CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

AGENDA

REGULAR MEETINGS

* * *

CLAYTON CITY COUNCIL
and
CLAYTON FINANCING AUTHORITY

TUESDAY, January 5, 2010

7:00 p.m.

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

Mayor: Hank Stratford
Vice Mayor: David T. Shuey

Council Members
Howard Geller
Joseph A. Medrano
Julie K. Pierce

- 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 *
January 5, 2010

7:00 P.M.

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

2. **CLOSED SESSION** - None.

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

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 special meeting Study Session on November 24, 2009 and the regular meeting of December 15, 2009. (View Here)

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

(c) Adopt a Resolution approving and authorizing the execution of a Master Contract application for Local Grant Funds ($492,883) from the East Bay Regional Park District under its Measure WW Park Bond Extension (Nov. 2008). (View Here)

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Presentation of a $2,000 grant awarded by State Farm Insurance for a Motorcycle Public Safety Project.
(Loni Haskins, State Farm Insurance)

6. **REPORTS**

(a) Planning Commission – No meeting held to report.
(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 when each item is considered by the City Council.

8. PUBLIC HEARING – None.

9. ACTION ITEMS

(a) Second Reading and Adoption of Ordinance No. 426 proposing amendments to the *Clayton Municipal Code* for the purpose of implementing State law mandates (requirements of Senate Bill 1818) to grant density bonuses and incentives to support affordable housing construction in the City. (View Here)
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Receive Public Comment; **3)** Adopt a motion to have the City Clerk read Ordinance No. 426 by title and number only and waive further reading; **4)** Approve a motion adopting Ordinance No. 426.

(b) Consider a Resolution approving the City's application to the California Energy Commission's Energy Efficiency and Conservation Block (EECBG) Program for grant funds ($61,811) to implement a LED Street Light Replacement Project.
(Maintenance Supervisor) (View Here)

Staff recommendation: Following receipt of the staff report and public comments, that Council adopt the Resolution.

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

11. ADJOURNMENT– the next regularly scheduled meeting of Tuesday, January 19, 2010.

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* CLAYTON FINANCING AUTHORITY *

January 5, 2010

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

2. **CLOSED SESSION** – None.

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

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

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

4. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of January 6, 2009. (View Here)

(b) Approve the Clayton Financing Authority's Annual Report for Calendar Year 2009. (View Here)

5. **ACTION ITEMS** - None.

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

7. **ADJOURNMENT** – the Clayton Financing Authority's next meeting will be scheduled when necessary.

# # # # # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 1-5-10

Agenda Item: 4a

TUESDAY, November 24, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 9:02 a.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 (arrived at 9:30 a.m.), Assistant to the City Manager Laura Hoffmeister, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – None.

3. **PUBLIC COMMENT ON NON-AGENDA ITEMS**- None.

4. **STUDY SESSION**

The City Council held a Study Session with the following business owners/ community members were present: Ted Meriam (Clayton Historical Society), Allison DeAngelis (Diamond Terrace), Sue White (Accurate Business Services & CBCA), Steve Barton (Clayton Club Saloon), Ed Moresi (Ed's Mudville Grill and Moresi's Chophouse), Tamara Steiner (Clayton Pioneer), Keith and Lindsay Bradburn (Bradburn Denistry), Shawn Robinson (Clayton Community Church).

(a) Feedback on 2009 Concerts in The Grove. Discussion of details for and schedule of the 2010 Concerts in The Grove series.

Mayor Pierce asked for feedback regarding the concerts.

Steve Barton stated he would like to have concerts every week because his business is positively impacted by the extra people in the downtown area. He also is in favor of later ending times because it draws some additional customers to his business.

Ted Meriam, stated the City should partner with businesses and have businesses sponsor each of the concerts. He also suggested there be more announcements promoting downtown businesses and concert sponsors. He stated he liked how Johnny's International Deli handed out menu specials to the audience. He stated it may not be the City's responsibility to promote the businesses more.

Allison DeAngelis stated the Diamond Terrace residents for the most part enjoy the concerts but there are complaints about how loud the concerts are in the evenings. She also stated that transportation to and from the concerts is difficult for the senior residents.

Sue White wants a better mix on music specifically desiring better and more country music.

Ed Moresi stated he believes the concerts are a good community event but that parking is a problem for Moresi's Chophouse and reservations on Saturday concert nights have been cancelled due to the lack of parking near his business. He was mostly concerned about the coned off areas next to the park for concert volunteers and the band. He suggested coning off the area near the post office for the concert committee to use to come and go. He also stated that it was the responsibility of the business owners to advertise to the audience in the park.

Councilmember Shuey asked if the businesses would like to have the concerts held on another night? Steve Barton stated that Tuesday nights are the slowest but he likes Saturday nights.

Dr. Keith and Lindsay Bradburn stated that parking was a problem during the concerts for their business because of its proximity to the park. Mayor Pierce stated the City could put parking signs out to direct people to park at the Endeavor Hall parking lot.

Councilmember Medrano asked about having downtown businesses provide food tents at concerts. Ed Moresi stated he could have done BBQ and made it part of a to-go menu but that based on the number of people and sales it would not be financially worth the extra work. He also clarified that it was not cost effective to do food tents.

It was suggested the CBCA purchase golf carts that could be used at community events including the concerts to make access easier for downtown events. Shawn Robinson stated there are members of his church who would be willing to shuttle the residents back and forth if golf carts were available. Councilmember Shuey asked for Allison to do a survey at Diamond Terrace to get an idea of the true interest level for attending the concerts if transportation was provided.

Councilmember Medrano asked if a weekday concert might be better for business. A few of the business owners stated Mondays and Tuesdays are their slower nights but they did not believe the draw to the concerts would be as great on a weeknight. Councilmember Geller stated that staffing and set-up might be an issue if the concerts were held on a weekday.

(b) Exchange ideas and determine businesses owner interest and support for additional Downtown activities.

Councilmember Geller discussed the concept "Shop Clayton First" program and stated there could be other activities to drive people into the downtown such as a Main Street Program.

Lindsay Bradburn stated they need access to their dental business on Saturdays.

Steve Barton stated he would like to see the 4th of July Parade as a longer event, like years ago in Clayton.

Shawn Robinson stated the Clayton Community Church has a light show during the month of December at their offices downtown, which they hope draws people downtown. He suggested extending the light show to al business frontages in the downtown as a destination attraction.

Ed Moresi stated he likes the Shop Clayton First program but believes it should be done by the CBCA with support from the City, not as a separate group.

Councilmember Medrano stated a new foundation (P2Cfoundation.org) was being started as of January 1, 2010 and will be a 501c3. Ted Meriam further explained this Foundation is being created to benefit downtown business.

Vice Mayor Stratford stated he had an idea of a Clayton Family night, where restaurants could offer family specials.

Lindsay Bradburn stated they are interested in holding a Health Faire in the Park.

The Council asked if the business owners would be interested in meeting again to discuss more ideas. The business owners showed interest in meeting annually in the future.

5. **COUNCIL ITEMS**- None.

6. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 10:45 a.m.

Respectfully submitted,

____
Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

____
Julie K. Pierce, Mayor

Agenda Date: 1-5-10

Agenda Item: 4a

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, December 15, 2009

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

2. **CLOSED SESSION** – None.

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

4. **CONSENT CALENDAR- It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey to approve the Consent Calendar as submitted (Passed; 5-0 vote).**

(a) Information Only
1. Notification by Republic Services (dba Allied Waste Services) that residential and commercial solid waste collection and disposal services rates will increase by 0.09% (90% of the annual CPI increase, per the Franchise Agreement), effective January 1, 2010.

(b) Approved the minutes of the regular meeting of December 1, 2009.

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

5. **RECOGNITIONS AND PRESENTATIONS** – None.

6. **REPORTS**

(a) Planning Commission – Commissioner Dan Richardson reported on the December 8th Commission meeting. The Commission approved a time extension on a Site Plan Review Permit for a single family residence on Morningside Drive and approved the removal and replacement of a home on north Mitchell Canyon Road.

(b) Trails and Landscaping Committee – No meeting held to report.

(c) The City Manager reported the Clayton Redevelopment Agency has ownership of an affordable home in Clayton. He stated the home is near downtown Clayton in the Stranahan sub-division and that qualified households can apply for ownership of the affordable home. He also stated he Clayton Counts Down will be held from 6-9pm on New Year's Eve at the Clayton Community Gym.

(d) City Council

Councilmember Geller met with representatives from Allied Waste and thanked them for their continued support. He stated he had a meeting with the City Manager, the Community Development Director, and property owner Al Martin about the prospects of developing their one acre parcel on Marsh Creek Road for higher density housing.

Vice Mayor Shuey attended a Downtown Development Committee meeting.

Councilmember Medrano stated there is one more week for businesses or citizens to donate to the Clayton Counts Down and have their names put on the shirts handed out to 300 kids.

Councilmember Pierce attended Transportation Authority Administration and Projects Committee meeting, the Mayors' Conference, the tree lighting, the Downtown Economic Development Committee meeting, and the Clayton Community Church's light show.

Mayor Stratford attended the Tree Lighting, the Mayors' Conference, and the CERT Citizen Corp Council meeting.

(e) Other – None.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Debbie DeSousa presented information about her Barter Bucks Banc and stated she would like to start a community currency in Clayton and stimulate sales tax. She handed out information regarding the program.

8. PUBLIC HEARINGS

(a) Introduction and First Reading of Ordinance No. 426 proposing amendments to the *Clayton Municipal Code* for the purpose of implementing State law mandates (requirements of Senate Bill 1818) to grant density bonuses and incentives to support affordable housing construction in the City.

The Community Development Director presented the staff report and stated this Ordinance is being presented to comply with the mandates of SB 1818 to provide density bonuses up to exceed 35% as well as project incentives and site development concessions. He stated that density bonuses do not require a general plan amendment or a rezoning. He stated a common concession could be open parking rather than garages. He noted the proposed Ordinance was recommended by the Planning Commission and is exempt from CEQA (the California Environmental Quality Act). He stated the Ordinance assures affordable units would be built concurrent with market-rate units. He stated for-sale affordable units would need to be similar if not comparable to market rate units but that affordable units could have more economical interior finishes and treatments and be somewhat smaller. Generally, the goal would be for the units to all blend. He stated the primary purpose of the Ordinance is to facilitate the construction of more affordable housing within the community.

Mayor Stratford opened the Public Hearing at 7:24 p.m. No comments were received and he closed the Public Hearing at 7:25 p.m.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 426 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 426 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve Ordinance No. 426 for Introduction and First Reading (Passed; 5-0 vote).

9. ACTION ITEMS

(a) Second Reading and Adoption of Ordinance No. 425 proposing amendments to Clayton's *Municipal Code* to allow manufactured homes within the City of Clayton in accordance with the requirements of State law.

Community Development Director presented the staff report and stated the Ordinance provides adequate safeguards for manufactured homes to blend with the surrounding community.

No public comments were received.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 425 as amended by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 425 by title and number only.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to adopt Ordinance No. 425 (Passed; 5-0 vote).

(b) Presentation of City's Audited Financial Statement for Fiscal Year 2008-2009 prepared by Moss, Levy and Hartzhiem, Certified Public Accountants.

The Finance Manager presented the staff report. She stated the Audited Financial Statements were prepared by Moss, Levy and Hartzhiem as independent auditors. She stated the amended report in front of the Council had minor changes to formatting due to a third technical review by the audit firm's partners. She thanked her consultant from Thales Consulting for his work and stated she would be putting out an RFP for new auditors soon as this is the final year for this auditors contract.

The Finance Manager stated the ending Fund Balance (residual equities or balances either reserved or unreserved, undesignated at year end) was slightly greater for the fiscal year than expected at mid-year. She stated the revenues came in over expenditures which was extremely positive during this economic downturn. She stated Endeavor Hall came in with revenues slightly exceeding expenditures (without accounting for depreciation value).

The City Manager noted the City received an "Unqualified Opinion" which means there were no problems with the audit. He stated this is goal the City strives for.

Councilmember Geller thanked the Finance Manager for her hard work on the Audit. Mayor Stratford expressed commendations to the Finance Manager and City staff for the positive outcome on the audit and the City's fiscal health.

It was moved by Councilmember Pierce, seconded by Councilmember Geller to approve the FY 2008-2009 Audited Financial Statement as submitted by the independent auditors (Passed; 5-0 vote).

(c) Council Member request to discuss the organizational and management structure of the Concerts in The Grove Park series.

Councilmember Medrano stated he wanted to discuss the Concerts and the organizational structure of the concerts because when the Concerts started two years ago there was a non-partisan person in charge of running the concerts. He stated he wanted to discuss that issue of who should be running the event.

Councilmember Geller stated that when the concerts started he was not on the Council and that the concerts were not the plan of CBCA but that he as an individual had provided the Council with a concept and they had approved it along with a budget. He stated the City (Redevelopment Agency) and the CBCA split the cost of the event. During the planning for the 2009 series he was still working as an individual and was then elected to the City Council. He stated the second year the concerts needed less guidance because the processes had been established. He stated he is willing to volunteer his time and he does not believe there is any conflict of interest. He stated Councilmember Pierce also helped with the concerts and she did not do it as the Mayor but as a citizen. He stated for the 2010 series Allied Waste has agreed to help sponsor again and about $7,000 was raised by public contributions at the concerts.

Councilmember Medrano stated Councilmember Geller has done a great job but that it had become more of a City function than a joint venture. He stated he wanted members of Council to remove themselves more.

Councilmember Pierce stated she wanted to give a historical perspective and that while negotiating the purchase of the Grove property in 1988 there was a desire to hold concerts in the downtown. She stated the City built the park and the CBCA donated the gazebo. She stated The Grove Park is a City owned facility and it was appropriate for the City to be in charge of running the event. She stated she doesn't mind helping because she loves the concerts and no one on Council is getting paid for the time or out of pocket expenses at the Concerts.

Mayor Stratford asked the City Attorney if he saw any conflicts of interest. The City Attorney stated to his knowledge there is not a profit issue and he can not see any conflict, but this is a policy issue.

Ed Hartley, CBCA President-elect, stated he was not sure how much money will be asked for by the CBCA and he hasn't heard any CBCA issues about who announces things at each concert he does not see a potential conflict.

Councilmember Geller stated he had helped create and run the concerts with the help of his friends and the Diablo Valley Ranch. He stated he wants to make sure every concert is as good as it can be and it takes someone to run the show behind the scenes. He stated he always tries to introduce all dignitaries and Councilmembers present in the audience at every show.

Councilmember Medrano stated he wanted the Council to have more input into the event and have other ideas considered.

Councilmember Pierce stated this is a policy issue and that every decision does not need to be made by a committee of the whole for such events.

Vice Mayor Shuey stated it is difficult to argue against the volunteer effort. He stated the discussion was good but that there is not need for another sub-committee. He stated he appreciates all the hard work because he can not put in as much time as others. He stated oversight is still at the Council level.

Councilmember Geller stated he tries to get a diverse selection of music and gets recommendations from the City Clerk. He stated there is always room for more people on the volunteer committee and he would love to have more Council participation.

Mayor Stratford stated that this year the Council even discussed the concerts with the Downtown Business owners in a special meeting. He further indicated such a meeting should occur annually with the Downtown business owners.

Councilmember Pierce stated the presence of Councilmember's carrying around the donation jars helped collect more money because they are recognized and trusted by community members as to the stewardship of the donations.

By consensus the Council determined to continue with the annual review and periodic survey to get citizen feedback on the concerts, but no other changes were enacted.

(d) Review and determination of City Council sub-committee, inter-governmental and regional board assignments for 2010.

Mayor Stratford announced and outlined his proposed Council committee assignments for 2009.

