



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

TUESDAY, September 15, 2009

7:00 p.m.

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

Mayor: Julie K. Pierce
Vice Mayor: Hank Stratford

Council Members

Howard Geller
Joseph A. Medrano
David T. Shuey

- 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 ***
September 15, 2009

7:00 p.m.

1. **CALL TO ORDER CITY COUNCIL** – Mayor Pierce.

2. **CLOSED SESSION** - None.

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

4. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the regular meeting of September 1, 2009.
- (b) Approve Financial Demands and Obligations of the City.
- (c) Adopt a Resolution approving the City Master Fee Schedule for certain City services and use of City facilities and parks in FY 2009-10.
- (d) Adopt a Resolution accepting a letter of confirmation from franchisee and approving the transfer of the City's Solid Waste and Recyclable Materials Management Services Franchise Agreement from Allied Waste Industries, Inc. to Republic Services, Inc.
- (e) Approve City co-sponsorship and flat fee donation of \$168 from the Clayton Woman's Club for use of Hoyer Hall (Library Community Meeting Room) for their Annual Craft Sale on November 21 & 22, 2009.
- (f) Adopt a Resolution declaring The Grove Park is functionally complete and has been available to and in use by the public since January 12, 2008 for purpose of receiving the City's per capita grant monies (\$220,000) under the 2002 State Resources Bond Act (CA Project No. 02-07-019).

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring September 17-23, 2009 as "U.S. Constitution Week."
- (b) Proclamation declaring September 21-27, 2009 as "Fall Prevention Awareness Week."
- (c) Proclamation declaring October 2009 as "Domestic Violence Awareness Month."

6. REPORTS

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

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Citizens may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) by completing a speaker card available on the Lobby table and submitting 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 approach 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 as each item is considered by the City Council.

8. PUBLIC HEARING

- (a) Introduction and First Reading of Ordinance No. 424 proposing amendments to *Clayton Municipal Code* Section 17.36.020 – Building Height Restrictions, to remove specified outdated building height references and to clarify the purpose of this Section.
(Community Development Director)

Staff recommendations: 1) Receive the staff report; 2) Open the Public Hearing and receive public comments; 3) Close the Public Hearing; 4) Adopt a motion to have the City Clerk read Ordinance No. 424 by title and number only and waive further reading; 5) Adopt a motion to approve Ordinance No. 424 for Introduction and First Reading.

9. ACTION ITEMS

- (a) Second Reading and Adoption of amendments to Chapter 10.36 – Stopping, Standing and Parking in Title 10 – Vehicles and Traffic of the *Clayton Municipal Code* by adding and deleting certain parking sections to enhance local parking enforcement within the city (Ordinance No. 423).
(Police Chief)

Staff recommendations: 1) Receive the staff report; 2) Receive Public Comments; 3) Adopt a motion to have the City Clerk read Ordinance No. 423 by title and number only and waive further reading; 4) Approve a motion to adopt Ordinance No. 423.

- (b) Adopt a Resolution setting penalties for violation of specified *Municipal Code* local parking regulations contained in Ordinance No. 423.
(Police Chief)

Staff recommendations: Following staff presentation and public comment, adopt the Resolution.

- (c) Consider financial options to address the mandated Prop 1A State Budget "loan" of \$139,195 in local property taxes for Fiscal Year 2009-2010.
(City Manager)

Staff recommendations: Following the staff report and public comments, approve a motion instructing staff to pursue the City's participation in the Prop 1A Securitization Program by California Communities, JPA (Option B).

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

11. **ADJOURNMENT**– the next regularly scheduled City Council meeting is October 6, 2009.

#

*** CLAYTON REDEVELOPMENT AGENCY ***

September 15, 2009

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

2. PUBLIC COMMENTS

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

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

3. CONSENT CALENDAR

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

- (a) Approve the minutes of the regular meeting of July 21, 2009.

4. PUBLIC HEARING - None.

5. ACTION ITEMS

- (a) Consider financial options for the Agency to address the State of California's seizure of \$1,965,056 in Agency tax increment revenues in Fiscal Year 2009-2010.

(Executive Director)

Staff recommendation: Following staff report and public comment, that Council adopt a motion authorizing staff to implement Option B for Agency compliance with the imposed state legislation.

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

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

* * * * *

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

Agenda Date: 09/15/09

Agenda Item: 4(a)

TUESDAY, September 1, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller, Medrano and Shuey. Staff present: City Manager Gary Napper, City Attorney Dan Adams, City Engineer Rick Angrisani and City Clerk Laci Jackson.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

3. **CONSENT CALENDAR-**

- (a) Information Only

1. Report by City Engineer on Black Diamond Bridge Deck Replacement Project.

Councilmember Geller asked that Item 3(a) be pulled for discussion. Councilmember Geller asked the City Engineer about the bid process and the ability of the City to consider if a contractor has worked with the materials in the project in the past. The City Engineer stated it is the requirement of public agencies to award contracts to the lowest responsible bidder. The City Attorney noted the City could consider other items in awarding the contract such as litigation history to reject bids, but that doing so could open the City up to litigation risk. Mayor Pierce stated while the bridge may not be esthetically perfect it was done to the manufacturer's specifications. Councilmember Shuey wanted to ensure the City's inspectors are being proactive in catching problems before the punch list. The City Manager stated more boards should have been ordered to account for damage, and that new boards could be ordered though they may not be from the same color lot.

The City Engineer stated his staff report was not meant to imply that he was happy with the results of the project but with his years of experience he understands no project is ever 100%. He stated the contractor was meticulous in laying the boards and while he missed a few screws the final inspection and punch list would ensure that those problems are corrected. He noted the punch list issued by the City has not been completed yet by the contractor.

The City Council indicated its desire to order additional board materials for replacement in the future but did not wish for any of the installed damaged boards to be replaced at this time. The City Manager noted the Council's desires.

- (b) Approved the minutes of the regular meeting of August 4, 2009.
- (c) Approved Financial Demands and Obligations of the City.
- (d) Rejected the liability claim of Mr. William Barber for alleged injuries and losses incurred July 24, 2009.
- (e) Adopted a Resolution approving specific project and operational encumbrances from the FY 08-09 Budget by amending the FY 09-10 City Budget accordingly.

It was moved by Councilmember Geller, seconded by Councilmember Shuey to approve the Consent Calendar as submitted (Passed; 5-0 vote).

4. RECOGNITIONS AND PRESENTATIONS

- (a) Mayor Pierce recognized the outgoing Trails and Landscaping Committee members: Candace Bass, David Johnson, and Bill Vineyard. She thanked them for their years of service and their hard work on this Committee and the original Blue Ribbon Committee in 2003. David Disend was unable to attend the meeting.
- (b) Mayor Pierce proclaimed September 2009 as "Alcohol and Drug Addiction Recovery Month."
- (c) Mayor Pierce called Laura Hoffmeister, Laci Jackson, and Sandy Johnson forward and presented plaques to each in appreciation for their leadership and coordination of on the Annual 4th of July Parade.

5. REPORTS

- (a) Planning Commission –Commissioner Catalano reported the Commission finished making changes to a Zoning Ordinance for building height provisions. The Commission also granted a 6 month extension to the owners of a home at 1816 Ohlone Heights for Site Plan Permit. The Commission elected Bob Armstrong as Chair and Sandy Johnson as Vice Chair for the next year.
- (b) Trails and Landscaping Committee – Chairperson Siegel reported on the Trails and Landscaping Committee's August meeting. The Committee reviewed and recommended the Annual Report for Council approval. The Committee heard an update on the Contra Costa Water Districts 45% mandated reduction in water use and stated the District had accomplished the reduction. She was impressed with the Maintenance staff's strategic plan for the water reduction. She stated next year the Committee would be focusing on the Adopt-A-Trail program and prioritizing landscaping to be replaced.
- (c) The City Manager had no report.
- (d) City Council - Councilmember Geller reported citizens have donated over \$6,000 toward next year's concerts. He attended the interviews for the Trails and Landscaping Committee and the information session with CA Alcohol and Beverage Control (ABC).

Vice Mayor Stratford attended the Mayors' Conference and the Trails and Landscaping Committee meeting and the interviews of applicants.

Mayor Pierce attended multiple Transportation Authority meetings and the CA Alcohol and Beverage Control information session. She reported on citizen letters she received regarding water usage and litter vandalism in the Grove Park.

- (e) Other – None.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

Sophie Damerel, representing the Contra Costa County Climate Leaders Program, asked the City of Clayton to become involved with the non-profit organization and goals. The goal of the non-profit is to create base lines for measuring green house gas emissions. She asked that the City of Clayton respond within 10 days. She stated there is money available to help complete these inventories and their non-profit will be holding a workshop on September 24th.

7. **PUBLIC HEARINGS** –None.

- (a) Public Information Meeting and presentation of the City's Local Hazard Mitigation Plan (LHMP) and its strategic updates in compliance with the federal Disaster Mitigation Act of 2000.

The City Engineer presented a PowerPoint presentation outlining Plan.

Mayor Pierce stated the Association for Bay Area Governments (ABAG) has been discussing this plan and issues with medical facilities and their ability to serve citizens in the event of a disaster.

Mayor Pierce opened the Public Meeting at 8:09 p.m.

Tamara Steiner asked if the City has an evacuation plan in the event of a wildfire. The Police Chief responded that the City does have an evacuation plan but it is also in the process of being updated.

Gregg Manning stated the City's CERT program would be key in a disaster and asked everyone to become "CERTified" including the City Council. He stated the next class begins on September 30th.

Mayor Pierce closed the Public Meeting at 8:11 p.m.

The Council directed staff to post the Plan to the City's website for additional public outreach and education.

8. **ACTION ITEMS**

Mayor Pierce indicated her desire to move Item 8(e) forward at this time due to public interest in attendance.

- (e) Council Member request to discuss and set Council policy regarding the commencement and ending times for public consumption of alcoholic beverages in The Grove Park on Concert days, and consideration of a time limitation for the public's placement of chairs and blankets in The Grove Park on Concert days.

Council Member Medrano stated his reason for bring this topic up was to have definitive start and end times for the Concerts in The Grove. He stated there were many options to consider. He stated a set up of two hours prior to the concert for chair set-up, and a definitive time for stopping alcohol consumption and use of the park. Councilmember Medrano handed out a piece of paper that showed a sign with rules on it from the City of Healdsburg's concert series.

The City Manager stated the City issues its own permit for alcohol consumption at the concerts. In 2008 the time frame was 5:00-9:00 p.m. and this year due to the concert ending earlier the time was scaled back to 5:00-8:30 p.m. to coincide with one-half hour following the concert. He noted any changes are a policy decision of the Council.

The Mayor Pierce invited members of the public to speak on the item.

Ted Meriam, thanked the Council for bringing this item forward in order to create clarity on the event parameters. He stated that bringing people to the downtown area would continue to help businesses because it would foster an environment for people to mingle. He suggested the City post the concert rules at the park on event days.

Gregg Manning, agreed with Ted but believed that alcohol should not be consumed in the park more than an hour before the concert. He stated that 9 p.m. as an ending time seemed reasonable. He stated setting the chairs and blankets up 2-3 hours before the event was reasonable and that last year's alcohol permit times were fine.

Sandy Johnson stated last year's times were sufficient and that people did not need alcohol to mingle. She stated that since the City helps fund the concerts it did not make sense to increase the alcohol consumption times.

Keith Haydon stated the topic was interesting and timely. He stated the Council should look at other cities that have similar events and see what hours they allow alcohol consumption. He stated whatever the Council decided they needed to publicize it to the citizens. He stated the longer people were given to drink the more potential problems. He reminded the Council there are establishments downtown where citizens could continue to drink. He stated that as long as quilts and blankets were discouraged from being put on the lawn the chairs were acceptable.

Candace Bass asked how the Council would police or monitor so that chairs were not placed out early in the day?

Virginia Siegel stated people should be asked to put their chairs out later.

The Council held a lengthy discussion about the appropriate set-up time, park closing time and alcohol consumption.

It was moved by Councilmember Shuey, seconded by Councilmember Medrano to ask citizens not to set their chairs or blankets out more than 2 hours before the concerts (4 p.m.), to allow alcohol consumption form 5 p.m.- 9:30 p.m. and to have the park close at 9:30 p.m (Passed; 3-2 vote; Noes- Geller and Stratford).

The Council noted these amended rules will start with the 2010 concert series.

- (a) First Reading and Introduction of amendments to Chapter 10.36 – Stopping, Standing and Parking in Title 10 – Vehicles and Traffic of the *Clayton Municipal Code* by adding and deleting certain parking sections to enhance local parking enforcement within the city (Ordinance No. 423).

The Police Chief presented the report and stated by adopting this Ordinance the City Council would be able to levy collect fines for local parking violations at rates set by the City Council rather than outdated State of California rates.

Mayor Pierce invited public comment on the Ordinance – No comments provided.

It was moved by Councilmember Shuey, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 423 by title and number only (Passed; 5-0 vote).

The City Clerk read Ordinance No. 423 by title and number only.

It was moved by Councilmember Shuey, seconded by Councilmember Medrano approve Ordinance No. 423 for Introduction and First reading (Passed; 5-0 vote).

- (b) Presentation and consideration of the City Trails and Landscaping Committee's Annual Report for FY 2008-2009, pursuant to voter approved Measure B (Citywide Landscape Maintenance District, CFD 01-2007).

Committee Member Bill Vineyard outlined the report emphasizing that 6 of the 11 trail segments of the Adopt-A-Trail program have now been adopted by organizations or individuals. He stated the biggest problem for the District last year was Contra Costa Water District's 45% mandated water reduction to landscaping. He thanked the Assistant to the City Manager, the Clayton Pioneer, Linda Pinder, Susan Lawson, and Julie VanWick for their contributions to the Annual Report.

Mayor Pierce thanked Committee Member Vineyard for his work on the Report and the contributions of the local artists.

It was moved by Vice Mayor Stratford, seconded by Councilmember Geller to accept the citizen Committee's Annual Report for 2009 with great gratitude (Passed; 5-0 vote).

- (c) Consideration of recommended appointments of citizens to the Trails and Landscaping Committee for a two year term of office expiring on June 30, 2011.

Vice Mayor Stratford and Councilmember Geller held interviews with the three applicants and recommended appointment of all three (Robert Erich, Lorraine Mole, and Virginia Siegel).

It was moved by Councilmember Geller, seconded by Vice Mayor Stratford to appoint Robert Erich, Lorraine Mole, and Virginia Siegel to serve on the Trails and Landscaping Committee with terms expiring June 30, 2011 (Passed; 5-0 vote).

- (d) Consideration of City Council position on two (2) proposed General Resolutions for the 2009 Annual Conference, League of CA Cities.

The City Manager outlined the Resolutions and recommended support of both.

After a discussion, the Council decided to take no position on the Resolutions but to send a letter to the League of California Cities stating the economic reason for not attending the Annual Conference.

11. **COUNCIL ITEMS**- None.

12. **ADJOURNMENT**- On call by Mayor Pierce the meeting adjourned at 10:08 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor



Agenda Date: 09/15/09

Agenda Item: 4(b)

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MERRY PELLETIER, FINANCE MANAGER
DATE: SEPTEMBER 15, 2009
SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

<u>RUN DATE</u>	<u>OBLIGATION NUMBERS</u>	<u>TOTALS</u>
09/10/09	16283 – 16342	\$267,573.18

Invoice Distribution Report

- o Amounts spent by "Line Item"
- o A grand total is shown on the last page

Attachments:
Invoice Distribution Report 09/10/09 (14 pages)

Run date: 09/10/2009 @ 14:34
Bus date: 09/10/2009

City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 1

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7220-01.0.0-000 - PERS Retirement			
16319 Retirement PPE 9/6/09	201 CalPERS		
	1 Legislative 9/6/09	Inv	413.99
Invoice number.: PPE 9/6/09			
A101-7220-01.0.0-000 - PERS Retirement	*** Account total ***		413.99
A101-7220-02.0.0-000 - PERS Retirement			
16319 Retirement PPE 9/6/09	201 CalPERS		
	2 Admin 9/6/09	Inv	3,968.69
Invoice number.: PPE 9/6/09			
A101-7220-02.0.0-000 - PERS Retirement	*** Account total ***		3,968.69
A101-7220-03.0.0-000 - PERS Retirement			
16319 Retirement PPE 9/6/09	201 CalPERS		
	3 PW 9/6/09	Inv	2,316.72
Invoice number.: PPE 9/6/09			
A101-7220-03.0.0-000 - PERS Retirement	*** Account total ***		2,316.72
A101-7220-04.0.0-000 - PERS Retirement			
16319 Retirement PPE 9/6/09	201 CalPERS		
	4 Planning 9/6/09	Inv	1,176.88
Invoice number.: PPE 9/6/09			
A101-7220-04.0.0-000 - PERS Retirement	*** Account total ***		1,176.88
A101-7220-06.0.0-000 - PERS Retirement			
16319 Retirement PPE 9/6/09	201 CalPERS		
	5 Police 9/6/09	Inv	12,282.89
Invoice number.: PPE 9/6/09			
A101-7220-06.0.0-000 - PERS Retirement	*** Account total ***		12,282.89
A101-7311-03.0.0-000 - General Supplies			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System		
	2 PW Gen Sup 8/09	Inv	156.20
Invoice number.: PW 8/09			
A101-7311-03.0.0-000 - General Supplies	*** Account total ***		156.20
A101-7311-06.0.0-000 - General Supplies			
16300 PD Armor - White 8/09	2528 Concord Uniforms		
	1 PD Armor - White 8/09	Inv	890.39
Invoice number.: 4058			
16302 PD Helmet - Shaw 8/09	1531 Audio Headset Systems		
	1 PD Helmet - Shaw 8/09	Inv	407.49
Invoice number.: 09-758			

