CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

AGENDA

REGULAR MEETINGS

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CLAYTON CITY COUNCIL
and
CLAYTON REDEVELOPMENT AGENCY

TUESDAY, January 19, 2010

6:00 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 19, 2010

6:00 P.M.

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

2. **CLOSED SESSION**

(a) *Government Code Section 54956.9*, Conference with Legal Counsel
Pending Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases
Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County

(b) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Properties: APNs 119-050-008, -009, and -034 (1005 & 1007 Oak Street)
Instructions to City Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: VIZf/x (Robert Staehle), et al.

Reports out of Closed Session: Mayor Stratford.

7:00 P.M.

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) Information Only
1. Findings of the CA Statewide Local Streets and Roads Assessment Report. (View Here)

(b) Approve the minutes of the regular meeting of January 5, 2010. (View Here)

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

(d) Set Monday, January 25, 2010 at 3:30 p.m. in the City Hall 3rd Floor Conference Room as the date and time for a Special City Council Meeting for the annual Council-Manager Goals & Objectives Session. *(View Here)*

5. RECOGNITIONS AND PRESENTATIONS

(a) Proclamation declaring January 20, 2010 as “USMC Sgt. Karie Stevens Day” in Clayton.

(b) Certificate of Recognition to Jacob M. Baldree (BSA Troop 492) for his Eagle Scout Project (shade arbor) at the Clayton Dog Park.

6. REPORTS

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

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) Consider a Resolution approving a multi-year contract with Environtech Enterprises (Vallejo, CA) in the amount of $165,999 (3-year total) for annual abatement of noxious weeds in specified areas of the public open space of the Oakhurst Development [Citywide Landscape Maintenance District]. (View Here) (City Engineer)

Staff recommendation: By motion, adopt the Resolution.

(b) Consideration of the City's Annual Report regarding the collection and disposition of development impact mitigation fees for FY 2008-2009, in compliance with *CA Government Code* (AB 1600). (View Here)
(Assistant to the City Manager)

Staff recommendation: Adopt the Resolution with findings there is a reasonable relationship between current needs for the development impact mitigation fees and the purposes for which they were originally levied and collected.

(c) Consideration of staff recommendations for City response to the State Housing and Community Development (HCD) Department's comments on the City of Clayton's 2009-2014 draft Housing Element Update.
(Community Development Director) (View Here)

Staff recommendations: Following staff presentation and discussions, that Council concur with the recommended revisions to the City's draft Housing Element Update for re-submittal to HCD for certification.

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 REDEVELOPMENT AGENCY *

January 19, 2010

1. CALL TO ORDER THE REDEVELOPMENT AGENCY- Chairman Medrano.

2. PUBLIC COMMENTS

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

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

3. CONSENT CALENDAR

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

(a) Approve the minutes of the regular meetings of December 1, 2009. (View Here)

4. PUBLIC HEARING- None

5. ACTION ITEMS

(a) Presentation and discussion of fiscal impact analyses relative to the Clayton Redevelopment Agency approaching its Tax Increment cap of $55 million in Fiscal Year 2014-15, and consideration of option to amend the Agency Plan to extend its collection of Tax Increment revenues. (View Here)
(Executive Director; and Kohki Shiga, Seifel Consulting, Inc.)

Staff recommendation: Accept the Report, and provide policy direction to staff regarding the merits and probability of increasing the Agency's cap on its collection of tax increment revenues.

6. BOARD ITEMS – limited to requests and directives for next meeting.

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

* * * * *

Agenda Date: 1/19/10
Agenda Item: 4a

CITY OF CLAYTON
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Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JANUARY 19, 2010

SUBJECT: 25-YEAR LOCAL STREET AND ROAD SHORTFALL ESTIMATE AND 1ST CYCLE SURFACE TRANSPORTATION PROGRAM ("STP") ALLOCATION

---- INFORMATION ONLY ----

The Metropolitan Transportation Commission's (MTC) Regional Streets and Roads staff has been working with the Local Streets and Roads (LSR) group and local jurisdictions to update their 25-year estimate of capital maintenance shortfalls on the region's streets and roads. This estimate is used to update MTC's regional transportation plan, *Transportation 2035*, and to allocate regional funds for LSR maintenance received from the federal Surface Transportation Program (STP).

The shortfall estimates are segmented into three components – pavement, non-pavement, and total maintenance shortfall estimates. Each component lists the needs, revenues and shortfalls that exist on the Metropolitan Transportation System (MTS) and non-MTS segments of the LSR network, by jurisdiction. It should be noted the MTS consist of arterial and collector roadways, and no consideration, or funding, is provided for local subdivision streets.

Pavement needs were determined by using a combination of information on maintenance treatment costs derived from the latest survey of local jurisdictions and model runs performed on each jurisdiction's StreetSaver pavement management database. The costs for pavement maintenance were escalated at a 3% annual growth rate over the 25-year period. The pavement needs information was categorized into MTS and non-MTS needs based upon information provided by StreetSaver.

In order to determine non-pavement needs, MTC surveyed local jurisdictions regarding major non-pavement assets such as storm drains, sidewalks, curb and gutter, traffic signals and street lights. The specific information requested included inventory, the expected useful life of those assets, and the approximate replacement costs associated with each asset type. MTC then developed a model for estimating non-pavement needs based upon the asset survey information provided by local jurisdictions. The result of this work was a mathematical model that used the inventory of curb and gutter and streetlights to predict the total regional non-pavement replacement costs. This total was then divided by the average useful life for each of the major non-pavement asset groups in order to estimate an annual maintenance cost. The regional totals were then divided into city and county non-pavement needs. The city non-pavement need was distributed across all jurisdictions based upon relative population share. The non-pavement need was also categorized as MTS and non-MTS based upon the same proportion of MTS and non-MTS for total pavement needs.

Revenues for pavement and non-pavement maintenance were projected using information provided by local jurisdictions in the above mentioned survey. The information was used to determine the amount of funding that was available for local street and road capital maintenance derived from local and county sources, as well as determine the categorical split – pavement maintenance, non-pavement and operations – by which each jurisdiction expends revenues available for maintenance. The growth rate used for locally generated revenue (of which Clayton's is zero) was approximately 2% and the growth rate for countywide sales tax measure revenue was provided by the county sales tax authorities. MTC prepared projections of statewide revenue traditionally used for local street and road maintenance including funds derived from state gas tax subventions, Proposition 42, and Proposition 1B and then split the revenue between expenditure categories according to information provided by the local jurisdictions in the survey. The growth rate for gas tax revenue is approximately 1.2% annually, and approximately 5% annually for Proposition 42 funding.

The shortfall results (in dollars) for the region, the county and the city are shown in the following table:

Jurisdiction	Total Need	Total Revenue	Total Shortfall	MTS Shortfall	Non-MTS Shortfall
Region (9 Counties)	32,915,573,333	16,355,873,472	17,664,390,192	8,259,138,237	9,405,251,955
CCCo.	4,323,068,848	3,020,741,883	1,647,973,672	818,667,341	829,306,332
Clayton	51,681,836	9,348,133	42,333,682	16,687,379	25,646,303

The total regional 25-year shortfall of \$17.6 billion reflects a 3% decrease from the last shortfall estimate prepared two years ago. It should be remembered that the \$1.7 million annual shortfall (\$42.3 million ÷ 25 years) for the City does not include maintenance costs for our local neighborhood roads.

Cycle 1 STP Allocation

In preparing the allocation formula for the STP funds, MTC used the findings from the 25-year shortfall estimates along with the City's population, lane mileage and performance (based upon our pavement management system PCI rating). There will be two funding cycles for the STP funds. Clayton has been allocated $152,858 for the first cycle. It is anticipated that the second cycle, occurring two or three years from now, will be approximately 90% of the first ($137,000).

HOWEVER, MTC has indicated it will require that the projects proposed for STP funding must have a total cost of at least $500,000. Therefore, since our Cycle 1 allocation is only $152,858, we will not be allocated any Cycle 1 funds. In addition, since our total allocation will only be approximately $290,000, MTC may choose to not allocate any funds at all to Clayton. Staff has questioned whether we would be given the opportunity to provide a local match in order to develop a large enough project to warrant receiving STP funds, but have not yet received a response from MTC.

At this point, the above information regarding the STP funding has not been finalized or formally adopted, but chances of Clayton receiving any of this funding do not look good.

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 1/19/10

Agenda Item: 4b

TUESDAY, January 5, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 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, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – None.

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

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

(a) Approved the minutes of the special meeting Study Session on November 24, 2009 and the regular meeting of December 15, 2009.

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

(c) Adopted Resolution 01-2010 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).

5. **RECOGNITIONS AND PRESENTATIONS**

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

Lonny Haskins and local agent Doug Van Wyck presented the City of Clayton with a $2,000 check for a "Good Neighbor Citizenship Grant." The Police Chief thanked State Farm for their support of the Police Department. Mayor Stratford then presented State Farm Insurance with a Certificate of Appreciation for their grant.

6. **REPORTS**

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

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

(c) The City Clerk reported on the Clayton Counts Down New Year's Eve event. She indicated approximately 700 people attended the event and that the new family activities, rock band, hula hoop, limbo, and sock puppet decorating were successful. She thanked the community volunteers, City Council, City staff, YMCA staff, and all donors for making the event successful.

(d) City Council

Councilmember Medrano stated the Clayton Counts Down was a great event, he thanked the City Clerk and the Assistant to the City Manager for their work on the event and thanked the sponsors for their support.

Councilmember Pierce also thanked the City Clerk and the Assistant to the City Manager for helping put on a great Clayton Counts Down. She also attended Transportation Authority meetings, a retirement dinner for CCTA Executive Director Bob McCleary, and the *Clayton Pioneer's* Cookie Contest.

Councilmember Geller was a judge at the Cookie Contest. He also attended the Clayton Showtime ABA basketball game at the Clayton Community Gym and encouraged citizens to support the semi- pro team. He also volunteered with Christmas for Everyone and the Clayton Counts Down.

Vice Mayor Shuey reiterated the success of the Clayton Counts Down.

Mayor Stratford attended the East Contra Costa County Habitat Conservancy Meeting and volunteered at the Clayton Counts Down. He also noted that two Eagle Scout projects had been completed at the Clayton Dog park. Lastly, he attended a homecoming celebration for Marine Sergeant Karie Stevens and stated the Council will recognize her at its January 19th meeting.

(e) Other – None.

7. <u>PUBLIC COMMENT ON NON-AGENDA ITEMS</u>

Jack Elikofer, Clayton resident, stated he is a political science student at DVC and expressed concerns about more graffiti around the City.

The Council suggested that Mr. Elikofer report all graffiti to the Maintenance Department through the City's website because as soon as staff is aware of graffiti they can and do remove it. Councilmember Pierce also stated the City has an anti-graffiti ordinance and that if he witnesses taggers in action to call our Police Department.

8. <u>PUBLIC HEARINGS</u> – None.

9. <u>ACTION ITEMS</u>

(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.

The Community Development Director presented the staff report and stated this Ordinance is being enacted to comply with the mandates of SB 1818 to provide density bonuses up to 35% as well as project incentives and site development concessions.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Vice Mayor Shuey 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 Medrano, seconded by Councilmember Geller to adopt Ordinance No. 426 (Passed; 5-0 vote).

(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 Johnston reported that the City is eligible to apply for $61,811 worth of grant funding from the CA Energy Commission. He stated the money was made available through the American Recovery and Reinvestment Act of 2009. Staff researched possible eligible projects and recommended the Council approve Option E to replace street lights on arterial streets (Clayton Road and Oakhurst Drive) with LED lights. He stated with the grant and PG&E rebates the City would incur no cost to its general fund or the gas tax fund. He stated the LED lights save energy, control light pollution, and last 24 years. The estimated energy cost savings are $6,361 per year and there is a reduced maintenance responsibility.

Councilmembers' discussed that while the citizens may not initially like the look of the energy-efficient lights (bright white), this was a good way to spend the grant money and obtain energy savings.

The City Manager stated that the lights would increase pedestrian safety, the main goal behind street lighting. He also noted a reason for choosing arterial streets was to make less of visual impact in residential neighborhoods.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to adopt Resolution 02-2010 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 (Passed; 5-0 vote).

10. COUNCIL ITEMS- None.

11. ADJOURNMENT– On call by Mayor Stratford the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Hank Stratford, Mayor

CITY OF CLAYTON
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Agenda Date: 01/19/10

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: JANUARY 19, 2010

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

RUN DATE	OBLIGATION NUMBERS	TOTALS
01/15/10	16699 – 16759	$371,848.15

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

Attachments:
Invoice Distribution Report 01/15/10 (20 pages)

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-2206-00.0.0-000 - PERS Liability				
16708 Retirement PPE 1/10/10	201	CalPERS		
	7	PD Survivor Benefit 1/10/10	Inv	10.23
Invoice number.: PPE 1/10/10				
16709 Retirement PPE 12/27/09	201	CalPERS		
	7	PD Survivor Benefit 12/27/09	Inv	10.23
Invoice number.: PPE 12/27/09				
A101-2206-00.0.0-000 - PERS Liability		*** Account total ***		20.46
A101-5791-00.0.0-000 - Overhead cost recovery				
16722 Refund SWP 14-09 Dep 1/10	2074	Tamara Anderson		
	2	OH Rec SWP 14-09 1/10	Inv	-59.14
Invoice number.: SWP 14-09				
A101-5791-00.0.0-000 - Overhead cost recovery		*** Account total ***		-59.14
A101-7220-01.0.0-000 - PERS Retirement				
16708 Retirement PPE 1/10/10	201	CalPERS		
	1	Legislative 1/10/10	Inv	413.99
Invoice number.: PPE 1/10/10				
A101-7220-01.0.0-000 - PERS Retirement		*** Account total ***		413.99
A101-7220-02.0.0-000 - PERS Retirement				
16708 Retirement PPE 1/10/10	201	CalPERS		
	2	Admin 1/10/10	Inv	3,968.69
Invoice number.: PPE 1/10/10				
16709 Retirement PPE 12/27/09	201	CalPERS		
	2	Admin 12/27/09	Inv	3,968.69
Invoice number.: PPE 12/27/09				
A101-7220-02.0.0-000 - PERS Retirement		*** Account total ***		7,937.38
A101-7220-03.0.0-000 - PERS Retirement				
16708 Retirement PPE 1/10/10	201	CalPERS		
	3	PW 1/10/10	Inv	2,316.72
Invoice number.: PPE 1/10/10				
16709 Retirement PPE 12/27/09	201	CalPERS		
	3	PW 12/27/09	Inv	2,316.72
Invoice number.: PPE 12/27/09				
A101-7220-03.0.0-000 - PERS Retirement		*** Account total ***		4,633.44
A101-7220-04.0.0-000 - PERS Retirement				
16708 Retirement PPE 1/10/10	201	CalPERS		
	4	Planning 1/10/10	Inv	1,176.88
Invoice number.: PPE 1/10/10				

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7220-04.0.0-000 - PERS Retirement		*** Continued ***		
16709 Retirement PPE 12/27/09	201	CalPERS		
	4	Planning 12/27/09	Inv	1,176.88
Invoice number.: PPE 12/27/09				
A101-7220-04.0.0-000 - PERS Retirement		*** Account total ***		2,353.76
A101-7220-06.0.0-000 - PERS Retirement				
16708 Retirement PPE 1/10/10	201	CalPERS		
	5	Police 1/10/10	Inv	12,297.27
Invoice number.: PPE 1/10/10				
16709 Retirement PPE 12/27/09	201	CalPERS		
	5	Police 12/27/09	Inv	12,301.64
Invoice number.: PPE 12/27/09				
A101-7220-06.0.0-000 - PERS Retirement		*** Account total ***		24,598.91
A101-7311-03.0.0-000 - General Supplies				
16746 PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
	2	PW Gen Sup 12/09	Inv	573.87
Invoice number.: PW 12/09				
A101-7311-03.0.0-000 - General Supplies		*** Account total ***		573.87
A101-7311-06.0.0-000 - General Supplies				
16747 PD Misc Charges 12/09	2349	US Bank Corp Pymt System		
	3	PD Empl Recog 12/09	Inv	314.42
Invoice number.: PD 12/09				
A101-7311-06.0.0-000 - General Supplies		*** Account total ***		314.42
A101-7312-05.0.0-000 - Office Supplies/Expense				
16715 Adm Printing Services 12/09	42	City of Concord		
	2	Adm Printing 12/09	Inv	218.00
Invoice number.: 18559				
16745 Adm: Misc Supplies 12/09	2349	US Bank Corp Pymt System		
	1	Adm Off Sup 12/09	Inv	431.46
Invoice number.: Adm 12/09				
16758 Adm Office Supplies 12/09	1804	Office Depot		
	1	Adm Office Supplies 12/09	Inv	57.39
Invoice number.: 502751977001				
16759 Adm Office Supplies 12/09	1804	Office Depot		
	1	Adm Office Supplies 12/09	Inv	13.90
Invoice number.: 502752205001				
A101-7312-05.0.0-000 - Office Supplies/Expense		*** Account total ***		720.75

