one workshop shall be held in each county in the region. For counties with a population greater than 500,000, at least three workshops shall be held. Each workshop, to the extent practicable, shall include urban simulation computer modeling to create visual representations of the SCS and the alternative planning strategy. The MPO must also provide a process where members of the public can provide a single request to receive notices, information, and updates.

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agencies indicate a willingness to support such proposals, the projected development pattern for the region will change accordingly.

[26] See MTC Policy 3434 (www.mtc.ca.gov/planning/smart_growth/tod/TOD_policy.pdf)

- *<u>Circulation of Draft SCS/APS</u>.* A draft of the SCS and APS must be circulated at least 55 days before the adoption of the RTP.
- *<u>Public Hearings</u>.* The MPO must hold at least three public hearings on the SCS and APS in multiple county regions, and two public hearings in single county regions. To the extent feasible, hearings should be in different parts of the region to maximize the opportunity for participation.

7 Agencies and Regions Affected by SB 375

SB 375 applies to the 17 metropolitan planning organizations (MPOs) in the state. Together, these organizations cover 37 counties and represent almost 98 percent of the state's population.

These include four <u>multiple county MPOs</u>, including the Association of Monterey Bay Area Governments (AMBAG - Monterey, San Benito, and Santa Cruz counties), Metropolitan Transportation Commission (MTC - Alameda, Contra Costa, Solano, Marin, Napa, Sonoma, San Francisco, San Mateo, an Santa Clara counties), Sacramento Area Council of Governments (SACOG – Sacramento, Yolo, El Dorado, Placer, Yuba, and Sutter counties) and the Southern California Association of Governments (SCAG—Los Angeles, Ventura, San Bernardino, Riverside, Imperial, and Orange counties).

Affected <u>single county MPOs</u> include Butte, Fresno, Kern, Kings, Madera, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Stanislaus, and Tulare counties.

8. Exempt transportation projects

Transportation projects funded by the MPO must be consistent with the SCS except that projects programmed for funding on or before December 31, 2011 are not required to be consistent if (1) they are contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program; and (2) they are funded pursuant to Section 8879.20 of the Government Code; or (3) were specifically listed in a ballot measure prior to December 31, 2008 approving a sales tax measure for transportation purposes. In addition, a transportation sales tax authority need not change funding allocations approved by the voters for categories of transportation projects in a sales tax measure adopted prior to December 31 2010.

10. Exceptions for the SCAG region

SB 375 provides a special set of exceptions for the development of the SCS/APS within the region of the Southern California Association of Governments (SCAG)[27]. Here, a subregional council of governments and the county transportation commission may work together to propose a SCS or APS for the subregional area. Although SCAG may still address interregional issues in the SCS/APS, SCAG must include the subregional SCS or APS to the extent that it is consistent with the requirements of a regional transportation

[27] Cal. Gov't Code § 65080(b)(2)(C).

plan and federal law. SCAG is still responsible for creating an overall public participation plan, ensuring coordination, resolving conflicts and making sure that the plan complies with all applicable legal requirements.

11. Special Provision for the Eight San Joaquin Valley MPOs

In order to encourage regional cooperation among the 8 counties in the San Joaquin Valley, SB 375 specifically encourages two or more counties to work together to develop cooperative policies and develop a multiregional SCS or APS.

12. MPOs in Attainment Areas and RTPAs Not Within an MPO

There are a few counties in the state that are actually in "attainment" for air quality purposes. Federal law requires that these regions update their RTPs at least every five years instead of every four years (the requirement for non-attainment MPOs). In addition, there are a number of other counties that are not included within an MPO at all. Given that SB 375 is based on a eight year cycle that includes one RHNA planning period and two RTP planning periods, the five year requirement would place attainment MPOs out of sync with the non-attainment MPOs.

SB 375 solves this by allowing attainment MPOs, or a regional transportation planning agency (RPTA) not within an MPO, to opt into an 8 year planning cycle. 65080(b)(2)(L). In other words, they may maintain their status quo with a five-year RHNA planning cycle that may or may not be aligned with their RTP planning cycle. Or they may opt into the 8-year cycle upon meeting the following conditions:

- Opting to adopt a plan not less than every four years
- This election must be made prior to June 1, 2009 or at least 54 months prior to the deadline for the adoption of housing elements for jurisdictions within the region (in order to afford HCD with sufficient time to develop and distribute an 8 year number).
- Public hearing

13. RURAL SUSTAINABILITY

MPO or county transportation agency must consider financial incentives for cities and counties that have resource areas or farmland. The idea is that to the extent that SB 375 drives more transportation investments to existing urban areas, some consideration should be given to rural areas that nevertheless help address the emissions targets by not building. An MPO or county transportation agency shall also consider financial assistance for counties to address countywide service responsibilities in counties that contribute towards the GhG emissions reductions targets by implementing policies for growth to occur within their cities.

IV. NEW CEQA EXEMPTIONS AND STREAMLINING

The EIR prepared for a RTP will consider the impact of the Plan on global warming and the growth-inducing impacts of the Plan. SB 375's CEQA incentive eliminates the requirement to analyze the impacts of certain residential projects on global warming and the growth-inducing impacts of those projects when the projects achieve the goals of reducing greenhouse gas emissions by their proximity to transit or by their consistency with the SCS or APS.

1. Two Types of CEQA Streamlining

SB 375 includes two types of CEQA streamlining. One is for residential projects that are consistent with the SCS (or APS) that CARB agrees is sufficient to achieve the GhG targets for the region if it was implemented.[28] The other is for Transportation Priority Projects (which also must be consistent with the SCS/APS). Each of these is discussed in more detail below.

2. Projects consistent with the SCS/APS

A residential or mixed-use project which is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a SCS/APS is not required to reference, describe, or discuss (1) growth-inducing impacts; or (2) project specific or cumulative impacts from cars and light-duty truck trips on global warming or the regional transportation network if the project incorporates the mitigation measures required by an applicable prior environmental document.

In addition, an environmental impact report prepared for this type of project is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project.

3. Three Types of Streamlining for Transit Priority Projects

SB 375 amends CEQA in three ways for "transit priority projects" (or TPPs). A TPP is a new type of project created by SB 375 that must meet the three requirements: (1): contains at least 50% residential use; commercial use, if any, must have floor area ratio (FAR) of not less than 0.75; (2) have a minimum net density of 20 units per acre; and (3) be located within one-half mile of a major transit stop or high quality transit corridor included in a RPT.[29]

- *Total CEQA Exemption for a Sub-Set of TPPs.* A TPP is exempt from CEQA if it complies with a long list of criteria including the following:
  - Not more than 8 acres and not more than 200 residential units

[28] Cal. Gov't Code § 65080(b)(2)(I)

[29] "Major transit stop" is defined at Section 21064.3 of Public Resources Code and in SB 375 in Section 21155(b). "High quality transit corridor is defined in SB 375 in Section 21155(b).

- Can be served by existing utilities
- Does not have a significant effect on historical resources
- Buildings are 15% more energy efficient than required and buildings and landscaping is designed to achieve 25 percent less water storage
- Provides EITHER a minimum of 5 acres per 1,000 residents of open space, OR 20 % housing for moderate income, or 10% housing for low income, or 5% housing for very low income (or in lieu fees sufficient to result in the development of an equivalent amount of units). [30]

- *TPP: Sustainable Communities Environmental Assessment.* A TPP that does not qualify for a complete exemption from CEQA may nevertheless qualify for a sustainable communities environmental assessment (SCEA) if the project incorporates all feasible mitigation measures, performance standards, or criteria from prior applicable environmental impact reports. A SCEA is similar to a negative declaration in that the lead agency must find that all potentially significant or significant effects of the project have been identified, analyzed and mitigated to a level of insignificance. There are four significant differences:
  - Cumulative effects of the project that have been addressed and mitigated in prior environmental impacts need not be treated as cumulative considerable .
  - Growth-inducing impacts of the project are not required to be referenced, described or discussed.
  - Project specific or cumulative impacts from cars and light duty truck trips on global warming or the regional transportation network need not be referenced described or discussed.

  A SCEA is reviewed under the "substantial evidence" standard. The intent of the author was to eliminate the "fair argument" test as the standard of review for a sustainable communities environmental assessment.

- *Transit Priority Projects – Traffic Mitigation Measures*. SB 375 also authorizes the adoption of traffic mitigation measures that apply to transit priority projects. These measures may include requirements for the installation of traffic control improvements, street or road improvements, transit passes for future residents, or other measures that will avoid or mitigate the traffic impacts of transit priority projects. A TPP does not need to comply with any additional mitigation measures for the traffic impacts of that project on streets, highways, intersections, or mass transit if traffic mitigation measures have been adopted.

[30] This is a partial listing of the criteria.

V. Changes to the Housing Element Law

Before SB 375, the federal and state law ignored the fact that in most areas in California, regional transportation plans and regional housing allocation plans are prepared by the same regional organization. Conflicting deadlines policies has historically caused a disconnect between regional transportation planning and regional housing policy. SB 375 eliminate this disconnection by requiring the RPT to plan for the RHNA and by requiring the RHNA plan to be consistent with the projected development pattern used in the RTP.

This will make two significant changes in this regard. First, cities and counties in Clean Air Act non-attainment regions will have an 8-year planning period,[31] which means that the housing element must be updated every 8 years rather than every 5 years.

Second, cities' and counties' RHNA will change because consistency between the regional housing needs allocation plan and the RTP means that the concept of "fair share" will change. Under existing law, the COG adopts the regional housing allocation plan. The plan distributes to each city and to each county its fair share of the regional housing need.[32] Under SB 375 the plan must be consistent with the development pattern included in the SCS (although each jurisdiction still must receive an allocation).[33] In trying to encourage a growth development pattern for residential housing that would reduce GhGs, SB 375 had to address the potential conflicts with the existing RHNA and housing element goals and process.

1. Establishing an Eight Year Planning Period in Non-Attainment Regions

Local governments within a region classified as "non-attainment" under the Clean Air Act and local governments within a region that has elected[34] to adopt a regional transportation plan every four years are required to revise their housing element every eight years (instead of the current 5 years).[35] All other local governments remain on the five-year schedule (see "*12. MPOs in Attainment Areas and RTPAs Not Within an MPO*" on page 11).

[31] SB 375 allows attainment regions to elect to prepare an RTP every four years which will then mean that cities and counties in that region to have an 8-year planning period.