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7311-06.0.0-000 - General Supplies	*** Continued ***		
16328 PD Misc Charges 8/09	2349 US Bank Corp Pymt System 3 PD General Supp 8/09	Inv	614.52
Invoice number.: PD 8/09			
A101-7311-06.0.0-000 - General Supplies	*** Account total ***		1,912.40
A101-7312-05.0.0-000 - Office Supplies/Expense			
16284 Budget Printing Svc 9/09	42 City of Concord 2 Budget Printing Svc 9/09	Inv	129.00
Invoice number.: 16858			
16326 Adm: Misc Charges 8/09	2349 US Bank Corp Pymt System 1 Adm Off Sup 8/09	Inv	265.04
Invoice number.: Adm 8/09			
A101-7312-05.0.0-000 - Office Supplies/Expense	*** Account total ***		394.04
A101-7312-06.0.0-000 - Office Supplies/Expense			
16328 PD Misc Charges 8/09	2349 US Bank Corp Pymt System 4 PD Office Supplies 8/09	Inv	98.78
Invoice number.: PD 8/09			
A101-7312-06.0.0-000 - Office Supplies/Expense	*** Account total ***		98.78
A101-7314-05.0.0-000 - Postage			
16326 Adm: Misc Charges 8/09	2349 US Bank Corp Pymt System 2 Adm Postage Mach Lease 8/09	Inv	221.79
Invoice number.: Adm 8/09			
A101-7314-05.0.0-000 - Postage	*** Account total ***		221.79
A101-7314-06.0.0-000 - Postage			
16328 PD Misc Charges 8/09	2349 US Bank Corp Pymt System 5 PD Postage 8/09	Inv	27.70
Invoice number.: PD 8/09			
A101-7314-06.0.0-000 - Postage	*** Account total ***		27.70
A101-7331-05.0.0-000 - Rentals/Leases			
16289 Adm-Postage Mach Lease 9/09	896 Neopost Leasing 1 Adm-Postage Mach Rental 9/09	Inv	221.79
Invoice number.: N1012501			
16293 Admin Copier Copies 8/09	2371 Konica Minolta Bus Sol-Copies 1 Adm Copier Copies 8/09	Inv	433.17
Invoice number.: 212918861			
16294 Adm Copier Lease 9/09	2370 Konica Minolta Bus Solutions 1 Adm Copier Lease 9/09	Inv	628.98
Invoice number.: 011143755			
A101-7331-05.0.0-000 - Rentals/Leases	*** Account total ***		1,283.94

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7332-02.0.0-000 - Telecommunications			
16288 CH Outside Phone Booth 9/09	2205 Pacific Telemanagement Svc 1 CH Outside Phone Booth 9/09	Inv	53.00
Invoice number.: 139496			
A101-7332-02.0.0-000 - Telecommunications	*** Account total ***		53.00
A101-7332-06.0.0-000 - Telephone			
16297 PD Command Trl Sat Phn 8/09	2460 Globalstar LLC 1 PD Command Trl Sat Phn 8/09	Inv	26.88
Invoice number.: 8/16/09			
16298 PD Cell Phones 8/09	1223 Sprint Comm (PD) 1 PD Cell Phones 8/09	Inv	301.43
Invoice number.: 093 8/09			
A101-7332-06.0.0-000 - Telephone	*** Account total ***		328.31
A101-7335-03.0.0-000 - Gas & Electricity			
16324 Service 8/09 (Small Master)	113 PG&E 1 City Hall Svc 8/09	Inv	2,585.85
Invoice number.: 8/24/09			
16325 Service 8/09 (Individual Inv)	113 PG&E 1 PW Bldg Svc 8/09	Inv	18.01
Invoice number.: 8/21/09			
	5 Oak Street Svc 8/09	Inv	40.17
Invoice number.: 8/21/09			
A101-7335-03.0.0-000 - Gas & Electricity	*** Account total ***		2,644.03
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			
16306 CH Emg, Exit, Fr Ext. Insp/Svc	2468 Cintas Fire Protection 1 CH Emg, Fr Ext. Insp/Svc 8/09	Inv	813.97
Invoice number.: 0f44508114			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 3 PW Supplies 8/09	Inv	174.79
Invoice number.: PW 8/09			
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		988.76
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance			
16305 Libr Emg, Exit, etc. Insp/Svc	2468 Cintas Fire Protection 1 Libr Emg, Exit Insp/Svc 8/09	Inv	823.69
Invoice number.: 0F44508039			
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		823.69

Run date: 09/10/2009 @ 14:34
Bus date: 09/10/2009

City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 4

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7343-03.0.0-000 - Vehicle Maintenance			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 6 PW Veh Mtn 8/09	Inv	1,139.09
Invoice number.: PW 8/09			
A101-7343-03.0.0-000 - Vehicle Maintenance	*** Account total ***		1,139.09
A101-7343-06.0.0-000 - Vehicle Maintenance			
16296 PD Vehicle Maintenance 8/09	42 City of Concord 1 PD Vehicle Mtn 8/09	Inv	2,159.10
Invoice number.: 16246			
16303 PD Tow 8/09	1757 Ace Sierra Tow 1 PD Tow 8/09	Inv	50.00
Invoice number.: 2130			
16328 PD Misc Charges 8/09	2349 US Bank Corp Pymt System 6 PD Car Washes 8/09	Inv	214.90
Invoice number.: PD 8/09			
A101-7343-06.0.0-000 - Vehicle Maintenance	*** Account total ***		2,424.00
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 1 PW Gas 8/09	Inv	879.17
Invoice number.: PW 8/09			
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies	*** Account total ***		879.17
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies			
16328 PD Misc Charges 8/09	2349 US Bank Corp Pymt System 1 PD Gas 8/09	Inv	3,080.14
Invoice number.: PD 8/09			
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies	*** Account total ***		3,080.14
A101-7351-05.0.0-000 - Insurance Premiums			
16287 Special Event Insurance 8/09	70 HUB Inter of CA Ins Svc 1 Special Event Ins 8/09	Inv	418.26
Invoice number.: 8/09			
A101-7351-05.0.0-000 - Insurance Premiums	*** Account total ***		418.26
A101-7364-02.0.0-000 - Employee Recognition			
16315 Appreciation Plaques 7/09	71 Devils' Mountain Trophy 1 Appreciation Plaques 7/09	Inv	60.00
Invoice number.: 11620			
A101-7364-02.0.0-000 - Employee Recognition	*** Account total ***		60.00

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7373-06.0.0-000 - Education & Training			
16328 PD Misc Charges 8/09	2349 US Bank Corp Pymt System		
Invoice number.: PD 8/09	2 PD Parking 8/09	Inv	14.00
16336 PD Training Class - Shaw 9/09	2241 Alameda County Sheriff's Offic		
Invoice number.:	1 PD Training Class - Shaw 9/09	Inv	1,100.00
A101-7373-06.0.0-000 - Education & Training	*** Account total ***		1,114.00
A101-7384-04.0.0-000 - Legal Notices			
16334 PH Notice & LMI Ad 8/09	1648 Bay Area News Group East Bay		
Invoice number.: 47366,3243129	2 PH Notice 8/09	Inv	77.00
A101-7384-04.0.0-000 - Legal Notices	*** Account total ***		77.00
A101-7411-08.0.0-000 - Professional Services Retainer			
16322 Eng Svc 8/22/09-9/4/09	116 PERMCO, Inc.		
Invoice number.: 8949-8957	1 Eng Svc 8/22/09-9/4/09	Inv	2,030.00
Invoice number.: 8949-8957	3 ABAG Haz Mit Pln #8956	Inv	998.38
A101-7411-08.0.0-000 - Professional Services Retainer	*** Account total ***		3,028.38
A101-7414-02.0.0-000 - Audit			
16313 Audit & Confirmation Proc 08-0	2297 Moss, Levy & Hartzheim		
Invoice number.: 1466	1 Audit & Confirmation 08-09	Inv	500.00
A101-7414-02.0.0-000 - Audit	*** Account total ***		500.00
A101-7417-03.0.0-000 - Janitorial Service			
16320 Janitorial Services for 8/09	468 J & R Floor Services		
Invoice number.: AUG2009	3 City Hall 8/09	Inv	449.80
16323 Janitorial Supplies 9/09	84 Hammons Supply Company		
Invoice number.: 55923	3 CH Janitorial Supp 9/09	Inv	188.73
A101-7417-03.0.0-000 - Janitorial Service	*** Account total ***		638.53
A101-7417-06.0.0-000 - Janitorial Service			
16320 Janitorial Services for 8/09	468 J & R Floor Services		
Invoice number.: AUG2009	5 PD 8/09	Inv	225.00
A101-7417-06.0.0-000 - Janitorial Service	*** Account total ***		225.00

Run date: 09/10/2009 @ 14:34
Bus date: 09/10/2009

City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 6

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7417-07.0.0-000 - Janitorial Service			
16320 Janitorial Services for 8/09	468 J & R Floor Services 2 Library 8/09	Inv	2,175.00
Invoice number.: AUG2009			
16323 Janitorial Supplies 9/09	84 Hammons Supply Company 1 Library Janitorial Supp 9/09	Inv	283.08
Invoice number.: 55923			
A101-7417-07.0.0-000 - Janitorial Service	*** Account total ***		2,458.08
A101-7417-09.0.0-000 - Janitorial Service			
16320 Janitorial Services for 8/09	468 J & R Floor Services 1 Comm Pk Svc 8/09	Inv	1,000.00
Invoice number.: AUG2009			
A101-7417-09.0.0-000 - Janitorial Service	*** Account total ***		1,000.00
A101-7419-02.0.0-000 - Other Professional Services			
16312 State Controllers Rpt Prpr 08-	2234 Thales Consulting Inc 1 St Controllers Rpt Prpr 08-09	Inv	1,500.00
Invoice number.: 231			
16317 Biz License Softwr Chg 8/09	1245 HdL Software 1 Biz License Softwr Chg 8/09	Inv	170.00
Invoice number.: 0007728-IN			
A101-7419-02.0.0-000 - Other Professional Services	*** Account total ***		1,670.00
A101-7419-05.0.0-000 - Other Professional Services			
16283 FSA Acct Admin 8/09	2500 Employee Benefit Specialists, 1 FSA Acct Admin 8/09	Inv	100.00
Invoice number.: 0047432-IN			
A101-7419-05.0.0-000 - Other Professional Services	*** Account total ***		100.00
A101-7419-06.0.0-000 - Other Professional Services			
16301 PD ACCJIN 08-09 & ARIES 09-10	1303 CCC Office of Revenue Collecti 2 PD ARIES 09-10	Inv	6,675.00
Invoice number.: LJIS 09-CLY			
A101-7419-06.0.0-000 - Other Professional Services	*** Account total ***		6,675.00
A101-7419-09.0.0-000 - Other Professional Services			
16340 PW Clean Sewer Line 9/09	383 Roto- Rooter Sewer-Drain Servi 1 PW Clean Sewer Line 9/09	Inv	810.36
Invoice number.: I-37-09			
A101-7419-09.0.0-000 - Other Professional Services	*** Account total ***		810.36

Run date: 09/10/2009 @ 14:34
 Bus date: 09/10/2009

City of Clayton
 Invoice Distribution Report

OT01ST.L02 Page 7

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7430-08.0.0-000 - Well Monitoring Fee			
16326 Adm: Misc Charges 8/09	2349 US Bank Corp Pymt System		
Invoice number.: Adm 8/09	3 Well Monitoring 7/09	Inv	1,546.50
A101-7430-08.0.0-000 - Well Monitoring Fee	*** Account total ***		1,546.50
A101-7433-06.0.0-000 - Integrated Justice System			
16301 PD ACCJIN 08-09 & ARIES 09-10	1303 CCC Office of Revenue Collecti		
Invoice number.: LJIS 09-CLY	1 PD ACCJIN 08-09	Inv	3,339.00
A101-7433-06.0.0-000 - Integrated Justice System	*** Account total ***		3,339.00
A201-7327-00.0.0-000 - Street Maintenance Supplies			
16308 PW Supplies 8/09	17 Bay Area Barricade Serv.		
Invoice number.: 0252067-IN	2 PW Supplies 8/09	Inv	73.74
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System		
Invoice number.: PW 8/09	4 PW Caution Tape 8/09	Inv	166.06
A201-7327-00.0.0-000 - Street Maintenance Supplies	*** Account total ***		239.80
A201-7335-00.0.0-000 - Gas & Electricity			
16324 Service 8/09 (Small Master)	113 PG&E		
Invoice number.: 8/24/09	5 Traffic Sgn & St Lt 8/09	Inv	169.05
A201-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		169.05
A210-2113-00.0.0-000 - Reserve for Adopt a Trail			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System		
Invoice number.: PW 8/09	5 PW Trail Posts 8/09	Inv	595.15
16339 PW Signs 8/09	17 Bay Area Barricade Serv.		
Invoice number.: 0252195-IN	1 PW Signs 8/09	Inv	10.93
A210-2113-00.0.0-000 - Reserve for Adopt a Trail	*** Account total ***		606.08
A210-7311-00.0.0-000 - General Supplies			
16308 PW Supplies 8/09	17 Bay Area Barricade Serv.		
Invoice number.: 0252067-IN	1 PW Supplies 8/09	Inv	169.12
16309 PW Landscp Supplies 8/09	2070 John Deere Landscapes Inc		
Invoice number.: 52356422	1 PW Landscp Supplies 8/09	Inv	155.16

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A210-7311-00.0.0-000 - General Supplies	*** Continued ***		
16310 PW Landscp Supplies 8/09	2070 John Deere Landscapes Inc 1 PW Landscp Supplies 8/09	Inv	2,589.26
Invoice number.: 52277737			
16311 PW Landscp Supplies 8/09	2070 John Deere Landscapes Inc 1 PW Landscp Supplies 8/09	Inv	1,531.64
Invoice number.: 52277684			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 7 PW Gen Supplis 8/09	Inv	330.28
Invoice number.: PW 8/09			
A210-7311-00.0.0-000 - General Supplies	*** Account total ***		4,775.46
A210-7335-00.0.0-000 - Gas & Electricity			
16324 Service 8/09 (Small Master)	113 PG&E 2 Clock Service 8/09	Inv	28.18
Invoice number.: 8/24/09			
Invoice number.: 8/24/09	3 Outdoor Lt Service 8/09	Inv	94.78
Invoice number.: 8/24/09	4 Irrigation Service 8/09	Inv	266.02
16325 Service 8/09 (Individual Inv)	113 PG&E 4 Irrigation Svc 8/09	Inv	161.40
Invoice number.: 8/21/09			
A210-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		550.38
A210-7342-00.0.0-000 - Machinery/Equip Maintenance			
16307 Downtown Well Pump Warranty 8/	560 Martell Water Systems, Inc. 1 Dwntrn Well Pump Warranty 8/09	Inv	150.00
Invoice number.: 16863			
A210-7342-00.0.0-000 - Machinery/Equip Maintenance	*** Account total ***		150.00
A210-7343-00.0.0-000 - Vehicle Maintenance			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 8 PW Vehicle Service 8/09	Inv	1,310.76
Invoice number.: PW 8/09			
A210-7343-00.0.0-000 - Vehicle Maintenance	*** Account total ***		1,310.76
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 9 PW Fuel 8/09	Inv	794.75
Invoice number.: PW 8/09			
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies	*** Account total ***		794.75

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A210-7419-00.0.0-000 - Other Professional Services			
16295 OH Waterfall Mtn 8/09	2266 Rock N Waterfall Co 1 OH Waterfall Mtn 8/09	Inv	650.00
Invoice number.: 281563			
16299 Waterfall Repair 8/09	2266 Rock N Waterfall Co 1 Waterfall Repair 8/09	Inv	957.35
Invoice number.: 281564			
16321 OH Waterfall Mtn 9/09	2266 Rock N Waterfall Co 1 OH Waterfall Mtn 9/09	Inv	650.00
Invoice number.: 281589			
A210-7419-00.0.0-000 - Other Professional Services	*** Account total ***		2,257.35
A211-7310-00.0.0-000 - Supplies and Equipment			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 10 PW Supplies 8/09	Inv	305.79
Invoice number.: PW 8/09			
A211-7310-00.0.0-000 - Supplies and Equipment	*** Account total ***		305.79
A211-7335-00.0.0-000 - Gas & Electricity			
16325 Service 8/09 (Individual Inv)	113 PG&E 3 Grove Park Svc 8/09	Inv	76.87
Invoice number.: 8/21/09			
A211-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		76.87
A211-7419-00.0.0-000 - Other Professional Services			
16320 Janitorial Services for 8/09	468 J & R Floor Services 6 Grove Park Janitorial 8/09	Inv	1,000.00
Invoice number.: AUG2009			
A211-7419-00.0.0-000 - Other Professional Services	*** Account total ***		1,000.00
A212-7413-00.0.0-000 - Legal Services			
16318 OH GHAD Lit Legal Svc 8/09	159 Turner, Huguet & Adams 1 OH GHAD Lit Legal Svc 8/09	Inv	407.00
Invoice number.: 1446			
A212-7413-00.0.0-000 - Legal Services	*** Account total ***		407.00
A212-7520-00.0.0-059 - Pebble Beach Incllinometers			
16337 Pebble Bch Monitoring 8/09	1455 Berlogar Geotechnical Consulta 1 Pebble Bch Monitoring 8/09	Inv	1,026.47
Invoice number.: 215134			
A212-7520-00.0.0-059 - Pebble Beach Incllinometers	*** Account total ***		1,026.47

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A214-7311-00.0.0-000 - General Supplies			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 11 PW St Lt Wiring 8/09	Inv	81.93
Invoice number.: PW 8/09			
A214-7311-00.0.0-000 - General Supplies	*** Account total ***		81.93
A216-7409-00.0.0-000 - Street Sweeping			
16290 Street Sweeping 8/09	1459 Clean Street 1 Street Sweeping 8/09	Inv	3,500.00
Invoice number.: 57895			
16329 Street Sweeping 6/09	1459 Clean Street 1 Street Sweeping 6/09	Inv	3,500.00
Invoice number.: 57339			
A216-7409-00.0.0-000 - Street Sweeping	*** Account total ***		7,000.00
A216-7412-00.0.0-000 - Engineering/Inspection Service			
16322 Eng Svc 8/22/09-9/4/09	116 PERMCO, Inc. 4 Storm Water Insp #8951	Inv	28.88
Invoice number.: 8949-8957			
A216-7412-00.0.0-000 - Engineering/Inspection Service	*** Account total ***		28.88
A216-7419-00.0.0-000 - Other Professional Services			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 12 PW Absorbent 8/09	Inv	221.64
Invoice number.: PW 8/09			
A216-7419-00.0.0-000 - Other Professional Services	*** Account total ***		221.64
A230-7220-00.0.0-813 - PERS Retirement-COPS			
16319 Retirement PPE 9/6/09	201 CalPERS 6 PD Grant 9/6/09	Inv	900.12
Invoice number.: PPE 9/6/09			
A230-7220-00.0.0-813 - PERS Retirement-COPS	*** Account total ***		900.12
A301-7520-00.0.0-003 - Concerts in the Grove Park			
16285 Grove Concert Sound Svc 9/19/0	2376 Don Stone 1 Grove Concert Snd Svc 9/19/09	Inv	500.00
Invoice number.: Sound 9/19/09			
16314 Concert In Grove T-Shirts 8/09	2567 Cathie's Custom Creations 1 Concert In Grove T-Shirts 8/09	Inv	101.60
Invoice number.: 6732			
16316 Concert In Grove Band 9/19/09	2539 Harvey F. Durocher, Jr. 1 Concert In Grove Band 9/19/09	Inv	650.00
Invoice number.: Band 9/19/09			
A301-7520-00.0.0-003 - Concerts in the Grove Park	*** Account total ***		1,251.60