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7314-05.0.0-000 - Postage					
	16718 Adm Postage Added 1/4/10	2100	Neopost (add postage)		
		1	Adm Postage Added 1/4/10	Inv	300.00
	Invoice number.: 1/4/10				
		2	Postage Charged to PD 10-12/09	Inv	-118.64
	Invoice number.: 1/4/10				
A101-7314-05.0.0-000 - Postage			*** Account total ***		181.36
A101-7314-06.0.0-000 - Postage					
	16718 Adm Postage Added 1/4/10	2100	Neopost (add postage)		
		3	Postage Charged to PD 10-12/09	Inv	118.64
	Invoice number.: 1/4/10				
	16747 PD Misc Charges 12/09	2349	US Bank Corp Pymt System		
		4	PD Postage 12/09	Inv	33.24
	Invoice number.: PD 12/09				
A101-7314-06.0.0-000 - Postage			*** Account total ***		151.88
A101-7324-02.0.0-000 - Dues and Subscriptions					
	16745 Adm: Misc Supplies 12/09	2349	US Bank Corp Pymt System		
		2	Adm Workshop & Dues 12/09	Inv	1,260.00
	Invoice number.: Adm 12/09				
A101-7324-02.0.0-000 - Dues and Subscriptions			*** Account total ***		1,260.00
A101-7329-03.0.0-000 - Park Supplies					
	16746 PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		3	PW Park Supplies 12/09	Inv	289.63
	Invoice number.: PW 12/09				
A101-7329-03.0.0-000 - Park Supplies			*** Account total ***		289.63
A101-7331-03.0.0-000 - Rentals/Leases					
	16705 PW Argon Lease 12/09-6/10	1647	Airgas		
		1	PW Argon Lease 12/09-6/10	Inv	56.89
	Invoice number.: 102974249				
A101-7331-03.0.0-000 - Rentals/Leases			*** Account total ***		56.89
A101-7331-05.0.0-000 - Rentals/Leases					
	16716 Admin Copier Copies 12/09	2371	Konica Minolta Bus Sol-Copies		
		1	Adm Copier Copies 12/09	Inv	172.68
	Invoice number.: 213612827				
A101-7331-05.0.0-000 - Rentals/Leases			*** Account total ***		172.68

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7332-02.0.0-000 - Telecommunications					
	16700 Admin ISDN Line 2/10	1573	Verizon Business		
	Invoice number.: 67320217	1	Admin ISDN Line 2/10	Inv	214.28
	16704 PW & Adm Cell Phones 12/09	2110	Sprint Comm (PW & ADM)		
	Invoice number.: 092 12/09	2	Adm Cell Phones 12/09	Inv	104.91
	16752 Local Phone Svc 12/09A	1243	AT&T/ CalNet 2		
	Invoice number.: 12/09A	2	CH Local Phone 12/09A	Inv	376.68
	16757 Long Distance 12/09	1779	Access One		
	Invoice number.: 12/09	1	City Hall Svc 12/09	Inv	4.43
A101-7332-02.0.0-000 - Telecommunications			*** Account total ***		700.30
A101-7332-03.0.0-000 - Telephone					
	16704 PW & Adm Cell Phones 12/09	2110	Sprint Comm (PW & ADM)		
	Invoice number.: 092 12/09	1	PW Cell Phones 12/09	Inv	184.40
	16752 Local Phone Svc 12/09A	1243	AT&T/ CalNet 2		
	Invoice number.: 12/09A	1	PW-Local Phone 12/09A	Inv	32.47
	16757 Long Distance 12/09	1779	Access One		
	Invoice number.: 12/09	2	PW Svc 12/09	Inv	7.60
A101-7332-03.0.0-000 - Telephone			*** Account total ***		224.47
A101-7332-04.0.0-000 - Telephone					
	16752 Local Phone Svc 12/09A	1243	AT&T/ CalNet 2		
	Invoice number.: 12/09A	3	Plng Local Phone 12/09A	Inv	41.16
	16757 Long Distance 12/09	1779	Access One		
	Invoice number.: 12/09	3	Planning Svc 12/09	Inv	9.44
A101-7332-04.0.0-000 - Telephone			*** Account total ***		50.60
A101-7332-06.0.0-000 - Telephone					
	16712 PD Command Trl Sat Phn 12/09	2460	Globalstar LLC		
	Invoice number.: 12/09	1	PD Command Trl Sat Phn 12/09	Inv	53.69

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7332-06.0.0-000 - Telephone			*** Continued ***		
	16752 Local Phone Svc 12/09A	1243	AT&T/ CalNet 2		
		7	PD Local Phone 12/09A	Inv	453.53
	Invoice number.: 12/09A				
	16757 Long Distance 12/09	1779	Access One		
		5	Police Dept Svc	Inv	24.88
	Invoice number.: 12/09				
A101-7332-06.0.0-000 - Telephone			*** Account total ***		532.10
A101-7332-07.0.0-000 - Telephone					
	16752 Local Phone Svc 12/09A	1243	AT&T/ CalNet 2		
		4	Library Local Phone 12/09A	Inv	154.67
	Invoice number.: 12/09A				
	16757 Long Distance 12/09	1779	Access One		
		4	Library Svc 12/09	Inv	.55
	Invoice number.: 12/09				
A101-7332-07.0.0-000 - Telephone			*** Account total ***		155.22
A101-7332-08.0.0-000 - Telephone					
	16752 Local Phone Svc 12/09A	1243	AT&T/ CalNet 2		
		5	Eng Local Phone 12/09A	Inv	82.82
	Invoice number.: 12/09A				
A101-7332-08.0.0-000 - Telephone			*** Account total ***		82.82
A101-7335-03.0.0-000 - Gas & Electricity					
	16749 Service 12/09 (Small Master)	113	PG&E		
		1	City Hall Svc 12/09	Inv	1,689.49
	Invoice number.:				
	16750 Service 12/09 (Master)	113	PG&E		
		1	City Hall 12/09	Inv	850.75
	Invoice number.: 12/09				
		3	Lydia Pump Station 12/09	Inv	30.72
	Invoice number.: 12/09				
		12	Westwood Pk Well 12/09	Inv	75.31
	Invoice number.: 12/09				
	16751 Service 12/09 (Individual Inv)	113	PG&E		
		1	PW Bldg Svc 12/09	Inv	156.55
	Invoice number.:				
		5	Oak St Svc 12/09	Inv	37.18
	Invoice number.:				
A101-7335-03.0.0-000 - Gas & Electricity			*** Account total ***		2,840.00

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7335-07.0.0-000 - Gas & Electricity					
	16750 Service 12/09 (Master)	113	PG&E		
	Invoice number.: 12/09	4	Library 12/09	Inv	4,002.38
A101-7335-07.0.0-000 - Gas & Electricity			*** Account total ***		4,002.38
A101-7335-09.0.0-000 - Gas & Electricity					
	16750 Service 12/09 (Master)	113	PG&E		
	Invoice number.: 12/09	2	Community Restroom 12/09	Inv	184.62
A101-7335-09.0.0-000 - Gas & Electricity			*** Account total ***		184.62
A101-7338-03.0.0-000 - Water Services					
	16753 City Water Usage 11/5/09-1/7/1	67	Contra Costa Water Dist.		
	Invoice number.: G Srs 11-12/09	1	City Hall 11-12/09	Inv	103.73
	Invoice number.: G Srs 11-12/09	2	PW Bldg 11-12/09	Inv	219.12
	Invoice number.: G Srs 11-12/09	7	El Molino Park 11-12/09	Inv	576.59
	Invoice number.: G Srs 11-12/09	8	Stranahan Park 11-12/09	Inv	95.92
	Invoice number.: G Srs 11-12/09	13	Oak St Meters 11-12/09	Inv	97.66
A101-7338-03.0.0-000 - Water Services			*** Account total ***		1,093.02
A101-7338-07.0.0-000 - Water Services					
	16753 City Water Usage 11/5/09-1/7/1	67	Contra Costa Water Dist.		
	Invoice number.: G Srs 11-12/09	3	Library 11-12/09	Inv	247.16
A101-7338-07.0.0-000 - Water Services			*** Account total ***		247.16
A101-7338-09.0.0-000 - Water Services					
	16753 City Water Usage 11/5/09-1/7/1	67	Contra Costa Water Dist.		
	Invoice number.: G Srs 11-12/09	5	Community Park 11-12/09	Inv	1,833.33
A101-7338-09.0.0-000 - Water Services			*** Account total ***		1,833.33
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance					
	16702 Monthly Svc 12/09	170	Western Exterminator		
	Invoice number.: 467533	1	City Hall Ext Svc 12/09	Inv	90.50

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			*** Continued ***		
16746	PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		14	PW CH Lighting 12/09	Inv	5.12
Invoice number.: PW 12/09					
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		95.62
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance					
16702	Monthly Svc 12/09	170	Western Exterminator		
		2	Library Ext Svc 12/09	Inv	93.50
Invoice number.: 467533					
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		93.50
A101-7342-03.0.0-000 - Machinery/Equipment Maintenanc					
16734	PW Equipment Mtn 1/10	1756	Contra Costa Tractor Mobile Sv		
		1	PW Equipment Mtn 1/10	Inv	687.81
Invoice number.: 014401					
16735	PW Equipment Mtn 12/09	1756	Contra Costa Tractor Mobile Sv		
		1	PW Equipment Mtn 12/09	Inv	745.68
Invoice number.: 014343					
16746	PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		4	PW Equipment & Mtn 12/09	Inv	197.88
Invoice number.: PW 12/09					
A101-7342-03.0.0-000 - Machinery/Equipment Maintenanc			*** Account total ***		1,631.37
A101-7342-06.0.0-000 - Machinery/Equipment Maintenanc					
16743	PD Equipment Rpr 12/09	1531	Audio Headset Systems		
		1	PD Equipment Rpr 12/09	Inv	118.65
Invoice number.: 09-800					
A101-7342-06.0.0-000 - Machinery/Equipment Maintenanc			*** Account total ***		118.65
A101-7343-03.0.0-000 - Vehicle Maintenance					
16746	PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		6	PW Veh Mtn 12/09	Inv	1,649.07
Invoice number.: PW 12/09					
A101-7343-03.0.0-000 - Vehicle Maintenance			*** Account total ***		1,649.07
A101-7343-06.0.0-000 - Vehicle Maintenance					
16747	PD Misc Charges 12/09	2349	US Bank Corp Pymt System		
		5	PD Vehicle Mtn 12/09	Inv	77.95
Invoice number.: PD 12/09					
A101-7343-06.0.0-000 - Vehicle Maintenance			*** Account total ***		77.95

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies					
16746	PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		1	PW Gas 12/09	Inv	1,550.41
	Invoice number.: PW 12/09				
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies			*** Account total ***		1,550.41
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies					
16747	PD Misc Charges 12/09	2349	US Bank Corp Pymt System		
		1	PD Gas 12/09	Inv	2,054.77
	Invoice number.: PD 12/09				
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies			*** Account total ***		2,054.77
A101-7347-03.0.0-000 - Deferred Mtn Projects					
16740	EH Refinish Wood Floor 12/09	1702	Ken Davey Hardwood Floor		
		1	EH Refinish Wood Floor 12/09	Inv	4,970.00
	Invoice number.: 12/21/09				
A101-7347-03.0.0-000 - Deferred Mtn Projects			*** Account total ***		4,970.00
A101-7363-06.0.0-000 - Business Entertainment Expense					
16747	PD Misc Charges 12/09	2349	US Bank Corp Pymt System		
		2	PD Web hosting 12/09	Inv	47.88
	Invoice number.: PD 12/09				
A101-7363-06.0.0-000 - Business Entertainment Expense			*** Account total ***		47.88
A101-7373-03.0.0-000 - Education & Training					
16746	PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		5	PW PAPA Seminar 12/09	Inv	70.00
	Invoice number.: PW 12/09				
A101-7373-03.0.0-000 - Education & Training			*** Account total ***		70.00
A101-7411-08.0.0-000 - Professional Services Retainer					
16754	Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		1	Eng Svc 12/5/09-12/18/09	Inv	3,893.75
	Invoice number.: 9055-9064				
A101-7411-08.0.0-000 - Professional Services Retainer			*** Account total ***		3,893.75
A101-7417-03.0.0-000 - Janitorial Service					
16721	Janitorial Services for 12/09	468	J & R Floor Services		
		3	City Hall 12/09	Inv	449.76
	Invoice number.: DEC2009				
A101-7417-03.0.0-000 - Janitorial Service			*** Account total ***		449.76

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7417-06.0.0-000 - Janitorial Service					
	16721 Janitorial Services for 12/09	468	J & R Floor Services		
		5	PD 12/09	Inv	225.00
	Invoice number.: DEC2009				
A101-7417-06.0.0-000 - Janitorial Service			*** Account total ***		225.00
A101-7417-07.0.0-000 - Janitorial Service					
	16721 Janitorial Services for 12/09	468	J & R Floor Services		
		2	Library 12/09	Inv	2,175.00
	Invoice number.: DEC2009				
	16733 Library Janitorial Supplies 12	84	Hammons Supply Company		
		1	Library Janitorial Supplies 12	Inv	6.62
	Invoice number.: 57754				
A101-7417-07.0.0-000 - Janitorial Service			*** Account total ***		2,181.62
A101-7417-09.0.0-000 - Janitorial Service					
	16721 Janitorial Services for 12/09	468	J & R Floor Services		
		1	Comm Pk Svc 12/09	Inv	1,000.00
	Invoice number.: DEC2009				
A101-7417-09.0.0-000 - Janitorial Service			*** Account total ***		1,000.00
A101-7419-01.0.0-000 - Other Professional Services					
	16726 Video City Council Mtg 1/5/10	1467	LarryLogic Productions		
		1	Video CC Mtg 1/5/10	Inv	270.00
	Invoice number.: 1018				
A101-7419-01.0.0-000 - Other Professional Services			*** Account total ***		270.00
A101-7419-05.0.0-000 - Other Professional Services					
	16701 FSA Acct Admin 12/09	2500	Employee Benefit Specialists,		
		1	FSA Acct Admin 12/09	Inv	100.00
	Invoice number.: 0048456-IN				
	16744 401A Plan-Fees 1-3/10	1651	ICMA Retirement Corporation		
		1	401A Plan Fees 1-3/10	Inv	125.00
	Invoice number.: 6413				
A101-7419-05.0.0-000 - Other Professional Services			*** Account total ***		225.00
A101-7419-06.0.0-000 - Other Professional Services					
	16713 PD-Crossing Guard WE 12/19/09	1538	All City Management Services,		
		1	PD-Crossing Guard WE 12/19/09	Inv	465.00
	Invoice number.: 18359				
	16747 PD Misc Charges 12/09	2349	US Bank Corp Pymt System		
		6	PD Credit Checks 12/09	Inv	29.85
	Invoice number.: PD 12/09				
A101-7419-06.0.0-000 - Other Professional Services			*** Account total ***		494.85