By general consensus the Council approved their sub-committee assignments for 2010 as submitted by Mayor Stratford.

10. <u>COUNCIL ITEMS</u>- None.

11. <u>ADJOURNMENT</u>– On call by Mayor Stratford the meeting adjourned at 8:27 p.m.

Respectfully submitted,

____

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

____

Hank Stratford, Mayor

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

Agenda Date: 01/05/10

Agenda Item: 4o

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: JANUARY 5, 2010

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION **Approve the following obligations.**

RUN DATE	OBLIGATION NUMBERS	TOTALS
12/30/09	16643 – 16698	$1,907,286.07

Invoice Distribution Report

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

Attachments:
Invoice Distribution Report 12/30/09 (15 pages)

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-2206-00.0.0-000 - PERS Liability				
16694 Retirement PPE 12/13/09	201	CalPERS		
	7	PD Survivor Benefit 12/13/09	Inv	10.23
Invoice number.: PPE 12/13/09				
A101-2206-00.0.0-000 - PERS Liability		*** Account total ***		10.23
A101-5603-00.0.0-000 - Meeting Room Fee				
16683 Library Refund 12/10/09	2121	Clayton Pioneer		
	2	Libr Fee 12/10/09	Inv	-100.00
Invoice number.: Libr 12/10/09				
A101-5603-00.0.0-000 - Meeting Room Fee		*** Account total ***		-100.00
A101-7218-02.0.0-000 - Life and LTD Insurance				
16697 LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
	1	Adm LTD 1/10	Inv	389.09
Invoice number.: 1/10				
A101-7218-02.0.0-000 - Life and LTD Insurance		*** Account total ***		389.09
A101-7218-03.0.0-000 - Life and LTD Insurance				
16697 LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
	2	PW LTD 1/10	Inv	226.41
Invoice number.: 1/10				
A101-7218-03.0.0-000 - Life and LTD Insurance		*** Account total ***		226.41
A101-7218-04.0.0-000 - Life and LTD Insurance				
16697 LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
	3	Planning LTD 1/10	Inv	115.21
Invoice number.: 1/10				
A101-7218-04.0.0-000 - Life and LTD Insurance		*** Account total ***		115.21
A101-7218-06.0.0-000 - Life and LTD Insurance				
16697 LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
	4	PD LTD 1/10	Inv	591.11
Invoice number.: 1/10				
A101-7218-06.0.0-000 - Life and LTD Insurance		*** Account total ***		591.11
A101-7220-01.0.0-000 - PERS Retirement				
16694 Retirement PPE 12/13/09	201	CalPERS		
	1	Legislative 12/13/09	Inv	413.99
Invoice number.: PPE 12/13/09				
A101-7220-01.0.0-000 - PERS Retirement		*** Account total ***		413.99

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7220-02.0.0-000 - PERS Retirement					
	16694 Retirement PPE 12/13/09	201	CalPERS		
		2	Admin 12/13/09	Inv	3,968.69
	Invoice number.: PPE 12/13/09				
A101-7220-02.0.0-000 - PERS Retirement			*** Account total ***		3,968.69
A101-7220-03.0.0-000 - PERS Retirement					
	16694 Retirement PPE 12/13/09	201	CalPERS		
		3	PW 12/13/09	Inv	2,316.72
	Invoice number.: PPE 12/13/09				
A101-7220-03.0.0-000 - PERS Retirement			*** Account total ***		2,316.72
A101-7220-04.0.0-000 - PERS Retirement					
	16694 Retirement PPE 12/13/09	201	CalPERS		
		4	Planning 12/13/09	Inv	1,176.88
	Invoice number.: PPE 12/13/09				
A101-7220-04.0.0-000 - PERS Retirement			*** Account total ***		1,176.88
A101-7220-06.0.0-000 - PERS Retirement					
	16694 Retirement PPE 12/13/09	201	CalPERS		
		5	Police 12/13/09	Inv	12,338.67
	Invoice number.: PPE 12/13/09				
A101-7220-06.0.0-000 - PERS Retirement			*** Account total ***		12,338.67
A101-7246-01.0.0-000 - Benefit Insurance					
	16696 Dental Premimum 1/10	540	Health Care Dental Trust		
		6	CC Geller 1/10	Inv	45.95
	Invoice number.: 100379				
A101-7246-01.0.0-000 - Benefit Insurance			*** Account total ***		45.95
A101-7246-02.0.0-000 - Benefit Insurance					
	16695 Health Insurance 1/10	1316	CalPERS Health		
		1	Admin 1/10	Inv	6,376.56
	Invoice number.: 386				
		6	Adm Fees Health 1/10	Inv	117.15
	Invoice number.: 386				
	16696 Dental Premimum 1/10	540	Health Care Dental Trust		
		1	Admin Dental 1/10	Inv	521.02
	Invoice number.: 100379				
	16697 LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
		6	Adm Life, ADD 1/10	Inv	67.50
	Invoice number.: 1/10				
A101-7246-02.0.0-000 - Benefit Insurance			*** Account total ***		7,082.23

Account / Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7246-03.0.0-000 - Benefit Insurance					
16695	Health Insurance 1/10	1316	CalPERS Health		
		2	PW 1/10	Inv	5,105.50
Invoice number.: 386					
16696	Dental Premimum 1/10	540	Health Care Dental Trust		
		2	PW Dental 1/10	Inv	556.95
Invoice number.: 100379					
16697	LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
		7	PW Life, ADD 1/10	Inv	56.25
Invoice number.: 1/10					
A101-7246-03.0.0-000 - Benefit Insurance			*** Account total ***		5,718.70
A101-7246-04.0.0-000 - Benefit Insurance					
16695	Health Insurance 1/10	1316	CalPERS Health		
		3	Planning 1/10	Inv	2,449.78
Invoice number.: 386					
16696	Dental Premimum 1/10	540	Health Care Dental Trust		
		3	Planning Dental 1/10	Inv	214.56
Invoice number.: 100379					
16697	LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
		8	Planning Life, ADD 1/10	Inv	22.50
Invoice number.: 1/10					
A101-7246-04.0.0-000 - Benefit Insurance			*** Account total ***		2,686.84
A101-7246-06.0.0-000 - Benefit Insurance					
16695	Health Insurance 1/10	1316	CalPERS Health		
		4	Police Dept 1/10	Inv	9,608.68
Invoice number.: 386					
		5	ER Share -retired PD 1/10	Inv	189.00
Invoice number.: 386					
16696	Dental Premimum 1/10	540	Health Care Dental Trust		
		4	Police Dept Dental 1/10	Inv	822.95
Invoice number.: 100379					
16697	LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
		9	PD Life, ADD 1/10	Inv	123.75
Invoice number.: 1/10					
A101-7246-06.0.0-000 - Benefit Insurance			*** Account total ***		10,744.38
A101-7311-03.0.0-000 - General Supplies					
16671	PW Janitorial Supplies 11/09	84	Hammons Supply Company		
		1	PW Janitorial Supplies 11/09	Inv	110.12
Invoice number.: 57621					

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7311-03.0.0-000 - General Supplies			*** Account total ***		110.12
A101-7312-05.0.0-000 - Office Supplies/Expense					
16648	Adm Printing Services 12/09	42	City of Concord		
		2	Adm Printing 12/09	Inv	102.00
Invoice number.: 18809					
A101-7312-05.0.0-000 - Office Supplies/Expense			*** Account total ***		102.00
A101-7324-01.0.0-000 - Dues and Subscriptions					
16676	Membership Dues 2010	96	League of CA cities		
		1	Membership Dues 2010	Inv	5,507.00
Invoice number.: 96333					
16698	Membership Dues & Fees 2010	95	East Bay-League of Calif. Citi		
		1	Membership Dues & Fees 2010	Inv	650.00
Invoice number.: 2010					
A101-7324-01.0.0-000 - Dues and Subscriptions			*** Account total ***		6,157.00
A101-7331-05.0.0-000 - Rentals/Leases					
16644	Adm Copier Lease 1/10	2370	Konica Minolta Bus Solutions		
		1	Adm Copier Lease 1/10	Inv	628.98
Invoice number.: 011316370					
16658	Adm Postage Mach Lease 1/10	896	Neopost Leasing		
		1	Adm-Postage Mach Rental 1/10	Inv	221.79
Invoice number.: N1217805					
A101-7331-05.0.0-000 - Rentals/Leases			*** Account total ***		850.77
A101-7332-02.0.0-000 - Telecommunications					
16643	Admin ISDN Line 1/10	1573	Verizon Business		
		1	Admin ISDN Line 1/10	Inv	212.62
Invoice number.: 62300585					
16659	PW & Adm Cell Phones 11/09	2110	Sprint Comm (PW & ADM)		
		2	Adm Cell Phones 11/09	Inv	100.96
Invoice number.: 091 11/09					
16661	Local Phone Svc 11/09B	1243	AT&T/ CalNet 2		
		2	CH Local Phone 11/09B	Inv	208.81
Invoice number.: 11/09B					
16686	CH Outside Phone Booth 1/10	2205	Pacific Telemanagement Svc		
		1	CH Outside Phone Booth 1/10	Inv	53.00
Invoice number.: 164110					
16693	Long Distance 11/09	1779	Access One		
		1	City Hall Svc 11/09	Inv	6.19
Invoice number.: 11/09					
A101-7332-02.0.0-000 - Telecommunications			*** Account total ***		581.58

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7332-03.0.0-000 - Telephone					
	16659 PW & Adm Cell Phones 11/09	2110	Sprint Comm (PW & ADM)		
		1	PW Cell Phones 11/09	Inv	157.25
	Invoice number.: 091 11/09				
	16693 Long Distance 11/09	1779	Access One		
		2	PW Svc 11/09	Inv	3.28
	Invoice number.: 11/09				
A101-7332-03.0.0-000 - Telephone			*** Account total ***		160.53
A101-7332-04.0.0-000 - Telephone					
	16693 Long Distance 11/09	1779	Access One		
		3	Planning Svc 11/09	Inv	10.95
	Invoice number.: 11/09				
A101-7332-04.0.0-000 - Telephone			*** Account total ***		10.95
A101-7332-06.0.0-000 - Telephone					
	16661 Local Phone Svc 11/09B	1243	AT&T/ CalNet 2		
		7	PD Local Phone 11/09B	Inv	91.24
	Invoice number.: 11/09B				
	16693 Long Distance 11/09	1779	Access One		
		5	Police Dept Svc 11/09	Inv	23.26
	Invoice number.: 11/09				
A101-7332-06.0.0-000 - Telephone			*** Account total ***		114.50
A101-7332-07.0.0-000 - Telephone					
	16661 Local Phone Svc 11/09B	1243	AT&T/ CalNet 2		
		4	Library Local Phone 11/09B	Inv	156.64
	Invoice number.: 11/09B				
	16693 Long Distance 11/09	1779	Access One		
		4	Library Svc 11/09	Inv	2.05
	Invoice number.: 11/09				
A101-7332-07.0.0-000 - Telephone			*** Account total ***		158.69
A101-7338-03.0.0-000 - Water Services					
	16660 City Water Usage 10/6/09-12/7/	67	Contra Costa Water Dist.		
		10	No Valley Park 10-11/09	Inv	243.29
	Invoice number.: F Srs 10-11/09				
A101-7338-03.0.0-000 - Water Services			*** Account total ***		243.29
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance					
	16645 City Hall Elevator Reg. Svc. 1	1187	Paramount Elevator Corp.		
		1	CH Elevator Svc 12/09	Inv	110.00
	Invoice number.: 130880				
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		110.00

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7342-03.0.0-000 - Machinery/Equipment Maintenanc				
16659 PW & Adm Cell Phones 11/09	2110	Sprint Comm (PW & ADM)		
	3	PW New cell phones 11/09	Inv	728.06
Invoice number.: 091 11/09				
16670 PW Equipment Mtn 12/09	1541	Turf Star, Inc.		
	1	PW Equipment Mtn 12/09	Inv	283.30
Invoice number.: 6642132				
A101-7342-03.0.0-000 - Machinery/Equipment Maintenanc		*** Account total ***		1,011.36
A101-7343-06.0.0-000 - Vehicle Maintenance				
16649 PD Vehicle Maintenance 11/09	42	City of Concord		
	1	PD Vehicle Mtn 11/09	Inv	2,008.31
Invoice number.: 18334				
A101-7343-06.0.0-000 - Vehicle Maintenance		*** Account total ***		2,008.31
A101-7346-03.0.0-000 - HVAC Mtn & Repairs				
16655 Library, City Hall EMS 12/09	1265	ACCO Engineered Systems		
	2	City Hall EMS 12/09	Inv	205.00
Invoice number.: 520008-9				
A101-7346-03.0.0-000 - HVAC Mtn & Repairs		*** Account total ***		205.00
A101-7346-07.0.0-000 - HVAC Mtn & Repairs				
16655 Library, City Hall EMS 12/09	1265	ACCO Engineered Systems		
	1	Library EMS 12/09	Inv	205.00
Invoice number.: 520008-9				
A101-7346-07.0.0-000 - HVAC Mtn & Repairs		*** Account total ***		205.00
A101-7351-05.0.0-000 - Insurance Premiums				
16664 Special Event Insurance 10/09	70	HUB Inter of CA Ins Svc		
	1	Special Event Ins 10/09	Inv	99.16
Invoice number.: 10/09				
A101-7351-05.0.0-000 - Insurance Premiums		*** Account total ***		99.16
A101-7411-08.0.0-000 - Professional Services Retainer				
16662 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	1	Eng Svc 12/5/09-12/18/09	Inv	4,413.50
Invoice number.: 9036-9046				
A101-7411-08.0.0-000 - Professional Services Retainer		*** Account total ***		4,413.50
A101-7412-08.0.0-000 - Engineering/Inspection Service				
16662 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	3	Minor EP #9040	Inv	41.50
Invoice number.: 9036-9046				
A101-7412-08.0.0-000 - Engineering/Inspection Service		*** Account total ***		41.50