Run date: 09/10/2009 @ 14:34
Bus date: 09/10/2009

City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 11

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A302-7413-00.0.0-000 - Legal Services			
16291 RDA LMI Legal Fees 8/09	159 Turner, Huguet & Adams 1 RDA LMI Legal Fees 8/09	Inv	92.50
Invoice number.: 1445			
A302-7413-00.0.0-000 - Legal Services	*** Account total ***		92.50
A302-7520-00.0.0-006 - 276 Stranahan Cir (Sevier)			
16334 PH Notice & LMI Ad 8/09	1648 Bay Area News Group East Bay 1 LMI Ad 8/09	Inv	178.00
Invoice number.: 47366,3243129			
A302-7520-00.0.0-006 - 276 Stranahan Cir (Sevier)	*** Account total ***		178.00
A303-7520-00.0.0-090 - Grove Property Park			
16307 Downtown Well Pump Warranty 8/	560 Martell Water Systems, Inc. 2 Dwtwn Well Pump Warranty 8/09	Inv	75.00
Invoice number.: 16863			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System 13 PW Well wiring, breaker 8/09	Inv	651.40
Invoice number.: PW 8/09			
A303-7520-00.0.0-090 - Grove Property Park	*** Account total ***		726.40
A303-7520-00.0.0-092 - Community Park Tot Lot Upgrade			
16335 Lawsuit Legal Svc 8/09	2491 Treppa Law Group 1 Lawsuit Legal Svc 8/09	Inv	732.95
Invoice number.: 224			
A303-7520-00.0.0-092 - Community Park Tot Lot Upgrade	*** Account total ***		732.95
A303-7520-00.0.0-104 - Downtown Economic Dev Project			
16341 Downtown Clayton Proj 7/09	2386 Economic Development Systems 1 Downtown Clayton Proj 7/09	Inv	8,296.53
Invoice number.: 7/31/09			
A303-7520-00.0.0-104 - Downtown Economic Dev Project	*** Account total ***		8,296.53
A303-7520-00.0.0-106 - Clayton Rd Trail Connection			
16322 Eng Svc 8/22/09-9/4/09	116 PERMCO, Inc. 2 Eng Svc #8955	Inv	475.56
Invoice number.: 8949-8957			
	5 Eng Svc #8954	Inv	1,910.06
Invoice number.: 8949-8957			
16332 Town Cnt Entry Proj 8/09	2564 Maxicrete Construction 1 Town Cnt Entry Proj 8/09	Inv	50,463.00
Invoice number.: 4862			
A303-7520-00.0.0-106 - Clayton Rd Trail Connection	*** Account total ***		52,848.62

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A303-7520-00.0.0-114 - 2009 Arterial Overlay Project			
16322 Eng Svc 8/22/09-9/4/09	116 PERMCO, Inc. 6 Eng Svc #8957	Inv	477.81
Invoice number.: 8949-8957			
16333 2009 Arterial Overlay Proj 8/0	2572 Granite Construcion Co 1 2009 Arterial Ovrlay Proj 8/09	Inv	76,307.17
Invoice number.: PB1			
16338 2009 Arterial Overlay Insp 8/0	1455 Berlogar Geotechnical Consulta 1 2009 Arterial Ovrlay Insp 8/09	Inv	3,248.18
Invoice number.: 215179			
A303-7520-00.0.0-114 - 2009 Arterial Overlay Project	*** Account total ***		80,033.16
A601-2739-00.0.0-000 - Clayton Community Library Foun			
16286 Library Volunteer 9/09	1160 Arlene H. Kikkawa-Nielsen 1 Library Volunteer 9/09	Inv	820.00
Invoice number.: 9/09			
16342 Reimburse Libr Fndtn 9/09	701 Clayton Comm. Library Foundati 1 Reimburse Libr Fndtn 9/09	Paid	2,000.00
Invoice number.:			
A601-2739-00.0.0-000 - Clayton Community Library Foun	*** Account total ***		2,820.00
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP			
16322 Eng Svc 8/22/09-9/4/09	116 PERMCO, Inc. 7 Eng Svc #8950	Inv	41.50
Invoice number.: 8949-8957			
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP	*** Account total ***		41.50
A601-2741-00.0.0-153 - Seeno Grading Insp (10351)			
16322 Eng Svc 8/22/09-9/4/09	116 PERMCO, Inc. 8 Eng Svc #8952	Inv	41.50
Invoice number.: 8949-8957			
A601-2741-00.0.0-153 - Seeno Grading Insp (10351)	*** Account total ***		41.50
A601-2744-00.0.0-189 - Riessen SW Permit 17-05			
16322 Eng Svc 8/22/09-9/4/09	116 PERMCO, Inc. 9 Eng Svc #8953	Inv	41.50
Invoice number.: 8949-8957			
A601-2744-00.0.0-189 - Riessen SW Permit 17-05	*** Account total ***		41.50
A601-2744-00.0.0-381 - Gonzalez SW Permit 18-07			
16322 Eng Svc 8/22/09-9/4/09	116 PERMCO, Inc. 10 Eng Svc #8953	Inv	41.50
Invoice number.: 8949-8957			
A601-2744-00.0.0-381 - Gonzalez SW Permit 18-07	*** Account total ***		41.50

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2744-00.0.0-487 - Lance Brick SWP 12-08 16322 Eng Svc 8/22/09-9/4/09 Invoice number.: 8949-8957	116 PERMCO, Inc. 11 Eng Svc #8953	Inv	41.50
A601-2744-00.0.0-487 - Lance Brick SWP 12-08	*** Account total ***		41.50
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08 16322 Eng Svc 8/22/09-9/4/09 Invoice number.: 8949-8957	116 PERMCO, Inc. 12 Eng Svc #8953	Inv	41.50
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08	*** Account total ***		41.50
A601-2744-00.0.0-518 - Weisendanger SWP 16322 Eng Svc 8/22/09-9/4/09 Invoice number.: 8949-8957	116 PERMCO, Inc. 13 Eng Svc #8953	Inv	62.25
A601-2744-00.0.0-518 - Weisendanger SWP	*** Account total ***		62.25
A601-2744-00.0.0-527 - Gierak SWP 02-09 16322 Eng Svc 8/22/09-9/4/09 Invoice number.: 8949-8957	116 PERMCO, Inc. 14 Eng Svc #8953	Inv	41.50
A601-2744-00.0.0-527 - Gierak SWP 02-09	*** Account total ***		41.50
A601-2744-00.0.0-538 - Azmarai Kadir SWP 08-09 16322 Eng Svc 8/22/09-9/4/09 Invoice number.: 8949-8957	116 PERMCO, Inc. 15 Eng Svc #8953	Inv	41.50
A601-2744-00.0.0-538 - Azmarai Kadir SWP 08-09	*** Account total ***		41.50
A601-2744-00.0.0-540 - Barnes/Pierce SWP 09-09 16322 Eng Svc 8/22/09-9/4/09 Invoice number.: 8949-8957	116 PERMCO, Inc. 16 Eng Svc #8953	Inv	41.50
A601-2744-00.0.0-540 - Barnes/Pierce SWP 09-09	*** Account total ***		41.50
A601-2744-00.0.0-544 - Christian Const M-SWP 09-08 16330 Refund SWP 09-08 Dep 9/09 Invoice number.: SWP 09-08	2574 Christian Construction 1 Refund SWP 09-08 Dep 9/09	Inv	500.00
A601-2744-00.0.0-544 - Christian Const M-SWP 09-08	*** Account total ***		500.00

Run date: 09/10/2009 @ 14:34
Bus date: 09/10/2009

City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 14

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2744-00.0.0-547 - Spears Minor SWP 09-10			
16331 Refund SWP 09-10 Dep 9/09	2573 Spears Construction		
Invoice number.: SWP 09-10	1 Refund SWP 09-10 Dep 9/09	Inv	500.00
A601-2744-00.0.0-547 - Spears Minor SWP 09-10	*** Account total ***		500.00
A701-2101-00.0.0-000 - Accounts Payable			
16292 DV Gym Janitorial 2008-09	512 Mt. Diablo Unified School Dist		
Invoice number.: AR210259	1 DV Gym Janitorial 2008-09	Inv	36,513.49
A701-2101-00.0.0-000 - Accounts Payable	*** Account total ***		36,513.49
A702-7311-00.0.0-000 - General Supplies			
16327 PW Misc Charges 8/09	2349 US Bank Corp Pymt System		
Invoice number.: PW 8/09	14 EH Fence 8/09	Inv	101.60
A702-7311-00.0.0-000 - General Supplies	*** Account total ***		101.60
A702-7335-00.0.0-000 - Gas & Electricity			
16325 Service 8/09 (Individual Inv)	113 PG&E		
Invoice number.: 8/21/09	2 EH Svc 8/09	Inv	200.93
A702-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		200.93
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance			
16304 EH Emg, Exit, etc. Insp 8/09	2468 Cintas Fire Protection		
Invoice number.: OF44508040	1 EH Emg, Exit, etc. Insp 8/09	Inv	105.00
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		105.00
A702-7417-00.0.0-000 - Janitorial Service			
16320 Janitorial Services for 8/09	468 J & R Floor Services		
Invoice number.: AUG2009	4 End Hall 8/09	Inv	60.00
A702-7417-00.0.0-000 - Janitorial Service	*** Account total ***		60.00
* Report total *	*** Total ***		267,573.18



Agenda Date: 9-15-09

Agenda Item: 4(c)

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Merry Pelletier, Finance Manager

Laci Jackson, City Clerk

David Woltering, Community Development Director

Dan Lawrence, Chief of Police

DATE: September 15, 2009

SUBJECT: Revised Master Fee Schedule for City Services and use of City Facilities and Parks

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution amending the Fee Schedule for City Services and Use of Public Facilities and Parks for FY 2009-2010.

BACKGROUND

The City of Clayton has established annual review of user fees to ensure that user fees are set appropriately and updated, based upon various cost and revenue considerations. The current fee schedule for use of City Facilities and Parks was established by Resolution No. 41-2008 on July 15, 2008.

Since last year the staff has determined that the following changes need to be made to the fee schedule:

Planning Permits:

Home Occupancy Permit – Planning Administrative Review from \$100 to \$150:

An application fee of \$100 had been established for this permit. Since being established, staff has processed several of these applications and determined that the costs have exceeded \$100. Staff time to complete this process often is 1.5 hours or more. This time involves reviewing the application form, creating the notice, labeling, stuffing, and mailing the envelopes. Also, there are follow-up conversations in person and by phone with the applicant. In addition, there are also other costs associated with paper, envelopes, ink,

postage, etc. Actual labor and material costs incurred by the City support the proposed increase to \$150.

Noise Permit-Administrative Review from \$90 to \$150: Noise permit requests occur for either outside amplified sound at residence such as a graduation party, Endeavor Hall, and special events, mostly in the downtown. The current fee is \$90. Staff time to complete this process is often 1.5 hours or more. This time involves reviewing the application form; creating the notice; labeling, stuffing and mailing the envelopes. Also, there are follow-up conversations in person and by phone with the applicant. In addition, there are other costs associated with paper, envelopes, ink, postage, etc. Actual labor and material costs incurred by the City support the proposed increase to \$150.

Appeal of Administrative Decision from \$25 to \$100: The current fee for Administrative appeal is \$25. The Community Development Director's analysis suggests that actual staff time to complete the process can require 4-6 hours. This time involves reviewing the application, noticing the required hearing, preparing and presenting a staff report to the Planning Commission, and completing the follow-up paperwork after the hearing. The actual costs incurred by the City support a much larger increase than \$100 however staff recognizes it is the City Council policy to subsidize citizen appeals and therefore is recommending a lower relative increase, given past practice to assure that cost would not be an impediment to an appeal of an administrative decision.

Create Pre-Application Consultation Deposit of \$1,000:

Currently, no pre-application consultation deposit exists on the fee schedule. Staff may spend many hours consulting with prospective applicants and performing research for them regarding their proposed projects. A deposit requirement should be established to compensate the City for staff time spent on a proposed project prior to a formal application being submitted and associated fees and deposit monies being paid. There would continue to be no charge for limited, individual informational requests. The intent of this proposed deposit is to address the circumstance in which an applicant has a more complex project and is in need of multiple consultations and/or in-depth research assistance prior to submitting a formal application.

Police Fees:

Citation Sign off for Correctable Offenses \$10/Citation, Non-Resident only

Staff is recommending this new fee with understanding that virtually every police department charges a fee for peace officers signing off correctable offenses. The most common fee charged is \$10 dollars for non-residents. There would be no fee associated with a Clayton resident or for a citation issued by a Clayton officer to anyone. Currently, the department signs-off approximately 90 citations from non-residents each year. If this rate were to remain consistent, this new fee would recover approximately \$900 per year in labor time.

Rental/Facility Use Fees:

The City Council adopted rental fees/deposits for The Grove Park and the Community Park new picnic area on July 15, 2008. Since that time many requests have been made by citizens to have different hours available for the various facilities at The Grove Park and the Community Park. Staff is recommending that The Grove Park Gazebo minimum rental time be changed from 4 hours to 1 hour on weekends and from 2 hours to 1 hour on weekdays.

The reduced time and cost will allow for Wedding ceremonies and other functions to occur in the park. Staff is also recommending that the time specific rentals in the Group Picnic Area and Plaza Area be changed from 9-1 and 1:30-5:30 to 9-5:30 with the same 4 hour minimum rental requirement. The time will be at the renter's discretion.

At the Community Park the new Group Picnic areas 5 and 6 have been underutilized because citizens have been dissatisfied with the fees. In order to appease inquiries and rent the areas more frequently staff recommends renting the areas per hour rather than per day. This will encourage groups to rent the areas even if they are only going to use them for a shorter period of time. Staff recommends keeping a 4 hour minimum rental on the areas so that they are utilized for longer periods of time on high use weekends. Staff recommends changing the Community Park Picnic Area #5 table rental for Clayton residents from \$30 per table or \$180 for all tables to a \$30 per table with a 4 hour minimum rental time and adding \$5 per hour per table when more than 2 tables are rented. Staff recommends changing the Community Park Picnic Area #5 table rental for Non-residents from \$39 per table or \$234 for all tables to a \$39 per table with a 4 hour minimum rental time and adding \$6.50 per hour per table when more than 2 tables are rented. Staff recommends changing the Community Park Picnic Area #6 table rental for Clayton residents from \$250 per day with a single reservation to \$250 per day or \$30 per hour with a 4 hour minimum rental and for Non-residents from \$325 per day with a single reservation to \$325 per day or \$43 per hour with a 4 hour minimum rental. Staff recommends changing the Community Park Picnic Area #5 and #6 Combined for Clayton residents from \$400 per day to include \$50 per hour with a 4 hour minimum rental and for Non Residents from \$520 per day to include \$65 per hour with a 4 hour minimum rental.

Staff is recommending that the sports field Adult rental fees be increased from \$28 to \$30 per hour to help reduce the subsidy out of our General Fund due to the additional wear and tear to the fields by adult play, increased water rates, and labor costs due to constant water breaks.

Administrative Fees:

New Return Check Service Charge \$25: Section 1719 of the Civil Code states that any person who passes a check on insufficient funds shall be liable to the payee for the amount of the check and a service charge payable to the payee for an amount not to exceed twenty-five dollars (\$25) for the first check passed on insufficient funds. Staff is recommending that we add this fee to our Master Fee Schedule.

Business License Renewal: Staff time to input data and issue and mail the business license is \$37. Staff is recommending a registration fee to offset city staff costs of \$10 for all business license renewals.

FISCAL IMPACT

Adjustments to our Master Fee Schedule are consistent with public policy that user-based municipal services bear their own costs. The proposed changes would accomplish this objective and in each instance no fee is higher than the true cost to provide the service or use.

CONCLUSION

Staff affirms the proposed Master Fee Schedule closely reflects the actual direct costs related to the provision of these City services. Staff recommends approval of the revised Master Fee Schedule for City Services and Use of Public Facilities and Parks.

Changes and additions to the fee schedule have been noted in bold red italic font in Exhibit A.

Respectively submitted,



Merry Pelletier
Finance Manager

Attachments:

- Resolution __-09
- Exhibit A to Resolution __-09

RESOLUTION NO. __-2009

A RESOLUTION AMENDING THE CITY MASTER FEE SCHEDULE FOR CITY SERVICES AND USE OF PUBLIC FACILITIES AND PARKS

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

WHEREAS, the City of Clayton has various user fees for City services and facilities that are updated annually to reflect increases in costs to provide said services; and

WHEREAS, the City staff did develop data to substantiate proposed changes to fees which would not exceed the estimated reasonable cost of providing service or using the facility for which a fee is charged; and

WHEREAS, the fees reconsidered herein are not developer fees, and thus not subject to section 66017(a) of the California Government Code, and thus will become effective upon adoption of said Resolution; and

WHEREAS, the City Council of Clayton, California does deem it necessary to set and add the following fees to the Master Fee Schedule:

Planning Pre-Application Consultation Deposit: \$1,000 minimum deposit;
Police Citation Sign Off for Correctable Offenses – Non Resident:: \$10 per citation;
Administrative Return Check Service Charge \$25; and

WHEREAS, the City Council of Clayton, California deem it necessary for the following fees to be adjusted in the Master Fee Schedule:

Home Occupancy Permit Administrative Review from \$100 to \$150;
Noise Permit Administrative Review from \$90 to \$150;
Appeal Administrative Review from \$25 to \$50;
Business License Renewal for all businesses including exempt \$10;
Community Park Picnic Area #5 for Clayton Resident from \$30/table to \$30/4hours/table and \$5/hour with 4 hour minimum; for Non Resident from \$39/table to \$39/4 hours/table and \$6.50/hour per table with 4 hour minimum;
Community Park Picnic Area #6 for Clayton Resident from \$250/day to \$250/day or \$30/hour with 4 hour minimum; for Non-Resident from \$325/day to \$325/day or \$43/hour with 4 hour minimum;
Community Park Picnic Area #6 Large Group Area Clayton Resident from \$250/day to \$250/day or \$30/hour with 4 hour minimum and for Non-Resident from \$325/day to \$325/day or \$43/hour with 4 hour minimum;
Community Park Picnic Area #5 & #6 Combined Clayton Resident from \$400/day to \$400/day or \$50/hour with 4 hour minimum and fro Non-Resident from \$520/day to \$520/day or \$65/hour with 4 hour minimum;
Sport Field Adult Rental from \$28/hour to \$30/hour;
Grove Park rental times changed from 9-1 and 1:30-5:30 to 9-5:30 in all rental areas.