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7419-09.0.0-000 - Other Professional Services					
	16702 Monthly Svc 12/09	170	Western Exterminator		
		3	Park-Ext Svc 12/09	Inv	40.50
	Invoice number.: 467533				
A101-7419-09.0.0-000 - Other Professional Services			*** Account total ***		40.50
A101-7429-06.0.0-000 - Animal Control					
	16714 Animal Control Svc 1-3/10	1303	CCC Office of Revenue Collecti		
		1	Anim Cnt Svc 1-3/10	Inv	14,177.00
	Invoice number.: ASD M5155				
A101-7429-06.0.0-000 - Animal Control			*** Account total ***		14,177.00
A101-7430-08.0.0-000 - Well Monitoring Fee					
	16739 Well Monitoring 12/09	1090	CERCO Analytical, Inc.		
		1	Well Monitoring 12/09	Inv	350.00
	Invoice number.: 0912159				
	16745 Adm: Misc Supplies 12/09	2349	US Bank Corp Pymt System		
		3	Well Monitoring 11/09 & 12/09	Inv	4,639.50
	Invoice number.: Adm 12/09				
A101-7430-08.0.0-000 - Well Monitoring Fee			*** Account total ***		4,989.50
A201-7311-00.0.0-000 - General Supplies					
	16746 PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		7	PW Electrical 12/09	Inv	118.48
	Invoice number.: PW 12/09				
A201-7311-00.0.0-000 - General Supplies			*** Account total ***		118.48
A201-7327-00.0.0-000 - Street Maintenance Supplies					
	16731 PW Metal Sign 12/09	17	Bay Area Barricade Serv.		
		1	PW Metal Sign 12/09	Inv	294.98
	Invoice number.: 0255959-IN				
A201-7327-00.0.0-000 - Street Maintenance Supplies			*** Account total ***		294.98
A201-7335-00.0.0-000 - Gas & Electricity					
	16748 Svc: Irrig & Signal 12/09 (Mst	113	PG&E		
		2	Clayton Traffic Sgn 12/09	Inv	30.98
	Invoice number.:				
	16749 Service 12/09 (Small Master)	113	PG&E		
		5	Traffic Sgn & St Lt 12/09	Inv	273.59
	Invoice number.:				
	16750 Service 12/09 (Master)	113	PG&E		
		9	Traffic Signals 12/09	Inv	410.30
	Invoice number.: 12/09				

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A201-7335-00.0.0-000 - Gas & Electricity		*** Continued ***		
	10	Street Lights - Arterial 12/09	Inv	2,773.48
Invoice number.: 12/09				
A201-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		3,488.35
A201-7345-00.0.0-000 - Traffic Signal Maintenance				
16720 Traffic Signal Maintenance 11/	234	CCC General Services		
	1	Traffic Signal Mtn 11/09	Inv	1,938.56
Invoice number.: 3683				
A201-7345-00.0.0-000 - Traffic Signal Maintenance		*** Account total ***		1,938.56
A201-7412-00.0.0-000 - Engineering/Inspection Service				
16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	4	Gas Tax Insp #9056	Inv	701.50
Invoice number.: 9055-9064				
A201-7412-00.0.0-000 - Engineering/Inspection Service		*** Account total ***		701.50
A210-7311-00.0.0-000 - General Supplies				
16730 PW Silt Fence 12/09	17	Bay Area Barricade Serv.		
	1	PW Silt Fence 12/09	Inv	32.78
Invoice number.: 0255952-IN				
16746 PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
	8	PW Landscape Lt & Elect 12/09	Inv	768.55
Invoice number.: PW 12/09				
A210-7311-00.0.0-000 - General Supplies		*** Account total ***		801.33
A210-7335-00.0.0-000 - Gas & Electricity				
16748 Svc: Irrig & Signal 12/09 (Mst	113	PG&E		
	1	OH Irrigation 12/09	Inv	399.79
Invoice number.:				
16749 Service 12/09 (Small Master)	113	PG&E		
	2	Clock Service 12/09	Inv	79.02
Invoice number.:				
	3	Outdoor Lt Service 12/09	Inv	135.99
Invoice number.:				
	4	Irrigation Service 12/09	Inv	290.21
Invoice number.:				
16750 Service 12/09 (Master)	113	PG&E		
	5	Monument Lights 12/09	Inv	300.99
Invoice number.: 12/09				
	6	Oakhurst Pump (Fountain) 12/09	Inv	880.96
Invoice number.: 12/09				

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A210-7335-00.0.0-000 - Gas & Electricity			*** Continued ***		
		7	Outdoor Lights 12/09	Inv	16.12
	Invoice number.: 12/09				
		8	Sprinkler Cont/Lndscp 12/09	Inv	63.52
	Invoice number.: 12/09				
	16751 Service 12/09 (Individual Inv)	113	PG&E		
		4	Irrigation Svc 12/09	Inv	220.63
	Invoice number.:				
A210-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		2,387.23
A210-7338-00.0.0-000 - Water Services					
	16753 City Water Usage 11/5/09-1/7/1	67	Contra Costa Water Dist.		
		6	El Molino Park 11-12/09	Inv	144.15
	Invoice number.: G Srs 11-12/09				
		11	City Irrigation 11-12/09	Inv	1,395.49
	Invoice number.: G Srs 11-12/09				
A210-7338-00.0.0-000 - Water Services			*** Account total ***		1,539.64
A210-7342-00.0.0-000 - Machinery/Equip Maintenance					
	16706 OH Waterfall Repair 1/10	2266	Rock N Waterfall Co		
		1	OH Waterfall Repair 1/10	Inv	980.00
	Invoice number.: 282002				
	16735 PW Equipment Mtn 12/09	1756	Contra Costa Tractor Mobile Sv		
		2	PW Equipment Mtn 12/09	Inv	745.67
	Invoice number.: 014343				
	16746 PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		9	PW Oil 12/09	Inv	77.62
	Invoice number.: PW 12/09				
A210-7342-00.0.0-000 - Machinery/Equip Maintenance			*** Account total ***		1,803.29
A210-7343-00.0.0-000 - Vehicle Maintenance					
	16746 PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		10	PW Van Repair/svc 12/09	Inv	1,489.38
	Invoice number.: PW 12/09				
A210-7343-00.0.0-000 - Vehicle Maintenance			*** Account total ***		1,489.38
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies					
	16746 PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
		11	PW Landscape Fuel 12/09	Inv	49.61
	Invoice number.: PW 12/09				
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies			*** Account total ***		49.61

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A210-7419-00.0.0-000 - Other Professional Services				
16707 OH Waterfall Mtn 1/10	2266	Rock N Waterfall Co		
	1	OH Waterfall Mtn 1/10	Inv	650.00
Invoice number.: 282066				
16719 CFD's Adm Fees 1-3/10	960	NBS Govt. Finance Group		
	3	CFD 07-1 Adm Fees 1-3/10	Inv	958.19
Invoice number.: C01011005				
A210-7419-00.0.0-000 - Other Professional Services		*** Account total ***		1,608.19
A211-7310-00.0.0-000 - Supplies and Equipment				
16746 PW Misc Charges 12/09	2349	US Bank Corp Pymt System		
	12	PW Grove flowers & rtn 12/09	Inv	72.45
Invoice number.: PW 12/09				
A211-7310-00.0.0-000 - Supplies and Equipment		*** Account total ***		72.45
A211-7311-00.0.0-000 - General Supplies				
16721 Janitorial Services for 12/09	468	J & R Floor Services		
	7	Grove Pk Padlocks 12/09	Inv	86.96
Invoice number.: DEC2009				
16732 PW Landscaping 12/09	1705	Pacific Nurseries		
	1	PW Landscaping 12/09	Inv	1,499.97
Invoice number.: SI-202387				
A211-7311-00.0.0-000 - General Supplies		*** Account total ***		1,586.93
A211-7335-00.0.0-000 - Gas & Electricity				
16751 Service 12/09 (Individual Inv)	113	PG&E		
	3	Grove Park Svc 12/09	Inv	135.88
Invoice number.:				
A211-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		135.88
A211-7338-00.0.0-000 - Water Services				
16753 City Water Usage 11/5/09-1/7/1	67	Contra Costa Water Dist.		
	12	Grove Park 11-12/09	Inv	291.60
Invoice number.: G Srs 11-12/09				
A211-7338-00.0.0-000 - Water Services		*** Account total ***		291.60
A211-7417-00.0.0-000 - Janitorial Services				
16721 Janitorial Services for 12/09	468	J & R Floor Services		
	6	Grove Park Janitorial 12/09	Inv	1,000.00
Invoice number.: DEC2009				
A211-7417-00.0.0-000 - Janitorial Services		*** Account total ***		1,000.00

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A211-7420-00.0.0-000 - Other Outside Service				
16719 CFD's Adm Fees 1-3/10	960	NBS Govt. Finance Group		
	4	CFD 06-1 Adm Fees 1-3/10	Inv	957.62
Invoice number.: C01011005				
A211-7420-00.0.0-000 - Other Outside Service		*** Account total ***		957.62
A212-7412-00.0.0-000 - Engineering/Inspection Service				
16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	2	OH GHAD #9064	Inv	116.75
Invoice number.: 9055-9064				
A212-7412-00.0.0-000 - Engineering/Inspection Service		*** Account total ***		116.75
A212-7413-00.0.0-000 - Legal Services				
16717 GHAD Legal Fees 12/09	159	Turner, Huguet & Adams		
	2	GHAD Legal Svc 12/09	Inv	1,313.50
Invoice number.: 1640				
A212-7413-00.0.0-000 - Legal Services		*** Account total ***		1,313.50
A214-7335-00.0.0-000 - Gas & Electricity				
16750 Service 12/09 (Master)	113	PG&E		
	11	Street Lights-Res 12/09	Inv	8,320.44
Invoice number.: 12/09				
A214-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		8,320.44
A216-7412-00.0.0-000 - Engineering/Inspection Service				
16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	3	General SW Tasks #9059	Inv	366.00
Invoice number.: 9055-9064				
A216-7412-00.0.0-000 - Engineering/Inspection Service		*** Account total ***		366.00
A216-7419-00.0.0-000 - Other Professional Services				
16711 PW Wash Rack Mtn 12/09	2604	Sprayer Sales Co		
	1	PW Wash Rack Mtn 12/09	Inv	225.00
Invoice number.: 10077				
A216-7419-00.0.0-000 - Other Professional Services		*** Account total ***		225.00
A220-7419-00.0.0-000 - Other Professional Services				
16738 CMA Costs 08-09 1/10	501	Contra Costa Trans. Authority		
	1	CMA Costs 08-09 1/10	Inv	484.09
Invoice number.: 08-09				
A220-7419-00.0.0-000 - Other Professional Services		*** Account total ***		484.09

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A230-7220-00.0.0-813 - PERS Retirement-COPS				
16708 Retirement PPE 1/10/10	201	CalPERS		
	6	PD Grant 1/10/10	Inv	900.12
Invoice number.: PPE 1/10/10				
16709 Retirement PPE 12/27/09	201	CalPERS		
	6	PD Grant 12/27/09	Inv	900.12
Invoice number.: PPE 12/27/09				
A230-7220-00.0.0-813 - PERS Retirement-COPS		*** Account total ***		1,800.24
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant				
16752 Local Phone Svc 12/09A	1243	AT&T/ CalNet 2		
	8	PD Secure Line 12/09A	Inv	497.97
Invoice number.: 12/09A				
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant		*** Account total ***		497.97
A301-7389-00.0.0-000 - Misc Expense				
16755 Hoyer Hall Plaque 11/09	71	Devils' Mountain Trophy		
	1	Hoyer Hall Plaque 11/09	Inv	844.48
Invoice number.: 11084				
A301-7389-00.0.0-000 - Misc Expense		*** Account total ***		844.48
A302-1362-00.0.0-000 - Note Receivable P.A.M.				
16723 Annual Disbursement 2009	1168	Diamond Terrace c/o PAM		
	1	Annual Disbursement 2009	Inv	200,000.00
Invoice number.: 2009				
A302-1362-00.0.0-000 - Note Receivable P.A.M.		*** Account total ***		200,000.00
A302-7419-00.0.0-000 - Other Professional Services				
16741 LMI Ad 272 Stranahan 12/09	2121	Clayton Pioneer		
	1	LMI Ad 272 Stranahan 12/09	Inv	300.00
Invoice number.: 9153				
A302-7419-00.0.0-000 - Other Professional Services		*** Account total ***		300.00
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir				
16728 272 Stranahan Prop Mtn 1/10	2188	Joe Pargett		
	1	272 Stranahan Prop Mtn 1/10	Inv	2,525.00
Invoice number.: 2718				
16729 272 Stranahan Garbage Svc 1/10	755	Allied Waste Services		
	1	272 Stranahan Garbage Svc 1/10	Inv	35.54
Invoice number.: 1517782				
16745 Adm: Misc Supplies 12/09	2349	US Bank Corp Pymt System		
	4	LMI Sign 12/09	Inv	28.28
Invoice number.: Adm 12/09				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir			*** Continued ***		
	16751 Service 12/09 (Individual Inv)	113	PG&E		
		6	272 Stranahan Svc 12/09	Inv	2.71
	Invoice number.:				
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir			*** Account total ***		2,591.53
A303-7520-00.0.0-114 - 2009 Arterial Overlay Project					
	16736 2009 Art Overlay Project 9/09	1777	Construction Materials Testing		
		1	2009 Art Overlay Project 9/09	Inv	1,832.00
	Invoice number.: 33258				
	16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		5	Eng Svc #9062	Inv	253.31
	Invoice number.: 9055-9064				
A303-7520-00.0.0-114 - 2009 Arterial Overlay Project			*** Account total ***		2,085.31
A401-7613-00.0.0-000 - Paying Agent Fees					
	16725 RDA 96 Fisc Agt Fees 12/09-11/	1989	US Bank		
		1	RDA 96 Agt Fees 12/09-11/10	Inv	2,740.00
	Invoice number.: 2536504				
A401-7613-00.0.0-000 - Paying Agent Fees			*** Account total ***		2,740.00
A420-7419-00.0.0-000 - Other Professional Services					
	16719 CFD's Adm Fees 1-3/10	960	NBS Govt. Finance Group		
		1	CFD 90-1R Adm Fees 1-3/10	Inv	2,665.66
	Invoice number.: C01011005				
A420-7419-00.0.0-000 - Other Professional Services			*** Account total ***		2,665.66
A421-7419-00.0.0-000 - Other Professional Services					
	16719 CFD's Adm Fees 1-3/10	960	NBS Govt. Finance Group		
		2	CFD 90-2R Adm Fees 1-3/10	Inv	1,142.51
	Invoice number.: C01011005				
A421-7419-00.0.0-000 - Other Professional Services			*** Account total ***		1,142.51
A421-7612-00.0.0-000 - Interest Payment					
	16724 CFD 90-2 Refunding 3/10	1537	City National Bank		
		1	CFD 90-2 Refunding 3/10	Inv	18,467.00
	Invoice number.: 3/10				
A421-7612-00.0.0-000 - Interest Payment			*** Account total ***		18,467.00
A501-7351-00.0.0-000 - Insurance Premiums					
	16710 EAP Insurance Premium 1-3/10	2181	CSAC Excess Insurance Authorit		
		1	EAP Ins Prem 1-3/10	Inv	304.98
	Invoice number.: 1020245-IN				
A501-7351-00.0.0-000 - Insurance Premiums			*** Account total ***		304.98

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A502-7511-00.0.0-000 - Machinery and Equipment					
	16756 Adm - New Chair 12/09	1987	Creative Supports Inc		
		1	Adm - New Chair 12/09	Inv	347.26
	Invoice number.: 190152				
A502-7511-00.0.0-000 - Machinery and Equipment			*** Account total ***		347.26
A601-2739-00.0.0-000 - Clayton Community Library Foun					
	16703 Library Volunteer 1/10	1160	Arlene H. Kikkawa-Nielsen		
		1	Library Volunteer 1/10	Inv	820.00
	Invoice number.: 1/10				
A601-2739-00.0.0-000 - Clayton Community Library Foun			*** Account total ***		820.00
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP					
	16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		6	Eng Svc #9057	Inv	456.50
	Invoice number.: 9055-9064				
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP			*** Account total ***		456.50
A601-2740-00.0.0-107 - Oh Rec Pac Bell Minor EP					
	16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		7	Eng Svc #9058	Inv	41.50
	Invoice number.: 9055-9064				
A601-2740-00.0.0-107 - Oh Rec Pac Bell Minor EP			*** Account total ***		41.50
A601-2740-00.0.0-523 - CCChurch DP 01-09					
	16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		8	Eng Svc #9061	Inv	775.00
	Invoice number.: 9055-9064				
A601-2740-00.0.0-523 - CCChurch DP 01-09			*** Account total ***		775.00
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep					
	16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
		9	Eng Svc #9063	Inv	620.00
	Invoice number.: 9055-9064				
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep			*** Account total ***		620.00
A601-2743-00.0.0-085 - St Bonaventure-Traffic Sig Mtn					
	16720 Traffic Signal Maintenance 11/	234	CCC General Services		
		2	Traffic Sgnl Mtn 11/09	Inv	121.16
	Invoice number.: 3683				
A601-2743-00.0.0-085 - St Bonaventure-Traffic Sig Mtn			*** Account total ***		121.16