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7417-03.0.0-000 - Janitorial Service					
	16672 Janitorial Supplies 12/09	84	Hammons Supply Company		
		2	CH Janitorial Supplies 12/09	Inv	145.03
	Invoice number.: 57635				
A101-7417-03.0.0-000 - Janitorial Service			*** Account total ***		145.03
A101-7417-07.0.0-000 - Janitorial Service					
	16672 Janitorial Supplies 12/09	84	Hammons Supply Company		
		1	Libr Janitorial Supplies 12/09	Inv	290.06
	Invoice number.: 57635				
A101-7417-07.0.0-000 - Janitorial Service			*** Account total ***		290.06
A101-7417-09.0.0-000 - Janitorial Service					
	16672 Janitorial Supplies 12/09	84	Hammons Supply Company		
		3	Comm Pk Janitorial Supp 12/09	Inv	145.03
	Invoice number.: 57635				
A101-7417-09.0.0-000 - Janitorial Service			*** Account total ***		145.03
A101-7419-01.0.0-000 - Other Professional Services					
	16657 Video City Council Mtg 12/15/0	1467	LarryLogic Productions		
		1	Video CC Mtg 12/15/09	Inv	292.50
	Invoice number.: 1014				
A101-7419-01.0.0-000 - Other Professional Services			*** Account total ***		292.50
A101-7419-06.0.0-000 - Other Professional Services					
	16646 PD-Crossing Guard WE 12/5/09	1538	All City Management Services,		
		1	PD-Crossing Guard WE12/5/09	Inv	232.50
	Invoice number.: 18293				
	16654 PD Haz Mat Disposal 11/09	2507	Stericycle Inc		
		1	PD Haz Mat Disp 11/09	Inv	94.00
	Invoice number.: 3000707394				
	16678 PD Pre Empl Poly 12/09	2585	TTI Polygraph		
		1	PD Pre Empl Poly 12/09	Inv	300.00
	Invoice number.: 09-002				
	16680 PD Investigation 12/09	2375	Simpson Investigative Svc Grp		
		1	PD Investigation 12/09	Inv	3,568.20
	Invoice number.: 1089				
	16681 PD Services 12/09	1174	Psychological Resources Inc.		
		1	PD Services 12/09	Inv	600.00
	Invoice number.: 6318				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7419-06.0.0-000 - Other Professional Services			*** Continued ***		
	16685 PD TRAK Alert Svc 2010	1941	Critical Reach		
		1	PD TRAK Alert Svc 2010	Inv	135.00
	Invoice number.: 10-105				
A101-7419-06.0.0-000 - Other Professional Services			*** Account total ***		4,929.70
A101-7424-06.0.0-000 - Dispatch Services					
	16647 PD Dispatch Svcs 12/09	42	City of Concord		
		1	PD Dispatch Svcs 12/09	Inv	13,173.00
	Invoice number.: 17852				
A101-7424-06.0.0-000 - Dispatch Services			*** Account total ***		13,173.00
A201-7311-00.0.0-000 - General Supplies					
	16665 PW Lt Fixture 11/09	1778	Graybar Electric Co, Inc		
		1	PW Lt Fixture 11/09	Inv	1,168.69
	Invoice number.: 944902187				
A201-7311-00.0.0-000 - General Supplies			*** Account total ***		1,168.69
A201-7327-00.0.0-000 - Street Maintenance Supplies					
	16674 PW Signs 12/09	17	Bay Area Barricade Serv.		
		1	PW Signs 12/09	Inv	393.30
	Invoice number.: 0255567-IN				
	16675 PW Sign Mtn 12/09	17	Bay Area Barricade Serv.		
		1	PW Sign Mtn 12/09	Inv	126.19
	Invoice number.: 0255589-IN				
A201-7327-00.0.0-000 - Street Maintenance Supplies			*** Account total ***		519.49
A201-7345-00.0.0-000 - Traffic Signal Maintenance					
	16653 Traffic Signal Maintenance 9-1	234	CCC General Services		
		1	Traffic Signal Mtn 9-10/09	Inv	3,523.99
	Invoice number.: 3658				
A201-7345-00.0.0-000 - Traffic Signal Maintenance			*** Account total ***		3,523.99
A201-7412-00.0.0-000 - Engineering/Inspection Service					
	16662 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		4	Gas Tax Insp #9037	Inv	823.50
	Invoice number.: 9036-9046				
A201-7412-00.0.0-000 - Engineering/Inspection Service			*** Account total ***		823.50
A210-7338-00.0.0-000 - Water Services					
	16660 City Water Usage 10/6/09-12/7/	67	Contra Costa Water Dist.		
		9	No Vally Park 10-11/09	Inv	60.82
	Invoice number.: F Srs 10-11/09				

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A210-7338-00.0.0-000 - Water Services					
		11	City Irrigation 10-11/09	Inv	4,352.65
	Invoice number.: F Srs 10-11/09				
A210-7338-00.0.0-000 - Water Services			*** Account total ***		4,413.47
A210-7419-00.0.0-000 - Other Professional Services					
16656	OH Waterfall Mtn 12/09	2266	Rock N Waterfall Co		
		1	OH Waterfall Mtn 12/09	Inv	650.00
	Invoice number.: 596944				
A210-7419-00.0.0-000 - Other Professional Services			*** Account total ***		650.00
A211-7417-00.0.0-000 - Janitorial Services					
16673	Grove Janitorial Supplies 12/0	84	Hammons Supply Company		
		1	Grv Janitorial Supplies 12/09	Inv	236.29
	Invoice number.: 57636				
A211-7417-00.0.0-000 - Janitorial Services			*** Account total ***		236.29
A212-7412-00.0.0-000 - Engineering/Inspection Service					
16662	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		2	OH GHAD #9046	Inv	233.50
	Invoice number.: 9036-9046				
A212-7412-00.0.0-000 - Engineering/Inspection Service			*** Account total ***		233.50
A216-7409-00.0.0-000 - Street Sweeping					
16692	Street Sweeping 12/09	1459	Clean Street		
		1	Street Sweeping 12/09	Inv	3,500.00
	Invoice number.: 59086				
A216-7409-00.0.0-000 - Street Sweeping			*** Account total ***		3,500.00
A216-7412-00.0.0-000 - Engineering/Inspection Service					
16662	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		7	General SW #9041	Inv	76.25
	Invoice number.: 9036-9046				
A216-7412-00.0.0-000 - Engineering/Inspection Service			*** Account total ***		76.25
A216-7481-00.0.0-000 - Permit Fee					
16663	Water Res Cntl Bd Ann Fee 09-1	638	SWRCB Fees		
		1	Wtr Res Cntl Bd Ann Fee 09-10	Inv	5,400.00
	Invoice number.: WD-0015220				
A216-7481-00.0.0-000 - Permit Fee			*** Account total ***		5,400.00
A230-7218-00.0.0-000 - LTD Insurance-COPS					
16697	LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
		5	PD Grant LTD 1/10	Inv	42.43
	Invoice number.: 1/10				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A230-7218-00.0.0-000 - LTD Insurance-COPS			*** Account total ***		42.43
A230-7220-00.0.0-813 - PERS Retirement-COPS					
	16694 Retirement PPE 12/13/09	201	CalPERS		
		6	PD Grant 12/13/09	Inv	900.12
	Invoice number.: PPE 12/13/09				
A230-7220-00.0.0-813 - PERS Retirement-COPS			*** Account total ***		900.12
A230-7246-00.0.0-000 - Benefit Insurance					
	16695 Health Insurance 1/10	1316	CalPERS Health		
		7	PD Grants 1/10	Inv	1,384.66
	Invoice number.: 386				
	16696 Dental Premimum 1/10	540	Health Care Dental Trust		
		5	PD Grant Dental 1/10	Inv	127.83
	Invoice number.: 100379				
	16697 LTD, Life & ADD 1/10	65	Municipal Pooling Authority		
		10	PD Grant Life, ADD 1/10	Inv	11.25
	Invoice number.: 1/10				
A230-7246-00.0.0-000 - Benefit Insurance			*** Account total ***		1,523.74
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant					
	16650 PD Router Maintenance 12/09	42	City of Concord		
		1	PD Router Maint 12/09	Inv	112.00
	Invoice number.: 17879				
	16661 Local Phone Svc 11/09B	1243	AT&T/ CalNet 2		
		8	PD Secure Ln 11/09B	Inv	5,001.86
	Invoice number.: 11/09B				
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant			*** Account total ***		5,113.86
A301-7361-00.0.0-000 - Advertising					
	16691 EH Yellow Pg Ads 1/10	2014	AT&T Yellow Pages		
		1	EH Yellow Page Ads 1/10	Inv	39.00
	Invoice number.:				
A301-7361-00.0.0-000 - Advertising			*** Account total ***		39.00
A301-7413-00.0.0-000 - Legal Services					
	16666 RDA LMI Lgl Svc 11/09	79	Goldfarb & Lipman		
		1	RDA Lgl Svc 11/09	Inv	49.00
	Invoice number.: 96079				
A301-7413-00.0.0-000 - Legal Services			*** Account total ***		49.00

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A301-7414-00.0.0-000 - Auditing			
16679 Audit 08-09	2297 Moss, Levy & Hartzheim		
	1 Audit 08-09	Inv	2,990.00
Invoice number.: 1660			
A301-7414-00.0.0-000 - Auditing	*** Account total ***		2,990.00
A301-7419-00.0.0-000 - Other Professional Services			
16684 RDA Fisc Imp Analysis 12/09	2429 Seifel Consulting Inc.		
	1 RDA Fisc Imp Analysis 12/09	Inv	5,703.71
Invoice number.: 10263			
A301-7419-00.0.0-000 - Other Professional Services	*** Account total ***		5,703.71
A302-7413-00.0.0-000 - Legal Services			
16666 RDA LMI Lgl Svc 11/09	79 Goldfarb & Lipman		
	2 RDA LMI Lgl Svc 11/09	Inv	196.00
Invoice number.: 96079			
A302-7413-00.0.0-000 - Legal Services	*** Account total ***		196.00
A302-7419-00.0.0-000 - Other Professional Services			
16677 Audit Financial Rpts 08-09	2234 Thales Consulting Inc		
	1 Audit Financial Rpts 08-09	Inv	300.00
Invoice number.: 308			
A302-7419-00.0.0-000 - Other Professional Services	*** Account total ***		300.00
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir			
16660 City Water Usage 10/6/09-12/7/	67 Contra Costa Water Dist.		
	12 Stranahan Svc 10-11/09	Inv	13.25
Invoice number.: F Srs 10-11/09			
16682 LMI Lock Chg & Keys 12/09	133 Rex Lock & Safe, Inc.		
	1 LMI Lock Chg & Keys 12/09	Inv	127.50
Invoice number.: 85681			
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir	*** Account total ***		140.75
A303-7520-00.0.0-104 - Downtown Economic Dev Project			
16662 Eng Svc 12/5/09-12/18/09	116 PERMCO, Inc.		
	10 Eng Svc #9045	Inv	608.75
Invoice number.: 9036-9046			
16669 Dwntwn Econ Project 11/09	2386 Economic Development Systems		
	1 Dwntwn Econ Project 11/09	Inv	5,848.00
Invoice number.: 11/09			
A303-7520-00.0.0-104 - Downtown Economic Dev Project	*** Account total ***		6,456.75

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A303-7520-00.0.0-114 - 2009 Arterial Overlay Project					
	16653 Traffic Signal Maintenance 9-1	234	CCC General Services		
		2	Traffic Sgn Mtn 9-10/09	Inv	-1,185.21
	Invoice number.: 3658				
	16662 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		8	Eng Svc #9043	Inv	468.50
	Invoice number.: 9036-9046				
A303-7520-00.0.0-114 - 2009 Arterial Overlay Project			*** Account total ***		-716.71
A401-1211-00.0.0-000 - Cash with Fiscal Agent1996-RDA					
	16667 RDA 96 Debt Svc 2/10	16	US Bank Ops Ctr ATTN: TFM		
		3	RDA 96 Debt Svc 2/10	Inv	-867.53
	Invoice number.: 95433320 2/10				
A401-1211-00.0.0-000 - Cash with Fiscal Agent1996-RDA			*** Account total ***		-867.53
A401-1212-00.0.0-000 - Cash with Fiscal Agent1999RDA					
	16668 RDA 99 Debt Svc 2/10	16	US Bank Ops Ctr ATTN: TFM		
		2	RDA 99 Debt Svc 2/10	Inv	-782.01
	Invoice number.: 95465560 2/10				
A401-1212-00.0.0-000 - Cash with Fiscal Agent1999RDA			*** Account total ***		-782.01
A401-7611-00.0.0-000 - Principal Payment					
	16667 RDA 96 Debt Svc 2/10	16	US Bank Ops Ctr ATTN: TFM		
		1	RDA 96 Debt Svc 2/10	Inv	1,495,000.00
	Invoice number.: 95433320 2/10				
A401-7611-00.0.0-000 - Principal Payment			*** Account total ***		1,495,000.00
A401-7612-00.0.0-000 - Interest Payment					
	16667 RDA 96 Debt Svc 2/10	16	US Bank Ops Ctr ATTN: TFM		
		2	RDA 96 Debt Svc 2/10	Inv	143,482.50
	Invoice number.: 95433320 2/10				
	16668 RDA 99 Debt Svc 2/10	16	US Bank Ops Ctr ATTN: TFM		
		1	RDA 99 Debt Svc 2/10	Inv	133,307.50
	Invoice number.: 95465560 2/10				
A401-7612-00.0.0-000 - Interest Payment			*** Account total ***		276,790.00
A601-2730-00.0.0-006 - Library Room Rental Deposit					
	16683 Library Refund 12/10/09	2121	Clayton Pioneer		
		1	Library Refund 12/10/09	Inv	200.00
	Invoice number.: Libr 12/10/09				
	16690 Libr Dep Refund 12/5/09	2599	Christine Mitchell		
		1	Libr Dep Refund 12/5/09	Inv	200.00
	Invoice number.: Libr 12/5/09				
A601-2730-00.0.0-006 - Library Room Rental Deposit			*** Account total ***		400.00

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2731-00.0.0-550 - Golden Oak Constr EP2838 Bond					
	16688 Refund EP 2838 Dep 12/09	2600	Golden Oak Const		
		1	Refund EP 2838 Dep 12/09	Inv	500.00
	Invoice number.: EP 2838				
A601-2731-00.0.0-550 - Golden Oak Constr EP2838 Bond			*** Account total ***		500.00
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP					
	16662 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		5	Eng Svc #9038	Inv	539.50
	Invoice number.: 9036-9046				
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP			*** Account total ***		539.50
A601-2740-00.0.0-097 - Cost Recov Dep - CCWD Minor EP					
	16662 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		6	Eng Svc #9039	Inv	83.00
	Invoice number.: 9036-9046				
A601-2740-00.0.0-097 - Cost Recov Dep - CCWD Minor EP			*** Account total ***		83.00
A601-2740-00.0.0-139 - Community Svc Reimbursement					
	16665 PW Lt Fixture 11/09	1778	Graybar Electric Co, Inc		
		2	PW Lt Fixture Rpl 11/09	Inv	1,168.69
	Invoice number.: 944902187				
A601-2740-00.0.0-139 - Community Svc Reimbursement			*** Account total ***		1,168.69
A601-2743-00.0.0-085 - St Bonaventure-Traffic Sig Mtn					
	16653 Traffic Signal Maintenance 9-1	234	CCC General Services		
		3	Traffic Sgn Mtn 9-10/09	Inv	121.16
	Invoice number.: 3658				
A601-2743-00.0.0-085 - St Bonaventure-Traffic Sig Mtn			*** Account total ***		121.16
A601-2744-00.0.0-189 - Riessen SW Permit 17-05					
	16662 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		11	Eng Svc #9042	Inv	41.50
	Invoice number.: 9036-9046				
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					
	16662 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		12	Eng Svc #9042	Inv	41.50
	Invoice number.: 9036-9046				
A601-2744-00.0.0-381 - Gonzalez SW Permit 18-07			*** Account total ***		41.50

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-484 - Cortel SWP27-08					
16662	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		13	Eng Svc #9042	Inv	41.50
Invoice number.: 9036-9046					
A601-2744-00.0.0-484 - Cortel SWP27-08			*** Account total ***		41.50
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08					
16662	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		14	Eng Svc #9042	Inv	41.50
Invoice number.: 9036-9046					
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08			*** Account total ***		41.50
A601-2744-00.0.0-518 - Weisendanger SWP					
16662	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		15	Eng Svc #9042	Inv	41.50
Invoice number.: 9036-9046					
A601-2744-00.0.0-518 - Weisendanger SWP			*** Account total ***		41.50
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08					
16662	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		16	Eng Svc #9042	Inv	41.50
Invoice number.: 9036-9046					
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08			*** Account total ***		41.50
A601-2744-00.0.0-549 - Anderson SWP 14-09					
16662	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		17	Eng Svc #9042	Inv	83.00
Invoice number.: 9036-9046					
A601-2744-00.0.0-549 - Anderson SWP 14-09			*** Account total ***		83.00
A601-2746-00.0.0-129 - Diablo Pt Grading Inspections					
16662	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		9	Eng Svc #9044	Inv	232.50
Invoice number.: 9036-9046					
A601-2746-00.0.0-129 - Diablo Pt Grading Inspections			*** Account total ***		232.50
A601-2750-00.0.0-001 - Clayton First Night Fund					
16687	NYE Date Chg for Banner 12/09	1454	Sign A Rama		
		1	NYE Date Chg for Banner 12/09	Inv	87.40
Invoice number.: 17486					
16689	NYE Heaters, BBQs 12/09	2598	Dawson Event Services		
		1	NYE Heaters, BBQs 12/09	Inv	565.00
Invoice number.: 123109					
A601-2750-00.0.0-001 - Clayton First Night Fund			*** Account total ***		652.40

	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A701-7417-00.0.0-000 - Janitorial Service						
	16651	DV Gym Janitorial 7-9/09	512	Mt. Diablo Unified School Dist		
			1	DV Gym Janitorial 7-9/09	Inv	4,296.27
	Invoice number.: AR214570					
	16652	DV Gym Janitorial 7-9/09	512	Mt. Diablo Unified School Dist		
			1	DV Gym Janitorial 7-9/09	Inv	2,252.58
	Invoice number.: AR214571					
A701-7417-00.0.0-000 - Janitorial Service				*** Account total ***		6,548.85
* Report total *				*** Total ***		1,907,286.07

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 1-5-10

Agenda Item: 4c

Approved:
Gary A. Napper City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laci J. Jackson, City Clerk

DATE: January 5, 2010

SUBJECT: Adopt a Resolution approving and authorizing the execution of a Master Contract application for Local Grant Funds ($492,883) from the East Bay Regional Park District under its Measure WW Park Bond Extension (Nov. 2008).