[32] SB 375 changes the methodology that HCD uses to calculate the existing and projected regional need. This number must now reflect "the achievement of a feasible balance between jobs and housing within the region using the regional employment projects in the applicable regional transportation plan" Cal. Gov't Code § 65584.01(d).

[33] See Cal. Gov't Code § 65584.04(i)..

[34] Cal. Gov't Code § 65080(b)(2)(L).

[35] See Cal. Gov't Code §§ 65588(b). and (e)(7)

2. When the Eight Year Planning Period Starts

Local governments in non-attainment areas are required to adopt their fifth revision of the housing element no later than 18 months after the adoption of the first RTP adopted after September 30, 2010. Local governments that have elected to adopt the RTP every four years are required to adopt their next housing element 18 months after the adoption of the first regional transportation plan following the election. All local governments within SANDAG are required to adopt their fifth revision no more than 5 years from the fourth revision and their sixth revision no later than 18 months after adoption of the first RTP adopted after the fifth revision due date.

3. Timeline for RHNA Allocation and the Housing Element

In areas where the 8-year planning period applies, the MPO will allocate the RHNA number to the individual cities and counties at approximately the same time it adopts the RTP (which includes the requirement that the SCS must accommodate the 8 year RHNA allocation). Once the city receives its RHNA allocation, it has 18 months to prepare its housing element and submit it to the Department of Housing and Community Development (HCD).

All local governments within the jurisdiction of an MPO, except those within the San Diego Association of Governments, shall adopt its next housing element 18 months after adoption of the first RTP that is adopted after September 30, 2010.

4. Consequence of Failing to Submit a Timely Housing Element

Local agencies that fail to submit a housing element to HCD within the 18 month timeline fall out of the 8 year housing element cycle and must submit their housing element every four years to HCD.[36] These agencies must still complete their zoning within three years and 120 days of the deadline for adoption of the housing element of or be subject to the sanctions provision described below. [37]

5. Timeline to Re-Zone Sites to Meet RHNA Need

Each housing element includes an inventory that identifies sites to accommodate the jurisdiction's RHNA. Jurisdictions with an eight-year housing element must rezone sites to accommodate that portion of the RHNA not accommodated in the inventory no later than three years after the date the housing element is adopted or the date that is 90 days after receipt of the department's final comments, whichever is earlier.[38]

Rezoning of the sites includes adoption of minimum density and development standards. A local agency that cannot meet the 3-year requirement may be eligible for a 1-year

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[36] Cal. Gov't Code § 65588(b)

[37] Cal. Gov't Code § 65583(c)(1)(A)

[38] Cal. Gov't Code § 65583(c)(1)(A).

extension if it can prove that it has completed 75 percent of its zoning requirement and was unable to rezone for one of the following reasons: (1) because of an action or inaction beyond the control of the local agency, (2) because of infrastructure deficiencies due to fiscal or regulatory restraints, (3) because it must undertake a major revision to its general plan in order to accommodate the housing related policies of an SCS or APS.[39]

6. Scheduling Actions Required by the Housing Element Program

Current law also requires a housing element to include a program of actions that the local agency intends to undertake during the planning period to encourage that the needs of all economic segments of the community will be met. SB 375 requires local agencies to develop a schedule and timeline for implementation as to when specific actions will have "beneficial impacts" within the planning period. [40]

7. Public Hearing for HCD Annual Report.

Local governments will now be required review the housing element portion of its annual report to HCD regarding it progress in completing its programs and compliance with the housing element at an annual public meeting prior to submitting the annual report.

8. Extension of Anti-NIMBY for Affordable Housing Projects

SB 375 extends a strict anti-NIMBY law protection (now called the Housing Accountability Act) for housing development projects, which are defined as projects where at least 49 percent of the units are affordable to families of lower- income households. [41](In most circumstances, a development that meets the 49 percent threshold is a development where 100 percent of the units are affordable to lower-income households.),

The new anti-NIMBY applies to an agency's failure to zone a site for low- and very low-income households within the three year time limit (four years if an agency qualifies for an extension). If a affordable project is proposed on that site and the project complies with applicable, objective general plan and zoning standards, including design review standards, then the agency may not disapprove the project, nor require a conditional use permit, planned unit development permit, or other discretionary permit, or impose a condition that would render the project infeasible, unless the project would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

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[39] Cal. Gov't Code § 65583(f).

[40] Cal. Gov't Code § 65583(c);

[41] Cal. Gov't Code § 65583(g)

9. Potential "Sanctions" for Failing to Meet Zoning Timeline

Any interested person may bring an action to compel compliance with the zoning deadline and requirements for the new 8-year housing element.[42] If a court finds that a local agency failed to complete the rezoning, the court is required to issue an order or judgment, after considering the equities of the circumstances presented by all parties, compelling the local government to complete the rezoning within 60 days or the earliest time consistent with public hearing notice requirements in existence at the time the action was filed. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out, the court is required to issue further orders to ensure compliance and may impose sanctions on the local agency[43], but must consider the equities presented by all affected parties before doing so.

10. Adoption or Self Certification of Housing Element Remains the Same.

Although SB 375 changed the housing element planning period from 5 years to 8 years for some jurisdictions, and added time frames for completing certain actions which must be taken during the planning period, SB 375 did not change either the way in which the housing element is adopted except to the extent that the regional housing allocation plan must be consistent with the SCS. The RHNA process remains itself. Self-certification of the housing element remains an option (and triggers the three year requirement to zone).– SB 375 did nothing to alleviate the struggle that some cities and counties face in trying to plan for their entire RHNA except that HCD review of the housing element will occur less frequently for jurisdictions that move to an 8 year planning period..

[42] Cal. Gov't Code § 65587.

[43] This provision is similar to the requirement to file an annual housing element report on form approved through the state rulemaking process. See Cal. Gov't Code § 65400(a)(2)(B). A local agency that fails to file such a report is subject to sanctions. Most agencies are not familiar with this provision, however, because HCD has not yet formally adopted the forms that would trigger this requirement (though a draft of such a form is posted on the HCD website—it has not yet been formally approved).

KEY DATES IN THE IMPLEMENTATION OF SB 375

December 31, 2008*	Projects specifically listed on a local ballot measure prior to this date are exempt from the requirement to be consistent with the SCS
January 1, 2009	CARB adopts Scoping Plan, which will include the total reduction of carbon in million metric tons from transportation planning
January 31, 2009	CARB shall appoint a Regional Targets Advisory Committee (RTAC) to recommend factors to be considered and methodologies to be used for setting reduction targets
June 1, 2009	MPOs in attainment areas and Regional Transportation Planning Agencies not within an MPO may elect to opt into the 8 year planning cycle.
September 30, 2009	RTAC must report its recommendations to the ARB
June 30, 2010	ARB must provide draft targets for each region to review
September 30, 2010	ARB must provide each affected region with a GHG emissions reductions target.
October 1, 2010	Beginning this date, MPOs updating their RTP will begin 8 year planning cycle that includes SCS-APS and alignment for the RHNA process.
December 31, 2010*	Transportation sales tax authorities need not change allocations approved by voters for categories of projects in a sales tax measure approved by voters prior to this date.
December 31, 2011	Federal Statewide Transportation Improvement Projects programmed before this date are exempt from the requirement to be consistent with the SCS

* *A project category is different from a specifically listed project insofar as a local initiative may authorize funding for a certain type of improvement without specifying a specific location.*

NEW RPT – RHA PLANNING CYCLE

(Highlighted, underlined provisions indicates new law. Plain text represents current law).

RHNA PROCESS	YEAR	RTP PROCESS
• HCD consults with COG regarding assumptions and methodology to be used to determine housing needs • COG Develops Regional Growth Forecast • COG conducts survey of its member jurisdictions • HCD gives regional housing number to COGs • COG develops methodology for distributing RHNA consistent with development pattern in SCS	-2 to -1	• MPO begins forecast process for RTP including involvement of broad stakeholder groups • MPO holds informational meetings for local elected officials • MPO circulates a draft SCS, and possibly a draft APS if needed, at least 55 days prior to final adoption • MPO quantifies the reduced GhG emissions from SCS or APS • MPO holds public hearings • SCS is approved by MPO; APS may also be approved • CARB agrees or disagrees with MPO's assessment that SCS or APS would, if implemented, achieve the GhG target
• COG distributes draft RHNA allocation consistent with SCS; every agency must within SCS must get some of the housing allocation.	0	• MPO adopts RTP that includes the SCS
• First six months, agencies may request COG reconsider allocation and file subsequent appeal • Local agency starts drafting housing element • Final RHNA allocation adopted by COG at 6 months • Housing element due to HCD 18 months after local agency receives RHNA allocation (one year after final RHNA) • Local agency must adopt housing element 120 days after statutory deadline to HCD to avoid a 4 year cycle; • 90 days after receiving final comments on housing element from HCD, or date housing element adopted by local agency, 3 year time period to complete zoning of sites not within inventory begins • Annual housing report with hearing to discuss	1 to 3	• Transportation investments are consistent with forecasted development pattern in SCS • Projects that are consistent with the CARB approved APS/SCS are eligible for CEQA exemption and streamlining provisions • MPO reviews and updates forecasts and assumptions in RTP (including SCS) for second RTP cycle
• Deadline to complete zoning of sites not within inventory if no extension applies; Failure to meet timeline can trigger court-imposed sanctions and new anti-NIMBY remedy • New Anti-NIMBY provision applies to affordable housing projects on sites designated in the element program to be zoned at densities consistent with affordable housing (the "Mullin densities") but not yet zoned.	4	• MPO submits RTP that is consistent with the RHNA allocation four years earlier..
• Local agencies that did not file a timely housing element in year one must file another housing element that covers Years 5 through 8 of the planning period • Local agencies that qualified for a one year extension are required to complete their zoning of sites not in inventory	5	
• HCD provides MPO with regional number for next 8 year cycle; COG begins process of developing next SCS/APS	6	• COGs begins forecast for next RTP planning cycle
• If agency has not zoned adequate sites in previous planning period, zone or rezone in 1st year of planning period unaccommodated portion of RHNA from previous period	8	• Possible "Analysis Year" – Fed regs require MPOs to include "analysis years" within RTP forecast period to take a hard look at its assumptions. The first analysis year is 5 to 10 years out. The 8 year RHNA cycle makes the 8th year a good analysis year for the fed regs.
Repeat Process		Repeat Process

KEY LEAGUE AMENDMENTS TO SB 375

Over the course of the SB 375 negotiations, the League identified a number of key amendments it required in order for the board to consider supporting it. This table summarizes many of those issues and explains the resulting outcome of the negotiations.