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-484 - Cortel SWP27-08				
16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	10	Eng Svc #9060	Inv	41.50
Invoice number.: 9055-9064				
A601-2744-00.0.0-484 - Cortel SWP27-08		*** Account total ***		41.50
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08				
16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	11	Eng Svc #9060	Inv	41.50
Invoice number.: 9055-9064				
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08		*** Account total ***		41.50
A601-2744-00.0.0-518 - Weisendanger SWP				
16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	12	Eng Svc #9060	Inv	41.50
Invoice number.: 9055-9064				
A601-2744-00.0.0-518 - Weisendanger SWP		*** Account total ***		41.50
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08				
16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	13	Eng Svc #9060	Inv	41.50
Invoice number.: 9055-9064				
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				
16722 Refund SWP 14-09 Dep 1/10	2074	Tamara Anderson		
	1	Refund SWP 14-09 Dep 1/10	Inv	1,605.75
Invoice number.: SWP 14-09				
16754 Eng Svc 12/5/09-12/18/09	116	PERMCO, Inc.		
	14	Eng Svc #9060	Inv	62.25
Invoice number.: 9055-9064				
A601-2744-00.0.0-549 - Anderson SWP 14-09		*** Account total ***		1,668.00
A601-2750-00.0.0-000 - Community Gym Donations				
16727 Comm Gym Equipment 12/09	2247	Gopher		
	1	Comm Gym Equipment 12/09	Inv	1,964.85
Invoice number.: 8026362				
A601-2750-00.0.0-000 - Community Gym Donations		*** Account total ***		1,964.85
A601-2750-00.0.0-001 - Clayton First Night Fund				
16699 Clayton Counts Down T-Shirts	2601	Gernhardt Promotions		
	1	Clayton Counts Down Tshirts	Paid	2,337.95
Invoice number.: 7116				

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2750-00.0.0-001 - Clayton First Night Fund	*** Continued ***		
16742 NYE Jumps, Slides 12/09	2602 Stars N Stripes Rentals		
	1 NYE Jumps, Slides 12/09	Inv	650.00
Invoice number.: 375868			
16745 Adm: Misc Supplies 12/09	2349 US Bank Corp Pymt System		
	5 NYE Supplies 12/09	Inv	124.01
Invoice number.: Adm 12/09			
A601-2750-00.0.0-001 - Clayton First Night Fund	*** Account total ***		3,111.96
A702-2730-00.0.0-002 - Endeavor Hall Cash Deposits			
16737 Refund EH Dep 12/19/09	2603 Concord Kungfu Academy		
	1 Refund EH Dep 12/19/09	Inv	500.00
Invoice number.: EH 12/19/09			
A702-2730-00.0.0-002 - Endeavor Hall Cash Deposits	*** Account total ***		500.00
A702-7311-00.0.0-000 - General Supplies			
16746 PW Misc Charges 12/09	2349 US Bank Corp Pymt System		
	13 EH supplies 12/09	Inv	283.39
Invoice number.: PW 12/09			
A702-7311-00.0.0-000 - General Supplies	*** Account total ***		283.39
A702-7332-00.0.0-000 - Telephone			
16752 Local Phone Svc 12/09A	1243 AT&T/ CalNet 2		
	6 EH Local Phone 12/09A	Inv	58.66
Invoice number.: 12/09A			
A702-7332-00.0.0-000 - Telephone	*** Account total ***		58.66
A702-7335-00.0.0-000 - Gas & Electricity			
16751 Service 12/09 (Individual Inv)	113 PG&E		
	2 EH Svc 12/09	Inv	187.60
Invoice number.:			
A702-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		187.60
A702-7338-00.0.0-000 - Water Services			
16753 City Water Usage 11/5/09-1/7/1	67 Contra Costa Water Dist.		
	4 End Hall 11-12/09	Inv	146.29
Invoice number.: G Srs 11-12/09			
A702-7338-00.0.0-000 - Water Services	*** Account total ***		146.29
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance			
16702 Monthly Svc 12/09	170 Western Exterminator		
	4 End Hall Ext Svc 12/09	Inv	87.00
Invoice number.: 467533			
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance	*** Account total ***		87.00

	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A702-7417-00.0.0-000 - Janitorial Service						
	16721	Janitorial Services for 12/09	468	J & R Floor Services		
			4	End Hall 12/09	Inv	90.00
	Invoice number.: DEC2009					
A702-7417-00.0.0-000 - Janitorial Service				*** Account total ***		90.00
* Report total *				*** Total ***		371,848.15

CITY OF CLAYTON
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Agenda Date: 1/19/10

Agenda Item: 4d

Approved:	
Gary A. Napper	
City Manager/Executive Director	

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 19 JANUARY 2010

SUBJECT: SET DATE FOR SPECIAL CITY COUNCIL MEETING COUNCIL - MANAGER GOALS AND OBJECTIVES FOR 2010

RECOMMENDATION

It is recommended the City Council set by minute motion Monday, 25 January 2010 at 3:30 p.m. in the 3rd Floor Conference Room at City Hall, 6000 Heritage Trail as the date, time and location for a special City Council meeting for the purpose of discussing and setting goals and objectives for Calendar Year 2010.

BACKGROUND

The Clayton City Council meets at least once a year with its City Manager to discuss progress on the Council – Manager goals and objectives set in motion the previous year(s), and to establish new and/or modified goals for the ensuing calendar year.

A separate meeting for this purpose allows sole attention and focus specifically on the achievement, progress, and establishment of City goals and objectives for the current calendar year.

FISCAL IMPACT

No direct fiscal impact. The lack of clearly defined goals and objectives may actually cost the City and its community money over the short and long-term operations of the public entity due to misdirection and/or absence of priorities.

Respectfully submitted,

Gary A. Napper
City Manager

Attachment: Special Meeting Agenda [2 pp.]

CITY OF CLAYTON
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AGENDA

SPECIAL MEETING
CLAYTON CITY COUNCIL

******

Monday, January 25, 2010

3:30 p.m.

3rd Floor Conference Room, Clayton City Hall
6000 Heritage Trail, Clayton, CA

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.

* CLAYTON CITY COUNCIL *

January 25, 2010

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

2. **PUBLIC COMMENTS**

Citizens may address the City Council on items within the Council'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 Mayor's discretion. When one's name is called by the Mayor, the speaker shall advance to the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.

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

3. **ACTION ITEM**

(a) Discussion and establishment of Council-Manager Goals and Objectives for Calendar Year 2010.

Staff recommendation: Set realistic and attainable Goals and Objectives for Calendar Year 2010.

4. **ADJOURNMENT** – the next regularly scheduled meeting is Tuesday, February 2, 2010 at 7:00 p.m.

****

Agenda Date: 1/19/10
Agenda Item: 9a

CITY OF CLAYTON
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STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **RICK ANGRISANI, CITY ENGINEER**

DATE: **JANUARY 19, 2010**

SUBJECT: **A RESOLUTION AWARDING A 3-YEAR CONTRACT TO ENVIRONTECH ENTERPRISES IN THE AMOUNT OF $165,999.00 FOR THE ABATEMENT OF NOXIOUS WEEDS IN THE OAKHURST OPEN SPACE PARCELS FOR CALENDAR YEARS 2010 - 2012 ($55,333.00 PER YEAR).**

RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The Conditions of Approval for the Oakhurst Country Club Development required the preparation of an Integrated Pest Management Program (IPMP) for the care and maintenance of open space areas. The program was to be funded and implemented through the collection of private property parcel assessments in the Development by the overlaid Oakhurst Landscape Maintenance District (OLMD).

The IPMP called for the control of the primary noxious weeds that exist in the Development's open space areas. These weeds include artichoke thistle, mustard, yellow-star thistle, and prickly clot burr. The control work began in 1992 with the cutting down of plants about to flower and the application of herbicides. The area of work and responsibility has shifted over the years as the City accepted title to several open space parcels. Prior to 2002, the area of work encompassed the area from Peacock Creek Estates south to the unimproved portions of the Clayton Community Park.

In 1992, Wildland Resource Management (WRM) was awarded a contract for the control of the noxious weeds. The contract with WRM was renewed each subsequent year until 1994 when the City Council awarded WRM a 3-year contract through 1997. In 1998, 2001, 2004 and 2007 the City Council extended the contract for additional 3-year periods.

The open space parcels on the north side of Peacock Creek, extending up to the large PG&E tower line, were owned and maintained by Presley/Lyon Homes until 2002, when the ownership of the parcels were transferred to the City upon settlement of the City's lawsuit for damages to public improvements caused by land movement in the Oakhurst Development.

In 1997, property owners citywide approved the merger of two existing landscape districts into one thereby shifting this Oakhurst Development's fiscal responsibility to all property owners citywide. Due to a lack of available funding within the successor Citywide Landscape Maintenance District (CFD 1997-1), the City provided only minimal maintenance and management services to these lands. With the passage of a new Landscape Maintenance District and increased assessment (CFD 2007-1), a reliable source of funding was established for the adequate maintenance of these additional open space parcels. Accordingly, the City requested a proposal from WRM for abatement services similar to those provided for the parcels south of Peacock Creek Estates.

WRM submitted the requested proposal and was awarded a two-year contract with an annual cost of $33,600, bringing the total annual cost for noxious weed abatement in all of the City-owned open space parcels in the Oakhurst Development to $61,450.00. WRM provided the oversight and direction to their subcontractor, Environtech, who performed the actual abatement work. The contracts for both areas expired on 12/31/09.

While recognizing this type of abatement work is considered fairly specialized and even though not having any concerns regarding WRM's performance, Staff felt it was time to invite proposals from other contractors for the actual abatement work while still employing WRM for the oversight work. Therefore, Staff prepared a single Request for Quote (RFQ) covering all of the open space. It is important to note the abatement of these noxious weeds is a different service than the City's annual weed abatement program and arises solely by the development of the Oakhurst Subdivisions and the resultant open space.

Staff contacted various contractors and distributed six RFQs to interested, qualified companies, including Environtech. We set a due date of 1/7/10 and received only one response. Environtech submitted a quote of $55,333.00 per year for a three year total of $165,999.00. We estimate WRM's oversight cost will be approximately $2,000 per year which will yield a total savings of $12,351 (6.6%) from the current contract amount ($184,350 for three years).

FISCAL IMPACT

The cost for this work is funded by property owner assessments in the Citywide Landscape Maintenance District, which replaced the OLMD. Since the noxious weed abatement cost for the parcels north of Peacock Creek was not anticipated when the latest assessment was approved by the voters, there has been a slight draw on the revenues for total maintenance services anticipated to be funded by the new assessment district. However, the District maintains a positive reserve balance.

Since the approval of the Oakhurst Development required a certain level of maintenance of the project's proposed open space areas, the City has a duty to perform such care as long as there is a successor assessment district to the former OLMD approved for the development. However, the proposed contract does reflect a savings that will benefit the Citywide Landscape Maintenance Assessment District.

CONCLUSION

Therefore, Staff recommends that the City Council approve the attached Resolution awarding a 3-year contract to Environtech Enterprises for noxious weed abatement services in the City-owned open space parcels north and south of Peacock Creek within the Oakhurst Development.

Attachments: Resolution
Contract

RESOLUTION NO. - 2010

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A MULTI-YEAR CONTRACT IN THE AMOUNT OF $165,999.00 WITH ENVIRONTECH ENTERPRISES FOR THE ABATEMENT OF NOXIOUS WEEDS IN CITY-OWNED OPEN SPACE PARCELS NORTH AND SOUTH OF PEACOCK CREEK IN THE OAKHURST COUNTRY CLUB DEVELOPMENT

THE CITY COUNCIL
City of Clayton, California

WHEREAS, through a landscape maintenance district approved by voters, the City has responsible stewardship for the maintenance of City-owned open space areas in the Oakhurst Country Club Development, including the abatement of noxious weeds and invasive plants; and

WHEREAS, the City previously issued two contracts for noxious weed abatement services within the Oakhurst Development, one for the area north of Peacock Creek and one for the area south of the creek; and

WHEREAS, the current contracts for noxious weed abatement expired on December 31, 2009; and

WHEREAS, the City wishes to issue one contract for all of the open space parcels for a three year period (calendar years 2010 through 2012); and

WHEREAS, the City Engineer prepared and distributed a Request for Quote for the desired services, and received only one response from Environtech Enterprises ("Environtech"); and

WHEREAS, Environtech's proposal provides for an annual cost of $55,333.00 and a total fee of $165,999.00 which represents a decrease of approximately 6.6% from the recently expired contracts' cost; and

WHEREAS, the City Engineer has reviewed Environtech's proposal, found it to be responsive in all respects, and has recommended awarding the multi-year contract to Environtech.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept the proposal submitted by Environtech Enterprises for noxious weed abatement services in the Oakhurst Development open space, and herein authorizes its City Manager on behalf of the City to execute a three year contract for said abatement/maintenance services of the City-owned open space parcels north and south of Peacock Creek within the Oakhurst Country Club Development.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 19^{th} day of January, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

____
Hank Strafford, 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 19, 2010.

____
Laci J. Jackson, City Clerk

CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

CITY OF CLAYTON

CONTRACTING SERVICES AGREEMENT

1. Special Conditions:

   A) Contractor's Name & Address: Environtech Enterprises
   1032 Mariposa Street, Vallejo, CA 94591
   Ph. 707/643-3355

   B) Effective Date: 1/20/10 C) Payment Limit: $165,999.00 D) Expense Limit $0

   E) Completion Date: 12/31/12

   F) Federal Tax I.D. or SSN: ____________________

2. Signatures: These signatures attest the parties' agreement hereto:

CITY OF CLAYTON — ENVIRONTECH ENTERPRISES

BY______________________________ BY______________________________

City Manager

____
(Designate official capacity in the business)

3. Parties: Effective on the above date, the City of Clayton ("City") and Contractor mutually agree and promise as follows.

4. Employment: City of Clayton hereby employs Contractor and Contractor, as an independent agent, accepts such employment and shall provide materials, labor and equipment necessary to perform the services described in Exhibit A included herein by reference, upon the terms and in consideration of the payments stated herein.

5. Scope of Service: Scope of services shall be as described in Exhibit A, attached hereto and made a part hereof by this reference.

6. Insurance: Contractor shall, at no cost to the City, obtain and maintain during the term hereof: (a) Workers' Compensation Insurance pursuant to State Law, and (b) Comprehensive Liability Insurance including coverage for owned and non-owned automobiles, with a minimum combined single limit coverage of $1,000,000 for all damages due to bodily injury, sickness or disease, or death to any person and damage to property, including the loss of use thereof, arising out of each accident or occurrence. Contractor shall furnish evidence of such coverage, naming the City of Clayton, its officers and employees as additional insured and requiring 30 days written notice of policy lapse or cancellation. .

7. Payment: The City of Clayton shall pay the Contractor for services performed at the rates shown in Exhibit B, which include all overhead and incidental expenses, for which no

additional compensation shall be allowed. In no event shall the total amount paid to the Contractor exceed the payment limit specified in Sec. 1 C) and D) without prior written approval of the City Manager, City of Clayton. Contractor's statement of charges shall be submitted at convenient intervals. Payment will be made within thirty (30) days after receipt of each statement.

8. Status: The Contractor is an independent contractor and shall not be considered an employee of the City of Clayton.

9. Time of Completion. Unless the time is extended in writing by the City, the Contractor shall complete all services covered by this agreement no later then the completion date listed above. Interim completion dates, if any, will be established as shown in Exhibit A, attached hereto and made a part hereof by this reference.

10. Record Retention. Except for materials and records delivered to the City, the Contractor shall retain all material and records prepared or obtained in the performance of this Agreement, including financial records, for a period of at least three (3) years after Contractor's receipt of the final payment under this Agreement. Upon request by the City, the Contractor shall make such materials and records available to the City at no additional charge and without restriction or limitation on their use. The Contractor shall also make such materials and records available to authorized representatives of the State and Federal Governments at no additional charge.