Background
In November 2008, Alameda and Contra Costa voters passed Measure WW, the East Bay Regional Park District's (EBRPD) $500 million park bond extension proposition. Measure WW is the successor to the previous EBRPD bond measure, Measure AA. Measure WW provides critical funding to protect open space and create additional regional parks and trails for recreation.

Twenty-five percent of the proceeds of the bond measure ($125 million) will go to cities, special parks and recreation districts, and county service areas for their park and recreation services. These funds are to be used for the acquisition and development of neighborhood, community, regional parks and recreation lands and facilities. The City of Clayton's share of the $125 million amount is $492,883.

To receive Measure WW funds, the East Bay Regional Bay Regional Park District (EBRPD) requires local agencies to adopt a resolution approving a master contract for the grant funds, authorizing grant applications, and designating the authorized City representative who will execute all related actions and documents. The Council does not need to be project specific at this point. Executing the Master Contract allows project processing expenses (e.g. engineering, design, land use entitlement, environmental review costs) to potentially be grant eligible for reimbursement. Once a specific project has been identified and approved by the City Council for pursuit, staff will commence processing the project.

Recommendation
Staff recommends that the Council adopt the attached Resolution approving a master contract with the East Bay Regional Park District (EBRPD), authorizing applications for local grant funds from the EBRPD under Measure WW Park Bond Extension, and authorizing the City Manager to execute all related actions and documents.

RESOLUTION No: XX-2010

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A MASTER CONTRACT APPLICATION FOR LOCAL GRANT FUNDS ($492,883) FROM THE EAST BAY REGIONAL PARK DISTRICT UNDER ITS MEASURE WW PARK BOND EXTENSION

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the voters of the East Bay Regional Park District have enacted the Measure WW Park Bond which provides funds for the acquisition and development of neighborhood, community, regional parks and recreation lands and facilities; and

WHEREAS, the East Bay Regional Park District Board of Directors has the responsibility for the administration of the grant program, setting up necessary procedures; and

WHEREAS, said procedures require the Applicant's Governing Body to certify by resolution the approval of the Applicant to apply for the Local Grant allocation of funds; and

WHEREAS, the Applicant will enter into a Contract with the East Bay Regional Park District;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby:

1. Approve the execution of a grant contract in the amount of $492,883 from the Local Grant Program under the East Bay Regional Park District Measure WW Park Bond; and

2. Certify that the Applicant has or will have sufficient funds to operate and maintain the Project(s); and

3. Certify that the Applicant has reviewed, understands and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoint the City Manager as its agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of Project(s).

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on January 5, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Laci J. Jackson, City Clerk

EAST BAY REGIONAL PARK DISTRICT
MEASURE WW PARK BOND
MASTER CONTRACT - LOCAL GRANT PROGRAM

MASTER CONTRACT No.: _____

GRANTEE: _____

THE PROJECT PERFORMANCE PERIOD is from the date this agreement is signed below by the District through December 31, 2018

The Grantee agrees to the terms and conditions of this Contract, and the East Bay Regional Park District, acting through its Board of Directors pursuant to the Measure WW Park Bond, agrees to fund the total Project Grant Amount indicated.

THESE FUNDS ARE FOR THE ACQUISITION AND DEVELOPMENT OF NEIGHBORHOOD, COMMUNITY, AND REGIONAL PARKS AND RECREATION LANDS AND FACILITIES.

The General Provisions, Local Grant Procedural Guide, Forms and individual Project Applications are attached hereto and made a part of and incorporated into the Contract.

The District anticipates that WW Parks Bonds in the amount of $492,883 will be issued for project.

CITY OF CLAYTON Grantee	EAST BAY REGIONAL PARK DISTRICT
By:_______________________	By_______________________
(Signature of Authorized Representative)	(Signature of Authorized Representative)
_____	Pat O'Brien
(Gary A. Napper)	(Print Name of Authorized Representative)
Title: City Manager	Title: General Manager
Date: _______________________	Date: _______________________

EAST BAY REGIONAL PARK DISTRICT
MEASURE WW PARK BOND
MASTER CONTRACT - LOCAL GRANT PROGRAM

MASTER CONTRACT No.: ____

GRANTEE: City of Clayton

Authorized Representative – the Applicant/Grantee's designated position authorized in the Resolution to sign all required grant documents. The Authorized Representative may designate an alternate by informing the District in writing.

The Authorized Representative Gary A. Napper, City Manager hereby designates the following alternates:

Name / Title	E-mail Address	Phone
Hank Stratford / Mayor	hank_stratford@yahoo.com	925-673-7318
David T. Shuey/ Vice Mayor	shuey@rankinlaw.com	925-673-7317
Laci J. Jackson / City Clerk	ljackson@ci.clayton.ca.us	925-673-7304
Name / Title	E-mail Address	Phone

General Provisions

A. Definitions

1. The term "Measure" as used herein refers to the revenue generated from the sale of bonds for the Program.

2. The term "Application" as used herein refers to the individual Project Application(s) and its required attachments for grants, pursuant to the enabling legislation and/or procedural guidelines.

3. Acquisition: means to obtain fee title or permanent easement for public access rights in real property.

4. The term "District" means the East Bay Regional Park District.

5. The term "Development" means improvements to real property for parks and recreation purposes, including but not limited to construction of new facilities, renovation or additions to existing facilities or historic preservation and protection. WW Local Grant Program funds may only be used for Capital Improvement.

6. The term "Grantee" as used herein means the party described as the Grantee on page 1 of this Contract. The term "Project" as used herein means the project described in the Brief Description of Project on the Project Application form.

B. Project Execution

1. Subject to the availability of grant monies in the Measure, the District hereby grants to the Grantee a sum of money (grant monies) not to exceed the amount stated on page 1, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the Measure WW Park Bond Local Grant Procedural Guide, and under the terms and conditions set forth in this Contract.

   The Grantee shall assume any obligation to furnish any additional funds that may be necessary to complete the Project. Any modification or alteration in the Project as set forth in the Application on file with the District must be submitted to the District for approval.

2. The Grantee shall complete the Project in accordance within the time of Project Performance set forth on page 1, and under the terms and conditions of this Contract.

3. The Grantee shall certify its compliance as lead agency with the California Environmental Quality Act (Public Resources Code, Section 21000, et seq., Title 14, California Code of Regulations, Section 15000 et seq.).

4. The Grantee shall comply with all applicable current laws and regulations affecting Development Projects, including, but not limited to, legal requirements for construction Contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities.

5. The Grantee shall permit periodic site visits, including a final inspection upon Project completion by the District, to determine if Development work is in accordance with the approved Project Scope.

6. Prior to the commencement of any work, the Grantee agrees to submit any significant deviation from the original scope of work in writing to the District.

7. If the Project includes Acquisition of real property, the Grantee agrees to comply with all applicable state and local laws or ordinances affecting relocation and real property acquisition.

8. The Grantee shall provide public access to Project facilities commensurate with the intent of the Project.

9. Grantees shall have (1) fee title, (2) lease hold or (3) other interest to the Project lands and demonstrate to the satisfaction of the District that the proposed Project will provide public benefits that are commensurate with the type and duration of the interest in land that is held by the Grantee, as determined by the District.

10. The Grantee shall maintain and operate the property for a period that is commensurate with the type of Project and the proportion of District funds allocated to the capital costs of the Project. With the approval of the District, the Grantee, or the Grantee's successor in interest in the property, may transfer the responsibility to maintain and operate the property in accordance with this section. The Grantee shall use the property only for the purposes for which the grant was made and shall make no other use, sale or other disposition of the property, except as authorized by specific action of the District Board of Directors. The agreements specified in this section shall not prevent the transfer of the property from the Grantee to a public agency, if the successor public agency assumes the obligations imposed by those agreements. If the use of the property or portion of the property is changed to a use that is not for parks and recreation, or if the property is sold or otherwise disposed of, an amount equal to (1) the amount of the grant, (2) the fair market value of the real property, or (3) the proceeds from the sale or other disposition, whichever is greater, shall be used by the Grantee for a parks and recreation capital purpose, pursuant to agreement with the District as specified in this section, or shall be reimbursed to the District and be available for appropriation by the District Board of Directors only for an authorized purpose.

11. The Grantee shall post and maintain a funding acknowledgement sign at the Project site for three years following receipt of final payment for the project.

C. Project Costs

1. The District may disburse to the Grantee the grant monies as follows, but not to exceed in any event, the total Grant Amount set forth of page 1 of this Contract:

    a. The Grantee may request progress payments up to a total of up to 80% of the approved Project Application amount for eligible expenditures made on the project.

    b. The remaining grant funds shall be paid up to the amount of the Application or the actual Project cost, whichever is less, on completion of the Project and receipt of a Completion Package of Project costs from the Grantee.

D. Project Administration

1. The Grantee shall submit written Project Status Reports to the District every six months. The District shall withhold all payments until all Project Status Reports are properly submitted.

2. The Grantee shall make property and facilities developed pursuant to this Contract available for inspection upon request by the District.

E. Project Termination

1. Any Grant funds that have not been expended by the Grantee prior to the end of the performance period set forth on page 1 of this Contract shall revert to the District and be available for Appropriation by the District Board of Directors for one or more other projects for parks and recreation purposes.

2. The Grantee may unilaterally rescind this Contract at any time prior to the commencement of a Project. After Project commencement, this Contract may be rescinded, modified or amended only by mutual agreement in writing between the Grantee and the District.

3. Failure by the Grantee to comply with the terms of this Contract or any other Contract under the Bond Measure may be cause for suspension of all obligations of the District hereunder. However, such failure shall not be cause for the suspension of all obligations of the District hereunder if in the judgment of the District such failure was due to no fault of the Grantee. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for reimbursement under this Contract.

F. Hold Harmless

1. The Grantee shall waive all claims and recourse against the District including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this Contract except claims arising from the concurrent or sole negligence of the District, its officers, agents, and employees.

2. The Grantee shall indemnify, hold harmless and defend the District, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the Acquisition, Development, construction, operation or maintenance of the property described as the Project. This includes claims, demands or causes of action that arise under Government Code Section 895.2 or otherwise, except for liability arising out of the concurrent or sole negligence of the District, its officers, agents, or employees.

3. The Grantee agrees that in the event the District is named as codefendant under the provisions of Government Code Section 895 et seq., the Grantee shall notify the District of such fact and shall represent the District in the legal action, unless the District undertakes to represent itself as codefendant in such legal action, in which event the District shall bear its own litigation costs, expenses, and attorney's fees.

4. The Grantee and the District agree that in the event of judgment entered against the District and the Grantee because of the concurrent negligence of the District and the Grantee, their

officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.

5. The Grantee shall indemnify, hold harmless and defend the District, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the Grantee has certified. The Grantee acknowledges that it is solely responsible for compliance with items to which it has certified.

G. Financial Records

1. The Grantee shall maintain satisfactory financial accounts, documents and records for the Project and make them available to the District for auditing at reasonable times. The Grantee also agrees to retain such financial accounts, documents and records until December 31, 2021.

   The Grantee and the District agree that during regular office hours each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this Contract or matters related thereto. The Grantee shall maintain and make available for inspection by the District accurate records of all of its costs, disbursements and receipts with respect to its activities under this Contract.

2. The Grantee shall use a generally accepted accounting system.

H. Use of Facilities

1. The Grantee agrees that the Grantee shall use the property developed with grant monies under this Contract only for the purposes for which the District grant monies were requested and no other use of the area shall be permitted except by specific written approval by the District.

2. The Grantee shall maintain and operate the property developed for 25 years after final payment of grant funds. The Grantee shall permit periodic inspection of the project by the District during this period and may be required to submit annual project status reports if requested by the District.

I. Nondiscrimination

1. The Grantee shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or facility developed pursuant to this Contract.

2. The Grantee shall not discriminate against any person on the basis of residence except to the extent those reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

J. Procedural Guidelines and Application Incorporation

The Project Application, Procedural Guidelines and Forms and any subsequent change or addition approved by the District is hereby incorporated in this Contract as though set forth in full in this Contract.

K. Severability

If any provision of this Contract or the application thereof is held invalid, that invalidity shall not affect other provisions of the Contract, which can be given effect without the invalid provision or application, and to this end the provisions of this Contract are severable.

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

Agenda Date: 1-5-10

Agenda Item: 9a

Approved

Gary A. Napper, City Manager

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: JANUARY 5, 2010

SUBJECT: AMENDMENT TO CLAYTON'S MUNICIPAL CODE (ZOA 04-09) TO IMPLEMENT SENATE BILL (SB) 1818, CALIFORNIA'S DENSITY BONUS LAW

RECOMMENDATION

It is recommended that the City Council approve Second Reading and formal Adoption of Ordinance No. 426 amending the Clayton Municipal Code for the purpose of implementing State law mandates (requirements of Senate Bill 1818) to grant density bonuses and incentives to support affordable housing construction in the City.

BACKGROUND

At the City Council's meeting of December 15, 2009, the Council considered the Planning Commission's recommendation to adopt Ordinance No. 426 which was prepared to satisfy the requirements of Senate Bill (SB) 1818. After reviewing the Ordinance and considering input regarding the matter, the City Council approved Introduction and First reading of Ordinance No. 426.

Implementation of SB 1818 by local jurisdictions, like the City of Clayton, is required by State law. Moreover, a stated implementation measure of Clayton's 2009 Housing Element Update is the adoption of a local implementing ordinance for SB 1818. A primary purpose of SB 1818 is to better assure the availability of affordable housing to lower income households within the State. SB 1818 increases the allowable density bonus of prior law from 25%, when housing projects provided between 10%-20% of the units meeting affordability requirements, to up to 35% for meeting specified affordability requirements. In addition to increasing the maximum allowable density bonus, SB 1818 reduces the thresholds for granting the bonuses. Also, this law increases the number of concession or incentives, such as financial assistance or a reduction in a development standard, that cities and counties must provide for increases in the percentages of affordable housing units included in a project. Finally, SB 1818 imposes a new land donation rule.