Issues	SB 375 March 24, 2008 Version	SB 375 Final Version
Restrictions on Transportation Funding?	Transportation investments within the RTP were based upon a set of assumptions about resource lands that did not necessarily reflect the content of local general plans.	The requirement for the SCS to identify resource lands is gone. Local officials on MPO boards retain discretion over the funding within RTP. If the SCS cannot achieve the regional GhG target, the region must create an APS that could achieve the GhG target. But the APS is not part of the RTP. Funding for projects must be consistent with the SCS, but not necessarily the APS.
Meaningful CEQA Relief?	CEQA provisions had several preconditions that made it unlikely that they would broadly applied	Contains two forms of CEQA relief. The first exempts residential projects from reviewing the impacts related to cars and light trucks on projects that are consistent with a plan to reduce GhGs from that source. The second is for defined infill projects near transit choices.
Mandatory Growth Allocations in SCS of Regional Transportation Plan?	Required MPOs to do mandatory and heavily prescribed growth management within the regional transportation plan (RTP), which came to be known as "concentric circle" planning	Mandatory growth management has been removed and the requirement in earlier drafts that a region "identify resource lands" has been changed to "gather and consider the best practically available scientific information about resource lands."
Sweeping Resource Land Definitions?	Resource definitions included new ambiguous terms.	The ambiguous environmental land definitions have been clarified to be consistent with current law.
Role for local officials in developing SCS?	None	MPO must adopt an outreach process that includes workshops for local elected officials in each county.
Local Participation Setting Regional GhG Reduction Targets?	Called for a top-down process for setting GHG targets that was unacceptable	Bill now contains a fair process for setting regional targets that includes a statewide advisory committee with League representation. CARB must hold workshops requirements in each region.
Confusion between existing federal laws and SB 375?	It was unclear how the new "Supplement," (now the APS) and the existing federal RTP requirements were related to each other.	Connection between the "Supplement" (now called the "Alternative Planning Strategy or APS)" which is required when a region's RTP cannot meet the regional targets) and the RTP; i.e., the land use pattern in the Alternative Planning Strategy will <u>not</u> affect or be part of the RTP or its funding.
RHNA Consistency and Extension?	The new goal of encouraging infill through transportation investments and the RTP (4 year cycle) directly conflicted with existing RHNA fair share goals (5-year cycle).	The bill achieves a three-year extension of the RHNA process (from 5 – 8 years), making it consistent with the RTP process of two four-year cycles. This achieves a major League goal.

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 10-7-08

Agenda Item: 4b

TUESDAY, September 16, 2008

1. CALL TO ORDER & ROLL CALL – the meeting was called to order at 6:30 p.m. by Mayor Manning in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Manning, Vice Mayor Pierce, Councilmembers Stratford and Walcutt. Absent: Councilmember Shuey. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Police Chief Dan Lawrence, and City Clerk Laci Jackson.

2. CLOSED SESSION- None.

(a) Conference with Legal Counsel, *Government Code Section 54956.9(c)*
Consider Initiation of Litigation (1 case)

7:00 p.m.-Report out of Closed Session: Mayor Manning reported the Council gave direction to initiate litigation.

3. PLEDGE OF ALLEGIANCE – Led by Mayor Manning.

4. CONSENT CALENDAR- It was moved by Councilmember Walcutt, seconded by Vice Mayor Pierce to approve the Consent Calendar (4-0 vote).

(a) Approved the minutes of the regular meeting of September 2, 2008.

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

(c) Adopted Resolution 51-2008 revising Public Works Standards and Specifications.

(d) Adopted Resolution 52-2008 setting fines for violation of parking time limitations in posted municipal parking lots.

(e) Adopted Resolution 53-2008 amending Appendix "A" of the City of Clayton Conflict of Interest Code.

(f) Confirmed Mayoral appointment of Lori Turner as Clayton's representative to the Contra Costa County Advisory Council on Aging.

(g) Rejected the liability claims against the City filed by Oyinloal and Olubunmi Oshinowo (MPA Claim No. 008264) for alleged injuries reportedly occurring on March 31, 2008.

5. RECOGNITIONS AND PRESENTATIONS

(a) Mayor Manning read aloud the Proclamation declaring September 21st-27th as "Fall Prevention Awareness Week."

Gennifer Mountain, Fall Prevention Program Coordinator, accepted the Proclamation.

6. REPORTS

(a) Planning Commission – Commissioner Keith Haydon reported on the September 9th Planning Commission meeting. The Commission approved a site plan review for 1816 Ohlone Heights. They also held a study session on a possible amendment to the Municipal Code to increase the size of a home addition staff can approve at an administrative level.

(b) Trails and Landscaping Committee – Chairperson Bass reported on the September 15th meeting of the Trails and Landscaping Committee and stated they discussed the East Bay Regional Parks Bond Measure WW and the Adopt a Trail program.

(c) The City Manager reported on the status California State Budget and potential fiscal impacts to the City.

The Police Chief reported the 2007 FBI Crime Statistics were published and Clayton was once again in the top 10 safest cities for populations of 10,000-99,000, ranked 5th safest place in the state. He also reported the Police Department had hired a new officer, Peter Hanft, a Sacramento State graduate.

(d) City Council

Councilmember Stratford attended the Mayors' Conference in Antioch.

Vice Mayor Pierce attended a CCTA planning committee meeting, a Transportation Authority meeting, the Mayors' Conference, a TRANSPAC meeting, an E-Bart meeting, and lastly a CERT Control Committee meeting.

Councilmember Walcutt had no report but asked the City Engineer if the dirt slope above the new retaining wall on Marsh Creek Road would be hydro seeded. The City Engineer responded in the affirmative.

Mayor Manning attended the funeral for Carol Schroder, the Mayor of Martinez's wife, and the funeral of the Martinez Sergeant killed in the line of duty. He also attended the Mayors' Conference, the swearing in of the newest Clayton Police Officer, and an Administration and Finance meeting of the County Connection.

(e) Other – Introduction of City Council candidates present in the audience.

Keith Haydon stated he has served on the Planning Commission for many years and would like to carry out the plans of the Commission as a City Councilmember. He stated he would like to see continued development of the downtown. He stated he also worked on the City Landscaping ballot measures. Lastly, he stated he would like to see new additions and take advantage of new opportunities in the community.

Allen Lampo stated he had been a volunteer with the Boy Scouts, he writes the financial section for the Clayton Pioneer, is an announcer for the Dana Hills Swim team, and would like to do even more in the community.

Harun Simbirdi stated he is a recent resident to Clayton but has become very involved as a CERT member and member of the Citizens Core Council. He is the chief executive of a privately held company and can sell a vision. He has volunteered throughout the City on a number of events from the 4th of July Parade to the Labor Day Derby, and stated he would like to contribute to the community.

Howard Geller stated he has been a resident for 33 years and is dedicated to the community. He stated Clayton is a unique community and he has always tried to make a difference. He stated he had worked on the 4th of July committee and created the Kiddie Land. He stated he wants the community to grow. He was a founder of the Clayton Round-up and wants to bring that event back. He would like to see a better commercial environment in the downtown area. Lastly, he stated he was the Concert Promoter for the Concerts in The Grove series, which was very successful and his dedication to the community is consistent.

Jim Diaz stated he has been a member of the community for almost 30 years. He was a member of the Clayton Police Department for 10 years and has a been a member of CBCA. He stated he is looking forward to running for the Council again, he stated this is his third attempt but he hopes to be successful this time. Lastly, he would like to continue to see more business in Clayton.

Dan Richardson discussed his professional experience as the former Director of Public Services for the City of Walnut Creek. He stated that in his position he was in charge of everything the City owned including, parks, streets, and open space. He worked as a liaison to the Regional Water Quality Control Board, Solid Waste Authority and many other regional bodies. He was a liaison to business groups and helped improve business in the downtown area. He also worked with citizens groups, the museums, the open space foundation, and the Fresh Start program. Lastly, he stated he has more than 30 years of experience enhancing environments and bring about what the citizens want and expect.

Julie Pierce stated she is glad to see so many fine candidates come out for the election. She stated she has represented Clayton at home and regionally and would like to remain on the Council for continuity and leadership.

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

Danny Conden asked if the Council could put a sidewalk on Oak Street because children walk down that street to get to school. Vice Mayor Pierce stated it was something to look further into.

Nick Swiako asked if a bridge could be built to connect Dana Hills and Regency Drive [Woods]. Mayor Manning responded Dana Hills was still part of the county when Regency Drive was built but that the Council may want to consider it in the future. Councilmember Walcutt stated it was a good idea but that a pedestrian trail was more politically viable.

8. **PUBLIC HEARINGS**- None.

9. **ACTION ITEMS**

(a) Consideration of a proposed 5-year Plan for pavement rehabilitation of local streets and roads using transportation improvement funds.

The City Engineer presented the staff report and explained the difference between the two proposals. Proposal A would rank the streets to be improved/repaved by the Pavement Management Program. Proposal B would treat the lowest streets in the City, therefore improving/repaving the 35 worst streets in a five year period. Lastly, he stated the City of Clayton has the 5th best conditioned streets in the county at a Pavement Condition Index score of 78 which is considered "Very Good".

No public comments were received.

Council held a lengthy discussion on the two proposals and determined proposal B would be more equitable and would give residents a clear understanding of when their street would likely be repaved in the next 5 years.

It was moved by Councilmember Walcutt, seconded by Vice Mayor Pierce to adopt the 5-Year Street Improvement Project, "Schedule B" (4-0 vote).

10. **COUNCIL ITEMS** – None.