NOW THEREFORE BE IT RESOLVED that the City Council of Clayton, California does hereby set, adjust and approve the various fees for certain City services and use of public facilities and parks, as set forth in the attached Exhibit "A" as the City Master Fee Schedule.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on 15th day of September 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, Deputy City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT FEE SCHEDULE 2009-10

ANNEXATIONS	
Annexation	Time--\$5,000 minimum deposit
GENERAL PLAN / ZONING ORDINANCE AMENDMENTS	
General Plan Map or Text Amendment	Time--\$5,000 minimum deposit
Pre-zoning / Re-zoning	Time--\$5,000 minimum deposit
Zoning Ordinance Text Amendment	Time--\$5,000 minimum deposit
SITE PLANS / DEVELOPMENT PLANS	
Site Plan Review Permit - Residential	Time--\$1,000 minimum deposit
Site Plan Review Permit - Residential - Amendment	Time--\$1,000 minimum deposit
Site Plan Review Permit - Non-Residential	Time--\$5,000 minimum deposit
Site Plan Review Permit - Non-Residential - Amendment	Time--\$2,000 minimum deposit
Development Plan	Time--\$5,000 minimum deposit
ENVIRONMENTAL REVIEW	
Environmental Review	Time--\$5,000 minimum deposit
PERMITS	
Home Occupancy Permit - Administrative Review	\$150 (\$100)
Home Occupancy Permit - Planning Commission Review	Time--\$500 minimum deposit
Use Permit - Administrative Review	Time--\$250 minimum deposit
Use Permit - Residential - Planning Commission Review	Time--\$1,000 minimum deposit
Use Permit - Non-Residential - Planning Commission Review	Time--\$5,000 minimum deposit
Temporary Use Permit - Administrative Review	\$150
Temporary Use Permit - Planning Commission Review	Time--\$500 minimum deposit
Sign Permit - Administrative Review	\$50
Sign Permit - Planning Commission Review	Time--\$1,000 minimum deposit
Temporary Storage Permit	\$50
Second Dwelling Unit Permit - Administrative Review	\$250 (\$100 RDA-LMI contribution)
Tree Removal Permit - Administrative Review w/o Notice	\$10 / tree. Minimum \$30
Tree Removal Permit - Administrative Review w/Notice	\$50 / tree. Minimum \$100
Tree Removal Permit - Planning Commission Review	Time--\$500 minimum deposit
Tree Replacement In-Lieu Fee	Time--\$1,000 min deposit \$525 (24" box tree)
Building Moving Permit	Time--\$1,000 minimum deposit
Noise Permit - Administrative Review	\$150 (\$90)
MISCELLANEOUS	
Variance - Residential	Time--\$1,000 minimum deposit
Variance - Nonresidential	Time--\$5,000 minimum deposit
Appeal - Administrative Decisions	\$50 (\$25)
Appeal - Planning Commission Decisions - Residential	\$250
Appeal - Planning Commission Decisions - Non-Residential	\$500
Time Extension Request	Time - \$500 minimum deposit
Contract Administration	Time--\$1,000 minimum deposit
Electronic copy of document on disc	\$10 / disc
Large Family Day Care Home Permit	Time \$500 minimum deposit
Pre-Application Consultation Deposit	Time--\$1,000 minimum deposit
CONSTRUCTION & DEMOLITION PLAN DEPOSITS	
Construction & Demolition Recycling & Waste Management Plan Deposit	Time--\$2,000 min deposit + \$1/sq ft of new renovated, remodeled, reconstructed area > 2,000 sq ft of gross building area
Habitat Conservation Plan/Natural CC Plan	Time \$1,000 minimum deposit

CITY ENGINEER FEE SCHEDULE**SUBDIVISIONS**

Tentative Map Application	Time--\$5,000 minimum deposit
Lot Line Adjustment	Time--\$1,000 minimum deposit
Lot Merger	Time--\$1,000 minimum deposit
Reversion to Acreage	Time--\$2,000 minimum deposit
Final Map Filing Fee	\$500/map
Final Map Checking Fee	Time-- \$2,500 minimum deposit
Const. Plans Checking	Time-- \$2,500 minimum deposit
Const. Inspection--Public Improvements	9% of Bond Estimates
Const. Inspection--Private Improvements	9% of Bond Estimates
Const. Inspection--Sanitary Sewer	3% of Bond Estimates

PARCEL MAPS

Parcel Map Application	Time--\$2,000 minimum deposit
Final Parcel Map Filing Fee	\$100 / map
Parcel Map Checking Fee	Time--\$1,000 minimum deposit
Const. Plans Checking	Time-- \$1,000 minimum deposit
Const. Inspection --Public Improvements	9% of Bond Estimates
Const. Inspection--Private Improvements	9% of Bond Estimates
Const. Inspection--Sanitary Sewer	3% of Bond Estimates

GRADING PERMITS

Grading Permit Filing Fee	\$150 / permit
Grading Permit Plan Check	Time--\$1,000 minimum deposit
Grading Inspection	Time--\$1,000 minimum deposit

MINOR ENCROACHMENT PERMITS

Standard Encroachment Permit-Pools, driveways, minor concrete repair	\$75 / permit
--	---------------

MAJOR ENCROACHMENT PERMITS (Anything not Minor)

Major Encroachment Permit	\$50 / permit
Major Plan Check	Time--\$2,500 minimum deposit
Major Inspection	Time--\$2,500 minimum deposit
Cash Bond Major Encroachments (may be surety if > \$10,000)	Per City Engineer

STORM WATER INSPECTION PERMITS

Minor Stormwater Inspection-project that does not disturb ground (interior remodels, etc.)	\$75 / permit + Time--\$500 minimum deposit
Standard Stormwater Inspection-pools, driveways, minor concrete repairs, minor ground disturbances such as room additions and the like	\$75 / permit + Time-- \$2,000 minimum deposit
Major Stormwater Inspection	Time--\$5,000 minimum deposit
Annual Verification Inspection - Residential	\$45/unit
Annual Verification Inspection - Homeowners Association	\$100/HOA
Annual Verification Inspection - Commercial	\$100/acre
Documentation Compliance Review Fee - Residential	\$72/unit
Documentation Compliance Review Fee - HOA	\$100/HOA
Documentation Compliance Review Fee - Commercial	\$100/acre
Annual State Reporting preparation/filing Fee - Residential	\$53/unit
Annual State Reporting preparation/filing Fee - HOA	\$100/HOA
Annual State Reporting preparation/filing Fee - Commercial	\$100/acre

POLICE DEPARTMENT FEE SCHEDULE

Residential Alarm System Registration	\$25 / house
Commercial Alarm System Registration	\$50 / commercial occupancy
Bicycle License	\$3 / License
Vehicle Release	\$130 / cash per vehicle
Police Reports: Residents, Non-Residents/Insurance	\$15, \$25
VIN Verifications	\$35
Clearance Letters	\$25
Police Enforcement on Party Ordinance	Time
Police Enforcement of DUI involving accident	Time Maximum \$12,000
Enforcement of Suspended or Revoked Licenses	Time
Alcohol Beverage Permit	\$50/permit
Booking Fees	As established by County or agreement with Concord
False Alarm Fee	Established by Ordinance
Tobacco Sales Permit	\$75 / permit
Taxicab Permit Fee	\$253 / New Permit \$97/renewal
Witness Fees per Government Code section 68096-1 if a City employee is subpoenaed	\$200 / day deposit + \$0.37 per mile
Administrative Fee for Failure to display Disabled Placards	\$25 / violation
Firearms Seizure and Processing Fee	\$100 / violation
RV Public Parking Permit Fee - Bona fide guest of a Clayton Resident	\$25 / permit
RV Public Parking Permit Fee - City Resident	\$0 / permit
Solicitation Permit	\$207 / permit
Citation Sign off for correctable offenses – Non-Resident	\$10 / citation

FEE SCHEDULE FOR RENTAL OF PUBLIC FACILITIES AND PARKS	
Library Meeting Room--Non Profit	
Non-profit - Non-Clayton Based	\$42 / hour (any time)
Non Profit - Only Clayton Based	\$21 / hour (Mon-Thur) \$50 max - 3 hr max
Resident	\$52 / hour
Nonresident	\$63 / hour
Commercial	\$100 / hour
Deposit (for all)	\$200 / rental
Endeavor Hall Meeting Room--Non Profit	
Non-profit - Non Clayton Based	\$40 / hour (Sun 5:00 pm - Fri 5:00 pm)
Non-profit - Only Clayton Based	\$40 / hour (Sun 5:00 pm - Fri 5:00 pm) \$100 max
Non Profit and Clayton Based (Weekends)	\$150 / hour (Fri 5:00 pm - Sun 5:00 pm)
Resident (Weekdays)	\$100 / hour (Sun 5:00 pm -Fri 5:00 pm)
Nonresident (Weekdays)	\$120 / hour (Sun 5:00 pm -Fri 5:00 pm)
Commercial (Weekdays)	\$150 / hour (Sun 5:00 pm -Fri 5:00 pm)
Resident (Weekends)	\$150 / hour (Fri 5:00 pm - Sun 5:00 pm)
Nonresident (Weekends)	\$180 / hour (Fri 5:00 pm - Sun 5:00 pm)
Commercial (Weekends)	\$250 / hour (Fri 5:00 pm - Sun 5:00 pm)
Deposit	\$500 / rental
City Hall 1st Floor Conference Room--Non Profit	
Resident	\$21 / hour
Nonresident	\$26 / hour
Commercial	\$32 / hour
Commercial	\$52 / hour
Deposit	\$100 / rental
City Hall Courtyard--Non Profit	
Resident	\$42 / hour
Resident	\$52 / hour
Non Resident	\$63 / hour
Commercial	\$79 / hour
Deposit	\$100 / rental
Outdoor Seating Permit	\$79 / permit
Community Park and Related Facilities*	
Picnic Area #1	\$16 / 4 hours
Non Resident & Commercial	\$21 / 4 hours
Picnic Area #2	\$16 / 4 hours
Non Resident & Commercial	\$21 / 4 hours
Picnic Area # 3	\$16 / 4 hours
Non Resident & Commercial	\$21 / 4 hours
Picnic Area #4	\$37 / 4 hours
Non Resident & Commercial	\$48 / 4 hours
Picnic Area #5 (6 separate areas)	\$30 / 4 hours - 1 table rental \$5 / hour per table when more than 2 tables are rented. 4 hour minimum rental
Picnic Area #5 (6 separate areas) Non Resident & Commercial	\$39 / 4 hours - 1 table rental \$6.50 / hour per table when more than 2 tables are rented, 4 hour minimum rental
Picnic Area #6 large group area	\$250 / day or \$30/hr / 4 hr minimum rental
Non Resident & Commercial	\$325 / day or \$43/hr / 4 hr minimum rental
Picnic Area #5 & #6 Combined	\$400 / day or \$50/hr / 4 hr minimum rental
Non Resident & Commercial	\$520 / day or \$65/hr / 4 hr minimum rental

EXHIBIT A - RESO 2009

Community Park and Related Facilities*	
Picnic Area #7	\$40 / 4 hours
Non Resident & Commercial	\$52 / 4 hours
Sport Field Adult Rental	\$30 / hour (\$28)
Sport Field Youth Rental	\$18 / hour
Grove Park and Related Facilities	
Entire Facility Rental Security Deposits	\$1,500 Deposit for events-no food or beverage \$1,800 Deposit for events - food and beverage \$2,160 Deposit for events closing streets
Gazebo Rental Security Deposits	\$250
Amplified Sound	\$1,000
Entire Facility: Weekends	
Resident and Non-Profit, verification required	\$150 hr/ \$1,200 day
Non-Resident	\$180 hr/ \$1,440 day
Commercial	\$250 hr / \$2,000 day
Special Event Permit/Application Process (non-refundable)	\$250
Entire Facility: Weekdays	
Resident and Non-Profit, verification required	\$100 hr/ \$800 day
Non-Resident	\$120 hr/ \$960 day
Commercial	\$150 hr / \$1,200 day
Gazebo: Weekends	
Resident and Non-Profit, verification required	1 hour minimum rental (4)
Non-Resident	\$105 hr/ \$840 day
Commercial	\$126 hr/ \$1,008 day
Gazebo: Weekdays	
Resident and Non-Profit, verification required	1 hour minimum rental (2)
Non-Resident	\$75 hr/ \$300 day
Commercial	\$90 hr/ \$360 day
Group Picnic Area: Weekends	
Resident and Non-Profit, verification required	4 hour minimum rental 9-5:30 (9-1, 1:30-5:30)
Non-Resident	\$25 hr/ \$175 day
Commercial	\$30 hr/ \$210 day
Group Picnic Area: Weekdays	
Resident and Non-Profit, verification required	4 hour minimum rental 9-5:30 (9-1, 1:30-5:30)
Non-Resident	\$20 hr/ \$160 day
Commercial	\$24 hr/ \$192 day
Plaza Area: Weekends	
Resident and Non-Profit, verification required	4 hour minimum rental 9-5:30 (9-1, 1:30-5:30)
Non-Resident	\$25 hr/ \$175 day
Commercial	\$30 hr/ \$210 day
Plaza Area: Weekdays	
Resident and Non-Profit, verification required	4 hour minimum rental 9-5:30 (9-1, 1:30-5:30)
Non-Resident	\$20 hr/ \$160 day
Commercial	\$24 hr/ \$192 day
Amplified Sound Equipment Use	
Sound Use Fee (Noise Permit also required)	\$21.00 hr
Fountain Operation with Geysers	
	\$324/ 48 hour event

ADMINISTRATIVE FEES	
Document Copying	\$.21 / page (>10 page documents)
Audio Recordings of Meetings	\$20 refundable deposit
Printed documents (e.g. General plan, budget, etc.)	cost
Video Recordings of Meetings	cost
FPPC Document Copying	\$.10 / page
Notary Public Fee - 3 rd Party	\$10 /document
Business License initial registration fee (New Businesses)	\$56
Business License renewal registration fee for all Businesses including Exempt	\$10 \$10 Exempt only
Return check service charge	\$25
Late Payment Charges for Administrative Fines	Ten (10) percent of original fine for every 30 days or portion thereof. The Late Payment Charge shall not exceed 100 percent of the original fine.
NOTES	
Time: means the cost per hour for an employee as determined each July. The determination is based upon salary, benefits, overhead and overtime. Time also means City Engineer's billing (plus 15%), as well as costs of other contracts and expenses.	
Audio recordings are kept for 30 days after minutes are approved.	
Cost: means the cost of materials, labor and supplies.	
Deposits: Deposits are required upon submittal of an application. A minimum deposit is stipulated by these fees. At his or her discretion, the City Manager can reduce the required deposit. Also if in the judgement of staff a minimum deposit is not sufficient the required deposit may be increased. If, after a deposit is made, more funds are needed the applicant will be notified when about 30% of the deposit remains.	
If a development project requires multiple applications, only a single deposit shall be required. In such cases, the amount of the deposit shall be the largest single deposit required by any of the applications, or an amount determined by the City Manager, not to exceed the sum of the deposits.	
All fixed-cost development application fees are refundable based upon the City amount of staff work completed on the processing the application and subject to approval of the City Manager.	
* There are two four hour increments for Community Park Facilities: 11:00 a.m. - 3:00 p.m. & 3:00 p.m. to 7:00 p.m.; no additional charge for hours before a.m. rental or hours after p.m. rental	



Agenda Date: 09/15/09

Agenda Item: 4 (d)

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

CONSENT ITEM

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: September 15, 2009

SUBJECT: Adopt a Resolution accepting letter of confirmation from franchisor and approving transfer of the City's Solid Waste Franchise Agreement from Allied Waste Services to Republic Services, Inc.

RECOMMENDATION

Adopt the Attached Resolution accepting the letter of confirmation from Allied Waste Services, the City franchisor for solid waste and recycling services; and approving transfer of the City's Solid Waste Franchise Agreement from Allied Waste Services to Republic Services, Inc.

BACKGROUND

Allied Waste Systems, dba Pleasant Hill Bayshore Disposal, Inc. ("Franchisee"), is the Franchisee for both solid waste and recyclable materials collection and disposal services in the City, each provided pursuant to a Franchise Agreement entered into on July 2nd, 2002 and amended September 6, 2005. The current agreement expires on December 31, 2012.

The Franchise Agreement provides that City's consent is required for any transfer, sale or assignment of the Franchise. The Agreement further provides that City consent is required for any change in control of the collector and defines "change in control" to mean any sale, transfer or acquisition of collector under certain circumstances. Pursuant to a Stock Purchase Agreement dated June 22, 2008, Republic Services, Inc. planned to, and subsequently did acquire all of the issued and outstanding voting securities of Allied Waste Industries, Inc., the parent company of Franchisee. The City received a dated September 23, 2009, from Allied which summarized the nature of the "merger".

The City Attorney and Allied's legal counsel had differing opinions as to whether the consent clause was applicable to Republic's acquisition; the City contending that its consent was required and Franchisee contending it was not. In order to resolve this difference, the Franchisee, without acknowledging that the consent clause is applicable, agreed to confirm

in writing certain previously unwritten understandings set forth in the attached Letter of Confirmation dated letter dated August 25, 2009 from Allied Waste Services General Manager. ("Exhibit A"). These items either were not specifically covered or fully clarified in the Franchise Agreement, and this documentation will memorialize these previous business arrangements. City staff has reviewed the letter and agrees that it covers the previously undocumented understandings.

FISCAL IMPACT

None. The Franchisee has also agreed to compensate City up to \$10,000 for all its costs and expenses, including but not limited to City staff costs and attorneys' fees, related to the investigation of the acquisition by Republic and relating to the negotiations between City and Franchisee related to the Letter of Confirmation and the approval of Republic's acquisition of Allied Waste Systems, Inc

CONCLUSION

Adopt the Resolution accepting the Letter of Confirmation dated August 25, 2009 from the franchisor, Allied, the City franchisor, and approving transfer of the City's Solid Waste Franchise Agreement from Allied Waste Services to Republic Services, Inc.

Attachments:

Exhibit A: August 25, 2009 Letter of Confirmation from Franchisee (Allied)
Letter of Merger Explanation from Allied dated September 23, 2008

RESOLUTION NO. _____ – 2009

A RESOLUTION ACCEPTING A LETTER OF CONFIRMATION FROM ALLIED WASTE SYSTEMS, INC. dba PLEASANT HILL BAYSHORE DISPOSAL, INC. AND APPROVING THE ACQUISITION OF ALLIED WASTE INDUSTRIES, INC. BY REPUBLIC SERVICES, INC.