EXHIBITS

1 Ordinance No. 426
2 December 15, 2009 City Council Staff Report w/o Attachments

ZOA\2009\04-09.srcc.secondreading.1.5.10

ORDINANCE NO. 426

AMENDMENT OF TITLE 17 OF THE MUNICIPAL CODE TO ADD CHAPTER 17.90 AFFORDABLE HOUSING DENSITY BONUS REQUIREMENTS (ZOA 04-09)

THE CITY COUNCIL City of Clayton, California

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

WHEREAS, Senate Bill (SB) 1818 requires that cities and counties in the State of California adopt local ordinances to implement the provisions of that law; and

WHEREAS, the intent of SB 1818 is to increase the number of affordable housing units constructed in the State of California by implementing various measures including lowering the thresholds for eligibility for density bonuses, increasing the maximum percentage of possible bonus to 35% from 25%, increasing the number of incentives that local communities must offer to qualified development projects, and offering a land donation consideration for obtaining a density bonus based on satisfying specified criteria; and

WHEREAS, the Planning Commission held duly-noted public hearings on October 13, 2009, October 27, 2009, and December 8, 2009 to review the requirements of SB 1818 and consider amendments of the Municipal Code to formally implement SB 1818 in accordance with State law; and

WHEREAS, at its public hearings on October 13, 2009, October 27, 2009, and December 8, 2009, the Planning Commission received and considered a staff report, background information, comments, and testimony regarding a proposed amendment to Title 17 of the Clayton Municipal Code to add Chapter 17.90 Density Bonus to that Title to implement SB 1818 in accordance with State law; and

WHEREAS, at its hearing December 8, 2009, the Planning Commission determined that the proposed amendment to Title 17 of adding Chapter 17.90 would qualify for a categorical exemption from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the State CEQA Guidelines; determined that this amendment would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of this amendment; and recommended City Council approval of the amendment; and

WHEREAS, on December 15, 2009 and January 5, 2010, 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 amendments of the Municipal Code would qualify for categorical exemption from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) 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. Title 17 of the Municipal Code shall be amended to add Chapter 17.90, referred to herein as **Attachment 1**.

SECTION 2. 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 3. 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. Further, upon its effective date, the City Clerk is directed to incorporate Attachment 1 under Section 1 of this Ordinance into the Clayton Municipal Code.

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

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on January 5, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

Hank Stratford, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

Dan Adams, City Attorney

APPROVED BY ADMINISTRATION

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on December 15, 2009, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on January 5, 2010.

Laci J. Jackson, City Clerk

Attachment 1

ZOA\2009\04-09.ord3.final.cc.version

Chapter 17.90

AFFORDABLE HOUSING DENSITY BONUS REQUIREMENTS

17.90.010 Title and Purpose. This Chapter shall be known and may be cited as the Affordable Housing Density Bonus Requirements Ordinance of the City of Clayton and is adopted to comply with California Government Code Section 65915.

17.90.020 Definitions. Certain words and phrases are defined within this Chapter and the definitions herein apply to this Chapter only. Where it appears from the context of such words, phrases, or provisions that a different meaning is intended, the definition shall be as determined by the Community Development Director.

a. 'Affordable Housing Cost,' 'Affordable Ownership Housing Cost' and 'Affordable Rental Housing Cost' are defined as the allowable percentage of gross household income a household spends on housing costs for a given income group, as defined below:

   (1) For Very Low Income households, the Affordable Housing Cost shall not exceed the product of thirty percent (30%) times fifty percent (50%) of the Area Median Income adjusted for family size appropriate for the unit;

   (2) For Lower Income households, the Affordable Housing Cost shall not exceed the product of thirty percent (30%) times seventy (70%) of the Area Median Income adjusted for family size appropriate for the unit;

(3) For Moderate Income households, the Affordable Housing cost shall not be less than twenty-eight (28%) of the gross income of the household, nor exceed the product of thirty-five percent (35%) times one hundred ten percent (110%) of the Area Media Income adjusted for family size appropriate for the unit;

(4) For owner-occupied units, the Affordable Housing Cost includes the monthly mortgage principal and interest, property taxes, homeowner's insurance, and homeowner/condominium association fees (where applicable); and,

(5) For renter-occupied units, the Affordable Housing cost includes the monthly rent plus utility allowance, as defined by the Contra Costa County Housing Authority.

b. 'Affordable Housing Unit' is defined as a Dwelling Unit within a Residential Development Project which will be made available to and reserved for Very Low Income households, Lower Income households or Moderate Income household at an Affordable Housing Cost for the respective group(s).

c. 'Applicant' is defined as any person, firm, partnership, association, joint venture, corporation, or entity or combination of entities who seek residential property development permits or approvals from the City of Clayton.

d. 'Area Median Income (AMI)' is defined as the median for Contra Costa County as defined annually by the U.S. Department of Housing and Urban Development (HUD) and adopted by the California Department of Housing and Community Development (HCD). Income groupings that are subdivision of AMI, such as Very Low, Low, Lower and Moderate Income households are also defined by HUD and adopted by HCD.

e. 'Child Care Facility' is defined as a facility installed, operated, and maintained for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

f. 'Child Care Facility Density Bonus' means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of the City of Clayton of the Following amounts: A maximum of five (5) square feet of floor area contained in the Child Care Facility for existing structures; or a maximum of ten (10) square feet of floor area for each square foot of floor area contained in the Child Care Facility for new structures.

g. 'Condominium Conversion Density Bonus' means an increase in units of twenty-five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

h. 'Density Bonus' is defined as a density increase of at least five percent (5%), unless a lesser percentage is elected by the Applicant, and no more than thirty-five percent (35%) over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan as of the date of application by the Applicant to the City of Clayton.

i. 'Development Standard' is defined as site or construction conditions that apply to a Residential Development Project pursuant to any ordinance, general plan element , specific plan, or other local condition, law, policy, resolution, or regulation.

j. 'Dwelling Unit' is defined as a dwelling designed and intended for residential occupancy by one household.

k. 'Floor Area' is defined as to a commercial or industrial project, as the floor area as calculated under the applicable zoning ordinance of the City of Clayton and as to a Child Care Facility, as the total area contained within the exterior walls of the facility and all outdoor areas devoted o the use of the facility in accordance with applicable state child care licensing requirements.

l. 'Household Income' is defined as the gross annual household income for all adult wage earners, Senior Citizen or disabled family members and any other sources of household income.

m. 'Lower Income Households' is defined as households with a total combined income not exceeding eighty percent (80%) of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

n. 'Marketing Plan' is defined as a plan that describes how the Applicant will inform the public, and those within the appropriate income groups, of the availability of Affordable Housing Units.

o. 'Maximum Allowable Residential Density' is defined as the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

p. 'Mixed-Use Development Project' is defined as a Residential Development Project that may include a mix of commercial, office, industrial or residential uses.

q. "Mobilehome Park' is defined as a mobilehome park that limits residency based on age requirements for housing older persons pursuant to Section 798.96 or 799.5 of the Civil Code.

r. 'Moderate Income Households' is defined as households with a total combined not exceeding one hundred and twenty percent (120%) of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

s. 'Presumed Occupancy Levels' are defined as: One person for a studio unit; two people for a one bedroom unit; three people for a two bedroom unit; and one additional person for each additional bedroom thereafter.

t. 'Resale Controls and/or Rent Restrictions' are defined as the restrictions, set for the by the City of Clayton or by state and/or federal law, by which the rents paid on rental Affordable Housing Units and the sales price for ownership Affordable Housing Unit are limited to ensure that the units remains affordable to Very Low or Low Income households for a term of no less than thirty (30) years. With respect to rental units, such rent restrictions shall generally be in the form of a regulatory agreement recorded against the applicable property. With respect to owner occupied units, such resale controls shall generally be in the form of resale restrictions, deeds of trust and/or other similar documents recorded against the applicable property.

u. 'Residential Development Project' is defined as detached single-family dwellings, multiple dwelling structures, groups of dwellings, condominium or townhouse developments, condominium conversions, cooperative developments, and mixed use developments that include housing units. This definition also includes contiguous or non-contiguous parcels that have one or more applications filed within a twenty-four (24) month period and which are under the same ownership.

v. 'Senior Citizen Household' is defined as a household headed by a person sixty-two (62) years of age or older.

w. 'Senior Citizen Housing Development' is defined as a development of at least thirty-five (35) dwelling units reserved for Senior Citizen Households and as further described in Sections 51.3 and 51.12 of the Civil Code.

x. 'Very Low Income Households' is defined as households with a total combined income not exceeding fifty percent (50%) of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

17.90.030 Application. The provisions of this Article apply to residential Development Projects and mixed-use Residential Development Projects, consisting of either five (5) or more general Dwelling Units, Senior Citizen Housing Developments, or Mobilehome Parks.

17.90.040 Specified Housing Units. Unless the granting would have a specific adverse impact on public health or safety or granting is not required to provide for affordable housing cost, the City shall grant a Density Bonus, and incentives or concessions described in Section 17.90.110, when an Applicant for a Residential Development Project seeks and agrees to construct at least anyone of the Following:

a. Ten percent (10%) of the total Dwelling Units of a residential Development Project for Lower Income Households; or

b. Five percent (5%) of the total Dwelling Units of a Residential Development Project for Very Low Income Households; or

c. A Residential Development Project meeting the requirements of a Senior Citizen Housing Development or a Mobilehome Park; or

d. Ten percent (10%) of the total Dwelling Units in a common interest development as defined in Section 1351 of the Civil Code, for persons and families of Moderate Income, provided that all units in the development are offered to the public for purchase.

The Applicant shall elect whether the Density Bonus shall be awarded on the basis of Section 17.90.040. (a., b., c., or d.). All Density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a Density Bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval. The Density Bonus shall not be included when determining the number of Dwelling Units that is equal to five (5%) or ten (10%) percent of the total Dwelling Units.

For Residential Development Projects that meet the criteria of Section 17.90.040 a., the Density Bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

For Residential Development Projects that meet the criteria of Section 17.90.040 b., the Density Bonus shall be calculated as follows:

5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

For Residential Development Projects that meet the criteria of Section 17.90.040 c., the Density Bonus shall be twenty (20%) percent.

For Residential Development Projects that meet the criteria of Section 17.90.040.d, the Density Bonus shall be calculated as follows:

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

Residential Development Projects incorporating a Density Bonus require review and approval by the Planning commission; provided, however, that if the Residential Development Project involves another permit or entitlement requiring City council approval, then the Planning Commission may recommend approval or deny the project. Decisions of the Planning commission may be appealed to the City Council as provided in chapter 17.68 of the Municipal Code.

17.90.050 Land Donation. When an Applicant donates land to the City, the Applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire Residential Development Project as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

This Density Bonus shall be in addition to any Density Bonus mandated by Section 17.90.040, up to a maximum combined increase of thirty-five (35%) percent if the Applicant seeks both the increase required under this section and the increase under Section 17.90.040. All Density Bonuses resulting in fractional numbers shall be rounded up to the next whole number.

An Applicant shall be eligible for the increased Density Bonus described in this section if all of the following conditions are met:

a. The Applicant donates and transfers the land to the City no later than the date of approval by the City of the final subdivision map, parcel map, or residential development application of the residential Development Project seeking the Density Bonus.

b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income households in an amount not less than ten percent (10%) of the number of residential units of the proposed Residential Development Project seeking the Density Bonus.

c. The transferred land is characterized by the following:

(1) It is at least one acre in size and without environmental constraints, e.g., flood plain, wetlands, sloped topography, etc., or other

encumbrances, e.g., utility easements, etc., to permit development of at least twenty (20) units; and

(2) It has the appropriate general plan designation and is appropriately zoned for affordable housing; and

(3) It is or will be served by adequate public facilities and infrastructure; and

(4) It shall have appropriate zoning and development standards to make the development of the Affordable Housing Units feasible; and

(5) No later than the date of approval of the final subdivision map, parcel map, or of the Residential Development Project seeking the Density Bonus, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of Very Low Income housing units on the transferred land, except that the City may subject the proposed Residential Development to subsequent design review, if the design is not reviewed by the City prior to the time of transfer.

d. The transferred land and the Affordable Housing Units shall be subject to a deed restriction, which shall be recorded on the property at the time of dedication, ensuring continued affordability of the units for a term of at least thirty (30) years.

e. The land is transferred to the City or to another housing developer approved by the City.

f. The transferred land shall be within the boundary of the proposed Residential Development Project or, if the City agrees, elsewhere within the City limits.

17.90.060 Child Care Facilities. When an Applicant proposes to construct a Residential development Project that conforms to the requirements of Section 17.90.040 and includes a Child Care Facility that will be located on the premises of, as part of, or adjacent to, the Residential Development Project, the City shall grant either of the following: (i) An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility; or (ii) an additional concession or incentive designated by the City to contribute significantly to the economic feasibility of the construction of the Child Care Facility.

The City shall require, as a condition of approving the residential Development Project that the following occur: (i) The Child Care Facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the Affordable Housing Units are required to remain affordable pursuant to this Chapter; and (ii) of the children who attend the child Care Facility, the children of Very Low Income Household, Lower Income Households, Moderate Income Households shall equal a percentage that is equal to or greater than the percentage of Dwelling Units that are made affordable to Very Low Income Households, Lower Income Households, or families of Moderate Income Households pursuant to Section 17.90.040.

Notwithstanding any requirement of this Chapter, the City shall not be required to provide a Density Bonus or concession for a Child Care Facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

17.90.070 Condominium Conversions. When an Applicant's residential Development Project is the conversion of an existing apartment complex to a condominium complex and the Applicant agrees to make at least thirty-three (33%) of the total units of the proposed condominium Residential Development Project affordable to moderate income households for thirty (30) years, or fifteen percent (15%) of the total units of the proposed condominium Residential Development Project to Lower Income households for thirty (30) years, and agrees to pay for the administrative costs incurred by the city related to processing the application and monitoring the future status of the Affordable Housing Units, the City shall either (i) grant a Condominium Conversion Density Bonus or (ii) provide other incentives of equivalent financial value to be determined by the City.

An Applicant shall be ineligible for a Condominium Conversion Density Bonus or other incentives under this Section if the apartments proposed for conversion constitute a Residential Development Project for which a Density Bonus or other incentives were previously provided in accordance with this Chapter.

17.90.080 Design, Distribution and Timing of Affordable Housing Units. Affordable Housing Units must be constructed concurrently with market-rate units. The Affordable Housing Units shall be integrated into the Residential Development Project and be comparable in infrastructure (including sewer, water, and other utilities), construction quality and exterior design to the market-rate units. The Affordable Housing Units must also comply with the following criteria:

a. Rental Residential Development Projects: When Affordable Housing Units are required in rental Residential Development Projects, the units should be integrated with the project as a whole. All Affordable Housing Units shall reflect the range and numbers of bedrooms provided in the project as a whole, and shall not be distinguishable by design, construction, or materials. All Affordable Housing Units shall be reasonably dispersed throughout the project.

b. Owner-occupied Residential Development Projects: When Affordable Housing Units are required in owner-occupied Residential Development Projects, the units should be integrated with the project as a whole. Affordable Housing Units may be smaller in aggregate size and have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing. All Affordable Housing Units shall reflect the range and number of bedrooms provided in the project as a whole, except that if the market-rate units provide more than four bedrooms, the Affordable Housing Units need not provide more than four bedrooms.

Market-rate units will not be inspected for issuance of a certificate of occupancy until all Affordable Housing Units have been constructed, unless Affordable Housing Units are to be constructed in phases pursuant to a plan approved by the City.

17.90.090 Requests for Incentives or Concessions. Applicant must submit a Density Bonus Application, as described in Section 17.90.130 below, for the specific incentives or concessions that the Applicant requests. The city shall grant the concessions or incentive requested by the Applicant unless the city makes a written finding, based upon substantial evidence, of either of the following:

a. The concessions or incentive is not required in order to provide for Affordable Housing Costs;

b. The concession or incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the Federal Register of Historical Resources or any locally officially designated architecturally and historically significant buildings and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low and Moderate Income households.