11. **ADJOURNMENT**– On call by Mayor Manning the meeting adjourned at 8:12 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: 10/07/08

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: OCTOBER 7, 2008

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

RUN DATE	OBLIGATION NUMBERS	TOTALS
10/02/08	15095 – 15170	$363,030.61
10/03/08	15171 – 15173	$34,579.57
10/02/08	15174 Split Obligation from 15061	(Already approved)

Attachments:
Batch 3897 (13 pages)
Batch 3899 (4 pages)

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A101-2101-00.0.0-000		entry					109,794.31CR
PJ	Obligation summary A201-2101-00.0.0-000		entry					3,229.60CR
PJ	Obligation summary A210-2101-00.0.0-000		entry					43,890.88CR
PJ	Obligation summary A211-2101-00.0.0-000		entry					5,869.25CR
PJ	Obligation summary A212-2101-00.0.0-000		entry					942.20CR
PJ	Obligation summary A214-2101-00.0.0-000		entry					7,918.45CR
PJ	Obligation summary A216-2101-00.0.0-000		entry					1,682.12CR
PJ	Obligation summary A222-2101-00.0.0-000		entry					500.00CR
PJ	Obligation summary A230-2101-00.0.0-000		entry					1,262.15CR
PJ	Obligation summary A301-2101-00.0.0-000		entry					260.00CR
PJ	Obligation summary A302-2101-00.0.0-000		entry					348.80CR
PJ	Obligation summary A303-2101-00.0.0-000		entry					164,933.64CR
PJ	Obligation summary A420-2101-00.0.0-000		entry					2,751.32CR
PJ	Obligation summary A421-2101-00.0.0-000		entry					1,150.58CR
PJ	Obligation summary A501-2101-00.0.0-000		entry					4,980.01CR
PJ	Obligation summary A502-2101-00.0.0-000		entry					85.75CR
PJ	Obligation summary A601-2101-00.0.0-000		entry					10,715.50CR
PJ	Obligation summary A702-2101-00.0.0-000		entry					1,372.86CR
PJ	Berlogar Geotechnical Consulta A212-7520-00.0.0-060 Descl..........: Pebble Beach Monitoring 8/08	15095	entry	213901				922.92
PJ	CCC Office of the Sheriff-Coro A101-7425-06.0.0-000 Descl..........: PD-Crime Lab 8/08	15096	entry	ClayPD-080				458.00
PJ	Sprint Comm (PD) A101-7332-06.0.0-000 Descl..........: PD Cell Phones 8/08	15097	entry	081 8/08				351.87
PJ	Health Care Dental Trust A101-7246-02.0.0-000 Descl..........: Dental Premimum 10/08	15098	entry	77579				492.04
PJ	Health Care Dental Trust A101-7246-03.0.0-000 Descl..........: Dental Premimum 10/08	15098	entry	77579				405.18
PJ	Health Care Dental Trust A101-7246-04.0.0-000 Descl..........: Dental Premimum 10/08	15098	entry	77579				202.59

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Health Care Dental Trust A101-7246-06.0.0-000 Descl..........: Dental Premimum 10/08	15098	entry	77579				743.01
PJ	Health Care Dental Trust A230-7246-00.0.0-000 Descl..........: Dental Premimum 10/08	15098	entry	77579				43.43
PJ	PG&E A101-7335-03.0.0-000 Descl..........: Service 9/08 (Individual Inv)	15099	entry	9/22/08				21.08
PJ	PG&E A210-7335-00.0.0-000 Descl..........: Service 9/08 (Individual Inv)	15099	entry	9/22/08				167.85
PJ	PG&E A211-7335-00.0.0-000 Descl..........: Service 9/08 (Individual Inv)	15099	entry	9/22/08				86.54
PJ	PG&E A302-7520-00.0.0-008 Descl..........: Service 9/08 (Individual Inv)	15099	entry	9/22/08				14.32
PJ	PG&E A302-7520-00.0.0-009 Descl..........: Service 9/08 (Individual Inv)	15099	entry	9/22/08				10.98
PJ	PG&E A702-7335-00.0.0-000 Descl..........: Service 9/08 (Individual Inv)	15099	entry	9/22/08				180.75
PJ	PG&E A201-7335-00.0.0-000 Descl..........: Svc: Irrig & Signal 9/08 (Mst)	15100	entry	9/17/08				29.64
PJ	PG&E A210-7335-00.0.0-000 Descl..........: Svc: Irrig & Signal 9/08 (Mst)	15100	entry	9/17/08				451.42
PJ	PG&E A101-7335-03.0.0-000 Descl..........: Service 9/08 (Master)	15101	entry	9/15/08				911.61
PJ	PG&E A101-7335-07.0.0-000 Descl..........: Service 9/08 (Master)	15101	entry	9/15/08				4,873.18
PJ	PG&E A101-7335-09.0.0-000 Descl..........: Service 9/08 (Master)	15101	entry	9/15/08				212.39
PJ	PG&E A201-7335-00.0.0-000 Descl..........: Service 9/08 (Master)	15101	entry	9/15/08				3,013.08
PJ	PG&E A210-7335-00.0.0-000 Descl..........: Service 9/08 (Master)	15101	entry	9/15/08				895.80
PJ	PG&E A214-7335-00.0.0-000 Descl..........: Service 9/08 (Master)	15101	entry	9/15/08				7,899.16
PJ	Verizon Business A101-7332-02.0.0-000 Descl..........: Admin ISDN Line 10/08	15102	entry	07424550				211.34
PJ	Paramount Elevator Corp. A101-7341-03.0.0-000 Descl..........: City Hall Elevator Reg. Svc. 9/08	15103	entry	113487				110.00

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	J & R Floor Services A101-7417-03.0.0-000 Descl..........: Janitorial Services for 8/08	15104	entry	08AUG				449.93
PJ	J & R Floor Services A101-7417-06.0.0-000 Descl..........: Janitorial Services for 8/08	15104	entry	08AUG				225.00
PJ	J & R Floor Services A101-7417-07.0.0-000 Descl..........: Janitorial Services for 8/08	15104	entry	08AUG				2,175.00
PJ	J & R Floor Services A101-7417-09.0.0-000 Descl..........: Janitorial Services for 8/08	15104	entry	08AUG				1,000.00
PJ	J & R Floor Services A101-7419-09.0.0-000 Descl..........: Janitorial Services for 8/08	15104	entry	08AUG				1,000.00CR
PJ	J & R Floor Services A211-7419-00.0.0-000 Descl..........: Janitorial Services for 8/08	15104	entry	08AUG				2,000.00
PJ	J & R Floor Services A702-7417-00.0.0-000 Descl..........: Janitorial Services for 8/08	15104	entry	08AUG				120.00
PJ	American Cleanway Inc A216-7419-00.0.0-000 Descl..........: PW Wash Rack Mtn 9/08	15105	entry	35325				225.00
PJ	Rock N Waterfall Co A210-7419-00.0.0-000 Descl..........: OH Waterfall Mtn 9/08	15106	entry	600211				650.00
PJ	All City Management Services, A101-7419-06.0.0-000 Descl..........: PD-Crossing Guard WE 9/13/08	15107	entry	14213				406.35
PJ	Konica Minolta Bus Solutions A101-7331-05.0.0-000 Descl..........: Adm Copier Lease + Taxes 10/08	15108	entry	010593108				855.25
PJ	AT&T YellowPages.com A301-7361-00.0.0-000 Descl..........: Yellow Pages. Com 10/08	15109	entry	9/23/08				29.00
PJ	CalPERS A101-7220-02.0.0-000 Descl..........: Retirement PPE 9/21/08	15110	entry					4,104.92
PJ	CalPERS A101-7220-03.0.0-000 Descl..........: Retirement PPE 9/21/08	15110	entry					2,411.90
PJ	CalPERS A101-7220-04.0.0-000 Descl..........: Retirement PPE 9/21/08	15110	entry					1,403.12
PJ	CalPERS A101-7220-06.0.0-000 Descl..........: Retirement PPE 9/21/08	15110	entry					13,043.12
PJ	CalPERS A230-7220-00.0.0-813 Descl..........: Retirement PPE 9/21/08	15110	entry					1,218.72
PJ	Hammons Supply Company A101-7417-07.0.0-000 Descl..........: Janitorial Supplies 8/08	15111	entry	I50096				886.85

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	City of Concord A101-7312-05.0.0-000 Descl..........: Biz Cards Printing 9/08	15112	entry	12577				188.00
PJ	RyNck Tire and Auto Center A101-7343-03.0.0-000 Descl..........: PW Tire Repair 8/08	15113	entry	C-053528				32.43
PJ	Kilbourne & Kilbourne A101-7364-02.0.0-000 Descl..........: Employee Recog Gifts & Pins 9/08	15114	entry	61563				595.25
PJ	Wildland Resource Management A210-7419-00.0.0-000 Descl..........: OS Weed Abatement 9/08	15115	entry	6/8/08				33,600.00
PJ	City of El Cerrito A101-7372-01.0.0-000 Descl..........: Mayors Conference 10/08	15116	entry	9/18/08				50.00
PJ	Goldfarb & Lipman A302-7413-00.0.0-000 Descl..........: RDA/LMI Legal Services 8/08	15117	entry	90863				73.50
PJ	Grainger, Inc. A101-7311-03.0.0-000 Descl..........: PW Ear Plugs 8/08	15118	entry	9714548014				93.31
PJ	Dan Copeland Construction A601-2744-00.0.0-489 Descl..........: Refund SWP 08-06 Dep 9/08	15119	entry	SWP 08-06				500.00
PJ	American Technologies, Inc A101-5791-00.0.0-000 Descl..........: Refund SWP 04-08 Dep 9/08	15120	entry	SWP 04-08				80.92CR
PJ	American Technologies, Inc A601-2744-00.0.0-473 Descl..........: Refund SWP 04-08 Dep 9/08	15120	entry	SWP 04-08				1,460.50
PJ	Mark Morris A601-2744-00.0.0-400 Descl..........: Refund SWP 07-07 Dep 9/08	15121	entry	SWP 07-07				500.00
PJ	Linda Landgraf A101-5304-00.0.0-000 Descl..........: Refund C&D Deposit 9/08	15122	entry	C&D 5977 C				75.52CR
PJ	Linda Landgraf A601-2745-00.0.0-427 Descl..........: Refund C&D Deposit 9/08	15122	entry	C&D 5977 C				2,000.00
PJ	Linda Landgraf A601-2744-00.0.0-427 Descl..........: Refund SWP 07-15 Dep 9/08	15123	entry	SWP 07-15				500.00
PJ	Otto Groschwitz A601-2740-00.0.0-512 Descl..........: Refund EP 2795 Dep 9/08	15124	entry	EP 2795				1,000.00
PJ	Otto Groschwitz A101-5791-00.0.0-000 Descl..........: Refund SWP 20-08 Dep 9/08	15125	entry	SWP 20-08				52.91CR
PJ	Otto Groschwitz A601-2744-00.0.0-512 Descl..........: Refund SWP 20-08 Dep 9/08	15125	entry	SWP 20-08				1,647.25
PJ	Majestic Pools A101-5791-00.0.0-000 Descl..........: Refund SWP 21-08 Dep 9/08	15126	entry	SWP 21-08				34.24CR