11. Documentation: The Contractor shall prepare and deliver to the City at no additional charge the items, if any, described in Exhibit A to document the performance of this Agreement and shall furnish to the City such information as is necessary to enable the City to monitor the performance of this Agreement.

12. Extra Work: Any work or services in addition to the work or services described in Exhibit A shall be performed by the Contractor at rates as stated in Exhibit B. The Contractor shall be paid for the extra work at a rate mutually agreed on prior to commencement of the extra work. In no event shall the Contractor be entitled to compensation for extra work unless a written authorization or change order describing the work and payment terms has been executed by the City prior to the commencement of the work.

13. Termination By The City: At its option, the City shall have the right to terminate this Agreement at any time by written notice to the Contractor, whether or not the Contractor is then in default. Upon such termination, the Contractor shall, without delay, deliver to the City all materials and records prepared or obtained in the performance of this Agreement and shall be paid, without duplication, all amounts due for the services rendered up to the date of termination.

14. Abandonment By Contractor: In the event that the Contractor ceases performing services under this Agreement or otherwise abandons the project prior to completing all of the services described in this Agreement, the Contractor shall, without delay, deliver to the City all materials and records prepared or obtained in the performance of this Agreement, and shall be paid for the value of the services performed up to the time of cessation or abandonment.

15. Breach: In the event that the Contractor fails to perform any of the services described in this Agreement or otherwise breaches this Agreement, the City shall have the right to pursue all remedies provided by law or equity. Any dispute relating to the performance of this Agreement shall not be subject to non-judicial arbitration.

16. Compliance with Laws: In performing this Agreement, the Contractor shall comply with all applicable laws, statutes, ordinances, rules and regulations, whether federal, state or local in origin.

17. Assignment: This Agreement shall not be assignable or transferable in whole or in part by the Contractor, whether voluntarily, by operation of law or otherwise provided, however, the Contractor shall have the right to sub-contract that portion of the services for which the Contractor does not have the facilities to perform so long as the Contractor notifies the City of such sub-contracting prior to execution of this Agreement. Any other purported assignment, transfer or sub-contracting shall be void.

18. Indemnification: The Contractor shall defend, indemnify, save and hold harmless the City and its agents, officers and employees from any and all claims, costs and liability for any damages, injury or death arising directly or indirectly from or connected with the services provided hereunder, due to or claimed or alleged to be due to negligent or wrongful acts, errors or omission of Contractor or any person under its control, save and except claims or litigation arising through the sole negligence or sole willful misconduct of the City. All City expenses related to any claims or litigation shall be paid by the Contractor as they are incurred.

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

20. Heirs, Successor and Assigns: Except as provided otherwise in Section 17 above, this Agreement shall inure to the benefit of and bind the heirs, successors, executors, personal representatives and assigns of the parties.

Attachment: Exhibit A; Exhibit B

EXHIBIT A

ENVIRONTECH ENTERPRISES
OPEN SPACE MANAGEMENT PROPOSAL
for CITY OF CLAYTON

The following work is proposed for the **open space** under management by the City of Clayton. This proposal was designed and implemented by **ENVIRONTECH** and is identical in its design and method to that which was accepted for the Clayton open space areas since 1991. The scope of the work has been expanded, over the years, to include the original target species, as well as the population growth of other species. Contract to be fulfilled by **ENVIRONTECH**.

Artichoke thistle or Cardoon, Mustard, Star thistle, Milk thistle (whose population has had a dramatic increase), and more recently prickly clot burr are the main species of noxious weed that exist on the Clayton open space. Management of the initial three species has resulted in a marked population reduction. The following proposal targets all the above noxious weeds through the use of an integrated pest management program the main objective of which is to eliminate and eventually exhaust the local seed source.

METHODOLOGY

Identical methods for both North and South apply. Artichoke thistle, Milk thistle, and prickly clot burr will be treated with the best and safest modern herbicides to insure destruction of the parent plants before seeding occurs. Spot application of herbicide will continue throughout contract term. The termination of parent plants will result in the elimination of the local seed source and a gradual reduction in the population.

Yellow Star thistle and Mustard will be chemically treated by spraying areas of infestation with herbicide where applicable. New herbicides have proven extremely effective on thistle and broadleaf weeds in very low concentrates. Herbicides will be applied with the use of specially equipped ATV's or pickup trucks, as well as with backpack sprayers.

Annuals will be sprayed at any time before flower for best effect.

Initial annual abatement for Artichoke, Milk thistle, Yellow Star thistle and Mustard is January 1st through June. Work will continue through that time period until annual budget is exhausted and will include monthly monitoring. Clot Burr and other pioneer weeds will be treated as encountered as well as other infestations of pioneer noxious weeds.

PROPOSED HERBICIDES AND EQUIPMENT

Garlon 3A – Broadleaf specific non volatile herbicide with rapid degradation. Safe for use up to edge of streams and bodies of water. Non toxic to grazing animals. Used on Mustard directly, and used in conjunction with other herbicides for use on thistles. Carries DANGER label for being an eye irritant but becomes CAUTION when diluted.

Renovate – Basically Garlon 3A with an aquatic label for use in drainages and riparian areas where other chemicals are legally prohibited.

Garlon 4 – Broadleaf specific but volatile. Used for quick knockdown when weather and temperature allow (typically early season). Ester formula of Garlon carries CAUTION label. Not to be used near water.

Milestone – Broadleaf specific virtually non toxic chemical that is specific to thistles. Some short term residual effects. Very effective and safe to use up to waterline. Carries CAUTION label.

Expidite – Broad spectrum glyphosate based herbicide. No longer used due to its non selective nature and destructive potential on grasses and wildflowers.

ENVIRONTECH is equipped with three six wheel drive ATV's of heavy load capacity (over 600 lbs.) with 55 gallon tanks, 300 ft. of ¾ inch hose on reels with delivery of 10 gallons/minute at 280 PSI, along with boom sprayer attachment and automatic boom valves.

ENVIRONTECH also inventories two mobile spray rigs with 4 wheel drive, one of which carries 150 ft of 1 inch hose, 200 gallon capacity with delivery of 30 gallons/minute at 150 PSI.

QUALIFICATIONS

John Squadroni and ENVIRONTECH has been in the business of Native Habitat Restoration, Vegetation Management and Fire Hazard Reduction since 1990 and has been the contractor on this project for the City of Clayton and Wildland Resource Management since 1991. He has a Bachelors of Science degree in Forest Resource Management from the University of Washington and carries an active California QAL (#32335) in categories BCEF (renewal applied for 12/10/09), DPR business license (#30038) and a valid California C-27 contractor's license (#691133). **ENVIRONTECH has completed four weed abatement for restoration projects IN THE PAST YEAR including the City of Clayton open space (since 1991).** References are attached.

ENVIRONTECH is fully insured with L/D and Workers Compensation.

EXHIBIT B

FEE QUOTE
WEED ABATEMENT SERVICES
IN CITY OWNED OPEN SPACE PARCELS
IN THE OAKHURST COUNTRY CLUB DEVELOPMENT
FOR YEARS 2010 THROUGH 2012

The following quote is submitted in response to all provisions of, the City of Clayton request for Quote, dated December 14, 2009.

ANNUAL COSTS

A). Area North of Peacock Creek

1) Artichoke/Milk/Italian Thistles and Clot Burr

Labor		
Qualified Applicator	100 hours@$50.00/hour	$ 5,000.00
Additional labor	150 hours @$33.33/hour	$ 5,000.00
Materials		
Herbicides		$ 4,000.00
Equipment		
Spray Rigs		$ 875.00
Other		included
	Subtotal	**$14,875.00**

2) Mustard and Star Thistle

Labor		
Qualified Applicator	100 hours@$50.00/hour	$5,000.00
Additional labor	150 hours @$33.33/hour	$5,000.00
Materials		
Herbicides		$4,000.00
Equipment		
Spray Rigs		$ 875.00
Other		included
	Subtotal	**$14,875.00**

Total Annual Cost for area North of Peacock Creek **$29,750.00**

B). Area South of Peacock Creek

1) Artichoke/Milk/Italian Thistles and Clot Burr

Labor			
	Qualified Applicator	50 hours@$50.00/hour	$ 2,500.00
	Additional labor	100 hours @$33.33/hour	$ 3,333.00
Materials			
	Herbicides		$ 2,000.00
Equipment			
	Spray Rigs		$ 875.00
	Other		included
	Subtotal		**$ 8,708.00**

2) Mustard and Star Thistle

Labor			
	Qualified Applicator	100 hours@$50.00/hour	$5,000.00
	Additional labor	150 hours @$33.33/hour	$7,000.00
Materials			
	Herbicides		$4,000.00
Equipment			
	Spray Rigs		$ 875.00
	Other		included
	Subtotal		**$16,875.00**

Total Annual Cost for area North of Peacock Creek	**$25,583.00**
Total Annual Cost	**$55,333.00**

CITY OF CLAYTON

Founded 1857 . . Incorporated 1964

Agenda Date: 1/19/10

Agenda Item: 9b

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Assistant to the City Manager
Merry Pelletier, Finance Manager

DATE: January 19, 2010

SUBJECT: Review of the City's Annual Report on Developer Fees for FY 2007-08 in compliance with the reporting requirements of Section 66006 of the State Government Code (AB 1600)

RECOMMENDATION

Staff recommends the City Council receive public comments; adopt the attached Resolution No.__-2010, finding that there is a reasonable relationship between current needs for the fees and the purposes for which they were originally collected.

BACKGROUND

In 1989, Section 66000 et seq. of the Government Code became effective. When passed in 1987, this section was known as AB1600. When the Legislature passed AB1600, it added a new chapter to the Government Code on fees for development projects. The chapter sets forth a number of requirements that local agencies must follow if they are to exact fees from developers to defray the cost of construction of public facilities related to development projects. Section 66006 mandates the reporting requirements on fees that the local agency must adhere to each fiscal year.

Through the General Plan, the City of Clayton has established the nexus between the development and the capital improvements necessary to mitigate the effects of the development and approved fees to fund the mitigation measures. Further implementation of the fees is established in the Clayton Municipal Code sections related to each fee type.

DISCUSSION

Section 66006 (b)(1) of the Government Code requires each local agency to make public a report on developer fees within 180 days after the last day of each fiscal year. Section 66006 (2) also requires each local agency to review the report at a public meeting not earlier than 15 days after the information is made available to the public. The City of Clayton presented its year-end audited financial statement and closing reports on December 15, 2009.

The AB 1600 consists of a brief description of the fee type in the account or fund, the amount of the fee, the beginning and ending balance of the account or fund, the amount of fees collected and the interest earned. If there are funds in the accounts then there is also a requirement to make a finding that there is a reasonable relationship between current needs for and the purposes for which they were originally collected.

Development Impact Fees are due at different time in the stage of a development project. Some of the fees are due at time of final map, or building permit issuance; others not until final occupancy. Only two impact fees were collected during FY 08/09 from the finishing of the Mitchell Creek Place project. The only other revenue activity on the funds this past fiscal year was from interest earnings. Two more recent development projects (Oak Creek Canyon and Diablo Pointe) have not progressed this past year due to the economy and are not likely to progress to the point within the next couple of fiscal years to where additional funds would be collected.

There are funds in some accounts from previous year's development fee collection. These developer fees are Childcare Facilities; Parkland Dedication; Offsite Arterial improvement; Fire Protection; and Community Facilities. The Marsh Creek Road Sewer Fees, and the Police Mitigation Fees are not subject to AB 1600 report but included for tracking purposes. The summary of the balances of the various fees are listed on Attachment 2. Attachment 3 shows the outstanding Capital Improvement Program projects for which these funds are necessary. Details of the fund history are shown in Attachment 4 with detailed expenditure and revenue reports for each fee the City collected provided in Attachment 5. The City Development Impact fee schedule identifying the formula amount and when the fee is collected is shown on Attachment 6.

There are eight reporting requirements on fees that the local agency must adhere to each fiscal year:

1. Create separate capital facilities funds or accounts for each improvement funded with impact fees (Government Code Section 66006(a)).

2. Remit all interest income earned by the fees to the same fund; interest income must be spent solely on the purpose for which the fee was originally collected (Section 66006(a)).

3. Within 180 days after the close of each fiscal year, prepare a public report concerning each impact fee fund. Such report must include the fund's beginning and ending balance for the fiscal year, amount of fees and interest deposited into the fund for the fiscal year, and a description of each expenditure from the fund for that year, including identification of the improvement being funded (Section 66006(b)).

4. Review the report at a public meeting not less than 15 days after the report is released to the public (Section 66006(b)(2)).

5. If fees remain unexpended or uncommitted five years after being collected, the local agency is to make a finding that there remains a reasonable relationship

between the current need for the fees and the purposes for which they were originally collected (Section 66001(d)).

6. Refund to current owner of lots or units developed projects any fees, with accrued interest, for which continued need cannot be demonstrated (Section 66001(e)).

7. A local agency must not co-mingle fees with any other revenue, except for temporary investment purposes (Section 66006(a)).

8. A local agency may not spend impact fees for maintenance or operation of improvements funded with impact fees (Section 65913.8).

In addition to the above reporting requirements of Section 66000 of the Government Code, local agencies can not use the fees subject to AB 1600 (developer impact fees) for the maintenance or operation of an improvement, only for public capital facility improvements. This restriction is a requirement of Section 65913.8 of the Government Code, and the City's developer fees are consistent with the definitions of "development project" and "local agency" used in Section 66000 of the Government Code. The annual report reflects the use of all impact fees for capital facility improvements. [The Marsh Creek Road Sewer Fees, and the Police Mitigation Fees are not subject to AB 1600 requirements as they are established as specific project mitigation fees per the projects Environmental Analysis].

The City is in full compliance with seven of the eight reporting requirements. The City is in partial compliance with No. 5 above, which requires expenditures or commitment of funds within five years of their collection. Compliance is obtained by adopting a resolution that makes a finding that there remains a reasonable relationship between the current need for the fees and the purpose for which they were originally proposed.

In using the expenditure and revenue reports to determine whether the fees have been spent within five years of collection, the total expenditures and operating transfers-out over the five-year period must be added together, and then that total must be subtracted from the earliest fund balance (July 1, 1999) plus any operating transfers in for that year. In a number of instances, this calculation shows that not only have fees collected five years ago been spent, but depending on the fund, fees collected in ensuing years have also been spent.

Of the aforementioned five reportable developer fees, three comply with the provision of AB1600 that funds be expended within five years - Park Dedication and Community Facilities, and Fire Protection Development; the Off-site Arterial fund and the Child Care fund balances are more than 5 years old.

Child Care Facilities: At the end of FY 08/09 there was $35,545 available. Oakhurst development did not pay into these funds as it was established after Oakhurst was approved. Thus the small fund balance and long periods needed to achieve sufficient resources to utilize as intended. These funds are available to reimburse the RDA for its $981,750 contribution to the Gym or to be used for the after-school care equipment and services or programming. Given the large RDA amount, and that the city is not expected to grow much, the funds would be better used to assist in capital assets that assist in the development of the Middle School Gym after-school childcare needs. In prior years during the 1990's some funds were provided to the Contra Costa

Child Care Council for material needs of programs and to provide outreach to Clayton residents as to home and other child care opportunities and programs. There is a need to continue this impact fee in order to collect sufficient funds to address future new capital needs, and/or to reimburse the RDA. In FY 08/09 there were not funds collected only $1427 in interest earnings. Future funds will be collected from Oak Creek Canyon and Diablo Pointe when those projects are completed (occupancy permit). Given the economy it is not expected that these development projects will progress in the next couple of fiscal years to where the funds would be received.

Parkland Dedication: The Park funds have a FY 08/09 ending balance of only $292 . During the 08/09 year no new revenue was collected except for a minor $290 bookkeeping adjustment and $12 in interest earnings. At the end of the 07/08 fiscal year the $112,443 fund balance was used for improvements and upgrades at the Community Park per the Council adopted Capital Improvement Program and budget authorizations. Diablo Pointe had already paid its required fees into this fund. These funds are collected when a development project files its final map. The only anticipated revenue from approved development projects would be Oak Creek Canyon when it files its final map (this would only be a total of $15,414). However, per recent State Legislation (AB 333) tentative maps were automatically extended, the developer has now until January 2012 to file a final map. The City Council already has identified future improvements in the CIP to which park funds would be needed and used, including Keller House. These projects costs combined are estimated at least $3.3 million thus a need exists to continue this impact fee.