17.90.100 Granting of Incentives or Concessions. If the conditions of 17.90.040 are met by Applicant, the following incentives or concessions may be granted:

a. One incentive or concession for a Residential Development Project that makes: At least ten percent (10%) of the total units affordable to Lower Income households; or at least five percent (5%) of the total units affordable to Very Low income households; or at least ten percent (10%) of the total units affordable to persons and families of Moderate Income in a common interest development.

b. Two incentives or concessions for a Residential Development Project that makes: At least twenty percent (20%) of the total units affordable to Lower Income household; or at least ten percent (10%) of the total units affordable to Very Low income households; or at least twenty percent (20%) of the total units affordable to persons and families of Moderate Income in a common interest development.

c. Three incentives or concession for a residential Development Project that makes: At least thirty percent (30%) of the total units for Lower Income households; at least fifteen percent (15%) for Very Low Income households, or at least thirty percent (30%) for persons and families of Moderate Income in a common interest development.

17.90.110 Types of Incentives or Concessions. For the purposes of this Chapter, concessions or incentive may mean:

a. A reduction in site Development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, resulting in identifiable, financially sufficient, and actual cost reductions, or

b. A reduction in setback and square footage requirements; or

c. A reduction in the ratio of vehicular parking spaces and/or configurations as set forth in Government Code Section 65915(p); or

d. Approval of mixed use zoning in conjunction with the Residential Development Project if commercial, office, industrial, or other land uses will reduce the development cost of the Residential Development Project and if the commercial, office, industrial, or other land uses compatible with the Residential Development Project and the existing or planned development in the area where the proposed housing project will be located.

Nothing in this Section shall be construed to require the provision of direct financial incentives for the Residential Housing Development, including the provision of publicly owned land by the city or the waiver of fees or dedication requirements.

17.90.120 Compliance. The provisions of this chapter shall apply to all agents, successors and assignees of an Applicant, developer, builder or property owner proposing a Residential Development Project governed by this chapter. No tentative map, use permit, special development permit or occupancy permit shall be issued for any Residential Development Project unless exempt from or in compliance with the terms of this Chapter.

The City may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to actions to revoke, deny, or suspend any permit or development approval.

17.90.130 Density Bonus Application. In order to receive the concessions and/or incentives described in Section 17.90.110, the Applicant must submit to the city a Density Bonus Application (DBA) which will be treated as part of the development application. At any time during the review process, the community Development Director may require from the Applicant additional information reasonably necessary to clarify and supplement the application for determining the consistency of the proposed DBA with the requirements of this Chapter.

The DBA should include, but not be limited to, the following:

a. A description of the Residential Development Project including the proposed total number of Affordable Housing Units, Senior Housing Units or Mobilehome Park Units;

b. The zoning and general plan designations and assessors parcel number (s) of the project site;

c. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.

d. A description of the concessions or incentives requested and information that verifies the cost reductions anticipated if granted the requested incentives and/or concessions.

e. If an additional incentive(s) is requested, the application should describe why the additional incentive(s) are necessary to provide the Affordable Housing Units.

17.90.140 Affordable housing Unit Plan. The Applicant must submit an Affordable Housing Unit Plan (AHUP) which will be treated as part of the development application. At any time during the review process, the Community Development Director may require from the Applicant additional information reasonably necessary to clarify and supplement the application or determining the consistency of the proposed AHUP with the requirements of this Chapter.

The AHUP should include, but not be limited to, the following:

a. The location, structure (attached, semi-attached, or detached), proposed tenure (for-sale or rental), and size of the proposed market-rate, commercial space and/or Affordable Housing Units;

b. A floor or site plan depicting the location of the Affordable Housing Units and a floor plan describing the size, in square footage, of the Affordable Housing Units;

c. The income levels to which each Affordable Housing Unit will be made affordable;

d. The documents that will be used to assure that the units remain affordable for the desired term, such as resale and rental restrictions, deed of trust, and rights of first refusal and other documents;

e. For phased Residential Development Projects, a phasing plan that provides for the timely development of the number of Affordable Housing Units proportionate to each proposed phase of development as required by this Chapter;

f. A marketing plan that describes how the Applicant will inform the public, and those within the appropriate income groups, of the availability of Affordable Housing Units;

g. Any other information reasonably requested by the Community Development Director to assist with evaluation of the AHUP under the standards of this Chapter.

17.90.150 Affordable Housing Unit Agreement. The form of the Affordable Housing Unit Agreement (AUA) will vary, depending on the manner in which the provisions of this Chapter are satisfied for a particular development. The AUA shall be recorded as a restriction on the parcel or parcels on which the Affordable Housing units will be constructed. The approval and recordation of the AUA shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The AUA shall be binding on all future owners and successors interest. An AUA must include, at minimum, the following:

a. A description of the development, including the total number of units, the number of Affordable Housing Units, and the tenure of the Affordable Housing Units;

b. The size, in square footage, and location of Affordable Housing Units;

c. A description of the household income group to be accommodated by the Affordable Housing Units, and the formula for determining the affordable rent or affordable sales price and housing cost for each Affordable Housing Unit;

d. The term of affordability for the Affordable Housing Units;

e. A schedule for completion and occupancy of the Affordable Housing Units;

f. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions;

g. The Marketing Plan for sale or rental of the Affordable Housing Units;

h. Provisions for monitoring the ongoing affordability of the Affordable Housing Units, and the process for qualifying prospective resident households for income eligibility; and

i. A description of the concession(s) or incentive(s) provided by the City.

17.90.160 Affordable Housing Unit Agreements for Ownership Units. In the case Residential Development Projects consisting of ownership units, the AUA must provide the following additional conditions governing the sale and use of Affordable Housing Units during the applicable use restriction period:

a. Affordable Housing Units shall be sold to Very Low Income households, Lower Income households or Moderate Income households in a common interest development, at an affordable sales price and housing cost as defined by this Chapter;

b. Affordable Housing Units shall be owner-occupied by Very Low or Lower Income households or by Moderate Income households within common interest developments;

c. The purchaser of each Affordable Housing Unit shall execute an instrument or agreement approved by the city restricting the sale of the Affordable Housing Unit in accordance with this Chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Affordable Housing unit and shall contain such provisions as the City may require to ensure continued compliance with this Chapter and with government Code Section 65915. With respect to Moderate Income Affordable Housing Units, the instrument or agreement shall provide for equity-sharing as set forth in Government code Section 65915; and

d. Any additional obligations relevant to the compliance with this Chapter.

17.90.170 Affordable Housing Unit Agreements for Rental Units. In the case of Residential Development Projects consisting of rental units, the AUA must provide the following additional conditions governing the use of Affordable Housing units during the use restriction period:

a. Specific property management procedures for qualifying and documenting tenant income eligibility, establishing affordable rent and maintaining Affordable Housing units for qualified tenants;

b. Provisions requiring property owners to verify household incomes and maintain books and record to demonstrate compliance with this Chapter;

c. Provisions requiring the Property Owner to submit an annual report to the city, which includes the name(s), address, and income of each household occupying target units, and which identifies the bedroom size and monthly rent or cost of each Affordable Housing unit;

d. Provisions describing the amount of, and timing for payment of, Administrative Fees to be paid to the city for the mandated term of compliance monitoring in accordance with the provisions of this chapter; and

e. Any additional obligations relevant to the compliance with this Chapter.

17.90.180 Administrative Fee. An administrative fee shall be charged to the Applicant for City review of all materials submitted in accordance with this Chapter and for on-going enforcement of the provisions of this Chapter. The fee amount shall be established by City Council resolution and will be described in the city of Clayton Master Fee Schedule. Fees will be charged for staff time and materials associated with the following activities: Development review process; project marketing and lease-up; and, long-term compliance of the Affordable Housing Units.

17.90.190 Violation of Affordable Housing Cost Requirements. In the event it is determined that rents in excess of those allowed by operation of this Chapter have been charged to a tenant residing in a rental Affordable Housing Unit, the city may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or the City in the event the tenant cannot be located), any excess rent charges. In such an action, the City shall be entitled to recover its legal costs and reasonable attorney fees.

In the event it is determined that a sales price in excess of that allowed by operation of this Chapter has been charged to an income-eligible household purchasing an ownership Affordable Residential Unit, the City may take the appropriate legal action to recover, and the Affordable Residential Unit seller shall be obligated to pay to the purchaser (or to the city in the event the purchaser cannot be located), any excess sales costs. In such an action, the City shall be entitled to recover its legal costs and reasonable attorney fees.

CITY OF CLAYTON
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Agenda Date: 12-15-09

Agenda Item: 8a

Approved

Gary A. Napper, City Manager

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR DW

DATE: DECEMBER 15, 2009

SUBJECT: AMENDMENT TO CLAYTON'S MUNICIPAL CODE (ZOA 04-09) TO IMPLEMENT SENATE BILL (SB) 1818, CALIFORNIA'S DENSITY BONUS LAW

RECOMMENDATION

It is recommended that the City Council approve Introduction and First Reading of Ordinance No. 426 amending the Clayton Municipal Code for the purpose of implementing State law mandates (requirements of Senate Bill 1818) to grant density bonuses and incentives to support affordable housing construction in the City.

BACKGROUND/DISCUSSION

Senate Bill (SB) 1818 increases the allowable density bonus of prior law of 25% when housing projects provided between 10%-20% of the units meeting affordability requirements to 35%, while reducing the thresholds for being granted the bonuses. In addition, the new law increases the number of concession or incentives, such as financial assistance or a reduction in a development standard, that cities and counties must provide for increases in the percentages of affordable housing units included in a project. SB 1818, also imposes a new land donation rule.

A more detailed summary of the provisions of SB 1818 follows immediately below.

Triggers

Density bonuses of 20-35% are required for setting aside the following for a minimum of 30 years:
1. 10% of housing units for lower income households;
2. 5% of housing units for very low income households; and,
3. 10% of a condominium project for moderate income or senior citizen development.

Number of Concessions or Incentives Required

4. One (1) for 10% dedicated to low- or moderate income households, or 5% to very low income households;

5. Two (2) for projects that dedicate 20% to low- or moderate income households, or 10% to very low income households; and,
6. Three (3) for projects with 30% dedicated to low- or moderate income households, or 15% to very low income households.

Additional Provisions

7. Applicants who donate at least 10% of their land to a city before the approval date of their development are entitled to 15-35% density bonus increase, subject to conditions; and,
8. When a child care facility is involved, applicants will be entitled to matching square footage increase or a concession that contributes to the construction of such a facility, unless the city concludes adequate childcare facilities already exist.

Little Discretion for City to Deny

9. Concessions shall be granted unless it is found that concessions are not required to provide affordable housing or the concession would have an adverse impact on public health or safety;
10. Local bodies may not impose development standards that would preclude a development under these amendments absent a showing of a specified adverse impact; and,
11. Denial of requested bonuses can result in a legal challenge by an applicant.

Ramifications on General Plan

12. The granting of concessions shall not be interpreted to require general plan or similar amendments. All cities and counties are required to adopt an ordinance that specifies how they will comply with SB 1818 requirement.

Local implementation of SB 1818 is required by State law and is an implementation measure of Clayton's 2009 Housing Element Update. The primary purpose of the law is to better assure the availability of affordable housing to the lower income households within the State.

This matter was introduced at the Planning Commission meeting of October 13, 2009 meeting. At its October 27, 2009 meeting, the Planning Commission reviewed the requirements of SB 1818, reviewed a draft ordinance prepared by staff to implement this law, and provided comments and direction to staff for modification of that draft ordinance. Staff brought back a modified ordinance to the Planning Commission at its December 8, 2009 in response to its direction and comments. The Planning Commission accepted that ordinance, based on the modifications made by staff, with one exception. The Commission requested that a provision that required affordable units be constructed prior to the issuance of building permits for the market rate units be deleted. Instead, the Commission retained the provision at the top of page 10 of Chapter 17.90 that stipulates market-rate units will not be inspected for issuance of a certificate of occupancy until all affordable housing units have been constructed. Attached Ordinance No. 426 reflects the adoption of Resolution No. 05-09 of the Planning Commission at its December 8, 2009 meeting, recommending City Council approval of that ordinance, resulting in local implementation of SB 1818. Staff reports and available minutes from pertinent Planning

Commission meetings are attached.

ATTACHMENTS

1 Planning Commission Resolution No. 05-09
2 Ordinance No. 426
3 December 8, 2009 Planning Commission Staff Report w/o Attachments
4 October 27, 2009 Planning Commission Staff Report w/o Attachments
5 October 27, 2009 Planning Commission Minutes (Excerpt)

ZOA\2009\04-09.srcc.firstreading.12.15.09

Agenda Date: 1-5-10

Agenda Item: 9b

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

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STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Maintenance Supervisor**

DATE: **January 5, 2010**

SUBJECT: **Consider Grant Application to California Energy Commission Grant Monies for LED Street Light Replacement Project on Arterial Streets**

RECOMMENDATION

It is recommended the City Council adopt a Resolution to authorize the submittal of application, and acceptance upon award, of $61,811 in grant monies eligible through the Energy Efficiency and Conservation Block Grant Program (EECBG). The grant monies will be used to retrofit existing HPS (high pressure sodium) street lighting with LED (light-emitting diode) fixtures in specified locations along the City's arterial roadways (Option E).

BACKGROUND

The American Recovery and Reinvestment Act of 2009 appropriated funds to the U.S. Department of Energy to fund the Energy Efficiency and Conservation Block Grant (EECBG) program. The EECBG is a formula based grant program designed to provide eligible small cities and counties within the State of California with grant funds to install eligible cost effective energy efficient retrofits within their jurisdiction. Using a calculation based on population and unemployment, each city is eligible for X amount of dollars.

For example: If City X has a population of 10,000 with a County Unemployment rate of 11.2 percent, the formula is as follows:

Base Allocation Calculation	(10,000 * $5.00) =	$ 50,000
Unemployment Factor	($50,000 * 0.112) =	$ 5,600
Total Funding Example:		$ 55,600

Employing this calculation, the City of Clayton is eligible to apply for up to $61,811 for approved energy efficient projects. The California Energy Commission (CEC) is responsible for administering the State's share of EECBG funding within California. The CEC defines cost effectiveness as achievement of minimum annual energy savings per dollar spent:

The basic calculations for energy efficiency is as follows

Electricity 1 kWh/year	$ 1.00
Natural Gas 1 Therm/year	$10.00
Propane 1 Gallon/year	$ 9.50
#2 Fuel Oil 1 Gallon/year	$14.00

The 2 basic ways to receive funding for projects are: 1.Through an energy efficient project, or 2. A direct equipment purchase. An "energy efficient project" requires the added expense and time of a feasibility study, detailed scope of work, and energy efficient calculations. The direct equipment purchase allows the recipient to choose equipment from a preselected list provided by the CEC deemed to be cost and energy effective. No additional energy calculations or feasibility studies are needed to apply using this method.

Staff was asked by the City Manager to research a number of different qualified projects which would offer the best energy savings requiring the least amount of additional monies from the City's existing budget in order to implement the grant project. The City has until January 12th at 4pm to fill out and return a completed application in order to be considered for the Grant monies.

POTENTIALLY QUALIFIED PROJECTS

The following alternative projects were extensively researched and examined by Maintenance staff in consideration of the limited amount of grant monies available:

A. Traffic Signals

Replace traffic signal lights with LED.

Our City already replaced our traffic signals lights with LED's approximately 2 years ago. We were way ahead of the green curve on doing this.