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

WHEREAS, Allied Waste Systems, dba Pleasant Hill Bayshore Disposal, Inc. ("Franchisee"), is the Franchisee for both solid waste and recyclable materials collection and disposal services in the City, each provided pursuant to a Franchise Agreement entered into on July 2nd, 2002 and amended September 6, 2005; and

WHEREAS, the Franchise Agreement provides that City's consent is required for any transfer, sale or assignment of the Franchise; and

WHEREAS, the Agreement further provides that City consent is required for any change in control of the collector and defines "change in control" to mean any sale, transfer or acquisition of collector under certain circumstances; and

WHEREAS, pursuant to a Stock Purchase Agreement dated June 22, 2008, Republic Services, Inc. planned to, and subsequently did acquire all of the issued and outstanding voting securities of Allied Waste Industries, Inc., the parent company of Franchisee; and

WHEREAS, a disagreement arose between Franchisee and City as to whether the consent clause was applicable to Republic's acquisition as hereinabove described the City contending that its consent was required and Franchisee contending it was not; and

WHEREAS, Franchisee, without acknowledging that the consent clause is applicable, has agreed to confirm in writing certain previously unwritten understandings as more particularly set forth in the Letter of Confirmation dated letter dated August 25, 2009 from Allied Waste Services General Manager, and hereby incorporated as "Exhibit A" attached hereto and made a part hereof; and

WHEREAS, Franchisee has also agreed to compensate City up to \$10,000 for all its costs and expenses, including but not limited to City staff costs and attorneys' fees, related to the investigation of the acquisition by Republic and relating to the negotiations between City and Franchisee related to the Letter of Confirmation and the approval of Republic's acquisition of Allied Waste Systems, Inc. as more particularly described above; and

WHEREAS, it is in the best interests of the City that Franchisee memorialize and confirm these previously unwritten commitments and understandings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby accept the Letter of Confirmation from Franchisee ("Exhibit A") and based thereon and subject to the obligations described herein consents to the acquisition of Allied Waste Industries, Inc. by Republic Services, Inc.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting of said Council held on September 15, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

JULIE K. PIERCE, Mayor

ATTEST:

Laci J. Jackson, City Clerk



August 25, 2009

Mr. Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, Ca 94517-1250

Received

AUG 28 2009

City of Clayton

Dear Gary:

Because of the acquisition of our parent company, Allied Waste Industries, Inc., by Republic Services, Inc. last December, we have been asked by the City to clarify and confirm several understandings regarding services that will be provided by Allied Waste Systems dba Pleasant Hill Bayshore Disposal, Inc. ("Allied") from and after the date of this letter. Some of the following items reflect services we have already been providing to the City, but which may not be fully documented in our franchise agreement. Others reflect new requests for services from City staff that we are pleased to provide.

Therefore, this will confirm that our company will provide the following services to the City of Clayton as part of our obligations under our franchise agreement with the City:

- Compliance with AB 939 and any subsequent legislation (ie: SB 1016) and any rulemaking of the CIWMB including keeping of all data in Excel format necessary for City to provide reports to the State on compliance – reports shall include monthly data for:
 - Average participation rate (residential recycling)
 - Average pounds setout (residential)
 - Average pounds per house (residential)
 - Total Residential recycling collected (tons)
 - Total residential waste disposed (tons)
 - Total commercial recycling collected (tons)
 - Total commercial waste disposed (tons)
 - Average participation rate greenwaste residential (%)
 - Residential greenwaste collected (tons)
 - Residential diversion rate (%)
 - Commercial diversion rate (%)
 - Total diversion rate (%)
 - Total roll off collected (tons)
 - Monthly material breakdown (greenwaste, wood, concrete, C&D, cardboard, mixed paper, dirt, metal stucco, asphalt, plastic, used oil, used oil filters, CRT's, e-waste, bulky items)
 - Annual data for treecycling (scouts and curbside are not tracked separately; data shall be inclusive for both)

- Disposal amount for each special events such as but not limited to library foundation book sales, Art and Wine, Oktoberfest, 4th of July.
- Recycling amount for each special event such as but not limited to library foundation book sales, Art and Wine, Oktoberfest, 4th of July.
- Trend analysis from 1999 – term of franchise agreement of monthly total residential tons collected and commercial tons collected
-
- Provide Allied staff support at no cost to the City, as follows:
 - Allied representatives to assist City staff in obtaining and answering questions and data necessary for the annual or bi-annual State waste and recycling reports
 - Attendance by Allied staff at meetings with City staff, State staff, and at State meetings and/or hearings.
- Compliance, including documentation related thereto, with any CARB and/or SF Bay Area Air Quality Managements District or related laws, regulations, or rules, of air pollution control laws including that pertaining to Allied vehicles, transfer station and landfill.
- Provide monthly recycle customer service issue report
- Provide at no cost bins/boxes/toters for refuse and recycling and yardwaste including use, delivery, service, and pick up of City events or City co-sponsored events and at all City buildings as specified in the franchise agreement or as mutually agreed upon by both parties.
- Collect and provide data to City of Clayton for applicable event venue refuse and recycling as dictated to the City by CIWMB.
- Provide at no cost annual holiday tree cycling insert to all customers, with extras provided to City, such insert shall also include non profit organization collection information.
- Allow for City non profit organization collection of holiday trees (non flocked) prior to curbside collection of holiday trees to the maximum extent that scheduling permits.
- Provide at no cost pick up of City non-profit organization collected holiday trees (non flocked) from a mutually agreed to central collection area within the City.
- Provide non cart curbside collection of holiday trees (non flocked) after the non profit organization collection as schedule permits.
- Annually direct mail customer service guide (full color) to all residential customers with extras provided to City.
- Provide draft of the annual customer service guide to City for review and approval prior to printing.

- Provide to the City space on the customer bill for billing message of City events or City announcements.
- Provide draft of the proposed billing message for City review/approval prior to printing.
- Upon request by residential customer and/or City, allow residential customers with large lots as determined by City and Allied to upsize to 96 gallon yardwaste cart – such upsizing shall be at the request of the customer and/or City.
- Upon request by residential customer and/or City, allow residential customers to have a 96 gal recycle cart at no additional charge and on a case by case basis.
- Provide yardwaste exemptions to those residential addresses as approved by the City pursuant to the City criteria (i.e., certain patio homes/townhomes/condos, attached single family with HOA's and apartments). No yardwaste charges shall occur to customers for those City approved exemption requests. City shall provide such approvals in written form to Allied.
- Provide to all new customers, customer guide and other recycling information.
- Provide to City periodic reports (at least quarterly) on new customer counts/data.
- Allied to provide and keep updated web site with public and customer education of services and recycle, reduce and reuse information.
- Allied will conduct at their cost periodic or as needed (every two to 4 years) waste and recycling audits of commercial customers to determine effectiveness of customer recycling and trash reduction and identify efforts that may be able to enhance recycling and/or reduce trash.
- Collection and remittance on customer billings at no cost to the City of street sweeping fees on quarterly basis.
- Two free customer scheduled (on call) clean ups for (non recyclables) and four free on-call recycling/yardwaste/cardboard pick ups per year.

We appreciate our long term productive partnership with the City of Clayton. We look forward to working with you in the future.

Sincerely



Timothy M. Argenti
General Manager



September 23, 2008

Mr. Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, Ca 94517-1250

Re: Franchise granted by City of Clayton

Dear Mr. Napper,

As you may have heard, Allied Waste Industries, Inc. ("Allied"), and Republic Services, Inc. ("Republic") and have entered into a merger agreement. Allied is the holding company that is the indirect owner of our parent company, Allied Waste North America, Inc.

Under the merger agreement, a wholly-owned subsidiary of Republic will merge with and into Allied. All outstanding shares of Allied will be acquired by Republic in exchange for shares of Republic common stock. The result of the exchange of Allied shares will be that current Allied shareholders will hold approximately 51.7% of the outstanding shares of Republic after the merger is completed.

Allied will thus remain in existence as a wholly-owned subsidiary of Republic, but the controlling interest in the merged company will be held by Allied's former shareholders.

The merger is currently scheduled to close prior to the end of calendar year 2008, pending necessary shareholder, governmental and other approvals. The combination of Allied and Republic will establish one of the nation's leading waste and environmental service providers. The combined company will have more than 35,000 employees providing unmatched customer service and operating efficiency to more than 13 million customers in 40 states and Puerto Rico. You can find additional information regarding the merger at www.RepublicAllied.com.

The merger will not result in any change in the ownership or management of our company, nor in any sale, lease, mortgage, assignment or other transfer of our Franchise Agreement or of any other assets of our company. Our company will continue as a subsidiary of Allied and will continue to hold and perform under the terms of the Franchise Agreement.

We want to assure you that, following the merger, our company will continue to operate in accordance with Allied's high professional standards and will continue to provide services in full compliance with the terms of the Franchise Agreement.

We are not aware of any provisions of the Franchise Agreement or of any applicable law or regulation that would require the City to approve or consent to the contemplated merger. If you are aware of such a requirement, please direct our attention to it as soon as possible so that we can take whatever action may be necessary to comply with our responsibilities, and treat this letter as a request for the City's consent.

If you have any questions or would like any additional information concerning the contemplated transaction with Republic, please do not hesitate to contact me.

Very truly yours,

Tim Argenti

/s/ Timothy M. Argenti,
General Manager
Allied Waste Systems, Inc. d/b/a
Pleasant Hill Bayshore Disposal

Agenda Date: 09/15/09

Agenda Item: 4 (e)



STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

CONSENT ITEM

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager 

MEETING DATE: September 15, 2009

SUBJECT: Authorization of flat fee donation of \$168 from the Clayton Woman's Club (grant request for \$512) for their Annual Craft Sale on November 21st and 22nd, 2009.

RECOMMENDATION

Authorize a flat fee donation of \$168 from the Clayton Woman's Club (grant request for \$512) for their Annual Craft Sale on November 21st and 22nd, 2009 for use of the Library Community Meeting Room.

BACKGROUND

The Clayton Woman's Club is planning their annual craft sale, a fundraiser for their organization. They have requested use of the Library Community Meeting Room on Saturday November 21st, and Sunday November 22nd, 2009. Under the adopted fee schedule the rates for these days are \$42/hr. plus a \$200 refundable deposit. Currently there are no reservations for the dates requested. The event will be open to the public from 10 a.m. to 5 p.m. with additional time would for event set up and take down. Using the facility for approximately 8 hours each day the rental cost would be \$672. The Clayton Woman's Club uses the proceeds to support various community endeavors.

Using the same method as last seven years approval by the Council for a grant, wherein the organization provided payment for minimum rental costs of 4 hours at the specified rate, the grant would amount to \$512. Thus the reduced rental cost to the Clayton Woman's Club would be \$168 for the two days (calculated at 4 hour minimum @\$42/hr = \$168). This approach would adequately cover direct costs associated with the event such as energy costs, janitorial service and staff time. This is the same amount as last two years (as fee schedule increases approved by the City Council occurred and were applied in 2007).

Subject: Approve flat fee donation of \$168 from the Clayton Woman's Club (grant request for \$512) for their Annual Craft Sale on November 21st and 22nd, 2009

Meeting Date: September 15, 2009

Page 2 of 2

The Woman's Club will provide their own insurance (naming the City as an additional insured) and has already provided the \$200 refundable reservation/damage-cleanup deposit. This organization, their function and event location meets the previously approved City Council banner criteria so no action is needed for this request. They may display their event banner on the community poles for a period of two weeks prior to the event date. The banners per the policy will be removed within 48 hrs after the event is over.

FISCAL IMPACT

The reduced rental fee to \$168 would cover all direct costs; the rental income difference would be \$512 which would have gone to the general fund. This is the same amount that was approved by the City Council for last year's craft fair.

CONCLUSION

Approve the grant requested and authorize a flat fee rental donation of \$168 for the two-day event. Providing the grant would be considered a co-sponsorship by the City and allow for the organization to place their banners on the community event banner pole locations.

Attachments:

Letter from Clayton Valley Woman's Club

GFWC
Clayton Valley Woman's Club
P.O. Box 95, Clayton, California 94517

August 31, 2009

Clayton City Council
6000 Heritage Trail
Clayton, CA 94517

Received

AUG 31 2009

City of Clayton

Dear Council Members:

The Clayton Valley Woman's Club members would like to hold our annual Holiday Boutique in the Community Room at the Clayton Community Library November 20th through November 23rd. We plan to set up on Friday the 20th with the Boutique on Saturday and Sunday the 21st and 22nd. We have used the Community Room for the past nine years and have found it to be a great place for a fundraising event.

We are requesting a grant from the Clayton City Council to help reduce the room use fees. The fee reduction would allow a greater portion of the dollars raised to benefit our community organizations and students. We are very appreciative of the council's past generosity and hope that you will consider our request again this year.

We would like to put banners on Oakhurst Dr., in the gore point between Oak St. and Clayton Rd. and the entry to Clayton on Clayton Rd. The banners would be in place from Nov. 6th through the 22nd to advertise the Holiday Boutique.

The Clayton Valley Woman's Club supports nonprofit organizations in the Clayton/Concord area. As we continue in our 36th year, we look forward to adding to the more than \$200,000 that we have given to various organizations, including the Clayton Community Library and the Clayton Historical Society. We also provide a \$3000 scholarship to a graduate of Clayton Valley High School every year.

We look forward to continuing our support of local organizations through fundraising efforts such as this Holiday Boutique. Thank you for your consideration in this matter.

Very truly yours,


Joyce H. Atkinson
President

Cc: Judy Bates



Agenda Date: 09/15/09

Agenda Item: 4(f)

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 15 SEPTEMBER 2009

SUBJECT: ACTION DECLARING "THE GROVE PARK" FUNCTIONALLY COMPLETE FOR PURPOSE OF 2002 STATE BOND ACT GRANT REIMBURSEMENT

RECOMMENDATION

It is recommended the City Council adopt the prepared Resolution.

BACKGROUND

In 2002, California voters approved the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act known as Proposition 40. Shortened in title to the "2002 Resources Bond Act", a portion of the bond monies (\$326.725 million) was made available statewide under a Per Capita Grant Program to public entities with each assured a minimum grant allocation of \$220,000. By action on 16 September 2003 (City Resolution No. 60-2003), the City Council authorized and instructed staff to apply our Per Capita Grant monies to the construction of a Downtown Park. On September 26th, the City received official approval of our public park purpose, a grant contract number (C0207037) a project number (02-07-019), and was informed the park project must be completed by 30 June 2011.

On 12 January 2008, this Downtown Park (now named "The Grove Park") officially opened for general public access and use and has been available to the public continually since that date. Although the City and the general contractor on the park project remain in dispute as to performance thereby causing delay of a "Notice of Completion", the California Department of Parks and Recreation recently informed the City Manager that despite this status the City can still acquire its Per Capita Grant allocation of \$220,000 by having the City Council declare the public park is "functionally complete" and has been in use by the general public.

Attachment: 1. City Resolution [2 pp.]

RESOLUTION NO. – 2009

**A RESOLUTION DECLARING THAT THE GROVE PARK IS FUNCTIONALLY
COMPLETE AND HAS BEEN AVAILABLE TO AND IN USE
BY THE PUBLIC SINCE JANUARY 12, 2008
(CA PROJECT NO. 02-07-019)**

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

WHEREAS, the City Council of Clayton, California did award a contract to the lowest responsible bidder, JFC Construction Inc. of Martinez, California, at the Council's public meeting on 20 March 2007 for the construction of the Central Park aka the Downtown Park, subsequently renamed "The Grove"; and

WHEREAS, JFC Construction, Inc. (JFC) has alleged that their contracted work is complete and has requested acceptance by the City; and

WHEREAS, under the terms of the contract, JFC Construction, Inc. was obligated to complete the public park construction on November 1, 2007; and

WHEREAS, JFC Construction, Inc. did not allow the City to take possession of the park until January 12, 2008, resulting in a substantial interference with the public's use and enjoyment; and

WHEREAS, the City of Clayton has identified other deficiencies in JFC's performance, has withheld its retention, and it is currently embroiled in a legal dispute with JFC Construction, Inc; and

WHEREAS, notwithstanding the legal dispute and the deficiencies in JFC's performance, the public park is functionally complete and has been in use by the public since January 12, 2008; and

WHEREAS, the City desires now to seek and obtain full payment from the State of California for its State of California 2002 Resources Bond Act per capita grant allocation in the amount of \$220,000 (Project No. 02-07-019); and

WHEREAS, the State of California has required City Council action confirming that the park construction is functionally complete and that the park is available to and in general public use.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby state that as of the date of adoption of this Resolution, The Grove Park, formerly known as the Central Park and the Downtown Park, construction is functionally complete and that the park has been available to and in use by the public since January 12, 2008; and

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to take all required actions and sign all required documents to complete the City's application to the State of California for receipt of the City's per capita grant allocation in the amount of \$220,000 under the 2002 Resources Bond Act (Project No. 02-07-019; Contract No. C0207037).

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 15th day of September 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

JULIE K. PIERCE, Mayor

ATTEST:

Laci J. Jackson, City Clerk

Declaring

September 17 - 23, 2009

as

"U.S. Constitution Week"

WHEREAS, September 17, 2009 marks the two hundred twenty-second anniversary of the drafting of the Constitution of the United States of America by the 1787 Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebration which will commemorate the occasion; and

WHEREAS, as the preamble to the Constitution quotes "*We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*" and

WHEREAS, our Constitution has proven to be an enduring document and powerful framework for establishing and preserving liberty, justice, and opportunity for all of our citizens, and is a shining example to the world; and

WHEREAS, the City of Clayton is eternally grateful to those Americans who daily defend the principles of democracy and freedom guaranteed by this Constitution.

NOW THEREFORE, I, Julie K. Pierce, Mayor, on behalf of the Clayton City Council, do hereby proclaim September 17 through September 23, 2009 as "U.S. Constitution Week" and urge all community members to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.



*Mount Diablo Chapter
Daughters of the American Revolution*

*C. Mayor
C. Clerk
C. Mgr.*
Received
AUG 23
City of Clayton

August 23, 2009

Dear Mayor,

September 17th to September 23rd is a week to commemorate our Constitution. The week of commemoration for America's most important document is one of our country's least known official observances. Our Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties and freedom and to ensure those unalienable rights to every American.

The tradition of celebrating the Constitution was started many years ago by the Daughters of the American Revolution (DAR). In 1955, the Daughters petitioned Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the U. S Congress and signed into Public Law #915 on August 2, 1956, by President Dwight D. Eisenhower. The aims of the celebration are to (1) emphasize citizens responsibilities for protecting and defending the Constitution, preserving it for posterity; (2) inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and (3) encourage the study of the historical events which led to the framing of the Constitution in September, 1787.