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Majestic Pools A601-2744-00.0.0-505 Descl..........: Refund SWP 21-08 Dep 9/08	15126	entry	SWP 21-08				1,771.75
PJ	Insite Design & Build Inc A101-5791-00.0.0-000 Descl..........: Refund SWP 05-08 Dep 9/08	15127	entry	SWP 05-08				99.60CR
PJ	Insite Design & Build Inc A601-2744-00.0.0-474 Descl..........: Refund SWP 05-08 Dep 9/08	15127	entry	SWP 05-08				1,336.00
PJ	Contra Costa Topsoil A210-7316-00.0.0-000 Descl..........: PW 1/4 X Dust 9/08	15128	entry	81246				974.25
PJ	Miracle Recreation Equip Co A211-7310-00.0.0-000 Descl..........: PW Play Equip 9/08	15129	entry	678099				350.85
PJ	Concord Garden Equipment A101-7342-03.0.0-000 Descl..........: PW Equip Maintenance 9/08	15130	entry	369165,342				806.72
PJ	Concord Garden Equipment A211-7310-00.0.0-000 Descl..........: PW Equip Maintenance 9/08	15130	entry	369165,342				970.96
PJ	Contra Costa Topsoil A210-7316-00.0.0-000 Descl..........: PW 1/4 X Dust 9/08	15131	entry	81376				974.25
PJ	Waraner Brothers A216-7419-00.0.0-000 Descl..........: Tree Trimming Lydia Ln Pk 9/08	15132	entry	8251				1,350.00
PJ	Sprint Comm (PW & ADM) A101-7332-02.0.0-000 Descl..........: PW & Adm Cell Phones 8/08	15133	entry	076 8/08				52.51
PJ	Sprint Comm (PW & ADM) A101-7332-03.0.0-000 Descl..........: PW & Adm Cell Phones 8/08	15133	entry	076 8/08				93.90
PJ	Elaine Guyon A702-2730-00.0.0-002 Descl..........: Refund EH Deposit 9/20/08	15134	entry	EH 9/20/08				500.00
PJ	Undercover Computers A101-7415-06.0.0-000 Descl..........: PD Rebuilt Hard Drive/Sftwr 9/08	15135	entry	199-A				225.00
PJ	Waraner Brothers A101-7419-03.0.0-000 Descl..........: Tree Trimming Stranahan Pk 9/08	15136	entry	8250				900.00
PJ	Waraner Brothers A210-7419-00.0.0-000 Descl..........: Tree Trimming Stranahan Pk 9/08	15136	entry	8250				150.00
PJ	Municipal Pooling Authority A501-7352-00.0.0-000 Descl..........: Unmet Liability Ded 8/08	15137	entry	A080803				4,730.44
PJ	Hammons Supply Company A211-7310-00.0.0-000 Descl..........: Janitorial Supplies 8/08	15138	entry	150097				316.74
PJ	City of Concord A101-7424-06.0.0-000 Descl..........: PD Dispatch & Det Svc 6-8/08	15139	entry	12771				16,510.67

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	NBS Govt. Finance Group A210-7419-00.0.0-000 Descl..........: CFD Adm Fees 9/08	15140	entry	C09200810				948.80
PJ	NBS Govt. Finance Group A211-7420-00.0.0-000 Descl..........: CFD Adm Fees 9/08	15140	entry	C09200810				948.23
PJ	NBS Govt. Finance Group A420-7419-00.0.0-000 Descl..........: CFD Adm Fees 9/08	15140	entry	C09200810				2,639.52
PJ	NBS Govt. Finance Group A421-7419-00.0.0-000 Descl..........: CFD Adm Fees 9/08	15140	entry	C09200810				1,131.30
PJ	Sprint Comm (PD) A101-7332-06.0.0-000 Descl..........: PD Cell Phones + Equip 9/08	15141	entry	082 9/08				660.79
PJ	Globalstar LLC A101-7332-06.0.0-000 Descl..........: PD Command Trl Sat Phn 9/08	15142	entry	1072905				42.83
PJ	CCC Office of Revenue Collecti A101-7429-06.0.0-000 Descl..........: Animal Control Svc 10-12/08	15143	entry	ASD M4638				12,829.00
PJ	City of Concord A101-7343-06.0.0-000 Descl..........: PD Vehicle Maintenance 8/08	15144	entry	12672				473.42
PJ	City of Concord A101-7343-06.0.0-000 Descl..........: PD Vehicle Maintenance 7/08	15145	entry	12678				2,062.71
PJ	LarryLogic Productions A101-7419-01.0.0-000 Descl..........: Video City Council Mtg 9/16/08	15146	entry	889				292.50
PJ	J & R Floor Services A101-7417-03.0.0-000 Descl..........: Janitorial Services for 9/08	15147	entry	08SEP				449.92
PJ	J & R Floor Services A101-7417-06.0.0-000 Descl..........: Janitorial Services for 9/08	15147	entry	08SEP				225.00
PJ	J & R Floor Services A101-7417-07.0.0-000 Descl..........: Janitorial Services for 9/08	15147	entry	08SEP				2,175.00
PJ	J & R Floor Services A101-7417-09.0.0-000 Descl..........: Janitorial Services for 9/08	15147	entry	08SEP				1,000.00
PJ	J & R Floor Services A211-7419-00.0.0-000 Descl..........: Janitorial Services for 9/08	15147	entry	08SEP				1,000.00
PJ	J & R Floor Services A702-7417-00.0.0-000 Descl..........: Janitorial Services for 9/08	15147	entry	08SEP				60.00
PJ	City of Concord A101-7312-05.0.0-000 Descl..........: Adm Print Envelopes 9/08	15148	entry	12633				114.00
PJ	Diversified Risk Ins Brokers / A101-7351-05.0.0-000 Descl..........: Special Event Insurance 9/08	15149	entry					144.47

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	PG&E A101-7335-03.0.0-000 Descl..........: Service 9/08 (Small Master)	15150	entry					2,345.15
PJ	PG&E A201-7335-00.0.0-000 Descl..........: Service 9/08 (Small Master)	15150	entry					186.88
PJ	PG&E A210-7335-00.0.0-000 Descl..........: Service 9/08 (Small Master)	15150	entry					300.18
PJ	Undercover Computers A101-7415-02.0.0-000 Descl..........: City Web Site Redesign 9/08	15151	entry	198				2,250.00
PJ	ACCO Engineered Systems A101-7346-03.0.0-000 Descl..........: Library, City Hall EMS 8/08	15152	entry	487924-925				199.00
PJ	ACCO Engineered Systems A101-7346-07.0.0-000 Descl..........: Library, City Hall EMS 8/08	15152	entry	487924-925				199.00
PJ	ACCO Engineered Systems A101-7346-03.0.0-000 Descl..........: Library, City Hall EMS & Mtn 9/08	15153	entry	490369-371				450.00
PJ	ACCO Engineered Systems A101-7346-07.0.0-000 Descl..........: Library, City Hall EMS & Mtn 9/08	15153	entry	490369-371				724.00
PJ	CalPERS Health A101-7246-02.0.0-000 Descl..........: Health Insurance 10/08	15154	entry					5,904.83
PJ	CalPERS Health A101-7246-03.0.0-000 Descl..........: Health Insurance 10/08	15154	entry					3,392.82
PJ	CalPERS Health A101-7246-04.0.0-000 Descl..........: Health Insurance 10/08	15154	entry					2,165.08
PJ	CalPERS Health A101-7246-06.0.0-000 Descl..........: Health Insurance 10/08	15154	entry					7,375.42
PJ	Wells Fargo Bank, N.A. A222-7613-00.0.0-000 Descl..........: IMP 8-02 Fees 8/08	15155	entry	432787				500.00
PJ	NBS Govt. Finance Group A420-7419-00.0.0-000 Descl..........: CFD 90-1R Del Mgmt Svc 9/08	15156	entry	D09230801-				92.52
PJ	Cintas Fire Protection A101-7341-07.0.0-000 Descl..........: Libr Emergency Exit Svc 9/08	15157	entry	0F44007538				872.30
PJ	Cintas Fire Protection A101-7341-03.0.0-000 Descl..........: CH Emergency Exit Svc 9/08	15158	entry	0F44007537				852.25
PJ	Cintas Fire Protection A702-7341-00.0.0-000 Descl..........: EH Emergency Exit Svc 9/08	15159	entry	0F44007539				512.11
PJ	ACCO Engineered Systems A101-7346-07.0.0-000 Descl..........: Libr HVAC Repair 9/08	15160	entry	1343227				370.00

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Odyssey Landscape Co Inc A303-7520-00.0.0-108 Descl..........: MCR Retaining Wall Proj 8/08	15161	entry	36032127				164,933.64
PJ	Apache Signs A502-7485-00.0.0-000 Descl..........: PD Decals 9/08	15162	entry	9/11/08				85.75
PJ	Lloyd McKinney Assoc.Inc. A101-7312-07.0.0-000 Descl..........: Library Mtg Rm Microphones 9/08	15163	entry	080934				341.25
PJ	Arcom A101-7343-06.0.0-000 Descl..........: PD Vehicle Mtn 9/08	15164	entry	2233700				75.78
PJ	LarryLogic Productions A101-7419-01.0.0-000 Descl..........: Libr Mtg Rm A/V Upgrade Conf 9/08	15165	entry	890				180.00
PJ	US Bank Corp Pymt System A101-7312-05.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				142.03
PJ	US Bank Corp Pymt System A101-7419-02.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				49.95
PJ	US Bank Corp Pymt System A101-7430-08.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				1,546.50
PJ	US Bank Corp Pymt System A210-7311-00.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				19.29
PJ	US Bank Corp Pymt System A211-7310-00.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				19.29
PJ	US Bank Corp Pymt System A212-7311-00.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				19.28
PJ	US Bank Corp Pymt System A214-7311-00.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				19.29
PJ	US Bank Corp Pymt System A216-7311-00.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				107.12
PJ	US Bank Corp Pymt System A420-7420-00.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				19.28
PJ	US Bank Corp Pymt System A421-7420-00.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				19.28
PJ	US Bank Corp Pymt System A501-7311-00.0.0-000 Descl..........: Adm: Misc Charges 8/08	15166	entry	Adm 8/08				249.57
PJ	US Bank Corp Pymt System A101-7311-03.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				348.41
PJ	US Bank Corp Pymt System A101-7342-03.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				106.42