Offsite Arterial: On June 30, 2009, the Offsite Arterial funds had a balance of $137,406. These funds can only be used for non maintenance capital projects on arterial roads which are Oakhurst Blvd., Marsh Creek Road, Pine Hollow Road, and Clayton Road. There were not any funds collected in FY 08/09, the only account revenue was from $4,163 in interest earnings. The current balance is due to the collection in prior fiscal years from four projects (Mitchell Creek Pl, Longs, Flora Square, and Village Market). Future funds will be collected from Oak Creek Canyon and Diablo Pointe when those projects are completed (building or occupancy permit). Given the economy it is not expected that these development projects will progress in the next couple of fiscal years to where the funds would be received. Some of the funds in the account are more than 5 years old. However, these fees will be used for projects in the CIP such as traffic signal on eastern Marsh Creek Road which cost exceed current available funds and thus more time is needed in order to collect sufficient funds. Other funding is expected to come from other sources such as Measure C/J State (Caltrans), federal, and other sources. In general, the City does not have control over the funding process of other agencies. However, the City must have adequate funds on hand to leverage and provide matching funds as required when the other funds do become available to the City, and to maintain a competitive position to obtain the funds thus a need exists to continue this impact fee.

Fire Protection: In 1999/2000, the City's RDA provided a loan of $350,000 in added funding for the new District's Clayton Fire Station. All Fire Mitigation funds to that time were also directed to this project. The RDA contribution has not been fully repaid from the mitigation fees. In FY 05/06 the balance was $42,908 and these funds were transferred to reimburse the RDA. The RDA loan is now at $307,091. Future funds collected will be transferred to reimburse the RDA for its loan, thus a need exists to continue this impact fee. There is currently a small balance of $11,854 from projects subject to fee payment in FY07/08 and 08/09. Periodically the collected funds are transferred to the RDA toward the loan repayment.

Community Facilities: This fund is currently at $5,338. These funds are limited for improvements to City owned facilities (buildings and associated grounds). These and future funds are to be for future projects such as the Keller House renovation, Endeavor Hall, Library, City Hall, Library, or Corporation Yard improvements or upgrades, which combined total exceeds $1.3 million. Therefore there is a demonstrated need to continue this impact fee. During FY 08/09 $5,024 was used to pay for interior window shutters at Endeavor Hall. The only revenue activity was $214 in interest earnings.

Marsh Creek Road Sewer: In FY 04/05 the City established a Marsh Creek Road Sewer Impact fund for tracking purposes. This fund was initially loaned $60,000 from the City General Fund to advance a master Sewer Plan for the March Creek Road Specific Plan area. To date there has been spent $62,194 associated with studies to determine a future development impact fee, which would include reimbursement of this loan eventually to the General Fund. There was minimal expenses of $976 during FY 08/09.

Police Service Mitigation Fee: The City has in certain newer development projects through the CEQA process, identified impacts to Police Services and developed a mitigation measure to provide funding to reduce the identified impact. During FY 08/09 $13,410 was collected due to the completion of the Mitchell Creek Place project, with interest earnings the balance is $25,400. The fees are individual project determined through the CEQA process and not subject to AB 1600 reporting requirements but are included for tracking purposes only, similar to Marsh Creek Road Sewer fund. The only other project completed and paid that was subject to this fee was Pine Hollow Estates. Future funds will be collected from Oak Creek Canyon and Diablo Pointe when those projects are completed. Given the economy it is not expected that these development projects will progress in the next couple of fiscal years to where the funds would be received.

Open Space (active/passive) In Lieu Contribution Fee: In 2007 the City adopted a new ordinance provision, [Section 17.28.100C. (a),(b)] allowing an option for Planned Development zoned projects, in lieu of providing the on site open space (active and/or passive), a financial contribution could be provided. The funds collected for the active requirement can be used for acquisition and/or maintenance of active recreation areas in the City's park system. The passive potion can be used for maintenance of the City's trail system. The option for consideration of a developer request in lieu fee payment lies with the City. There is no set amount as it is determined on a case by case basis using criteria in the ordinance and is not subject to AB 1600 reporting requirements but is included for tracking purposes only. In FY 06/07 the City received $40,000 from the Mitchell Creek Place specified for a project for a future tot lot at Lydia Lane Park. The current balance including interest earnings is $41,023. The collected funds must be expended for this purpose by June 26, 2011 or specific findings made as to why it will take longer.

To comply with AB1600, the City Council must make findings that there is a reasonable relationship between current need for the fees and the purposes for which they were originally charged as demonstrated by programming of fees in the CIP and city budget. It is important that the City Council make these findings to ensure continuance of funding resources for these important programs.

Although AB1600 requires that fees collected from developers be expended within five years, the law, as noted previously, also allows exceptions. Exceptions are provided in recognition that some projects require an extended planning period. There can be a number of reasons for this and may include: project costs can be of a magnitude it that requires longer than five years for costs required to accrue; or matching funds may not be available within the five-year period.

As indicated in Attachment 3, City's Capital Improvement Program, there are many projects that have time frames that vary widely notably being Parks, Community Facility, as well as street improvements which total over $11,874,147. The fund needs for the identified projects are far greater than the amount of fees that are possible to collect in a five-year period. Construction will only be possible by leveraging these funds to obtain matching monies from Measure C/J, State, federal, or other sources.

The City has shown that there remains a nexus between current needs for these impact fees and the purposes for which they were originally collected. This was accomplished by Council's prior approval of the City's CIP which indicate the projects to be constructed and directing staff to allocate the collected funds to the various projects. In addition the City has demonstrated that is has expended costs for the new fire station that exceed funds currently available to repay the RDA as well as costs for the Gym to continue to enhance after school child care program needs at the new gym.

As noted above, AB1600 requires that within 180 days of the close of the fiscal year, the City make available to the public the beginning and ending balance of each fee for the fiscal year, the fee interest and other income, the amount of expenditure, and fund allocations by fee category.

Staff believes that the intent of the legislation is to provide a reasonable period of time to close the books in order to provide accurate financial information, including all outstanding expenditures and revenues for the entire fiscal year. The City presented its FY 08/09 year-end closing report on December 15, 2009.

As also noted above, not less than 15 days after the information is made public, the City Council is required to review this information at its next regularly scheduled public meeting. Since this information was made available to the public on December 15, 2009, the information has been placed on the January 19, 2010 Council agenda for review, in compliance with the reporting requirements.

FISCAL IMPACT

None

CONCLUSION

Staff recommends that Council adopt the attached Resolution, No. __-2010, finding that there is a reasonable relationship between current needs for the fees and the purposes for which they were originally collected

Attachments:

1. Resolution No __-2010
2. Fee Fund Balance Summary
3. Capital Improvement Program Projects with Funding needs
4. Fund History Detail
5. Revenue/Expense Fund detail
6. Impact Fee schedule

Laura/ab16002010.doc

RESOLUTION NO. ___-2010

A RESOLUTION FINDING THAT THERE REMAINS A REASONABLE RELATIONSHIP BETWEEN CURRENT NEEDS FOR THE CITY'S DEVELOPMENT IMPACT FEES AND THE PURPOSES FOR WHICH THEY WERE ORIGINALLY CHARGED (GOVERNMENT CODE SECTION 66000 ET. SEQ.)

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City's adopted General Plan, and Capital Improvement Program identifies improvements necessitated by continued development in the City and fees pay for development impacts; and

WHEREAS, the City has been authorized by Municipal Code Sections 3.16.020 (Community Facilities), 3.18.040 (Fire Protection), 16.12.010 (Parkland Dedication), 16.60.050 (Childcare), and Resolution 36-81 (Offsite Arterial Streets), to establish and collect these impact fees; and

WHEREAS, the City has established discrete accounts and fees to finance the construction of these improvements as mitigation measures for continued development within the City; and

WHEREAS, the City annually adopts a comprehensive Capital Improvement Program to prioritize improvements and allocates funds to construct the improvements as mitigation for continued development in the City; and

WHEREAS, these improvements are scheduled to be constructed over time as sufficient funds become available; and

WHEREAS, many of these identified improvements are of such size that sufficient funds have not been collected or obtained in order to construct these improvements by expending fees collected within the five-year expenditure period provided by Government Code Section 66001(d); and

WHEREAS, there continues to be a distinct nexus between continued development and the necessity to mitigate developments impacts; and

WHEREAS, fees collected previously and in the future are necessary to fund future improvements as indicated in the City's Capital Improvement Program; and/or to reimburse the Agency for the advance funding to construct the Fire Station and the Community Gym/after school-childcare room; and

WHEREAS, certain fees collected are more than five years old, however are still necessary pursuant to AB1600 for the purpose in which they are collected as project costs exceed current available funds collected thus it will take longer to collect the necessary funds for the improvements: the Off-site Arterial Traffic Improvement (future traffic signal on eastern section of Marsh Creek Road); and Child Care fees (to fund equipment and capital assets for the new after school needs at the new Clayton Community Gym).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby accept the above Recitals as fact, finds that there remains a reasonable relationship between the current need for the impact fees and the purposes for which they were originally collected.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular meeting thereof held on the 19th day of January, 2010 by the following vote:

AYES:

NOES:

ABSENT:

THE CITY OF CLAYTON, CA

____

Hank Stratford, Mayor

ATTEST:

____

Laci J. Jackson, City Clerk

ATTACHMENT 2

ALLOCATED
FUND BALANCE
AS OF 06-30-09
M.P. 1-19-10

	(A)	(B)	(C)	(D)	(E)
FUND	**FUND BALANCE**	**RESERVES**	**DESIGNATED**	**TOTAL ALLOCATED FUND BALANCE (B+C=D)**	**UNALLOCATED RESERVES (A-D)**
CHILDCARE FACILITIES	35,545		35,545	35,545	-
PARKLAND DEDICATION	292		292	292	-
OFFSITE ARTERIAL IMPROVEMENT	137,406		137,406	137,406	-
FIRE PROTECTION FEES	11,854		11,854	11,854	-
COMMUNITY FACILITIES	5,338		5,338	5,338	-
MARSH CREEK ROAD SEWER FEES	(2,194)		(2,194)	(2,194)	-
POLICE IMPACT FEES	25,400		25,400	25,400	-
OPEN SPACE IN-LIEU FEES	44,170		44,170	44,170	-
				-	-
TOTAL	257,811	-	257,811	257,811	-

Footnotes:	
1. Gym Project loan balance from RDA	$ 981,750
2. Fire Station loan balance from RDA	$ 307,092
3. Sewer Study loan balance from GF	$ 62,194

ATTACHMENT 3(a)

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Summary of Project Costs by Fiscal Year

**Deleted by City Council

Project Number	Project Category	Project Description	Prior Year Funding	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Future Costs	Total Budget
10330	Streets	Overlays	$ 514,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 514,000.00
10331	Streets	Slurry Seals	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10332	Streets	High Street Bridge	$ 65,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 65,000.00
10333	Streets	Marsh Creek Road - TEA-21	$ 1,300,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,300,000.00
10334	Parks	Community Dog Park	$ 27,500.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 27,500.00
10335	Parks	El Molino Park	$ 30,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 30,000.00
10336	Parks	Lydia Lane Park Ph. II	$ -	$ -	$ -	$ -	$ -	$ -	$ 60,000.00	$ 60,000.00
10337	Facilities	Keller House Preservation	$ 219,523.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 219,523.00
10337A	Facilities	Keller House Rehabilitation	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,780,477.00	$ 1,780,477.00
10338	Facilities	Endeavor Hall	$ 1,450,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,450,000.00
10339	Facilities	Youth Center/Gym	$ 4,900,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,900,000.00
10340	Landscape	Marsh Creek Road Landscape	$ 400,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 400,000.00
10341	Streets	Center Street Crossing	$ 172,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 172,000.00
10342	GHAD	Windmill Debris Basin	$ 75,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 75,000.00
10343	GHAD	Crow Debris Basin	$ -	$ -	$ -	$ -	$ -	$ -	$ 100,000.00	$ 100,000.00
10344	GHAD	Obsidian Landslide (in 10347)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10345	GHAD	Clayton Rd. Landslides	$ 1,240,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,240,000.00
10346	GHAD	Black Diamond Landslide**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10347	GHAD	V-ditch Repairs	$ 144,063.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 144,063.00
10347A	GHAD	Eagle Peak Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,125,000.00	$ 1,125,000.00
10348	GHAD	Keller Ridge Drive Area Slope Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ 50,000.00	$ 50,000.00
10349	GHAD	Community Park Slide Repair	$ -	$ -	$ -	$ -	$ -	$ -	$ 100,000.00	$ 100,000.00
10350	Facilities	Downtown Elec. Conn.	$ 40,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 40,000.00
10351	Facilities	Fire Station	$ 1,610,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,610,000.00
10352	Landscape	Library Landscaping	$ 194,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 194,000.00
10353	Streets	Downtown Revitalization	$ 3,003,500.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,003,500.00
10354	Streets	Four Oaks Area	$ 237,700.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 237,700.00
10355	Streets	Oak Street Bridge	$ 62,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 62,000.00
10356	Landscape	Westwood Open Space	$ 166,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 166,000.00
10357	Facilities	Old City Hall Renovation	$ 72,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 72,000.00
10358	Facilities	Grove Property Acquisition	$ 500,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000.00
10359	Facilities	Endeavor Hall Parking I	$ 108,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 108,000.00
10360	Facilities	Endeavor Hall Parking II	$ 165,500.76	$ -	$ -	$ -	$ -	$ -	$ -	$ 165,500.76
10361	Facilities	Stanley Property	$ -	$ -	$ -	$ -	$ -	$ -	$ 325,000.00	$ 325,000.00
10362	Facilities	Stanley Property Parking**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10363	Facilities	Corp. Yard Expansion	$ 598,720.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 598,720.00
10364	Streets	Downtown Signage**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10365	Facilities	Library Parking Expansion	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10366	Facilities	Police Parking Expansion	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10367	Parks	Downtown Park	$ 2,009,700.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,009,700.00
10368	Parks	City Hall Park**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10369	Streets	Marsh Creek Road Narrowing**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10370	Creeks	Creek Revitalization	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,000,000.00	$ 3,000,000.00
10371	Streets	Survey Monuments	$ 30,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 30,000.00
10372	Streets	Traffic Signal Modifications	$ 9,900.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 9,900.00
10373	Streets	Peacock Creek Dr. Signal	$ 155,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 155,000.00
10374	Parks	North Valley Park	$ 45,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 45,000.00

ATTACHMENT 3(b)