On behalf of DAR, we would appreciate it so much if you would issue a proclamation proclaiming the week of September 17-September 23 as National Constitution Week and send it to me. The proclamation will be displayed at our meetings and photos put in the newspaper.

Thank you very much for your attention and participation in this important event.

Best Regards,

Garrie E. Scott

Garrie E. Scott, Regent
Mt. Diablo Chapter DAR
1724 Green Valley Rd.
Danville, CA 94526-1510



Received
AUG 20 2009
City of Clayton

Anne Loucks Chapter
Susan Swindell, Constitution Week Chair
1238 Rolling Hill Ct, Martinez CA 94553-4856

19 Aug 2009

Office of the Mayor
6000 Heritage Trail
Clayton CA 94517

Dear Mayor:

The week of September 17 through 23 has traditionally been designated Constitution Week by proclamation of the President of the United States.

The Anne Loucks Chapter, National Society Daughters of the American Revolution, requests that the City of Clayton will proclaim the week of September 17 through 23 as Constitution Week. This provides an excellent opportunity for residents of Clayton to celebrate and reflect upon the quality of our basic government and those who originated this form of government. I've enclosed a sample proclamation.

The Anne Loucks Chapter will be providing a display in the Clayton Library during the month of October, as the month of September was assigned to someone else. We will be featuring the United States Constitution and will display your proclamation as part of this exhibit.

Please send the proclamation to me at the above address. We appreciate your assistance.

Sincerely,

Susan Swindell

**Declaring
September 21 – 27, 2009
“Fall Prevention Awareness Week”**

WHEREAS, it is estimated that nearly 15% of Contra Costa County's estimated 1,025,000 people are 60 years of age or older; and

WHEREAS, it is estimated that one-third of adults over the age of 60 and 50% of adults over the age of 80 will fall each year, with resultant medical costs from each fall-related hospitalization estimated at \$52,447; and

WHEREAS, falls are the leading cause of injury deaths among people over the age of 60, and the leading cause of doctor visits, hospital admissions, and emergency room visits; and

WHEREAS, in 2006, 2,152 older adults in Contra Costa County suffered injuries from a fall great enough to result in hospitalization and in 35 deaths; and

WHEREAS, falling, and the fear of falling, can lead to depression, isolation, diminished mobility, and loss of functional independence; and

WHEREAS, injuries from falls are a largely preventable community health problem; and

WHEREAS, the cause of falls is composed of multiple contributing factors including lack of strength in the lower extremities, the use of multiple medications, reduced vision, chronic health problems, and unsafe environments; and

WHEREAS, concentrated efforts are being made in Contra Costa County to reduce falls and fall-related injuries by using multi-faceted interventions; and

WHEREAS, at the state level SCR 77 (D-Lowenthal) declaring a Fall Prevention Awareness Week, has passed the California Senate and the Assembly; and

WHEREAS, at the federal level the Safety of Seniors Act of 2007 (S. 845) was passed in April. This bill calls for the expansion of public health programs, educational outreach, and research activities related to fall prevention.

NOW THEREFORE, I, Julie K. Pierce, Mayor, on behalf of the Clayton City Council, do hereby proclaim the week of September 21, 2009, as “**FALL PREVENTION AWARENESS WEEK**” in the City of Clayton and call upon citizens and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

DECLARING

OCTOBER 2009

DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, violence against women and children continues to become more prevalent as a social problem; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, and societal barriers; and

WHEREAS, 30 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, serving 10,000 clients annually; 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, Mayor on behalf of the Clayton City Council, do hereby proclaim October 2009 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.



Agenda Date: 09/15/09

Agenda Item: 8(a)

Approved

Gary A. Napper, City Manager

CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and Councilmembers

**FROM: Milan J. Sikela, Jr.
Assistant Planner**

DATE: September 15, 2009

SUBJECT: Amendments to Clayton Municipal Code (ZOA 02-09) Related to Clarifying the Intent and Addressing Outdated References of Section 17.36.020 (Building Height Restrictions)

RECOMMENDATION

It is recommended that the City Council approve Introduction and First Reading of Ordinance No. 424 amending the Clayton Municipal Code to remove specified outdated references and to clarify the intent of Section 17.36.020 (Building Height Restrictions).

DISCUSSION

At the Planning Commission meetings of August 11, 2009 and August 25, 2009, the Planning Commission considered the matter of removing outdated references to building height restrictions in Section 17.36.020 of the Clayton Municipal Code as well as clarifying the intent of this Section. The reason for considering this matter was a concern that this Section allows certain structures and buildings that are incompatible with Clayton's development character to be exempt from building height restrictions. This Section refers to such structures and buildings as stacks, oil derricks, and gas derricks which are inappropriate for Clayton's zoning districts. At the present time, Section 17.36.020 of the Municipal Code reflects language from Ordinance No. 52, which was adopted by the City Council in 1968. Currently, this Section reads as follows:

"The limits of heights of structures or buildings established in this title for any district shall not apply to chimneys, stacks, fire towers, radio towers, television towers, water towers, windmills, oil and gas well derricks, wind chargers, grain elevators, penthouses, cupolas, spires, belfries, domes, monuments, flagpoles, telephone poles, telegraph poles, silos, water tanks, and necessary mechanical appurtenances attached to buildings..."

The attached draft Ordinance No. 424 reflects the removal of outdated language and clarifies the intent that the exemption to height limits for the specified structures and buildings assumes that the structures, buildings, and related uses would otherwise be permitted by right or with a Use Permit in the underlying zoning district. These adjustments and the matter of clarification of intent resulted from the review and recommendation being forwarded by the Planning Commission. The Commission's recommendation further specifies that windmills, wind chargers, and other wind-harnessing structures and buildings be permitted by right in the City's Agricultural District. The attached draft Ordinance includes an amendment to Section 17.12.020 (Agricultural District) to allow these structures and buildings.

The Commission also directed staff to add wording that allows windmills, wind chargers, and other wind-harnessing structures and buildings in other districts, except within the Town Center Specific Plan area, to be located on lots that are 40,000 square feet in area or larger, subject to Use Permit review and approval. The Use Permit process would be used to ensure that these proposals on lots that are 40,000 square feet in area or larger and not located in an Agricultural District be compatible with surrounding properties.

Finally, in order to ensure that the City retains the ability to assure the compatibility of the structures and buildings that may be considered, wording has been provided that allows the Community Development Director to refer a structure or building to the Planning Commission for Site Plan Review Permit approval, if the Director believes that the structure or building may not be compatible with the character of the surrounding neighborhood.

ATTACHMENTS

- 1 Ordinance No. 424
- 2 August 23, 2009 Planning Commission Staff Report
- 3 August 23, 2009 Planning Commission Minutes [excerpt]
- 4 Planning Commission Resolution No. 02-09

ZOA\2009\02-09.sr4

ORDINANCE NO. 424

**AMENDMENT OF SECTION 17.36.020 (BUILDING HEIGHT RESTRICTIONS)
AND RELATED AMENDMENTS ADDING LANGUAGE TO
SECTION 17.12.020 AND SECTION 17.60.030
OF THE CLAYTON MUNICIPAL CODE TO CLARIFY THE INTENT
AND ADDRESS REFERENCES TO OUTDATED STRUCTURES AND BUILDINGS
(ZOA 02-09)**

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

THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:

WHEREAS, Section 17.36.020 of the Municipal Code allows certain structures and buildings to be exempt from building heights; and

WHEREAS, Section 17.36.020 of the Municipal Code contains references to certain outdated structures and buildings; and

WHEREAS, it is determined to be beneficial to amend Section 17.36.020 and related Sections of the Clayton Municipal Code to clarify the intent of this Section to address height limitations of structures and buildings otherwise permitted in the respective districts and to remove references to outdated structures and buildings so that these structures and buildings are no longer exempt from building heights and, as a result, will not negatively impact the neighborhoods within Clayton; and

WHEREAS, an amended version of Section 17.36.020 of the Municipal Code has been prepared in order to clarify the intent of this Section and to remove references to outdated structures and buildings; and

WHEREAS, an amended version of Sections 17.12.020 and 17.60.030 of the Municipal Code have been prepared in order to provide consistency with the amendments to Section 17.36.020; and

WHEREAS, the Planning Commission held duly-noted public hearings on August 11, 2009 and August 25, 2009 to address the matters of clarifying the intent and addressing references to outdated structures and buildings of Section 17.36.020 as well as amending Sections 17.12.020 and 17.60.030; determined that these amendments of the Municipal Code involve minor alterations of land use limitations which would not result in any changes in land use or density and would qualify for categorical exemptions from the California Environmental Quality Act (CEQA) in accordance with Section 15305 of the State CEQA Guidelines; determined that these amendments would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of these amendment; and recommended City Council approval of these amendment; and

WHEREAS, on September 15, 2009 and [month] [day], 2009, the City Council held duly-noticed public hearings and gave due consideration to all testimony, comments, and documents received; and

WHEREAS, the City Council determined that the amendment of the Municipal Code involves minor alterations of land use limitations which would not result in any changes in land use or density and would qualify for categorical exemptions from the California Environmental Quality Act (CEQA) in accordance with Section 15305 of the State CEQA Guidelines; and

WHEREAS, the City Council determined that the following amendment would be in general conformance with the General Plan; and

WHEREAS, the City Council determined that the public necessity, convenience, and general welfare would require adoption of the amendment; and

WHEREAS, there is no evidence that the amendments will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 17.36.020 of the Municipal Code is amended to read as follows:

“17.36.020 Building Height Restrictions. The limits of heights of structures or buildings established in this title for any district in which the structures or buildings would otherwise be permitted shall not apply to chimneys, stacks, fire towers, radio towers, television towers, water towers, windmills, oil and gas well derricks, wind chargers, grain elevators, penthouses, cupolas, spires, belfries, domes, monuments, flagpoles, telephone poles, telegraph poles, utility poles, silos, water tanks, and necessary mechanical appurtenances attached to buildings. Windmills, wind chargers, and other wind-harnessing structures and buildings are permitted by right in the Agricultural (A) District or with a Use Permit on lots in any zone except within the Town Center Specific Plan area that are greater than 40,000 square feet in area. In all cases, parapets or fire walls on buildings or structures otherwise conforming to the regulations established in this title may be constructed not higher than a maximum of three feet in height.

If any of the structures and buildings listed in the Section are proposed for construction in a manner that, in the judgement of the Community Development Director, may not comply with the intent of this Section or may not comply with Standards of Review listed in Section 17.44.040, the Director shall require the structure or building to be subject to a Planning Commission Site Plan Review Permit review and approval.”

SECTION 2. Section 17.12.020.D of the Municipal Code is added to read as follows:

“D. Windmills, wind chargers, and other wind-harnessing structures and buildings.”

SECTION 3. Section 17.60.030.A.16 of the Municipal Code is added to read as follows:

“16. Windmills, wind chargers, and other wind-harnessing structures and buildings. * ”

SECTION 4. If any provision of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinance and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on September 15, 2009.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on [month] [day], 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

Julie K. Pierce, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Dan Adams, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 15, 2009, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on [month] [day], 2009.

Laci J. Jackson, City Clerk

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**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: August 25, 2009

From: Milan Sikela, Jr. *MS*
Assistant Planner

Subject: Amendments to Clayton Municipal Code (ZOA 02-09) Related to Clarifying the Intent and Addressing Outdated References of Section 17.36.020 (Building Height Restrictions)

BACKGROUND AND DISCUSSION

At its meeting of August 11, 2009, the Planning Commission held a public hearing to review possible amendments to the Clayton Municipal Code regarding clarifying the intent of Section 17.36.020 to address height limitations of structures and buildings that otherwise would be permitted in a respective district and to address references to outdated structures and buildings in this Section. During the August 11th meeting, the Commission provided the following direction:

- Supported considering further amendments to the Municipal Code to allow structures and buildings listed in Section 17.36.020 to be permitted by right or conditionally permitted with a Use Permit.
- Chair Catalano requested that the wording of the proposed provision that gives the Community Development Director the authority to refer applications to the Planning Commission for consideration refer to "structures and buildings" similar to other provisions being recommended.

The Commission had concerns about ensuring compatibility with surrounding properties for windmills proposed on lots that are 40,000 square feet in area but not located in an Agricultural District. Staff has added the necessary proposed modifications to Section 17.060.020 (Use Permits) in the attached draft Ordinance. These proposed changes would allow the Use Permit process to be used to ensure that all windmill proposals on lots that are 40,000 square feet in area or larger and not located in an Agricultural District be compatible with surrounding properties. Additionally, staff has also provided the necessary proposed modifications to Section 17.12.020 (Agricultural District) to allow windmill proposals to be permitted by right. As was indicated by staff at the August 11th meeting, there is a proposed clause in the draft wording that allows the Community Development Director to refer a structure to the Planning Commission if the Director believes that the structure may not be compatible, given that it exceeds the height limit of the applicable district.

Mechanical Appurtenances

Staff has researched the Municipal Code for references to mechanical appurtenances and found that there were no conflicts with the proposed Code amendments.

RECOMMENDATION

Staff recommends that the Planning Commission approve Resolution No. 03-09 which recommends City Council approval of an ordinance to amend Section 17.36.020 of and add Sections 17.12.020.D and 17.60.030.A.16 to the Municipal Code regarding clarifying the intent of Section 17.36.020 to address height limitations of structures and buildings that otherwise would be permitted in a respective district and to address (i.e., remove or modify) references to outdated structures in this Section.

ATTACHMENT

Clayton Planning Commission Resolution 03-09 with draft ordinance.

ZOA\2009\02-09.sr3

**Minutes
City of Clayton Planning Commission Meeting
Tuesday, August 25, 2009
Excerpt**

Call to Order

Chair Catalano called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Tuija Catalano, Commissioner Bob Armstrong, Commissioner Sandra Johnson, Commissioner Ted Meriam, Commissioner Dan Richardson

Absent: None

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

- 3A. **ZOA 02-09, Municipal Code Amendment, City of Clayton.** A public hearing regarding amendments to Clayton Municipal Code Section 17.36.020 (Building Height Restrictions) to consider removing specified outdated building height references and to clarify the purpose of this Section. *Continued from the Planning Commission meeting of August 11, 2009.*

Assistant Planner Sikela presented the staff report.

Commission comments and questions included:

- Are the supporting amendments described in the staff report included in the proposed ordinance amendment? Assistant Planner Sikela indicated that, yes, these amendments were added to the draft ordinance.
- Why was the threshold of 40,000 square feet added for windmills and wind chargers located on non-agriculturally designated properties? Staff and Commissioner Richardson clarified that it was determined that there may be opportunities for these structures and uses to be beneficially utilized in other districts, but that a certain minimum property size should be determined to address compatibility issues related to visual impacts and noise.
- The term “structures and buildings” needs to be added to paragraph two of Section 1 of the draft ordinance.

Commissioner Richardson moved and Commissioner Catalano seconded a motion to approve Resolution No. 03-09, thereby recommending City Council approval of the draft ordinance amendment pertaining to Section 17.36.020 (Building Height Restrictions). The motion passed 5-0.

CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 03-09

AMENDMENT OF SECTION 17.36.020 (BUILDING HEIGHT RESTRICTIONS)
AND RELATED AMENDMENTS ADDING LANGUAGE TO
SECTION 17.12.020 AND SECTION 17.60.030
OF THE CLAYTON MUNICIPAL CODE TO CLARIFY THE INTENT
AND ADDRESS REFERENCES TO OUTDATED STRUCTURES AND BUILDINGS
(ZOA 02-09)

Whereas, the Planning Commission held a duly-noticed study session on July 14, 2009 to review the proposed amendments to Section 17.36.020 of the Municipal Code to remove references to outdated structures and buildings; and

Whereas, at the July 14, 2009 Planning Commission study session, the Planning Commission directed staff to prepare a draft ordinance amendment, which staff completed, to modify Section 17.36.020 of the Municipal Code to clarify the intent of this Section and to address the issue of height limitations pertaining to structures and buildings otherwise permitted in the respective districts and to remove references to outdated structures and buildings; and

Whereas, the Planning Commission held duly-noticed public hearings on August 11, 2009 and August 25, 2009 on the amendments to the wording in Section 17.36.020, additions to Section 17.12.020, and additions to Section 17.60.030 of the Municipal Code; and

Whereas, the Planning Commission considered the public testimony and staff reports received at the August 11, 2009 and August 25, 2009 meetings; and

Whereas, the amendments to the wording in Section 17.36.020, additions to Section 17.12.020, and additions to Section 17.60.030 of the Municipal Code are exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15305 of the CEQA Guidelines.

Now, Therefore, Be it Resolved That:

Section 1. The Planning Commission determines that the proposed amendments to the Municipal Code related to references to clarifying the intent and addressing references to outdated structures and buildings related to Section 17.36.020 described in the **Attachment** would be in general conformance with the General Plan, including any affected implementation programs, and would be in the public interest as well as support the public necessity, convenience, and general welfare.

Section 2. The Planning Commission recommends that the City Council approve the proposed amendments of the Clayton Municipal Code related to clarifying the intent and addressing references to outdated structures and buildings related to Section 17.36.020.

Adopted by the Planning Commission on August 25, 2009.