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	US Bank Corp Pymt System A101-7343-03.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				41.44
PJ	US Bank Corp Pymt System A101-7344-03.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				1,622.79
PJ	US Bank Corp Pymt System A101-7347-03.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				196.55
PJ	US Bank Corp Pymt System A210-7311-00.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				115.70
PJ	US Bank Corp Pymt System A210-7316-00.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				2,090.43
PJ	US Bank Corp Pymt System A210-7344-00.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				1,473.15
PJ	US Bank Corp Pymt System A210-7419-00.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				1,079.76
PJ	US Bank Corp Pymt System A211-7310-00.0.0-000 Descl..........: PW Misc Charges 8/08	15167	entry	PW 8/08				176.64
PJ	US Bank Corp Pymt System A101-7311-06.0.0-000 Descl..........: PD Misc Charges 8/08	15168	entry	PD 8/08				26.63
PJ	US Bank Corp Pymt System A101-7312-06.0.0-000 Descl..........: PD Misc Charges 8/08	15168	entry	PD 8/08				192.80
PJ	US Bank Corp Pymt System A101-7314-06.0.0-000 Descl..........: PD Misc Charges 8/08	15168	entry	PD 8/08				32.09
PJ	US Bank Corp Pymt System A101-7342-06.0.0-000 Descl..........: PD Misc Charges 8/08	15168	entry	PD 8/08				54.04
PJ	US Bank Corp Pymt System A101-7343-06.0.0-000 Descl..........: PD Misc Charges 8/08	15168	entry	PD 8/08				53.40
PJ	US Bank Corp Pymt System A101-7344-06.0.0-000 Descl..........: PD Misc Charges 8/08	15168	entry	PD 8/08				2,837.75
PJ	US Bank Corp Pymt System A101-7363-06.0.0-000 Descl..........: PD Misc Charges 8/08	15168	entry	PD 8/08				15.99
PJ	US Bank Corp Pymt System A101-7432-06.0.0-000 Descl..........: PD Misc Charges 8/08	15168	entry	PD 8/08				202.67
PJ	AT&T Yellow Pages A301-7361-00.0.0-000 Descl..........: EH Yellow Page Ad 10/08	15169	entry	9/25/08				231.00
PJ	Joe Pargett A302-7520-00.0.0-008 Descl..........: Yard Mtn-Stranahan Cir 10/08	15170	entry	2682				125.00

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Joe Pargett A302-7520-00.0.0-009 Desc1..........: Yard Mtn-Stranahan Cir 10/08	15170	entry	2682				125.00

Batch 3897 posted on 10/02/08 by 1004 for business date 10/02/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	04 2009	A101-2101-00.0.0-000	Accounts Payable		109,794.31	
	04 2009	A101-5304-00.0.0-000	Planning Fees (Public Hearing)		75.52	
	04 2009	A101-5791-00.0.0-000	Overhead cost recovery		267.67	
	04 2009	A101-7220-02.0.0-000	PERS Retirement	4,104.92		
	04 2009	A101-7220-03.0.0-000	PERS Retirement	2,411.90		
	04 2009	A101-7220-04.0.0-000	PERS Retirement	1,403.12		
	04 2009	A101-7220-06.0.0-000	PERS Retirement	13,043.12		
	04 2009	A101-7246-02.0.0-000	Benefit Insurance	6,396.87		
	04 2009	A101-7246-03.0.0-000	Benefit Insurance	3,798.00		
	04 2009	A101-7246-04.0.0-000	Benefit Insurance	2,367.67		
	04 2009	A101-7246-06.0.0-000	Benefit Insurance	8,118.43		
	04 2009	A101-7311-03.0.0-000	General Supplies	441.72		
	04 2009	A101-7311-06.0.0-000	General Supplies	26.63		
	04 2009	A101-7312-05.0.0-000	Office Supplies/Expense	444.03		
	04 2009	A101-7312-06.0.0-000	Office Supplies/Expense	192.80		
	04 2009	A101-7312-07.0.0-000	Office Supplies/Expense	341.25		
	04 2009	A101-7314-06.0.0-000	Postage	32.09		
	04 2009	A101-7331-05.0.0-000	Rentals/Leases	855.25		
	04 2009	A101-7332-02.0.0-000	Telecommunications	263.85		
	04 2009	A101-7332-03.0.0-000	Telephone	93.90		
	04 2009	A101-7332-06.0.0-000	Telephone	1,055.49		
	04 2009	A101-7335-03.0.0-000	Gas & Electricity	3,277.84		
	04 2009	A101-7335-07.0.0-000	Gas & Electricity	4,873.18		
	04 2009	A101-7335-09.0.0-000	Gas & Electricity	212.39		
	04 2009	A101-7341-03.0.0-000	Buildings/Grounds Maintenance	962.25		
	04 2009	A101-7341-07.0.0-000	Buildings/Grounds Maintenance	872.30		
	04 2009	A101-7342-03.0.0-000	Machinery/Equipment Maintenanc	913.14		
	04 2009	A101-7342-06.0.0-000	Machinery/Equipment Maintenanc	54.04		
	04 2009	A101-7343-03.0.0-000	Vehicle Maintenance	73.87		
	04 2009	A101-7343-06.0.0-000	Vehicle Maintenance	2,665.31		
	04 2009	A101-7344-03.0.0-000	Vehicles: Gas, Oil & Supplies	1,622.79		
	04 2009	A101-7344-06.0.0-000	Vehicles: Gas, Oil & Supplies	2,837.75		
	04 2009	A101-7346-03.0.0-000	HVAC Mtn & Repairs	649.00		
	04 2009	A101-7346-07.0.0-000	HVAC Mtn & Repairs	1,293.00		
	04 2009	A101-7347-03.0.0-000	Deferred Mtn Projects	196.55		
	04 2009	A101-7351-05.0.0-000	Insurance Premiums	144.47		
	04 2009	A101-7363-06.0.0-000	Business Entertainment Expense	15.99		
	04 2009	A101-7364-02.0.0-000	Employee Recognition	595.25		
	04 2009	A101-7372-01.0.0-000	Conferences	50.00		
	04 2009	A101-7415-02.0.0-000	Computer Services	2,250.00		
	04 2009	A101-7415-06.0.0-000	Computer Services	225.00		
	04 2009	A101-7417-03.0.0-000	Janitorial Service	899.85		
	04 2009	A101-7417-06.0.0-000	Janitorial Service	450.00		
	04 2009	A101-7417-07.0.0-000	Janitorial Service	5,236.85		
	04 2009	A101-7417-09.0.0-000	Janitorial Service	2,000.00		
	04 2009	A101-7419-01.0.0-000	Other Professional Services	472.50		
	04 2009	A101-7419-02.0.0-000	Other Professional Services	49.95		
	04 2009	A101-7419-03.0.0-000	Other Professional Services	900.00		
	04 2009	A101-7419-06.0.0-000	Other Professional Services	406.35		
	04 2009	A101-7419-09.0.0-000	Other Professional Services		1,000.00	
	04 2009	A101-7424-06.0.0-000	Dispatch Services	16,510.67		
	04 2009	A101-7425-06.0.0-000	Crime Lab	458.00		

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal		** continued **			
	04 2009	A101-7429-06.0.0-000	Animal Control	12,829.00		
	04 2009	A101-7430-08.0.0-000	Well Monitoring Fee	1,546.50		
	04 2009	A101-7432-06.0.0-000	Emergency Services	202.67		
	04 2009	A201-2101-00.0.0-000	Accounts Payable		3,229.60	
	04 2009	A201-7335-00.0.0-000	Gas & Electricity	3,229.60		
	04 2009	A210-2101-00.0.0-000	Accounts Payable		43,890.88	
	04 2009	A210-7311-00.0.0-000	General Supplies	134.99		
	04 2009	A210-7316-00.0.0-000	Landscape Replacement	4,038.93		
	04 2009	A210-7335-00.0.0-000	Gas & Electricity	1,815.25		
	04 2009	A210-7344-00.0.0-000	Vehicle Gas, Oil, and Supplies	1,473.15		
	04 2009	A210-7419-00.0.0-000	Other Professional Services	36,428.56		
	04 2009	A211-2101-00.0.0-000	Accounts Payable		5,869.25	
	04 2009	A211-7310-00.0.0-000	Supplies and Equipment	1,834.48		
	04 2009	A211-7335-00.0.0-000	Gas & Electricity	86.54		
	04 2009	A211-7419-00.0.0-000	Other Professional Services	3,000.00		
	04 2009	A211-7420-00.0.0-000	Other Outside Service	948.23		
	04 2009	A212-2101-00.0.0-000	Accounts Payable		942.20	
	04 2009	A212-7311-00.0.0-000	General Supplies	19.28		
	04 2009	A212-7520-00.0.0-060	Pebble Beach subsurface invest	922.92		
	04 2009	A214-2101-00.0.0-000	Accounts Payable		7,918.45	
	04 2009	A214-7311-00.0.0-000	General Supplies	19.29		
	04 2009	A214-7335-00.0.0-000	Gas & Electricity	7,899.16		
	04 2009	A216-2101-00.0.0-000	Accounts Payable		1,682.12	
	04 2009	A216-7311-00.0.0-000	General Supplies	107.12		
	04 2009	A216-7419-00.0.0-000	Other Professional Services	1,575.00		
	04 2009	A222-2101-00.0.0-000	Accounts Payable		500.00	
	04 2009	A222-7613-00.0.0-000	Paying Agent Fee	500.00		
	04 2009	A230-2101-00.0.0-000	Accounts Payable		1,262.15	
	04 2009	A230-7220-00.0.0-813	PERS Retirement-COPS	1,218.72		
	04 2009	A230-7246-00.0.0-000	Benefit Insurance	43.43		
	04 2009	A301-2101-00.0.0-000	Accounts Payable		260.00	
	04 2009	A301-7361-00.0.0-000	Advertising	260.00		
	04 2009	A302-2101-00.0.0-000	Accounts Payable		348.80	
	04 2009	A302-7413-00.0.0-000	Legal Services	73.50		
	04 2009	A302-7520-00.0.0-008	280 Stranahan LMI-Bamberger	139.32		
	04 2009	A302-7520-00.0.0-009	278 Stranahan Cir LMI House	135.98		
	04 2009	A303-2101-00.0.0-000	Accounts Payable		164,933.64	
	04 2009	A303-7520-00.0.0-108	MarshCreekRd Retaining Wall	164,933.64		
	04 2009	A420-2101-00.0.0-000	Accounts Payable		2,751.32	
	04 2009	A420-7419-00.0.0-000	Other Professional Services	2,732.04		
	04 2009	A420-7420-00.0.0-000	City Administrative Costs	19.28		
	04 2009	A421-2101-00.0.0-000	Accounts Payable		1,150.58	
	04 2009	A421-7419-00.0.0-000	Other Professional Services	1,131.30		
	04 2009	A421-7420-00.0.0-000	City Administrative Costs	19.28		
	04 2009	A501-2101-00.0.0-000	Accounts Payable		4,980.01	
	04 2009	A501-7311-00.0.0-000	General Supplies	249.57		
	04 2009	A501-7352-00.0.0-000	Insurance Claims Expense	4,730.44		
	04 2009	A502-2101-00.0.0-000	Accounts Payable		85.75	
	04 2009	A502-7485-00.0.0-000	Capital Equipment	85.75		
	04 2009	A601-2101-00.0.0-000	Accounts Payable		10,715.50	
	04 2009	A601-2740-00.0.0-512	O. Groschwitz EP2795Inspection	1,000.00		
	04 2009	A601-2744-00.0.0-400	Mk Morris Minor SW Permit07-07	500.00		