Summary of Project Costs by Fiscal Year **Deleted by City Council

Project Number	Project Category	Project Description	Prior Year Funding	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Future Costs	Total Budget
10375	Parks	Samuel Ct. Park	$ -	$ -	$ -	$ -	$ -	$ -	$ 75,000.00	$ 75,000.00
10376	Facilities	Equestrian Staging Area	$ 140,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 140,000.00
10377	Streets	DVMS - Right Turn Lane	$ 51,100.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 51,100.00
10378	Streets	Keller Ridge Drive Planters	$ 100,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 100,000.00
10379	Streets	Pine Hollow Road - Entry	$ -	$ -	$ -	$ -	$ -	$ -	$ 300,000.00	$ 300,000.00
10380	Parks	Community Park - Rt. Turn Lane**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10381	Parks	Bocce Ball Courts	$ 43,431.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 43,431.00
10382	GHAD	Inclinometers	$ 50,000.00	$ -		$ -	$ -	$ -	$ -	$ 50,000.00
10383	GHAD	Keller Ridge Drive Subdrain	$ 5,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,000.00
10384	Streets	Mitchell Canyon Rd. Overlay	$ 125,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 125,000.00
10385	Parks	Community Park Tot Lot Upgrade	$ 112,496.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 112,496.00
10386	GHAD	Wells**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10387	Streets	Pavement Rehab 2002/03	$ 994,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 994,000.00
10388	Streets	Pavement Rehab 2003/04	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10389	Streets	Pavement Rehab 2004	$ 537,650.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 537,650.00
10390	Streets	Pavement Rehab 2005**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10391	Streets	Pavement Rehab 2006	$ 11,190,552.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 11,190,552.00
10392	Sewers	Oak - High Street	$ 384,718.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 384,718.00
10393	Parks	Skateboard Park	$ -	$ -	$ -	$ -	$ -	$ -	$ 300,000.00	$ 300,000.00
10394	Streets	Handicap Ramps - RDA Area	$ 60,182.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 60,182.00
10394A	Streets	ADA Compliance Program	$ 16,400.00	$ 7,500.00	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 452,100.00	$ 500,000.00
10395	Streets	Catch Basin Modifications	$ -	$ -	$ -	$ -	$ -	$ -	$ 75,000.00	$ 75,000.00
10396	Streets	East Marsh Creek Road Signal	$ -	$ -	$ -	$ -	$ -	$ -	$ 230,000.00	$ 230,000.00
10397	Streets	Utility Undergrounding	$ 105,930.00	$ -	$ -	$ -	$ -	$ -	$ 2,894,070.00	$ 3,000,000.00
10398	Streets	Clayton Rd. MCR Slurry Seal	$ 235,456.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 235,456.00
10399	Sewers	Pine Hollow Area	$ 141,596.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 141,596.00
10400	Other	Downtown Economic Development	$ 2,434,671.00	$ 788,227.00	$ -	$ -	$ -	$ -	$ -	$ 3,222,898.00
10401	Streets	Pedestrian Xing Signals**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10402	Streets	Clayton Road Trail Connection	$ 150,000.00	$ 92,965.00	$ -	$ -	$ -	$ -	$ -	$ 242,965.00
10403	Streets	Downtown Entry Signage (in 10402)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
10404	Streets	Marsh Creek Rd. Retaining Wall	$ 319,980.17	$ -	$ -	$ -	$ -	$ -	$ -	$ 319,980.17
10405	Streets	2007 Pavement Patching Project	$ 128,684.22	$ -	$ -	$ -	$ -	$ -	$ -	$ 128,684.22
10406	Streets	2008 Pavement Rehab Project	$ 1,060,427.62	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,060,427.62
10407	Streets	Clayton Road Trail Connection	$ 465,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 465,000.00
10408	Streets	2009 Pavement Rehab Project	$ -	$ 402,000.00	$ -	$ -	$ -	$ -	$ -	$ 402,000.00
10409	Streets	2010 Pavement Rehab Project	$ -	$ -	$ 396,500.00	$ -	$ -	$ -	$ -	$ 396,500.00
10410	Streets	2011 Pavement Rehab Project	$ -	$ -	$ -	$ 395,500.00	$ -	$ -	$ -	$ 395,500.00
10411	Streets	2012 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ 395,500.00	$ -	$ -	$ 395,500.00
10412	Streets	2009 Arterial Overlay Project	$ -	$ 584,000.00	$ -	$ -	$ -	$ -	$ -	$ 584,000.00
10413	Parks	Community Park Lighting, etc.	$ -	$ 492,000.00	$ -	$ -	$ -	$ -	$ 1,008,000.00	$ 1,500,000.00
10414	Streets	2013 Pavement Rehab Project	$ -	$ -	$ -	$ -	$ -	$ 395,500.00	$ -	$ 395,500.00
		Cost Totals	$ 38,396,380.77	$ 2,366,692.00	$ 402,500.00	$ 401,500.00	$ 401,500.00	$ 401,500.00	$ 11,874,647.00	$ 54,244,719.77

Red denotes completed projects
Green denotes active projects funded in FY 09/10
Blue denotes active projects funded prior to FY 09/10
** Deleted by City Council

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Streets	10413	Community Park Lighting, Resurfacing & Parking

DESCRIPTION - LOCATION

Install sports field lighting, remove and replace turf with synthetic surfacing and construct additional parking spaces at Clayton Community Park

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design		$100,000						$100,000
Construction		$1,300,000						$1,300,000
CM/Inspection		$100,000						$100,000
ROW Acquisition								
Other								
TOTAL		$1,500,000						$1,500,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$1,008,000	$1,008,000
Measure WW		$492,000						$492,000
Total		$492,000					$1,008,000	$1,500,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Parks	10336	Lydia Lane Park – Phase II

DESCRIPTION - LOCATION

Construction of horse shoe pits and other activity facilities.

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$4,000	$4,000
Construction							$50,000	$50,000
CM/Inspection							$6,000	$6,000
ROW Acquisition								
Other								
TOTAL							$60,000	$60,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$60,000	$60,000
Total							$60,000	$60,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Parks	10393	Skateboard Park

DESCRIPTION - LOCATION
Construct skateboard park at an undetermined location.

COMMENTS

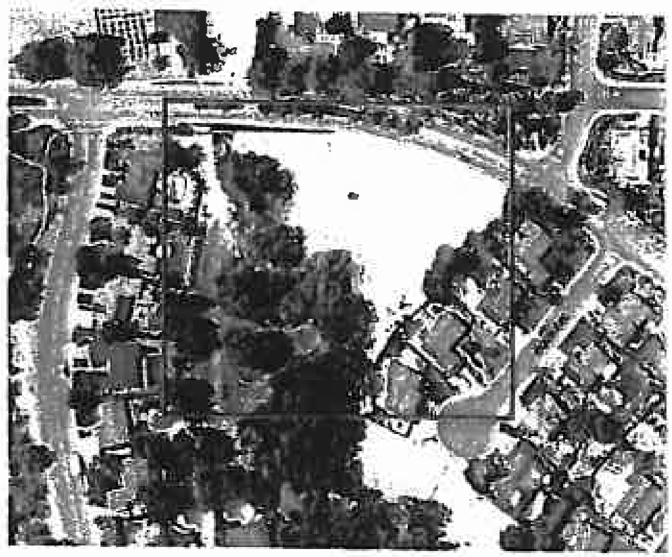
Undetermined

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$25,000	$25,000
Construction							$240,000	$240,000
CM/Inspection							$35,000	$35,000
ROW Acquisition								
Other								
TOTAL							$300,000	$300,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$300,000	$300,000
Total							$300,000	$300,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Streets	10375	Samuel Ct. Park



DESCRIPTION - LOCATION

Install landscaping and irrigation improvements.

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2009-10	Future	TOTAL
Preliminary Design								
Final Design							$5,000	$5,000
Construction							$65,000	$65,000
CM/Inspection							$5,000	$5,000
ROW Acquisition								
Other								
TOTAL							$75,000	$75,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$75,000	$75,000
Total							$75,000	$75,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Streets	10396	East Marsh Creek Road Traffic Signal

DESCRIPTION - LOCATION

Install traffic signal on Marsh Creek Road
somewhere east of Diablo Parkway.

COMMENTS

City Council postponed project.

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design							$15,000	$15,000
Construction							$150,000	$150,000
CM/Inspection							$15,000	$15,000
ROW Acquisition								
PG&E Poles							$50,000	$50,000
TOTAL							$230,000	$230,000

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$230,000	$230,000
Total							$230,000	$230,000

2009/10-2013/14 Capital Improvement Program

Category	Project Number	Project
Facilities	10337A	Keller House Rehabilitation

DESCRIPTION - LOCATION

Rehabilitation of historical ranch home and grounds located across Mt. Diablo Creek from the library.

COMMENTS

Estimated Cost	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Preliminary Design								
Final Design								
Construction							$1,780,477	$1,780,477
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							$1,780,477	$1,780,477

Funding (Sources)	Prior Yrs.	2009-10	2010-11	2011-12	2012-13	2013-14	Future	TOTAL
Unfunded							$1,780,477	$1,780,477
Total							$1,780,477	$1,780,477

DEVELOPMENT IMPACT FEES
REVENUES & EXPENDITURES
FY 2005 to FY 2009
M.P. 1-11-09

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	Ending Balance
CHILDCARE FACILITY FEES						
REVENUE						
Childcare Facility Fees (5307)	-	-	-	6,483		6,483
Interest	780	487	662	1,105	1,427	5,010
EXPENDITURES						-
						-
						-
						-
Total	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	780	487	662	7,588	1,427	11,493
OTHER FINANCING SOURCES (USES)						
Operating Transfers In						-
Operating Transfers out						-
Total	-	-	-	-	-	-
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	780	487	662	7,588	1,427	**11,493**
FUND BALANCE JULY 1	24,601	25,381	25,868	25,868	34,118	**35,545**
FUND BALANCE JUNE 30	**25,381**	**25,868**	**26,530**	**34,118**	**35,545**	

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	Ending Balance
PARKLAND DEDICATION FEES						
REVENUE						
Parkland Dedication Fees (5313)		21,912	23,121	60,016	280	105,329
Interest	1,815	455	1,210	3,634	12	8,471
EXPENDITURES						-
Community Park Tot Lot CIP 092	6,500	-	-			81,500
Downtown Park CIP 090		57,234				57,234
Community Park Upgrades CIP 10407				112,163		112,163
Total	6,500	57,234	-	112,163	-	250,897
Total Revenue/over(under) Expenditures	(4,685)	(34,867)	24,331	(48,513)	292	(88,876)
OTHER FINANCING SOURCES (USES)						
Operating Transfers In						-
Operating Transfers out						-
Total	-	-	-	-	-	-
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	(4,685)	(34,867)	24,331	(48,513)	292	**(137,097)**
FUND BALANCE JULY 1	63,734	59,049	24,182	24,182	0	**292**
FUND BALANCE JUNE 30	**59,049**	**24,182**	**48,513**	**0**	**292**	

ATTACHMENT 4(b)

DEVELOPMENT IMPACT FEES
REVENUES & EXPENDITURES
FY 2005 to FY 2009
M.P. 1-11-09

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	Ending Balance
OFFSITE ARTERIAL IMPROVEMENT FEES						
REVENUE						
Offsite Arterial Improvement Fees (5314)	-	11,648	-	114,147	-	125,795
Interest	77	271	369	4,317	4,163	9,228
EXPENDITURES						
						-
						-
Total	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	77	11,919	369	118,464	4,163	135,022
OTHER FINANCING SOURCES (USES)						
Operating Transfers in						-
Operating Transfers out						-
Total	-	-	-	-	-	-
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	77	11,919	369	118,464	4,163	**135,022**
FUND BALANCE JULY 1	2,414	2,491	14,410	14,410	133,242	**137,405**
FUND BALANCE JUNE 30	**2,491**	**14,410**	**14,779**	**133,242**	**137,405**	
FIRE PROTECTION FEES						
REVENUE						
Fire Protection Fees (5317)	-	-	-	8,397	2,700	13,497
Interest	-	-	-	281	476	1,718
EXPENDITURES						-
Reimbursement for Clayton Fire Station	-	-	-			-
						-
						-
Total	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	-	-	-	8,678	3,176	15,215
OTHER FINANCING SOURCES (USES)						
Operating Transfers In						-
Operating Transfers out to RDA	42,908	-	-			42,908
Total	(42,908)	-	-	-	-	(42,908)
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	(42,908)	-	-	8,678	3,176	**(27,693)**
FUND BALANCE JULY 1	42,908	0	0	0	8,678	**11,854**
FUND BALANCE JUNE 30	**0**	**0**	**0**	**8,678**	**11,854**	

DEVELOPMENT IMPACT FEES
REVENUES & EXPENDITURES
FY 2005 to FY 2009
M.P. 1-11-09

ATTACHMENT 2

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	Ending Balance
COMMUNITY FACILITIES FEES						
REVENUE						
Community Facilities Fees (5323)	-	3,600	-	19,041		22,641
Interest	(382)	(169)	(230)	329	214	(503)
EXPENDITURES						
Endeavor Hall Shudders					5,024	5,024
						-
Total	-	-	-	-	5,024	5,024
Total Revenue/over(under) Expenditures	(382)	3,431	(230)	19,370	(4,810)	17,114
OTHER FINANCING SOURCES (USES)						
Operating Transfers In						-
Operating Transfers out						-
Total	-	-	-	-	-	-
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	(382)	3,431	(230)	19,370	(4,810)	**17,114**
FUND BALANCE JULY 1	(12,041)	(12,423)	(8,992)	(8,992)	10,148	**5,338**
FUND BALANCE JUNE 30	**(12,423)**	**(8,992)**	**(9,222)**	**10,148**	**5,338**	

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	Ending Balance
MARSH CREEK RD SEWER FEES						
REVENUE						
Marsh Creek Rd Sewer Fees	-	-	-			-
Interest	946	243	330	(37)	(88)	1,373
EXPENDITURES						-
Marsh Creek Road Sewer Survey	29,239	18,112	-	14,344	976	63,567
						-
						-
Total	29,239	18,112	-	14,344	976	63,567
Total Revenue/over(under) Expenditures	(28,293)	(17,869)	330	(14,381)	(1,064)	(62,194)
OTHER FINANCING SOURCES (USES)						
Operating Transfers in General Fund Loan	60,000	-	-			60,000
Operating Transfers out						-
Total	60,000	-	-			60,000
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	31,707	(17,869)	330	(14,381)	(1,064)	**(2,194)**
FUND BALANCE JULY 1	(918)	30,789	12,921	12,921	(1,130)	**(2,194)**
FUND BALANCE JUNE 30	**30,789**	**12,921**	**13,251**	**(1,130)**	**(2,194)**	

DEVELOPMENT IMPACT FEES
REVENUES & EXPENDITURES
FY 2005 to FY 2009
M.P. 1-11-09

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	Ending Balance
POLICE IMPACT FEE						
REVENUE						
Police Impact Fee	-	10,155	-		13,410	23,565
Interest	-	195	265	355	1,020	1,835
EXPENDITURES						
	-	-	-			-
Total	-	-	-	-	-	-
Total Revenue/over(under)Expenditures	-	10,350	265	355	14,430	25,400
OTHER FINANCING SOURCES (USES)						
Operating Transfers In	-	-	-			-
Operating Transfers Out	-	-	-			-
Total	-	-	-	-	-	-
Excess(Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	-	10,350	265	355	14,430	**25,400**
FUND BALANCE JULY 1	-	-	10,350	10,350	10,970	**25,400**
FUND BALANCE JUNE 30	-	**10,350**	**10,615**	**10,970**	**25,400**	
OPEN SPACE IN-LIEU FEE						
REVENUE						
Open Space In-Lieu Fee		-	40,000	-		40,000
Interest		-	1,023	1,374	1,773	1,023
EXPENDITURES						
		-	-			-
						-
Total	-	-	-	-	-	-
Total Revenue/over(under)Expenditures		-	41,023	1,374	1,773	41,023
OTHER FINANCING SOURCES (USES)	-	-	-	-	-	-
Operating Transfers In	-	-	-			-
Operating Transfers Out	-	-	-			-
Total	-	-	-	-	-	-
Excess(Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources		-	41,023	1,374	1,773	**44,170**
FUND BALANCE JULY 1	-	-	-	-	42,397	**44,170**
FUND BALANCE JUNE 30	-	-	**41,023**	**42,397**	**44,170**	
All FUND BALANCES	**105,288**	**78,738**	**145,488**	**238,423**	**257,810**	**257,810**

ATTACHMENT 5(a)

City of Clayton
Childcare Facility Fees 304-5307
1999-2009

Date	Receipt	Paid By	Amount	
10/18/1999	8437	Paula Pedersen	205.00	
1/20/2000	8467	Presley	1,230.00	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	1,435.00	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	1,640.00	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	1,845.00	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	205.00	
5/31/2000	9296	S. Carvajal-989 Oak St	205.00	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	410.00	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	205.00	
6/30/2000		**General Ledger Balance**		**7,380.00**
11/6/2000	9383	B&B Properties	665.20	
12/11/2000	9399	Clyde Miles Construction (115 Oak Ct)	205.00	
11/3/2000	9379	Ocean West-Commercial (Post Office)	713.00	
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	205.00	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	205.00	
5/30/2001	10660	Lemke-Oakwood Cir	205.00	
6/30/2001		**General Ledger Balance**		**9,578.20**
11/26/2001	10731	Diamond Terrace	7,800.00	
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	615.00	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	3,075.00	
11/27/2002	13467	Lydia-Rachel Ranch	1,640.00	
3/21/2003	13509	Larwin Vintage Clayton-Bridlewood	205.00	
6/30/2003		**General Ledger Balance**		**22,913.20**
6/30/2004		**General Ledger Balance**		**22,913.20**
6/30/2004		Interest Booked	1,688.00	
6/30/2005		Interest Booked	780.24	25,381.44
6/30/2006		Interest Booked	486.68	**25,868.12**
6/30/2007		Interest Booked	662.00	
7/31/2007	18577	Pine Hollow Estates	1,640.00	
9/30/2007	20008	Mitchell Creek Place	1,845.00	
10/31/2007	20691	Longs Drug Store	1,386.50	
10/31/2007	20698	Oak Center-Flora Square	1,497.20	
12/31/2007	20959	Village Market	114.62	
6/30/2008		Interest Booked	1,105.00	
6/30/2009		Interest Booked	1,427.00	
6/30/2009		**Adjusted General Ledger Balance**		**35,545.44**