B. Illuminated Street Name Signs

Replace illuminated street name signs with LED.

The estimated cost to replace one illuminated street name sign is approximately $1,200 with an energy savings of 300kwhr annually. Based on the energy savings per dollar spent, the City would only qualify for approximately $300 per each sign replaced, therefore our Gas Tax Budget would have to support the remaining $900 per sign, plus the cost of installation. The total cost of this project would be approximately $36,000 in materials, labor excluded. EECBG grant monies would cover approximately $9,000 and the City's Gas Tax fund must support the remaining $27,000. We currently have fluorescent lamps in all our illuminated street name signs, and the energy savings for this project would be minimal. Further, the City is reserving its Gas Tax monies for a neighborhood street repaving project in 2010.

C. Building HVAC

Upgrade existing HVAC systems in City facilities.

The initial focus was directed mainly at the Community Library's HVAC system. Although we have not received any formal bids to retrofit this system, staff believes the cost to fund this project would go well beyond the dollars available through this grant, obligating the City's General Fund to cover the largest portion ($100,000s). We are currently searching for other funding opportunities to help upgrade this inefficient system, and we believe that a thorough energy audit should be done on all the City's buildings before we use any funds to make upgrades or retrofits.

D. Building Lighting

Replace all incandescent lights with LED.

After an internal energy audit of the lighting in City Hall, staff found there are several lights that could be changed over to LED, but many of these lights have already been changed from incandescent to fluorescents. This would be a minimal energy savings, but is something we will look into for the future. Most of the City's buildings are equipped with T 8 fluorescent lights and electronic ballasts. Many of the fixtures that are applicable to energy efficient funding sources already exist throughout the City's buildings. Building lighting is not a huge area of concern for our City, and staff feels that it would be more beneficial to the City's funding to perform energy efficient retrofits as a part of our existing Maintenance duties. This is another project where staff would like to perform a more thorough energy audit on all lighting throughout the City's buildings to better evaluate our lighting needs.

E. Street Lighting (Recommended)

Replace a portion of the City's HPS streetlights on arterial streets with LED.

The EECBG recommends that smaller cites utilize the direct equipment purchase option to maximize use of its grant funds. The cost estimate to purchase each LED fixture would be approximately $800 minus $125 PG&E rebate, leaving a net cost of $675 per lamp for grant funding. This project would allow us to replace approximately 91 arterial street light fixtures. This estimate does not include the cost of installation and disposal. PG&E has presented staff with a rough estimate, using its Turnkey Replacement Program, to install 95 heads at a cost of $74,136 including materials, labor, disposal, and partial administration. The EECBG grant funds $61,811 and the PG&E rebates fund the remaining $12,325 for a completed energy efficient project using only grant monies. PG&E's bulk purchasing power for the LED's plays a huge role in keeping this project solely within available grant funds.

A copy of this recommended proposal has been attached to the Agenda packet.

PROJECT AREA & DESCRIPTION

The proposed project area would include arterial street lights along Oakhurst Drive and along Clayton Road between Mitchell Canyon Road and Oakhurst Drive. This would also include street lights located above the signal intersections of Oakhurst Drive and Indian Wells east, Oakhurst Drive and Indian Wells west, Oakhurst Drive and Clayton Road, and at Clayton Road and Marsh Creek Road. The actual number of replacement lights will depend on the monies available and the number of lights in sequence between targeted areas. The LED replacements will be a BETA LEDWAY lighting fixture approved by PG&E for the assigned rebate. The fixture is a dark sky compliant head that comes in a silver finish.

The reason for the selection of these locations is the fact the City owns these street lights making them grant eligible, and they are all located in succession of one another allowing for a more uniformed lighting pattern. The remaining arterial roadways have a mix of city and PG&E owned street lights, and oddly enough, PG&E owned street lights are not eligible for LED replacements at this time.

(Information on this light has been attached to the Agenda packet as well as a project map).

CONCLUSION

LED lighting saves energy, reduces costs, lowers greenhouse gases, and controls light pollution. With an estimated life of 100,000 hrs, the life expectancy of one street light would be approximately 24.4 years based on 4100 operating hours annually. Many cities have already begun to switch to LED street lighting, and many more will follow in an effort to reduce energy use. The grant monies available for this project give us a great opportunity to reduce our energy use and become a greener city.

A recent article from the *Contra Costa Times* on El Cerrito's LED project has been attached to the Agenda packet.

FISCAL IMPACT

The energy costs for the City's street lights are based on a flat rate. Using PG&E's estimate, the City should experience a $6,361 energy cost savings in the first year. There will be some expense associated with the administration and oversight of this grant project, yet it is believed these costs can be absorbed by the first year savings. There will also be some reduced Maintenance responsibilities. Option E requires no additional appropriation of local funds to implement this energy efficient project.

Respectfully submitted,

John Johnston
Maintenance Supervisor

Attachments: PG&E estimate
LED info
Project area map
CC Times article

RESOLUTION NO. - 2010

A RESOLUTION APPROVING THE CITY'S APPLICATION TO THE CALIFORNIA ENERGY COMMISSION'S ENERGY EFFICIENCY AND CONSERVATION BLOCK (EECBG) PROGRAM FOR FUNDS TO EXECUTE AN LED STREET LIGHT REPLACEMENT PROJECT

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City of Clayton recognizes that it is in the interest of the regional, state, and national economy to stimulate the economy, create and retain jobs, reduce fossil fuel emissions, and reduce total energy usage and improve energy efficiency within our jurisdiction; and

WHEREAS, Energy Efficiency and Conservation Block Grant (EECBG) funds are available through the California Energy Commission's EECBG Program for grants to eligible local governments for cost-effective energy efficiency projects; and

WHEREAS, the City of Clayton is eligible for and has reserved EECBG funds under the California Energy Commission's EECBG Program; and

WHEREAS, the City of Clayton has considered the application of the California Environmental Quality Act (CEQA) relative to the approval of the energy efficiency project described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton, California, that in compliance with CEQA, the City Council finds that the approval of the energy efficiency project described in Exhibit A is a project under CEQA, yet pursuant to Sections 15301 and 15302(c) of the CEQA Guidelines said project is exempt, because this project as described in Exhibit A involves replacement of existing standard light fixtures with LED light fixtures to achieve greater energy efficiency with negligible or no increase in the number of light standards or anticipated adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the Clayton City Council authorizes the submittal of the application to the California Energy Commission's EECBG Program for funds to execute the proposed project described in Exhibit A; and

BE IT FURTHER RESOLVED, if recommended for grant funds by the California Energy Commission, the Clayton City Council herewith authorizes acceptance of the grant award up to the amount of this application in the amount of $61,811; and that its City Manager, acting for and on behalf of the City, is hereby authorized and empowered to execute in the name of the City all necessary contracts and agreements, and amendments hereto, to implement and carry out the purposes in this application.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 5th day of January, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

HANK STRATFORD, MAYOR

ATTEST:

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the city of Clayton at a regular meeting held on January 5, 2010.

Laci J. Jackson, City Clerk

EXHIBIT A

(Description of LED Street Light Replacement Project, Clayton, CA for Application to California Energy Commission's Energy Efficiency and Conservation Block Grant (EECBG) Program)

The City of Clayton, California, is applying to the California Energy Commission to receive Energy Efficiency and Conservation Block Grant (EECBG) funds to execute a project involving the replacement of approximately 95 standard light fixtures with LED light fixtures to achieve energy efficiency along specified arterial roadway segments within the City. The roadway segments involved are Oakhurst Drive and Clayton Road, between Mitchell Canyon Road and Oakhurst Drive. The total number of standard light fixtures presently along the City's arterials is approximately 288. Accordingly, this project will replace approximately 1/3 of the existing light fixtures along Clayton's arterials. The replacement LED's will be installed to focus light on the affected roadways and designed with internal shields to be dark sky compliant.

PG&E LED Street Light Turnkey Replacement Service

non-binding price estimate to be used for budgetary purposes only

City of: **City of Clayton**

date of this estimate: **12.10.09**

Number of Lights to be Replaced	Voltage	Type	Wattage		Rate	Suggested Replacement LED
0	120	HPS	70/85		LS-2	20 LED @ 37 Watts
36	120	HPS	200/234		LS-2	60 LED @ 106 Watts
0	120	HPS	150/176		LS-2	50 LED @ 90 Watts
0	240	HPS	70/100		LS-2	20 LED @ 37 Watts
0	240	HPS	100/138		LS-2	30 LED @ 54 Watts
0	240	HPS	150/201		LS-2	50 LED @90 Watts
41	240	HPS	200/237		LS-2	60 LED @ 106 Watts
18	240	HPS	250/293		LS-2	80 LED @ 139 Watts
95						

Total Project Price*: $74,136

Total PG&E Rebates: $12,325

Net Estimated Price: $61,811

Total Equipment/Material Cost		Total Non-equipment Cost
$37,749		$24,061
Installation Cost Percentage		39%

*Notes and Assumptions:

Price includes purchase of requested street lights, installation and field verification of installed lights, disposal service,

rate change and rebate application processing.

No permitting costs included in total project price.

Includes one year warranty on labor and 5 year manufacturer warranty.

Prices may vary depending upon LED light model and make selected.

Prices subject to change without notice*

Project price assumes all lights to be replaced will be cobra head fixtures and will not include post top, shoe box,

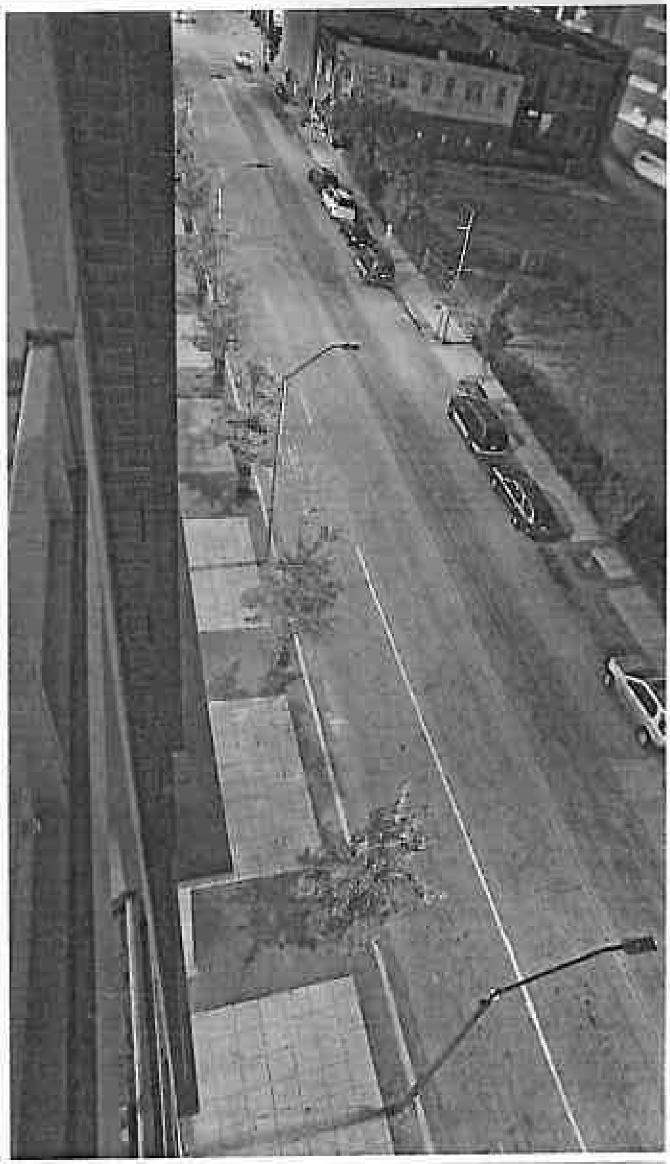
tear drop, or decorative fixtures
Project price assumes all street lights to be replaced are currently in operating condition.
Project price assumes no restrictions on installations will be made (e.g.--heavy traffic area, special hours for installation, etc.)
Project price assumes all street lights to be replaced are at an operating voltage between 120-240 volts AC.
Cities Low Pressure Sodium lights left off bid due to prior energy efficiency

Payback period (years):	8
Energy cost savings in first year*:	$6,361
Energy savings (kWh/year):	101,457
CO2 reduction (kilograms/year):	53,164
Avoided maintenance expenses in first year:**	$665

Notes:
These calculations are provided by the Clinton Climate Initiative who can discuss alternative financing options with you.
Their calculations are based on an assumptions model — they are not to be taken as final estimates
Please contact Robert Koenig at rkoenig@clintonfoundation.org or by cell: (617)-331-4030 for further information.
*Future year savings will grow with the expected increase in electricity and labor costs.
**Avoided maintenance expenses are compared to maintaining HPSV lights.

Assumptions:
» 4100 operating hours»
» 4% annual increase in electricity rate
» $0.122 $/kWh electricity cost
» 0.524 kg/kWh emission factor
» 24.4-year life of LED fixture
» 4.9-year life of HPSV lamp
» $26 per year maintenance cost for HPSV
» $19 per year average maintenance cost for LED

LEDway™ Street & Tunnel Lighting



LEDway™ Street & Tunnel

LEDway street and tunnel lighting delivers excellent uniformity and improves visibility for safer pedestrian and vehicle traffic. LEDwa streetlights deliver lower total cost of ownership compared to traditional fixtures. Not only does LEDway reduce energy consumption costs, it provides additional savings by not having to relamp or replace fixtures for more than 30 years.

- Modular Design
- Die-Cast and Extruded Aluminum Housing
- Wet Listed
- Surge/Transient Protection
- UL
- Drive Current Flexibility – 350mA, 525mA, 700mA
- RoHS Compliant
- International Dark-Sky Association Certified Optics
  Type I, II, III, IV and V (short & medium)
  See page 20 for complete NanoOptic offering
- IES full cut-off optics available

LEDway™ STREETLIGHTS

Real World Results

"We are serious about reducing energy usage in our community. Our efforts not only improve our bottom line, but will also create a healthier environment for our citizens."

U.S. Senator Mark Begich, (former Mayor of Anchorage)
City of Anchorage, Alaska

"The quality of light on the roadways is greatly improved and people really like the sleek look of the fixtures."

Kim Alderfer, Assistant City Administrator/Recovery Coordinator
City of Greensburg, Kansas

"LED streetlights are more energy-efficient, offer significant long-term savings and can help contribute to improved public safety."

Mayor Gavin Newsom
City of San Francisco

See Your Community in a Better Light

Reduce Your Cost

Create More Jobs

Increase Safety

Improve Service to Residents

Retrofit to a New Look

Invest in Sustainable Technology

Use Less Energy

Energy savings from LEDway streetlights, for typical street lighting applications, is generally 40-60% compared to traditional high-intensity discharge (HID) products. Lighting controls using wireless and power line carrier technology can be added to further enhance overall energy savings.

Lower Greenhouse Gas Emissions

LED streetlights reduce the amount of energy used and ultimately help to reduce the carbon footprint of your municipality. The DOE estimates rapid adoption of LED over the next 20 years can eliminate 258 million metric tons of carbon emissions.

Control Light Pollution

LEDway streetlights comply with International Dark Sky Association guidelines. Patented NanoOptic™ technology within LEDway directs light into target areas, without spilling onto neighboring properties or into the night sky.