Resolution No. 03-09

Page 2

APPROVED

ATTEST

Tuija Catalano
Chair

David Woltering, AICP
Community Development Director

Attachment: Draft ordinance for amending Section 17.36.020 and adding to Sections 17.12.020 and 17.60.030 of the Municipal Code

ORDINANCE NO. ____

**AMENDMENT OF SECTION 17.36.020 (BUILDING HEIGHT RESTRICTIONS)
AND RELATED AMENDMENTS ADDING LANGUAGE TO
SECTION 17.12.020 AND SECTION 17.60.030
OF THE CLAYTON MUNICIPAL CODE TO CLARIFY THE INTENT
AND ADDRESS REFERENCES TO OUTDATED STRUCTURES AND BUILDINGS
(ZOA 02-09)**

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

THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:

WHEREAS, Section 17.36.020 of the Municipal Code allows certain structures and buildings to be exempt from building heights; and

WHEREAS, Section 17.36.020 of the Municipal Code contains references to certain outdated structures and buildings; and

WHEREAS, it is determined to be beneficial to amend Section 17.36.020 and related Sections of the Clayton Municipal Code to clarify the intent of this Section to address height limitations of structures and buildings otherwise permitted in the respective districts and to remove references to outdated structures and buildings so that these structures and buildings are no longer exempt from building heights and, as a result, will not negatively impact the neighborhoods within Clayton; and

WHEREAS, an amended version of Section 17.36.020 of the Municipal Code has been prepared in order to clarify the intent of this Section and to remove references to outdated structures and buildings; and

WHEREAS, an amended version of Sections 17.12.020 and 17.60.030 of the Municipal Code have been prepared in order to provide consistency with the amendments to Section 17.36.020; and

WHEREAS, the Planning Commission held duly-noted public hearings on August 11, 2009 and August 25, 2009 to address the matters of clarifying the intent and addressing references to outdated structures and buildings of Section 17.36.020 as well as amending Sections 17.12.020 and 17.60.030; determined that these amendments of the Municipal Code involve minor alterations of land use limitations which would not result in any changes in land use or density and would qualify for categorical exemptions from the California Environmental Quality Act (CEQA) in accordance with Section 15305 of the State CEQA Guidelines; determined that these amendments would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of these amendment; and recommended City Council approval of these amendment; and

WHEREAS, on [month] [day], 2009 and [month] [day], 2009, the City Council held duly-noticed public hearings and gave due consideration to all testimony, comments, and documents received; and

WHEREAS, the City Council determined that the amendment of the Municipal Code involves minor alterations of land use limitations which would not result in any changes in land use or density and would qualify for categorical exemptions from the California Environmental Quality Act (CEQA) in accordance with Section 15305 of the State CEQA Guidelines; and

WHEREAS, the City Council determined that the following amendment would be in general conformance with the General Plan; and

WHEREAS, the City Council determined that the public necessity, convenience, and general welfare would require adoption of the amendment; and

WHEREAS, there is no evidence that the amendments will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 17.36.020 of the Municipal Code is amended to read as follows:

“17.36.020 Building Height Restrictions. The limits of heights of structures or buildings established in this title for any district in which the structures or buildings would otherwise be permitted shall not apply to chimneys, ~~stacks~~, fire towers, ~~radio towers~~, ~~television towers~~, water towers, ~~windmills~~, ~~oil and gas well derricks~~, ~~wind chargers~~, ~~grain elevators~~, ~~penthouses~~, cupolas, spires, belfries, ~~domes~~, monuments, flagpoles, ~~telephone poles~~, ~~telegraph poles~~, ~~utility poles~~, ~~silos~~, water tanks, and necessary mechanical appurtenances attached to buildings. Windmills, wind chargers, and other wind-harnessing structures and buildings are permitted by right in the Agricultural (A) District or with a Use Permit on lots in any zone except within the Town Center Specific Plan area that are greater than 40,000 square feet in area. In all cases, parapets or fire walls on buildings or structures otherwise conforming to the regulations established in this title may be constructed ~~not higher than~~ a maximum of three feet in height.

If any of the structures and buildings listed in the Section are proposed for construction in a manner that, in the judgement of the Community Development Director, may not comply with the intent of this Section or may not comply with Standards of Review listed in Section 17.44.040, the Director shall require the structure or building to be subject to a Planning Commission Site Plan Review Permit review and approval.”

SECTION 2. Section 17.12.020.D of the Municipal Code is added to read as follows:

“D. Windmills, wind chargers, and other wind-harnessing structures.”

SECTION 3. Section 17.60.030.A.16 of the Municipal Code is added to read as follows:

"16. Windmills, wind chargers, and other wind-harnessing structures.*"

SECTION 4. If any provision of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinance and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on [month] [day], 2009.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on [month] [day], 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

Julie K. Pierce, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Dan Adams, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on [month] [day], 2009, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on [month] [day], 2009.

Laci J. Jackson, City Clerk

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Agenda Date: 09/15/09

Agenda Item: 9(a)

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: SEPTEMBER 15, 2009

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 423 MODIFYING CHAPTER 10.36 BY ADDING SECTIONS 10.36.041, 10.36.042, 10.36.201, 10.36.330 AND DELETING SECTION 10.36.060 IN ORDER TO ENHANCE PARKING ENFORCEMENT IN THE CITY OF CLAYTON

RECOMMENDATION

It is recommended that the City Council receive public comments on Ordinance No. 423, and approve the following motions:

1. Motion to have the City Clerk read Ordinance No. 423 by title and number only and to waive further reading; and
2. Following the City Clerk's reading, a motion to adopt Ordinance No. 423.

BACKGROUND

On September 1, 2009 during a public meeting the City Council introduced and held the first reading of proposed Ordinance No. 423 which modifies Chapter 10.36 by adding sections 10.36.041, 10.36.042, 10.36.201, 10.36.330, and deleting section 10.36.060. This modification will enhance parking enforcement in the City of Clayton. After holding the public meeting the City Council approved the first reading and continued this matter until September 15, 2009 for second reading and a motion to adopt Ordinance No. 423. City Council Agenda Report, dated September 1, 2009 and Ordinance No. 423 are attached for review.

Attachments: Attachment-
1. Ordinance No. 423 [5 pp.]
2. City Council Agenda Report, Sep 1, 2009 [3 pp.]

ORDINANCE NO. 423

AN ORDINANCE MODIFYING CHAPTER 10.36 OF THE CLAYTON MUNICIPAL CODE BY ADDING SECTIONS 10.36.041, 10.36.042, 10.36.201 AND 10.36.330 TO TITLE 10 ENTITLED "VEHICLES AND TRAFFIC" IN ORDER TO ENHANCE THE CITY'S ABILITY TO ENFORCE PARKING LAWS

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

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

Section 1 Findings Purpose and Intent

The City Council of the City of Clayton ("City") has determined that it is necessary to modify Chapter 10.36 of the Clayton Municipal Code by adding sections 10.36.041, 10.36.042, 10.36.201 and 10.36.330. Accordingly, this Ordinance is adopted to amend Title 10 of the Clayton Municipal Code in order to enhance the City's ability to enforce parking laws. The Ordinance is adopted based upon the matters set forth herein and as set forth in the Staff Report which accompanies this Ordinance, said Staff Report being incorporated herein by reference, and based upon any public comments received at the regular public meetings of the City Council on this Ordinance.

Section 2 Amendment of Title 10 of the Clayton Municipal Code

a) Sections 10.36.041, 10.36.042, 10.36.201 and 10.36.330 are added to Title 10 of the Municipal Code to read as follows:

"10.36.041 Prohibited Stopping, Standing, or Parking.

No person shall park, stop, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of peace officer or official traffic control device in any of the following locations:

- A. Within any intersection, except adjacent to curbs as may be permitted by local ordinance.
- B. On any crosswalk, except that a bus engaged as a common carrier or a taxi cab may stop in an unmarked crosswalk to load and unload passengers.
- C. Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb.

- D. Within 15 feet of any driveway entrance to any fire station. This section does not apply to fire department vehicles.
- E. In front of a public or private driveway, except that a bus engaged as a common carrier, school bus, or taxi cab may stop to load and unload passengers.
- F. On any portion of a sidewalk, or with the body of the vehicle extending over any portion of a sidewalk, except for electric carts when authorized by local ordinance. Lights, mirrors, or other safety devices required to be mounted onto the vehicle may extend over the sidewalk to a distance of not more than 10 inches.
- G. Alongside or opposite any street or highway excavation or obstruction when stopping, standing, or parking would obstruct traffic movement.
- H. On the roadway side of any vehicle stopped, standing, or parked at the curb or edge of a street, or highway, except a school bus when stopped to load or unload passengers in a business or residence district where the speed limit is 25mph or less.
- I. In any curb space designated for the loading and unloading of passengers of a bus engaged as a common carrier when indicated by a sign.
- J. In front of or upon that portion of a curb that has been cut down, lowered, constructed to provide wheelchair accessibility.
- K. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, except to avoid along the edge of any highway, street, at any curb, in any location in a publicly or privately owned parking facility designated as a Fire Lane. The designation shall be marked with a sign, red curb paint, or by painted lettering on the pavement marked, "Fire Lane" adjacent to the fire lane.

10.36.042 Parking in spaces for the Disabled.

- A. It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8 of the California Vehicle Code, unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 of the California Vehicle Code or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59 of the California Vehicle Code.
- B. It is unlawful for any person to obstruct, block, or otherwise bar access to those parking stalls or spaces except as provided in subsection (A).
- C. It is unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate or a distinguishing placard issued pursuant to sections provide in subsection (A) in either of the following places:
 - 1. On the lines marking the boundaries of a parking stall or space designated for disabled persons or disabled veterans.
 - 2. In any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines and is thereby designated, pursuant to any local ordinance, for the loading and unloading of vehicles parked in the stall or space.
- D. Subsections (A), (B), and (C) apply to all off street public or private parking facilities.

10.36.201 Unauthorized removal of signs, chalk, or tire markings.

A. No unauthorized persons, in an effort to avoid parking restrictions, shall remove, wipe off or obliterate any signs, chalk marks or other tire markings placed on a vehicle or vehicle's tires by a police officer, or person authorized by the City of Clayton for the enforcement of parking laws, ordinances or regulations.

10.36.330 Leaving Keys in a Parked Vehicle

A. It shall be unlawful for the operator of any vehicle to leave the ignition key of such vehicle in any unconcealed place within such vehicle while parking on any public parking lot or public parking facility."

b) Section 10.36.060 entitled Parking for Demonstration is hereby deleted.

Section 3 **Action to Challenge This Ordinance**

Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after its effective date.

Section 4 **Conflicting Ordinances Repealed**

Any ordinance or part thereof, or regulations in conflict with the provisions of this ordinance, are hereby repealed. The provisions of this ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this ordinance.

Section 5 **Severability**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council has declared that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase thereof be declared unconstitutional, invalid or ineffective.

Section 6 **Effective Date and Publication**

This ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, upon its effective date the City Clerk is directed to incorporate Section 2 of this Ordinance to the Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2009.

PASSED, ADOPTED AND ORDERED POSTED at a regular public meeting of the City Council of Clayton, California on the ____ day of _____ 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

J. Daniel Adams, City Attorney,

Gary A. Napper, City Manager

* * * * *

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of Clayton, California held the ____ day of August 2009, and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on _____, 2009.

Laci J. Jackson, City Clerk

Ordinance 423 090826
JDA:lac
Clayton:Ordinances by JDA



Agenda Date: 09/15/09

Agenda Item: 9(b)

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: SEPTEMBER 15, 2009

SUBJECT: A RESOLUTION AMENDING THE UNIFORM PENALTY SCHEDULE FOR PARKING VIOLATIONS WITHIN THE CITY OF CLAYTON

RECOMMENDATION

Adopt the attached Resolution (Attachment A) amending the monetary penalty schedule for parking violations that occur within the city of Clayton, pursuant to Chapter 10.38 of the *Clayton Municipal Code*.

BACKGROUND

Ordinance No. 310 of the *Clayton Municipal Code* (adopted on December 7, 1993) established a schedule of parking penalties for *Municipal* and *California Vehicle Code* parking violations that occur within the city of Clayton. The Clayton City Council, pursuant to Section 10.38.010 of the *Clayton Municipal Code*, is authorized to amend the associated Uniform Schedule of Parking Penalties by City Council resolution.

The uniform schedule of parking penalties was last amended on April 21, 2009 when the City Council adopted Resolution 07-2009. This action was accomplished in order to recover costs associate with the passage of Senate Bill 1407 establishing an additional penalty assessment for Municipal Code parking violations, effective January 1, 2009.

DISCUSSION

When the City Council adopted Resolution No. 07-2009 it was done with staff's understanding the City Council had the authority to amend parking penalties for both Municipal and Vehicle Code parking violations. However, the County's Office of Revenue Collections (ORC) recently advised staff that city councils only have authority to establish

parking penalties on local laws. The State of California, through the State Legislature, preserved the authority to set penalties for violations of the California Vehicle Code, and unfortunately has not increased those penalties in recent years to promote deterrence or recover local law enforcement issuance expenses. ORC suggested, as an alternative, that cities establish their own local laws that mirror the CA Vehicle Code and then set appropriate parking penalties for local law violations.

As a result, on September 1, 2009 during a public meeting the City Council introduced and held the first reading of proposed Ordinance No. 423 which modifies Chapter 10.36 by adding sections 10.36.041, 10.36.042, 10.36.201, 10.36.330, and deleting 10.36.060. The new sections are similar to the CA Vehicle Code. These modifications were made in an effort to enhance parking enforcement in the City of Clayton. During that meeting, the City Council approved the first reading and continued the matter until September 15, 2009 for second reading and a motion to adopt Ordinance No. 423. Upon the City Council adopting Ordinance No. 423 on September 15th, the effective date for the newly adopted ordinance will be October 15, 2009, or 30 days from September 15, 2009.

In order to continue providing a strong deterrence for parking violations, staff recommends the City Council amend our Uniform Schedule for Parking Penalties and proposes the following penalties for each of the newly modified parking violations:

- **\$46** for each of the following parking violations: Sections: 10.36.041 (a thru h), 10.36.201, and 10.36.330.
- **\$111** for a violation of Section 10.36.041 (k).
- **\$319** for a violation of sections 10.36.041 (i) and (j).
- **\$319** for a violation of sections 10.36.042 (a-c).

These penalties are similar to penalties already established for other Clayton Municipal Code parking violations and include State imposed assessments for the Criminal Justice Construction Fund and State Court Facilities Construction Fund. In addition, the proposed Schedule of Parking Penalties eliminates penalties for CA Vehicle Code parking violations. The proposed Schedule of Parking Penalties is included as Attachment B. The prepared Resolution specifically states these penalties do not go into effect until October 15, 2009, when the underlying local law becomes effective (i.e. Ordinance No. 423).

FISCAL IMPACT

Fiscal impact to the City is unknown at this time. However, upon the approval of the proposed modification of the *Clayton Municipal Code*, by adding similar parking violations as the CA Vehicle Code, coupled with the adoption of this Resolution, staff anticipates an increase of penalty revenue.

Attachments: A. Resolution
 B. Proposed Schedule of Parking Penalties

RESOLUTION NO. - 2009

**A RESOLUTION AMENDING THE UNIFORM SCHEDULE OF PARKING
PENALTIES FOR VIOLATIONS OF MUNICIPAL CODE SECTIONS 10.36.041,
10.36.042, 10.36.201, 10.36.330 OCCURRING WITHIN THE CITY OF CLAYTON**

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

WHEREAS, on December 7, 1993, the City Council adopted Ordinance No. 310 of the City of *Clayton Municipal Code* thereby setting the Uniform Schedule for Parking Violations occurring in the City of Clayton; and

WHEREAS, the City Council is authorized pursuant to Section 10.38.010 of the *Clayton Municipal Code* to periodically amend the schedule for parking violations by enactment of a Council resolution; and

WHEREAS, on September 1, 2009 the City Council approved a motion to adopt Ordinance No. 423 for Introduction and First reading, which amends Title 10, modifying the *Clayton Municipal Code* by adding Sections 10.36.041, 10.36.042, 10.36.201, 0.36.330, and deleting section 10.36.060; and

WHEREAS, after Introduction and First Reading of Ordinance No. 423, the City Council continued the matter to September 15, 2009 for Second Reading and a motion to adopt Ordinance No. 423, which action did occur at its regular public meeting on September 15th; and

WHEREAS, the Uniform Schedule of Parking Penalties does not currently list penalties for violations of Sections 10.36.041, 10.36.042, 10.36.201, 0.36.330 of the *Clayton Municipal Code*; and

WHEREAS, the City Council deems a penalty of \$46.00 to be a valid and appropriate penalty for violations of Sections 10.36.041 (a-h), 10.36.201, and 10.36.330 in order to enhance parking enforcement; and

WHEREAS, the City Council deems a penalty of \$111.00 to be a valid and appropriate penalty for a violation of Section 10.36.041 (k); and

WHEREAS, the City Council deems a penalty of \$319.00 to be a valid and appropriate penalty for a violations of Sections 10.36.041 (i-j) and Sections 10.36.042 (a-c); and

WHEREAS, the recommended penalties of \$46.00, \$111.00 and \$319.00 for violations of the *Clayton Municipal Code*, listed above, will become effective on October 15, 2009, concurrent with the effective date of Ordinance No. 423.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby amend and revise the Uniform Schedule of Parking Penalties for Parking Violations as listed on Exhibit "A", attached hereto and adopted herein as if fully set forth in this Resolution, to establish and set penalties for violations of *Clayton Municipal Code* described above; and

BE IT FURTHER RESOLVED that said parking penalties shall be effective on October 15, 2009 upon adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 15th day of September 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk

Chapter 10.38SCHEDULE OF PARKING PENALTIES FOR PARKING VIOLATIONSSections:

10.38.010 Uniform Schedule of Parking Penalties for Parking Violations

10.38.010 Uniform Schedule of Parking Penalties for Parking Violations: Effective forthwith, a new schedule of parking penalties for parking violations within the City of Clayton, both as to Clayton Municipal Code and California Vehicle Code violations, is established as set forth in an attachment to Ordinance No. 310, adopted December 7, 1993. The schedule of parking penalties may be amended from time to time by Council resolution. (Ord. 310, 1993) (Amended by Resolution No. -2006, 8/15/06)

Uniform Schedule of Parking Penalties for Parking Violations (Clayton Municipal Code)

10.36.020	Stopping or standing in parkways prohibited	\$ 46
10.36.040	No parking areas designated	46
10.36.041(a)	Blocking an Intersection.	46
10.36.041(b)	Blocking Crosswalk	46
10.36.041(c)	Parking adjacent to Safety Zone.	46
10.36.041(d)	Parking 15' Fire Station Driveway	46
10.36.041(e)	Blocking Driveway	46
10.36.041(f)	Blocking Sidewalk	46
10.36.041(g)	Blocking Excavation.	46
10.36.041(h)	Double Parking.	46
10.36.041(i)	Bus Zone.	319
10.36.041(j)	Blocking Wheelchair Access	319
10.36.041(k)	Parking in Posted Fire Lane	111
10.36.042(a-c)	Parking spaces for the Disabled.	319
10.36.045	Parking large vehicles	111
10.36.050	Use of street to store vehicles	61
10.36.070	Repairing or greasing vehicles on street	46
10.36.080	Washing or polishing vehicles	46
10.36.090(b)	Parking adjacent to school	46
10.36.100(b)	Parking prohibited on narrow streets	46
10.36.110	Parking on grades	46
10.36.160(b)	Emergency parking signs	46
10.36.170(b)	Maximum thirty minute parking	46
10.36.180	Forty-minute parking	46
10.36.190	One-hour parking	46
10.36.200	Two-hour parking	46
10.36.201	Unauthorized removing of chalk marks from tires.	46
10.36.210(a)	Parallel parking on one-way streets	46
10.36.220(a)	Diagonal parking	46
10.36.230	Parking within painted parking markings.	46
10.36.240	No stopping zones	46
10.36.250(a-d)	Loading zones	46
10.36.260(a-b)	Curb markings	46
10.36.280	Standing for loading or unloading only	46
10.36.320	Restricted Public Off Street Parking (between 1am-4am)	46
10.36.330	Leaving Keys in Parked Vehicle (Prohibited)	46
10.41.020(b)	Prohibited recreational vehicle parking	111
10.41.030	Long-term occupancy of recreational vehicle	111



Agenda Date: 09/15/09

Agenda Item: 9(c)

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 15 SEPTEMBER 2009

**SUBJECT: CONSIDERATION OF FINANCIAL OPTIONS
PROP 1A "LOAN" TO STATE OF CALIFORNIA OF \$139,195 IN FY 09-10**

RECOMMENDATION

It is recommended the City Council instruct staff to pursue the City's participation in the California Communities' Proposition 1A Securitization Program for repayment of the entire \$139,195 borrowing of local property taxes from the City this fiscal year (Option B).