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal		** continued **			
	04 2009	A601-2744-00.0.0-427	Landgraf Minor SW Permit 07-15	500.00		
	04 2009	A601-2744-00.0.0-473	American Technologies SWP04-08	1,460.50		
	04 2009	A601-2744-00.0.0-474	Insite Design SWP 05-08	1,336.00		
	04 2009	A601-2744-00.0.0-489	Dan Copland ConstMinorSWP08-06	500.00		
	04 2009	A601-2744-00.0.0-505	Majestic Pool SWP 21-08	1,771.75		
	04 2009	A601-2744-00.0.0-512	O. Groschwitz SWP 20-08	1,647.25		
	04 2009	A601-2745-00.0.0-427	Landeraf C&D Deposit	2,000.00		
	04 2009	A702-2101-00.0.0-000	Accounts Payable		1,372.86	
	04 2009	A702-2730-00.0.0-002	Endeavor Hall Cash Deposits	500.00		
	04 2009	A702-7335-00.0.0-000	Gas & Electricity	180.75		
	04 2009	A702-7341-00.0.0-000	Buildings/Grounds Maintenance	512.11		
	04 2009	A702-7417-00.0.0-000	Janitorial Service	180.00		
		Total for Financial Reporting System		363,030.61	363,030.61	.00

Batch 3897 posted on 10/02/08 by 1004 for business date 10/02/08

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					26,081.65CR
PJ	Obligation summary A201-2101-00.0.0-000		entry					823.50CR
PJ	Obligation summary A210-2101-00.0.0-000		entry					2,608.96CR
PJ	Obligation summary A303-2101-00.0.0-000		entry					2,617.76CR
PJ	Obligation summary A601-2101-00.0.0-000		entry					2,388.25CR
PJ	Obligation summary A702-2101-00.0.0-000		entry					59.45CR
PJ	PERMCO, Inc. A101-7411-08.0.0-000 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				3,569.00
PJ	PERMCO, Inc. A201-7412-00.0.0-000 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				823.50
PJ	PERMCO, Inc. A303-7520-00.0.0-106 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				1,008.88
PJ	PERMCO, Inc. A303-7520-00.0.0-108 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				915.00
PJ	PERMCO, Inc. A303-7520-00.0.0-112 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				693.88
PJ	PERMCO, Inc. A601-2741-00.0.0-153 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2742-00.0.0-127 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				1,345.00
PJ	PERMCO, Inc. A601-2743-00.0.0-220 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				150.00
PJ	PERMCO, Inc. A601-2744-00.0.0-077 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-288 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				42.50
PJ	PERMCO, Inc. A601-2744-00.0.0-329 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-381 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-399 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				62.25
PJ	PERMCO, Inc. A601-2744-00.0.0-434 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				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 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-449 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-461 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-467 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-473 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-487 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-492 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-502 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-505 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-508 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2744-00.0.0-510 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				41.50
PJ	PERMCO, Inc. A601-2746-00.0.0-129 Descl..........: Eng Svc 9/6/08-9/19/08	15171	entry	8577-8589				124.50
PJ	AT&T/CalNet A101-7332-02.0.0-000 Descl..........: Local Phone Svc 9/08	15172	entry	9/08				391.20
PJ	AT&T/CalNet A101-7332-03.0.0-000 Descl..........: Local Phone Svc 9/08	15172	entry	9/08				36.31
PJ	AT&T/CalNet A101-7332-04.0.0-000 Descl..........: Local Phone Svc 9/08	15172	entry	9/08				47.87
PJ	AT&T/CalNet A101-7332-06.0.0-000 Descl..........: Local Phone Svc 9/08	15172	entry	9/08				570.25
PJ	AT&T/CalNet A101-7332-07.0.0-000 Descl..........: Local Phone Svc 9/08	15172	entry	9/08				177.18
PJ	AT&T/CalNet A101-7332-08.0.0-000 Descl..........: Local Phone Svc 9/08	15172	entry	9/08				45.19

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	AT&T/CalNet A702-7332-00.0.0-000 Descl..........: Local Phone Svc 9/08	15172	entry	9/08				59.45
PJ	Contra Costa Water Dist. A101-7338-03.0.0-000 Descl..........: City Water Usage 7-8/08	15173	entry C Series 7					2,183.74
PJ	Contra Costa Water Dist. A101-7338-09.0.0-000 Descl..........: City Water Usage 7-8/08	15173	entry C Series 7					19,060.91
PJ	Contra Costa Water Dist. A210-7338-00.0.0-000 Descl..........: City Water Usage 7-8/08	15173	entry C Series 7					2,608.96

Batch 3899 posted on 10/03/08 by 1004 for business date 10/03/08

Jnl	Period	Account	Description	Debit	Credit	Balance
PJ	Purchase Journal					
	04 2009	A101-2101-00.0.0-000	Accounts Payable		26,081.65	
	04 2009	A101-7332-02.0.0-000	Telecommunications	391.20		
	04 2009	A101-7332-03.0.0-000	Telephone	36.31		
	04 2009	A101-7332-04.0.0-000	Telephone	47.87		
	04 2009	A101-7332-06.0.0-000	Telephone	570.25		
	04 2009	A101-7332-07.0.0-000	Telephone	177.18		
	04 2009	A101-7332-08.0.0-000	Telephone	45.19		
	04 2009	A101-7338-03.0.0-000	Water Services	2,183.74		
	04 2009	A101-7338-09.0.0-000	Water Services	19,060.91		
	04 2009	A101-7411-08.0.0-000	Professional Services Retainer	3,569.00		
	04 2009	A201-2101-00.0.0-000	Accounts Payable		823.50	
	04 2009	A201-7412-00.0.0-000	Engineering/Inspection Service	823.50		
	04 2009	A210-2101-00.0.0-000	Accounts Payable		2,608.96	
	04 2009	A210-7338-00.0.0-000	Water Services	2,608.96		
	04 2009	A303-2101-00.0.0-000	Accounts Payable		2,617.76	
	04 2009	A303-7520-00.0.0-106	Clayton Rd Trail Connection	1,008.88		
	04 2009	A303-7520-00.0.0-108	MarshCreekRd Retaining Wall	915.00		
	04 2009	A303-7520-00.0.0-112	Pavement Rehab Project 2008	693.88		
	04 2009	A601-2101-00.0.0-000	Accounts Payable		2,388.25	
	04 2009	A601-2741-00.0.0-153	Seeno Grading Insp (10351)	41.50		
	04 2009	A601-2742-00.0.0-127	Shell Pipeline EP 2800 CashDep	1,345.00		
	04 2009	A601-2743-00.0.0-220	Mitchell Crk Pl (Lenox) Const	150.00		
	04 2009	A601-2744-00.0.0-077	AD Seeno Oak Crk Cyn SW26-06	41.50		
	04 2009	A601-2744-00.0.0-288	Flora Square SWP 47-07	42.50		
	04 2009	A601-2744-00.0.0-329	Lemke Diablo Pt SW permit28-06	41.50		
	04 2009	A601-2744-00.0.0-381	Gonzalez SW Permit 18-07	41.50		
	04 2009	A601-2744-00.0.0-399	T. Dudley SW Permit 39-07	62.25		
	04 2009	A601-2744-00.0.0-434	C. DelMonte SW Permit 29-07	41.50		
	04 2009	A601-2744-00.0.0-444	Childs SW Permit 33-07	41.50		
	04 2009	A601-2744-00.0.0-449	Switzer SW Permit 36-07	41.50		
	04 2009	A601-2744-00.0.0-461	G Beckham SW Pemit 45-07	41.50		
	04 2009	A601-2744-00.0.0-467	P Hollingsworth SW Permit02-08	41.50		
	04 2009	A601-2744-00.0.0-473	American Technologies SWP04-08	41.50		
	04 2009	A601-2744-00.0.0-487	Lance Brick SWP 12-08	41.50		
	04 2009	A601-2744-00.0.0-492	S.RennerSWP 16-08	41.50		
	04 2009	A601-2744-00.0.0-502	Hawkins Pool SWP 19-08	41.50		
	04 2009	A601-2744-00.0.0-505	Majestic Pool SWP 21-08	41.50		
	04 2009	A601-2744-00.0.0-508	Swan Pools SWP 22-08	41.50		
	04 2009	A601-2744-00.0.0-510	Carol O'Neil SWP 23-08	41.50		
	04 2009	A601-2746-00.0.0-129	Diablo Pt Grading Inspections	124.50		
	04 2009	A702-2101-00.0.0-000	Accounts Payable		59.45	
	04 2009	A702-7332-00.0.0-000	Telephone	59.45		
		Total for Financial Reporting System		34,579.57	34,579.57	.00

Batch 3899 posted on 10/03/08 by 1004 for business date 10/03/08

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

Agenda Date: 10-7-08

Agenda Item: 4d

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: OCTOBER 7, 2008

SUBJECT: DECLARATION OF EQUIPMENT SURPLUS TO THE CITY'S NEEDS

RECOMMENDATION
Declare one Police Department patrol vehicle, 2003 Ford Crown Victoria (vehicle #1725), as property surplus to the City's needs, and authorize the City Manager to dispose of the surplus and unserviceable vehicle for its most economical value.