Reduce, Reuse, Recycle

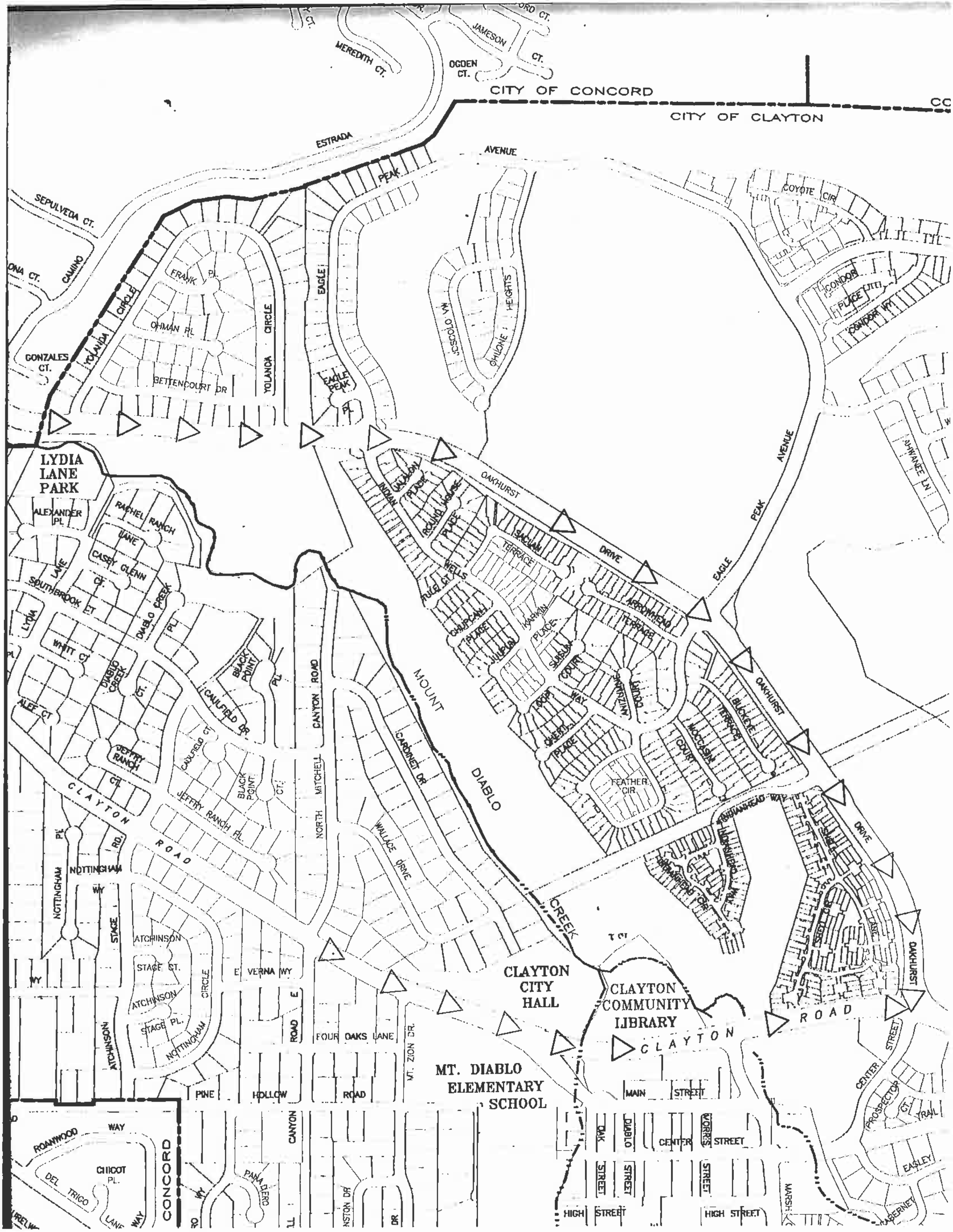
LEDway products are made using a total of 20-25% (by weight) post consumer recycled materials (aluminum castings and extrusions). Seventy percent (by weight) of LEDway components are aluminum castings and extrusions that are readily recyclable. Corrugated packaging is 100% recyclable.

Eliminate Hazardous Materials

LEDway streetlights are Restriction of Hazardous Substances (RoHS) compliant. No mercury or other hazardous substances are used compared to traditional sources that present potentially hazardous disposal and environmental issues.

Less Landfill Waste

The extended life rating of an LED fixture means that less waste from fixture components is sent to landfills each year. Less waste from relamping and disposal means less pollution, less soil contamination, and less environmental noise from maintaining the landfill.



CITY OF CONCORD
CITY OF CLAYTON
MERIDITH CT.
JAMESON
OGDEN CT.
ESTRADA
AVENUE
PEAK
SEPULVEDA CT.
CAMINO
GONZALES CT.
YOLANDA CIRCLE
FRANK PL.
OHMAN PL.
BETTENCOURT DR
EAGLE
EAGLE PEAK PL.
JESCOLO WY
OHLONE HEIGHTS
COYOTE CIR
CONDOR PLACE
CONDOR WY
EAGLE PEAK AVENUE
AHWANEE LN
LYDIA LANE PARK
ALEXANDER PL.
RACHEL RANCH
LANE
CASEY GLENN CT.
SOUTHBROOK CT
LYDIA
DIABLO CREEK PL.
WHITT CT
DIABLO CREEK CT.
BLACK POINT PL.
CAULFIELD DR
CAULFIELD CT.
ALEF CT
JEFFRY RANCH CT.
BLACK POINT CT.
JEFFRY RANCH PL.
CANYON ROAD
NORTH MITCHELL
CARDINET DR.
WALLACE DRIVE
MOUNT DIABLO CREEK
OAKHURST DRIVE
INDIAN PLACE
ROUND HOUSE PLACE
SACLAN TERRACE
WELLS
TULE CT.
CHUPCAN PLACE
KARKIN PLACE
JULPUN
SUISUN COURT
ARROWHEAD TERRACE
BUCKEYE TERRACE
MOCCASIN COURT
FEATHER CIR.
INDIANHEAD WAY
CLAYTON ROAD
NOTTINGHAM PL.
NOTTINGHAM WY
STAGE RD.
ATCHINSON
STAGE CT.
ATCHINSON STAGE PL.
CIRCLE
NOTTINGHAM
E VERNA WY
ROAD E
FOUR OAKS LANE
MT. ZION DR.
CLAYTON CITY HALL
CLAYTON COMMUNITY LIBRARY
MT. DIABLO ELEMENTARY SCHOOL
PINE HOLLOW ROAD
MAIN STREET
CANYON
OAK STREET
DIABLO STREET
CENTER STREET
MORRIS STREET
HIGH STREET
MARSH
CENTER STREET
PROSPECTOR CT.
TRAIL
EASLEY
ROANWOOD WAY
CHICOT PL.
DEL TRIGO LANE
WAY
CONCORD

LEDs shed new light on stretch of San Pablo Avenue

By Chris Treadway
Contra Costa Times
Posted: 12/23/2009 10:56:02 PM PST
Updated: 12/26/2009 05:09:24 PM PST

El Cerrito is seeing San Pablo Avenue in a new light these days, and neighboring cities may follow its lead.

The city opted for function over form, redirecting funds originally earmarked for decorative lampposts to the purchase of cutting-edge light fixtures that save energy, last longer and, some say, generate a better light than their predecessors.

El Cerrito has installed new light-emitting diode lighting fixtures along the 2.7-mile stretch of San Pablo within its borders. Because the installation required replacing the entire fixture, the initial outlay for the installation was a good deal higher than it would have been for more conventional lights. But officials are looking at it as a long-term investment.

The LED fixtures use 60 percent of the power of the older, 175-watt high-pressure sodium fixtures and are projected to last at least five times as long. The city estimates it will save $6,100 per year in energy costs.

"We could have saved 50 percent (electrical usage), but we chose more light," said Public Works Director Jerry Bradshaw. "It was underlamped before."

How long the LEDs will actually last is conjecture at this point because the technology for such a major application is so new.

"They are projecting 80,000 to 100,000 hours of lighting," Bradshaw said. "That's a lot of years."

The new fixtures give off a white light that is warmer and clearer than their yellowish predecessors were, Bradshaw The extended life means fewer man-hours will be needed to replace lights over the years.

"As the technology gets more and more developed, the cost should go down" when the time comes to replace the LEDs, Bradshaw said.

El Cerrito, which also is installing LED fixtures at its swim center and possibly a park walking path, is not alone in taking the plunge in using the more expensive but efficient lighting system promoters tout as a greener source of illumination.

Omega Pacific Electrical Supply in Richmond was the vendor for the LEDs installed in El Cerrito, and the firm has sold some trial lights to its home city and Caltrans, which installed them on the Richmond-San Rafael and San Mateo bridges as part of a pilot project.

If their experience is positive, Omega Vice President Todd Lewis envisions more parts of West Contra Costa County plugging in LEDs.

"If they do the other cities along San Pablo Avenue, it would be the longest green lighting corridor in the world," he said.

Richmond bought 200 LEDs from Omega Pacific and plans to install many of them in the Hilltop Green area, said city engineer Rich Davidson.

A drawback of LEDs is that they can't be easily adapted to existing fixtures, which prevents Richmond from using them on San Pablo, at least until more funds become available, Davidson said.

The streetlights in other areas of Richmond are owned by PG&E, rather than the city.

El Cerrito spent about $175,000 "including labor and everything" to put new fixtures and LEDs on about 230 existing lampposts on San Pablo, Bradshaw said. The cost will be partially offset by a rebate from PG&E, which is encouraging LED use.

As efficient lighting technology evolves there are other entries in the marketplace. San Pablo is considering both LEDs and induction lights, a system recently approved by Antioch. Some consider induction lights less green because unlike LEDs, they use small amounts of mercury.

El Cerrito recently hosted a presentation by vendors of both systems.

"Our people concluded that LED remains the better light, but induction is cheaper" because the existing fixture can be used, Bradshaw said. "I'm hearing from my staff that LED produces a better quality light."

Agenda Date: 1-5-10

Agenda Item: 4a FIN

MINUTES
CLAYTON FINANCING AUTHORITY
REGULAR MEETING
JANUARY 6, 2009

1. **CALL TO ORDER AND ROLL CALL** - the meeting was called to order by President Pierce at 9:15 p.m. in the Clayton Community Library, 6125 Clayton Road. Board of Directors present: President Pierce, Vice President Stratford, Board Members Geller, Medrano, and Shuey. Staff members present: Executive Director, Secretary, and Assistant City Attorney.

2. **CLOSED SESSION** – None.

3. **PUBLIC COMMENTS** – None.

4. **CONSENT CALENDAR** – **It was moved by Board Member Shuey, seconded by Vice President Stratford to approve the Consent Calendar as submitted (5-0 vote).**

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

(b) Accepted the Clayton Financing Authority Annual Report for Fiscal Year 2008.

5. **ACTION ITEMS** - None.

6. **BOARD ITEMS** – None.

7. **ADJOURN** – the meeting adjourned at 9:16 p.m.

Respectfully submitted,

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Laci J. Jackson, Secretary

Approved by
Clayton Finance Authority Board of Directors

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Julie K. Pierce, President

Agenda Date: 1-5-10

* CLAYTON FINANCING AUTHORITY * Agenda Item: 4b FIN

ANNUAL REPORT

TO: **HONORABLE PRESIDENT AND BOARD OF DIRECTORS**

FROM: **EXECUTIVE DIRECTOR**

MEETING DATE: **05 JANUARY 2010**

SUBJECT: **ANNUAL REPORT FOR 2009**

RECOMMENDATION
It is recommended the Board of Directors receive and approve for file this Clayton Financing Authority Annual Report for 2009.

BACKGROUND
On 04 December 1990, the City Council of Clayton, California adopted Resolution No. 120-90, which created the Clayton Financing Authority through a joint exercise of powers agreement. This Financing Authority was initially established to allow redevelopment tax allocation bonds to be sold at a more favorable negotiation basis versus a public basis. This Financing Authority is registered with the State of California Controller's Office and is subject to the laws pertaining to special districts. As a legal, separate public entity, the Authority is required to file an Annual Report with the State of California [ref. Section 26909, *CA Government Code*].

The By-Laws of the Clayton Financing Authority require an annual meeting at the same place immediately following the completion of the first Clayton City Council meeting held in January of each year. Article VIII of the Joint Powers Agreement requires the Board to adopt an annual budget for the Financing Authority and to report on activities of the Authority during the proceeding calendar year.

2009 ACTIVITY REPORT
In Calendar Year 2009, the Clayton Financing Authority met once and conducted corresponding activity as summarized below:

1. 06 January 2009 Meeting
   The Board approved minutes from its meeting on 02 January 2008 and adopted its Annual Report for 2008.

FINANCIAL REPORT

A. All Authority debt, demands and other fiscal obligations were paid in full and on time. The Authority did not enact an annual budget in Year 2009 as no routine expenses, administrative overhead or inter-agency expenses were charged against the Authority by the Clayton Redevelopment Agency or the City of Clayton.

B. As a result of the Authority's sale of title to its one acre commercial real property on 31 October 2006 to Endashiian, LLC in the amount of $800,815 (for subsequent development of the Longs Drugs Store, now CVS/Pharmacy, located at the southwest corner of the Center Street and Clayton Road intersection), the Authority holds cash proceeds from the sale of this land. As of 30 June 2009 the current cash value is $715,381.78 (includes posted interest earnings on 30 June 2009 of $20,968). In FY 2007-08 the Board transferred $170,000 from this account to assist the City in completing necessary and desired picnic and play apparatus improvements at Clayton Community Park (CIP Nos. 10385 & 10407).

The Board of Directors has full discretion as to the ultimate disposition of these funds.

C. In November 1997, the Clayton Financing Authority issued $7,160,000 in Special Tax Revenue Refunding Bonds. These bonds were used primarily to purchase a series of special tax bonds issued by the City of Clayton to refinance the City's $6,435,000 original aggregate principal amount of Community Facilities District No. 1990-1 [original] Special Tax Bonds issued in December 1990, and which had an outstanding balance of $6,295,000 at the time of refunding issuance. The original Special Tax Bonds were issued to finance a portion of the construction of a public middle school (i.e. Diablo View Middle School) and site preparation of adjacent playing fields (i.e. Clayton Community Park). These obligations are secured by annual special taxes levied on taxable real properties within the specified Community Facilities District (CFD) of the Oakhurst Development (1,358 parcels). The bonds are a non-City obligation.

These bonds were refinanced by Board action in May 2007 to obtain a lower interest rate resulting in lower annual payments for the CFD's real property owners, with ultimate sale occurring on 07 June 2007 in the face amount of $5,060,000. The information herein is dated as of December 2009:

The outstanding principal of the 1997 Special Tax Revenue Refunding Bonds is $4,461,000. A comparison of the trend line in delinquent taxpayers within the specified District for the Tax Year is outlined below:

Tax Year	Delinquency Rate	Delinquency Amount
2008-2009	2.39%	$18,998
2007-2008	1.15%	$12,043.60
2006-2007	2.98%	$16,099.14
2005-2006	0.98%	$ 5,309.24

As of 31 October 2009 there were no delinquent taxpayers responsible for five percent (5%) or more of the total special taxes levied, the issuance threshold requiring stricter Board intervention and foreclosure action. City staff and NBS monitor the delinquency status regularly with Reminder Letters as well as Demand Letters sent as appropriate to delinquent property owners to remind them of their financial obligation.

The required Reserve Fund has a balance of $251,984.13 (as of 30 June 2009) which is sufficiently funded to address actual and all nominal delinquencies. Therefore, no projected draw on Reserves is necessary at this time. The total assessed value of all parcels within the District subject to this Special Tax is $621 million (as of 01 January 2009), an overall decline of approximately seven percent (7%) from assessed value in 2008.

D. It is recommended the Board not create an annual budget for 2010 due to *de minimus* activity required of the Authority in this calendar year.

Respectfully submitted,

Gary A. Napper
Executive Director