BACKGROUND

In November 2004, voters of California approved Proposition 1A, an amendment to the California State Constitution for the purpose of restoring predictability and protection of local government tax revenues from State thefts. Among other provisions, Prop 1A prohibited the State Legislature from reducing the share of property tax revenues going to cities, counties and special districts by shifting local shares to public schools or other non-local government functions to address State funding responsibilities. To date, the State of California has seized over \$5 million in local property tax shares from the City of Clayton since the early 1990s.

Under specific conditions, the State Legislature may suspend the Prop 1A local property tax revenue protection provisions by "borrowing" not more than 8% of total property tax revenues from local governments, when:

1. The Governor issues a proclamation of "severe fiscal hardship";
2. The Legislature enacts an urgency statute suspending Prop 1A by a 2/3rds affirmative vote of the Senate and Assembly;
3. The Legislature enacts a law providing for full repayment of the "borrowed local funds" plus interest within three years.

The Legislature may not enact a Prop 1A suspension more than twice in any 10 year period.

Attachments: A. Prop 1A “Loan” option fact sheet [2 pp.]
B. FAQ on Prop 1A Securitization [3 pp.]

PROP 1A “LOAN”, FY 2009-2010

- Amount “borrowed” from the City of Clayton, under Prop 1A: **\$139,195**
- Source of Loan: Local Property Taxes [General Fund]
- Percentage of FY 2009-2010 General Fund revenues: **3.8%**

Options For Compliance***A. Cover 1-time Loan in FY 09-10 with City's existing General Fund reserves.***

Current Reserve total: \$5,080,296

- ▶ Promise of repayment by State of CA by June 30, 2013.
- ▶ Interest rate of loan to be determined by State Controller, not to exceed 6%.

B. Participate in a Prop 1A Securitization Program offered by California Communities, a joint powers authority (JPA) sponsored by the League of CA Cities and the CA State Association of Counties (CSAC).

- ▶ CA Communities will issue bonds securitizing the future payments by the State and remit bond proceeds (cash) to participating local governments. State will repay bondholders to pay off the outstanding bonds.
- ▶ State legislation requires that local governments participating in the Prop 1A Securitization Program will receive 100% of their respective Prop 1A loan amount.
- ▶ All interest costs and issuance costs of the securitization will be paid by the State.
- ▶ Securitization transaction is scheduled for completion by November/early December 2009, with payment to participating local governments prior to transfer of 1st installment payment of local property taxes to cities by counties.
- ▶ Bonds issued are not a liability of the participating local governments, and they are not responsible for any debt repayment to bondholders.

C. *Further reduce General Fund services or expenses in FY 2009-2010 to absorb 1-time "loan" to State.*

- ▶ FY 2009-2010 General Fund budget is 1.8% less than last year's budget.
- ▶ FY 2009-2010 General Fund budget is lowest since FY 2004-05 (½ decade).
- ▶ Employees accepted a 4.3% reduction in compensation in FY 2009-2010 adopted budget.
- ▶ FY 2009-2010 General Fund budget is balanced by reliance on 1-time transfer of \$155,579 from Trust & Agency interest earnings to cover expectant gap in declining revenues.
- ▶ FY 2008-09 General Fund budget closed operations with an unexpected surplus of \$157,087 returned to the General Fund reserves.



PROPOSITION 1A SECURITIZATION FREQUENTLY ASKED QUESTIONS

What is Proposition 1A Securitization?

On July 28, 2009, the California legislature and Governor Arnold Schwarzenegger passed the state budget and approved a provision allowing the state to borrow eight percent of the amount of property tax revenue apportioned to cities, counties and special districts. Under the provision, the state will be required to repay those obligations by June 30, 2013.

The provision also created an option for California local public agencies to relieve the burden of loaning the state property tax revenues. The provision, called Proposition 1A Securitization, authorizes the California Statewide Communities Development Authority (California Communities) to purchase the receivable due to local agencies from the State.

How does Proposition 1A Securitization work?

The legislation for the Proposition 1A Securitization authorizes cities, counties and special districts to sell their state repayment obligations to California Communities. In a simultaneous transaction, California Communities will issue bonds and remit the cash proceeds to the participating local public agencies. Bondholders will receive their repayment from the state at a later date. The legislation requires that local agencies participating in the securitization program will receive 100% of their respective Prop 1A receivables.

How much does it cost a public agency to participate in Proposition 1A Securitization Program?

There is no cost to participate in Proposition 1A Securitization Program. All interest costs and costs of the securitization will be paid by the state.

When can my agency expect to receive payment?

Depending upon cleanup legislation expected in the California legislature, California Communities is targeting completion of the securitization transaction for November or early December, 2009, which would result in payment to participating local public agencies prior to transfer of the first installment of property taxes. Should the legislature not pass the anticipated legislative amendments, however, California Communities' next opportunity to securitize will likely be March, 2010.

Is participation in Proposition 1A Securitization Program voluntary?

Yes. The Proposition 1A Securitization provision creates the option for cities, counties and special districts to receive early payment on their obligations from the state. No public agency is required to securitize.

What are our options if we decide not to participate in Proposition 1A Securitization Program?

Public agencies that do not participate in Proposition 1A Securitization Program can expect to receive repayment plus interest from the state for its obligations by June 30, 2013. The interest rate to be paid by the state to local public agencies will be set by the State of California Director of Finance on or before September 28, 2009. That amount must be higher than the current Pooled Money Investment Account rate, but no higher than 6%.

Has California Communities conducted a program like this before?

Yes. In 2005, California Communities conducted a similar bond securitization program for local agencies when the state borrowed Vehicle License Fee (VLF) revenues from cities and counties. California Communities securitized \$455 million in VLF payments due from the state to provide advance repayment to 146 participating cities and counties.

How is Prop 1A Securitization different from the VLF financing that California Communities conducted?

Under the VLF financing program in 2005, local agencies in California were required to cover the costs of issuance and pay the interest cost. As a result, local agencies only received about 93 cents on the dollar from their loans to the state. Under the proposed Proposition 1A Securitization program, the state will pay for the borrowing interest incurred and the costs of issuance required for each agency to participate. The legislation requires that local agencies participating in the securitization program will receive 100% of their respective Prop 1A receivables.

Do I need to become a member of California Communities to participate in Proposition 1A Securitization?

No, public agencies are free to participate in the program without becoming members of California Communities.

Does a public agency incur any liability by participating in Proposition 1A Securitization?

No. The bonds issued by California Communities are not obligations of any of the local agency program participants.. The California Communities joint powers agreement expressly provides that California Communities is an entity separate and apart from the participating public agencies, and "its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any party to the joint powers agreement." Participating public agencies are not responsible for any repayment of debt, nor are they named in any of the bond documents.

What is California Communities?

The California Statewide Communities Development Authority, known as CSCDA or California Communities, is a joint powers authority sponsored by the League of California Cities and the California State Association of Counties.

California Communities was created by the California State Association of Counties and the League of California Cities in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for

projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California.

Who are the Commissioners of California Communities?

The Commission is made up of local government representatives appointed by elected officials through the California State Association of Counties and the League of California Cities executive committees.

How much public benefit financing has California Communities issued on behalf of its Program Participants?

California Communities has issued more than \$40.2 billion through 1,212 financings since 1988 and consistently ranks in the top 10 of more than 3,000 nationwide public issuers of tax-exempt debt, as measured by annual issuance amount.

Previous public benefit projects have included financing more than \$700 million in public infrastructure projects, \$122 million in lease obligations for local governments to acquire equipment, vehicles, and computer technology among other needs, and \$397 million of pension obligation bonds to provide an alternative finance mechanism for unfunded liabilities.

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MINUTES
OF THE
REGULAR MEETING

Agenda Date: 09/15/09

^{RDA}
Agenda Item: 3(a)

CLAYTON REDEVELOPMENT AGENCY

July 21, 2009

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 7:41 p.m. by Vice Chairman Medrano at Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Vice Chairman Medrano, Boardmembers Stratford, and Pierce. Boardmembers absent: Chairman Shuey and Boardmember Geller. Staff present: Executive Director Napper, Secretary Jackson, and General Counsel Adams.
2. **PUBLIC COMMENTS** – None.
3. **CONSENT CALENDAR-** It was moved by Boardmember Pierce, seconded by Boardmember Stratford to approve the Consent Calendar as submitted (Passed; 3-0 vote).
 - (a) Approved the minutes of the regular meeting of June 30, 2009.
4. **PUBLIC HEARING** – None.
5. **ACTION ITEMS**
 - (a) Continued consideration of request by affordable housing unit property owner Mr. Kenneth Smith, Jr. to authorize his executed landlord lease of 272 Stranahan Circle for an additional twelve month period from May 2009 through April 2010.

The Community Development Director presented the staff report and stated this item was being brought before the Board for continued discussion based on questions posed to staff at the June 30, 2009 meeting. He stated the Resale Restriction Agreement is still in full force and effect even though the Redevelopment Agency declined to purchase the property at the time of a prior offer of sale by Mr. Smith. He continued by stating the Agency had not given up its first right to purchase in the future. Mr. Smith was given the option by the Agency in 2008 to lease his property, but that approval expired on April 30, 2009. The Community Development Director stated that in order for Mr. Smith to continue to lease the property he must have Agency approval or be in a potential default position, given the requirements of the Resale Restriction Agreement. Lastly, the Community Development Director stated the Agency can pay more than fair market value for the home, but that the owner and Agency must come to a mutual agreement on a negotiated price. Staff recommended the Agency require the property owner to comply with the Resale Restriction Agreement or be found in potential default and authorize the Chairman to send a letter to that effect to the property owner.

Boardmember Stratford stated he was in favor of extending the lease period, but understood the property cannot be leased forever. He stated at some point the Mr. Smith would need to move back into the home or sell the property so that a qualified moderate-income household could purchase the property.

Boardmember Pierce stated that based on the current information she was in favor of denying the lease request because the intent of the program was homeownership. She stated if Mr. Smith is not willing to move back into the property, she would like for the Agency to consider purchasing back the residence and then sell it to a qualified household.

Vice Chairman Medrano stated that he was sympathetic to the current tenant, but stated that he was not in favor of extending the lease. He would be interested in purchasing back the home at fair market value to then sell the home to a qualified moderate-income household.

It was moved by Boardmember Pierce, seconded by Vice Chairman Medrano to deny Mr. Smith's lease request and authorize the Chairman to transmit written communication to the owner directing compliance with the terms of the occupancy requirements and the Resale Restriction Agreement (Passed; 2-1 vote, Stratford- No).

6. **BOARD ITEMS** – None.

7. **ADJOURN** – on call by Vice Chairman Medrano the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

David T. Shuey, Chairman



Agenda Date: 09/15/09

RDA
Agenda Item: 5(a)

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIR AND BOARD MEMBERS

FROM: EXECUTIVE DIRECTOR

DATE: 15 SEPTEMBER 2009

**SUBJECT: CONSIDERATION OF FINANCIAL OPTIONS TO ADDRESS UNLAWFUL
STATE SHIFT OF REDEVELOPMENT AGENCY TAX INCREMENT REVENUE**

RECOMMENDATION

It is recommended the Board of Directors authorize and instruct the Executive Director to manage the \$1,965,065 State theft of Agency tax increment revenues in Fiscal Year 2009-2010 by combination of establishing an internal loan from the Agency Affordable Housing Fund (estimated at \$592,412) and the balance of an estimated \$1,372,644 from CIP No. 10400 – Downtown Economic Development Fund (Option B).

BACKGROUND

In addition to the "borrowing" of \$2 billion from local governments' property tax revenues to assist in its budget deficit this year, the State of California adopted Chapter 21 in its state budget legislation that "shifted" an astounding \$2.05 billion in redevelopment agencies' tax increment revenues over the next two years (\$1.7 billion this year, \$350 million in FY 10-11). Not only was the magnitude of the fiscal takeaway shocking but the State's action came on the heels of losing a superior court decision in April 2009 trying to accomplish a similar theft of \$350 million in FY 2008-09! The seized monies will be deposited in a county "Supplemental Educational Revenue Augmentation Funds (hence "SERAF", or "Son of ERAF"), which will then be distributed to public schools to meet the State's Prop 98 fiscal obligations to education.

In essence, taxpayers are now paying twice into state public education programs: once through the normal over 50% share of one's assessed valuation (AV) property tax bill to the State and now a second time through this shift of local [property] tax increment revenue. In response to this unconstitutional taking, the California Redevelopment Association has begun preparation of yet another lawsuit to challenge this act. Until the outcome of that litigation is settled, redevelopment agencies must address how it will pay its share of the shift.

AGENCY LOSS

The estimated financial loss to the Clayton Redevelopment Agency is huge, over 2½ times the amount of net discretionary monies expected for this year alone (after debt obligations and Agency operations). The current calculation is \$1,965,056 this year and \$406,515 next year, for a 2-year total of \$2,371,571. The CA Department of Finance has until November 15th to determine each agency's SERAF shift.

However, the Board should discuss the negative prospects at this time to give guidance on payment such that the Agency does not expend or obligate funds that would be necessary to pay the mandated shift. In that regard, the Budget Sub-Committee of Board Members Pierce and Stratford met with the Executive Director and the Finance Manager on September 8th to consider options for compliance. Attachment 1, prepared by the Executive Director, outlines the state-legislated rules for payment compliance by the Agency and offers four (4) options for Board consideration. After careful evaluation of alternatives, and in recognition for the first time ever the Agency may "borrow" revenues from its Affordable Housing Set-Aside monies to be received in FY 09-10 (not from Affordable Housing Fund reserves), the Sub-Committee and staff recommend the Board authorize the Executive Director to pay the Agency's obligation in FY 2009-10 by combination of an internal 5-year loan from the Housing Fund and tax increment revenues in CIP No. 10400 – Downtown Economic Development Fund.

The Agency must inform the county auditor of its method of payment by 01 March 2010 and transact the payment by 10 May 2010. Should actual SERAF amounts required of the Agency be different than these estimates, staff will inform the Board of the final numbers prior to March 2010.

FISCAL IMPACT

Through careful management of its fiscal resources, the Agency does have tax increment revenues available that will not disrupt pre-existing debt obligations or operations. The theft of \$1.37 million from the Downtown Economic Development Fund seriously hinders the Agency's capacity to assist in programs or actions aimed at revitalizing the Clayton Town Center, including the potential acquisition of real properties or support of retail commercial and affordable housing construction.

Attachments: 1. SERAF shift options [2 pp.]

STATE THEFT OF REDEVELOPMENT AGENCY REVENUES

- Tax increment revenues seized over two fiscal years:

FY 2009-2010	\$1,965,056
FY 2010-2011	<u>\$ 406,515</u>
Total:	\$2,371,571
- Net revenues to Agency this Fiscal Year: \$3,349,526
 Existing Debt Service (78%): - \$2,605,143
 Annual Agency revenues: \$ 744,383
- 1st Year Theft = 2.5X annual Agency discretionary monies!
- Seizure of Agency monies likely unconstitutional and illegal – will be litigated.
- Current Rules for Agency payment:
 1. Cannot use Housing Fund reserves (\$4,562,148 net on 30 June 2010).
 2. May borrow from FY 09-10 Housing Fund tax increment flow this time only (\$592,412 net) but must repay internal loan by June 30, 2015 (principal repaid, no interest accrues).
 3. Failure of Agency to repay internal loan from Housing Fund automatically requires the Housing set-aside of 20% to increase by 5% (to 25% total) for remainder of Agency life.
 4. Can pay obligation from Discretionary Project revenues and reserves.
 5. If Agency cannot pay, then “death penalty” on Agency operations invoked (see Option D).
 6. Agency cannot use bond proceeds to repay itself for the State obligation – source of funds must be tax increment revenues.
 7. Theft amount does count towards revenue cap of an Agency (\$55 million cap for Clayton).
 8. Payments are due by 10 May 2010; Agency must report to county auditor by March 1 on method of payment.

Options For Compliance

- A. *Pay FY 2009-2010 obligation from Downtown Economic Development Fund (CIP No. 10400).*
- ▶ Agency transferred \$815,687 into this CIP account in FY 2009-2010 (41.5% of obligation).
 - ▶ Source of funds for CIP No. 10400 is solely Agency tax increment revenues from current and previous fiscal years.
 - ▶ Balance of CIP No. 10400 would be reduced to:

\$2,795,667
- <u>\$1,965,056</u>
\$ 830,611

B. *Pay FY 2009-2010 obligation by combination of internal loan from Housing Fund and CIP No. 10400 tax increment revenues.*

- ▶ Housing Fund loan = \$592,412; internal schedule for principal repayment by 30 June 2015.
- ▶ Balance of \$1,372,644 from CIP No. 10400; leaves balance of \$1,423,023 in CIP No. 10400.
- ▶ Borrowing from the Housing Fund tax increment revenues in this fiscal year is a one-time exception granted by this state legislation – borrowing of Housing Set-Aside Funds is not allowed under state redevelopment law.

C. *The City of Clayton may make the payment on behalf of its Agency.*

- ▶ Payment of \$1,965,056 from General Fund reserves equals 38.7% of reserve equity.
- ▶ Would reduce General Fund reserve equity to \$3,115,240 (86% of annual GF budget).

D. *Ignore the State and the payment obligation, period.*

- ▶ Agency may not adopt a new redevelopment plan.
- ▶ Agency may not amend an existing plan to add territory.
- ▶ Agency may not issue bonds (e.g. affordable housing projects).
- ▶ Agency may not encumber funds.
- ▶ Agency may not expend any monies derived from any source except to pay pre-existing indebtedness, contractual obligations, and pay 75% of the amount expended on Agency administration for the preceding year (note: reduces General Fund transfer by 25%).
- ▶ “Death penalty” lasts until required payments made.