DISCUSSION
A 2003 Ford Crown Victoria (#1725) was purchased in order to provide patrol services activities for the Police Department. The department vehicle has aged and accumulated approximately 90,000 miles during its serviceable life. The vehicle is in poor condition and has reached the age where the vehicle is not dependable to provide reliable transportation or public safety response. As a result, the vehicle has been taken out of service, and has been replaced with a new 2009 Ford Crown Victoria sedan. The new police vehicle was purchased with Capital Equipment Replacement Funds (CERF) from the adopted FY 2008-09 Budget, which was approved by the City Council in June 2008.

Staff recommends that the City Council authorize the City Manager to dispose of the described surplus and unserviceable property by selling the property for its most economical value.

FISCAL IMPACT
The Kelly Blue Book trade-in value (fair condition) for a 2003 Ford Crown Victoria is estimated at $2,605. However, there is not a large resale market for these types of vehicles, particularly those in poor mechanical condition and appearance. On average, used patrol vehicles have recently sold for approximately $1600, depending on their condition.

All proceeds from the sale of this surplus vehicle belong to the taxpayers (City) and will be placed into the City's Capital Equipment Replacement Fund (CERF).

Agenda Date: 10-7-08

Agenda Item: 5a

DECLARING

OCTOBER 2008

DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence is widespread and does not discriminate, crossing all ethnic, racial, age, national origin, sexual orientation, religious and socio-economic lines; and

WHEREAS, domestic violence affects 4 million Americans each year, exposing 3 million children to family violence; and

WHEREAS, 29 years ago, STAND! Against Domestic Violence realized that domestic violence was an issue in Contra Costa County and vowed to reduce violent occurrences; and

WHEREAS, STAND! Against Domestic Violence has been striving to educate and bring awareness to this problem by working with community and faith based organizations, and schools; and

WHEREAS, STAND! Against Domestic Violence is a multi-service agency providing: a 24 hour crisis line, emergency and transitional shelter, legal advocacy, children and teen programs, counseling, support groups, employment training, batterer's treatment program, and educational prevention programs; and

WHEREAS, STAND! Against Domestic Violence is the sole provider of comprehensive domestic violence service in Contra Costa County and is taking action to end violence in its communities.

NOW THEREFORE, I, Julie K. Pierce, Vice Mayor on behalf of Mayor Manning and the Clayton City Council, do hereby proclaim October 2008 as "Domestic Violence Awareness Month" and urge my fellow citizens to educate themselves as to preventative and awareness measures to reduce, report and eliminate domestic violence in our community.

CITY OF CLAYTON

Founded 1857 ... Incorporated 1964

Agenda Date: 10-7-08

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

DATE: OCTOBER 7, 2008

SUBJECT: Amendment to Fiscal Year 2008-09 Capital Improvement Budget

RECOMMENDATION

We recommend the City Council adopt the attached Resolution amending the Capital Improvement Budget adopted on June 17, 2008.

BACKGROUND

At the regularly scheduled meeting of the Clayton City Council on June 17, 2008, the Capital Improvement Program budget was adopted in the amount of $2,644,432. One of the projects included in this budget was our Downtown Economic Development Program (CIP#10400) in the amount of $816,810 of available RDA funds in FY 2008-09 and $718,295 in projected carryover funds for FY 2007-08 ($1,535,105). Since the adoption of our Capital Improvement Program budget staff has received notification from the State Controllers Office that an ERAF transfer has been proposed from our Redevelopment Agency in the amount of $406,515. This reduction in Redevelopment Agency Tax Increment will affect the Agency's ability to transfer the necessary funds into the Downtown Economic Development Program.

FISCAL IMPACT

The CIP No. 10400 will have a balance of $2,078,113. The Discretionary Fund No. 301 will have its gross revenue reduced by $406,515.

CONCLUSION

It is recommended that the City Council approve the Resolution to amend the Fiscal Year 2008-09 Capital Improvement Budget for CIP No. 10400 – Downtown Economic Development Projects.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments: Resolution __-08
Exhibit A California Redevelopment Association's Estimate of Agency ERAF Transfer

RESOLUTION NO. – 2008

A RESOLUTION AMENDING THE FISCAL YEAR 2008-09 CAPITAL IMPROVEMENT BUDGET DUE TO THE SEIZURE OF CLAYTON REDEVELOPMENT AGENCY FUNDS BY THE STATE OF CALIFORNIA'S ADOPTED BUDGET

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City Council of Clayton, California duly adopted its annual City Budget for Fiscal Year 2008-09 on 17 June 2008 in accord with State law that requires an annual budget to be enacted by municipalities on or before June 30th of each year; and

WHEREAS, although the State of California has similar fiscal responsibilities, due to its $15.2 billion deficit the State Legislature and Governor did not agree on a State Budget until it was signed by Governor Schwarzenegger on 23 September 2008, approximately 84 days late; and

WHEREAS, local governments, including the Clayton City Council, expressed concern and communication throughout the State Budget gridlock this year to vigorously oppose the State's "borrowing" of local General Funds (Prop 1A) and local transportation monies (Prop 42) in desperate effort to patch its own State deficit; and

WHEREAS, while the finally adopted State Budget did not invoke their "borrowing" of General Funds or local transportation monies from local governments, thereby keeping undisturbed the City of Clayton's balanced Budget, the State of California did, under questionable statutory authority, enact a "one time seizure" of $350 million statewide from redevelopment agencies' tax increment revenues; and

WHEREAS, said takeaway of Clayton Redevelopment Agency monies in FY 2008-09 has been calculated to equal a loss of $406,515 from tax increment revenues available to the Agency this fiscal year, critical monies that were transferred to the City's Capital Improvement Budget for Downtown Economic Development purposes (CIP No. 10400); and

WHEREAS, said proportionate share of the $350 million seizure of funds constitutes approximately 50% of the net revenues the Clayton Redevelopment Agency expected to receive during this fiscal year ($816,810) to further encourage, invest and enhance the economic development opportunities within the Clayton Town Center; and

WHEREAS, in order to reactively adjust for this seizure of Clayton Redevelopment Agency monies, it is necessary for the City Council to amend its adopted Capital Improvement Budget for Fiscal Year 2008-09 pertaining to the amount of Redevelopment Agency monies that were budgeted but now can actually be transferred into the fund for Downtown Economic Development (CIP No. 10400).

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton, California that due to the State of California's action in its adoption of a State Budget for Fiscal Year 2008-09, it is hereby necessary and therefore hereby approved and ordered that the City of Clayton Capital Improvement Budget for Fiscal Year 2008-09 is reduced by $406,515 in Clayton Redevelopment Agency approved transfer of tax increment revenues, and that Capital Improvement Project (CIP) No. 10400 – "Downtown Economic Development" is the specific capital project fund reduced accordingly.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 7th day of October 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

ATTACHMENT A

California Redevelopment Association's Estimate of each Agency's 2006-07 ERAF Transfer to Meet $350 Million State Budget Payment

Individual Agency's Total Payment = Agency's Net Tax Increment X [(350,000,000 / 2) / 3,747,526,221] + Agency's Gross Tax Increment X [(350,000,000/ 2) / 4,716,436,937]

Multiplier to Determine an Individual Agency's Payment from Net Tax Increment = 175,000,000/3,747,526,221 or 0.046697472

Multiplier to Determine an Individual Agency's Payment from Gross Tax Increment = 175,000,000/ 4,716,436,937 or 0.037104281

County Name	Entity Name	Total Agency ERAF Payment
Alameda	Alameda County Redevelopment Agency	$ 1,243,559
Alameda	Albany Community Reinvestment Agency	$ 30,246
Alameda	Berkeley Redevelopment Agency	$ 134,260
Alameda	City of Livermore Redevelopment Agency	$ 322,783
Alameda	Community Improvement Commission of the City of Alameda	$ 916,765
Alameda	Community Redevelopment Agency of the City of Union City	$ 1,597,554
Alameda	Emeryville Redevelopment Agency	$ 2,333,672
Alameda	Redevelopment Agency of the City of Fremont	$ 2,256,806
Alameda	Redevelopment Agency of the City of Hayward	$ 913,761
Alameda	Redevelopment Agency of the City of Oakland	$ 8,497,267
Alameda	Redevelopment Agency of the City of San Leandro	$ 1,297,284
Butte	Chico Redevelopment Agency	$ 1,911,432
Butte	Gridley Redevelopment Agency	$ 46,506
Butte	Oroville Redevelopment Agency	$ 493,443
Butte	Paradise Redevelopment Agency	$ 28,507
Contra Costa	Antioch Development Agency	$ 558,872
Contra Costa	Brentwood Redevelopment Agency	$ 543,014
Contra Costa	City of Clayton Redevelopment Agency	$ 406,515
Contra Costa	City of El Cerrito Redevelopment Agency	$ 365,283
Contra Costa	City of Walnut Creek Redevelopment Agency	$ 285,607
Contra Costa	Contra Costa County Redevelopment Agency	$ 1,299,848
Contra Costa	Danville Community Development Agency	$ 155,149
Contra Costa	Hercules Redevelopment Agency	$ 1,031,921
Contra Costa	Lafayette Redevelopment Agency	$ 230,606
Contra Costa	Oakley Redevelopment Agency	$ 313,244
Contra Costa	Pinole Redevelopment Agency	$ 735,499
Contra Costa	Pleasant Hill Redevelopment Agency	$ 393,983
Contra Costa	Redevelopment Agency of the City of Concord	$ 1,244,573
Contra Costa	Redevelopment Agency of the City of Pittsburg	$ 3,589,445
Contra Costa	Redevelopment Agency of the City of San Pablo	$ 1,227,506
Contra Costa	Richmond Redevelopment Agency	$ 2,091,173
Contra Costa	San Ramon Redevelopment Agency	$ 597,084
Del Norte	Crescent City Redevelopment Agency	$ 63,428
El Dorado	Redevelopment Agency of the City of South Lake Tahoe	$ 427,830
Fresno	Clovis Community Development Agency	$ 358,848
Fresno	Coalinga Redevelopment Agency	$ 219,517
Fresno	Fowler Redevelopment Agency	$ 69,740
Fresno	Fresno County Redevelopment Agency	$ 13,261
Fresno	Huron Redevelopment Agency	$ 43,218
Fresno	Kerman Redevelopment Agency	$ 31,416
Fresno	Kingsburg Redevelopment Agency	$ 42,253
Fresno	Mendota Redevelopment Agency	$ 64,294
Fresno	Orange Cove Redevelopment Agency	$ 70,471
Fresno	Parlier Redevelopment Agency	$ 114,657
Fresno	Redevelopment Agency of the City of Firebaugh	$ 84,412
Fresno	Redevelopment Agency of the City of Fresno	$ 1,392,168