FY 2000-2004	RDA Loan to build Community Gym	981,750.00
FY	RDA Gym loan reimbursement	
6/30/2009	Balance due RDA	981,750.00

City of Clayton
Park Dedication Fees - 304-5313
1999-2009

Date	Receipt	Paid By	Amount	
10/18/1999	8437	Paula Pedersen-Oakwood Cir	2,569.00	
1/20/2000	8467	Presley-Diablo Village	8,106.54	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	9,457.63	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	10,808.72	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	12,159.81	
5/23/2000	9291	L. Afford - 8106 Marsh Ck Rd.	2,569.00	
5/31/2000	9296	S. Carvajal - 989 Oak St.	2,569.00	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	2,702.18	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	1,351.09	
6/30/2000		**General Ledger Balance**		**52,292.97**
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	2,569.00	
12/13/2000	9399	Miles Construction-115 Oak Ct.	2,569.00	
4/4/2001	10634	Aspen Valley Builders-1116 Oakwood Cir	2,569.00	
5/30/2001	10660	Lemke Construction-Oakwood Cir	2,569.00	
6/30/2001		**General Ledger Balance**		**62,568.97**
11/1/2001	11783	Mardel LLC-Bridlewood	48,811.00	
2/20/2002	11917	Lydia Associates-Rachel Ranch	20,552.00	
2002		CIP Projects-Westwood Park	(48,500.00)	
2002		CIP Project-Endeavor Hall Parking Lot	(27,594.80)	
6/30/2002		**General Ledger Balance**		**55,837.17**
9/23/2002		Diamond Terrace	75,268.00	
6/30/2003		**General Ledger Balance**		**131,105.17**
2004		Community Park Tot Lot (CIP)	(75,000.00)	
6/30/2004		**General Ledger Balance**		**56,105.17**
6/30/2004		Interest Booked	7,629.00	
6/30/2005		Community Park Tot Lot (CIP)	(6,500.00)	
6/30/2005		Interest Booked	1,815.23	**59,049.40**
10/27/2005		Lenox Homes-Pine Hollow Estates	20,272.00	
2/24/2009		Transfer from Lenox C&D Deposit	280.00	
5/31/2006	18577	Pine Hollow Estates	1,640.00	
12/31/2005		CIP Project - Down Town Park	(57,234.00)	
6/30/2006		Interest Booked	454.96	24,462.36
6/29/2007		Mitchell Creek Place	23,121.00	47,583.36
6/30/2007		Interest Booked	1,210.00	
7/31/2007	18577	Pine Hollow Estates (s/b childcare)	(1,640.00)	47,153.36
3/10/2008	21232	Lemke Construction - Diablo Point	61,656.00	
6/30/2008		Interest Booked	3,634.00	
6/30/2008		Trans to Community Park Upgrades CIP 10407	(112,443.36)	
1/31/2009		Trans from Pine Hollow Estates	280.00	
6/30/2009		Interest Booked	12.00	
6/30/2009		**Adjusted General Ledger Balance**		**292.00**

City of Clayton
Off Site Arterial Improvement Fees 304-5314
1999-2009

Date	Receipt	Paid By	Amount	CIP 304-5314 Balance
10/18/1999	8437	Paula Pedersen-1103 Oakwood Cir	1,456.00	
1/20/2000	8467	Presley-Diablo Village	8,736.00	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	10,192.00	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	11,648.00	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	13,104.00	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	1,456.00	
5/31/2000	9296	S. Carvajal-989 Oak St	1,456.00	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	2,912.00	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	1,456.00	
6/30/2000		**General Ledger Balance**		**52,416.00**
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	1,456.00	
11/3/2000	9379	Ocean West-Commercial Post Office	24,028.10	
11/6/2000	9383	B&B Properties-Commercial	22,417.24	
12/11/2000	9399	Clyde Miles-115 Oak	1,456.00	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	1,456.00	
5/30/2001	10660	Lemke-Oakwood Cir	1,456.00	
6/30/2001		**General Ledger Balance**		**104,685.34**
11/26/2001	10731	Diamond Terrace	87,634.00	
6/30/2002		**General Ledger Balance**		**192,319.34**
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	4,368.00	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	21,840.00	
3/21/2003	13509	Larwin Vintage Clayton-Bridlewood	1,456.00	
11/27/2002	13467	Lydia Assoc-Rachael Ranch	11,648.00	
6/30/2003		**General Ledger Balance**		**231,631.34**
2003		CIP Projects-Marsh Creek Road	(230,000.00)	
1/3/2003		Kelok&Keller Ridge Signs, striping	(346.00)	
6/30/2004		**General Ledger Balance**		**1,285.34**
6/30/2004		Interest Booked	1,129.00	
6/30/2005		Interest Booked	76.56	**2,490.90**
5/9/2006	18577	Pine Hollow Estates	11,648.00	
6/30/2006		Interest Booked	271.11	**14,410.01**
6/30/2007		Interest Booked	369.00	
8/31/2007	20008	Mitchell Creek Place	13,104.00	
10/2/2007	20691	Longs Drug Store	46,725.05	
10/3/2007	20698	Oak Center Project-Flora Square	50,455.64	
12/27/2007	20959	Village Market	3,862.00	
6/30/2008		Interest Booked	4,317.00	**133,242.70**
6/30/2009		Interest Booked	4,163.00	
6/30/2009		**Adjusted General Ledger Balance**		**137,405.70**

City of Clayton
Fire Protection Fees 303-5317
1999-2009

Date	Receipt	Paid By	General Fund Amount	Fund Balance
10/18/1999	8437	Paula Pedersen-1103 Oakwood Cir	300.00	
1/20/2000	8467	Presley-Diablo Village	1,800.00	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	2,100.00	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	2,400.00	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	2,700.00	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	300.00	
5/31/2000	9296	S. Carvajal-989 Oak St	300.00	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	600.00	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	300.00	
6/30/2000		**General Ledger Balance**		**10,800.00**
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	300.00	
11/3/2000	9379	Ocean West-Commercial-Post Office	1,426.00	
11/6/2000	9383	B&B Properties-Commercial	1,330.40	
12/11/2000	9399	Clyde Miles Construction-115 Oak St	300.00	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	300.00	
5/30/2001	10660	Lemke-Oakwood Cir	300.00	
6/30/2001		**General Ledger Balance**		**14,756.40**
11/26/2001	10731	Diamond Terrace	17,200.00	
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	900.00	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	4,500.00	
3/21/2002	13509	Larwin Vintage Clayton-Bridlewood	300.00	
6/30/2003		**General Ledger Balance**		**37,656.40**
6/30/2004		**General Ledger Balance**	**2,400.00**	**40,056.40**
6/30/2004		Interest Booked	2,852.00	
6/30/2004		**Adjusted General Ledger Balance**		**42,908.40**
3/24/2005		Fireprotection fee reimbursement to RDA	(42,908.40)	
6/30/2006		**General Ledger Balance**		**-**
5/30/2008		Longs Drug Store	2,773.00	**2,773.00**
10/2/2007	20691	Oak Center-Flora Square	2,994.40	
10/9/2007	20701	Pine Hollow Estates	2,400.00	
12/27/2007	20959	Village Market	229.20	
6/30/2008		Interest Booked	281.00	
8/13/2008	21056	Mitchell Creek Place	2,700.00	
6/30/2009		Interest Booked	476.00	
6/30/2009		**Adjusted General Ledger Balance**		**11,854**

FY 2000/01	RDA Loan to Fire Station	350,000.00
FY 2004-05	Fire protection fee reimbursement	(42,908.40)
6/30/2009	Balance due RDA	307,091.60

City of Clayton
Property Development Fees 303-5323
Reclassed to Community Facilities Development Fees 304-5323
1999-2009

ATTACHMENT 2

Date	Receipt	Paid By	Amount	Balance
10/04/99	8437	Pedersen	**450.00**	
01/20/00	8467	Presley	**2,700.00**	
04/14/00	9272	Wm Lyon Homes-Diablo Village	**3,150.00**	
05/11/00	9289	Wm Lyon Homes-Diablo Village	**3,600.00**	
06/22/00	9312	Wm Lyon Homes-Diablo Village	**450.00**	
05/23/00	9293	Wm Lyon Homes-Diablo Village	4,050.00	
05/23/00	9291	L. Afford-8106 Marsh Ck Rd	450.00	
05/31/00	9296	S. Carvajal-989 Oak St	450.00	
05/31/00	9295	Wm Lyon Homes-Diablo Village	900.00	
6/30/2000		**General Ledger Balance**		**16,200.00**
09/22/00	9352	Smith Quality Homes-Oakwood Cir	**450.00**	
11/03/00	9379	Ocean West-Post Office	**3,565.00**	
11/06/00	9383	B&B Properties	**3,326.00**	
12/11/00	9399	Clyde Miles- 115 Oak	**450.00**	
04/04/01	10634	Aspen Valley-Oakwood Cir	**450.00**	
05/30/01	10660	Lemke-Oakwood Cir	**450.00**	**24,891.00**
11/26/01	10731	Diamond Terrace	10,750.00	
6/30/2002		**General Ledger Balance**		**35,641.00**
08/28/02	12368	Larwin Vintage Clayton-Bridlewood	1,350.00	
11/01/02	13452	Larwin Vintage Clayton-Bridlewood	6,750.00	
03/21/02	13509	Larwin Vintage Clayton-Bridlewood	450.00	
06/30/02		CIP Projects-Corp Yard	(67,975.76)	
11/27/02	13467	Lydia Assoc.-Rachael Ranch	3,600.00	
6/30/2003		**General Ledger Balance**		**(20,184.76)**
6/30/2004		**General Ledger Balance**		**(20,184.76)**
06/30/04		Interest Booked	(997.00)	
03/24/05		Transfer from CIP (Corp Yard)	9,141.00	
6/30/2005		Interest Booked	(381.89)	**(12,422.65)**
05/09/06	18577	Pine Hollow Estates	3,600.00	
06/30/06		Interest Booked	(169.18)	
6/30/2007		Interest Booked	(230.00)	**(9,221.83)**
08/31/07	20008	Mitchell Creek Place	4,050.00	
10/02/07	20691	Longs Drug Stores	6,932.00	
10/03/07	20698	Oak Center Project-Flora Square	7,486.00	
12/27/07	20959	Village Market	573.00	9,819.17
06/30/08		Interest Booked	329.00	
03/12/09		Transfer to Endeavor Hall (Shutters)	(5,024.00)	
06/30/09		Interest Booked	214.00	
6/30/2009		**Adjusted General Ledger Balance**		**5,338.17**

City of Clayton
Marsh Creek Road Sewer
Due to General Fund for transfer on 9/30/04 $35,000
Due to General Fund for transfer on 5/17/05 $25,000

2004-2009

Date	Receipt	Paid By	Amount	Balance
6/30/2004		Expense	**(896.00)**	
6/30/2004		Interest Booked	**(22.00)**	
9/30/2004		Transfer from General Fund	**35,000.00**	
6/30/2005		Expense	**(29,239.00)**	
5/17/2005		Transfer from General Fund	**25,000.00**	
6/30/2005		Interest Booked	**946.49**	**30,789.49**
6/30/2006		Expense	**(18,112.00)**	
6/30/2006		Interest Booked	**243.08**	**12,920.57**
6/30/2007		Interest Booked	**330.00**	**13,250.57**
6/30/2008		Expense	**(14,343.59)**	**(1,093.02)**
6/30/2008		Interest Booked	**(37.00)**	
8/6/2008		Expense	**(732.00)**	
8/29/2008		Expense	**(61.00)**	
9/12/2008		Expense	**(183.00)**	
6/30/2009		Interest Booked	**(88.00)**	
6/30/2009		**Projected Fund Balance**		**(2,194.02)**

City of Clayton
Police Services Impact Fee
2007-2009

Date	Receipt	Paid By	Amount	Balance
5/9/2006	18578	Pine Hollow Estates	10,155.00	
6/30/2006		Interest Booked	194.72	
6/30/2007		Interest Booked	265.00	
6/30/2008		Interest Booked	355.00	
8/13/2008	21056	Mitchell Creek Place	13,410.00	
6/30/2009		Interest Booked	1,020.00	
6/30/2009		**Adjusted General Ledger Balance**		**25,399.72**

City of Clayton
Open Space In-Lieu Contributions
2006-2009

Date	Receipt	Paid By	Parks *Active Rec	Trail *Maintenance	Balance
6/26/2007	18578	Mitchell Creek Place	40,000.00		
6/30/2007		Interest Booked	1,023.00		
6/30/2008		Interest Booked	1,374.00		
6/30/2009		Interest Booked	1,773.00		
6/30/2009		**Adjusted General Ledger Balance**	**44,170.00**	**-**	**44,170.00**

* per Section 17.28.100C.2(a) and (b)

ATTACHMENT 6(a)

rev. April 10, 2009

CITY OF CLAYTON
* DEVELOPMENT IMPACT * and Related FEES

– NOTE ALL FEES LISTED ARE SUBJECT TO CHANGE –

Category	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Due	Account Number
* Community Facilities Development *	$450.00/Unit	$125.00/Unit	Commercial/ Industrial: $0.50/Gross sq ft	Municipal Code § 3.16.020	Residential: Occupancy Permit Commercial/Industrial Zoning Clearance for Building Permit	304-5323
* Offsite Arterial Street Improvement *	$1,456.00/Unit	$1,019.00/Unit	Commercial/ Business: $3.37/Gross sq ft	City Council Resolution No.'s 36-81 and 14-86	Zoning Clearance for Building Permit	304-5314
* Childcare[1] *	$205.00/Unit	$205.00/Unit	$0.10/Gross sq ft	Municipal Code § 16.60.050	Zoning Clearance for Building Permit	304-5307
Parkland Dedication	$2,569.00/Unit	$1,666.00/Unit (Duplex $2,180.00/Unit)	-0-	Municipal Code § 16.12.010	Subdivision/Parcel Maps: Final Map Approval Individual Parcels: Zoning Clearance for Building Permit	304-5313
Open Space In Lieu Fee (if applicable)	As determined by project	As determined by project analysis	As determined by project analysis	Applies to PD in certain conditions 17.28.100(c)	Subdivision/Parcel Maps: Final Map Approval	304-5312
Habitat Conservation Plan Implementation Fee[2] (if applicable)	Fee Zone II $24,155/ac Fee Zone III $6,039/ac	Fee Zone II $24,155/ac Fee Zone III $6,039/ac	Fee Zone II $24,155/ac Fee Zone III $6,039/ac	Municipal Code § 15.55.060(c)	Earlier of either: issuance of grading permit or zoning clearance for building permit	304-5326

1. Senior housing units, second-dwelling units, affordable housing units, and churches are exempt.
2. HCP Implementation Fees only apply to projects permanently disturbing one acre or more of land which is not mapped with an "urban" land cover in the HCP. See Chapter 16.55 of the *Municipal Code* for additional information. Fees are adjusted annually in March.

Category	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Due	Account Number
*** Fire Development Protection ***	$300.00/Unit (Mobile Home $200.00/Unit)	$200.00/Unit	$0.20/Gross sq ft	Municipal Code § 3.18.040	Occupancy Permit	304-5317
Police Impact Fees	As determined in project CEQA analysis	As determined in project CEQA analysis	As determined in project CEQA analysis	Mitigation Measure in project CEQA analysis	Zoning Clearance for building permit	304-5325
Marsh Creek Sewer Capacity (east Clayton areas)	To be determined from city sewer study	To be determined from city sewer study	To be determined from city sewer study	To be established in annual City fee resolution and/or in project CEQA mitigation measure	Prior to recording of Final Map	304-5327
Construction and Demolition Recycling Mgmt. Plan deposit	$1.00 per/sq. ft. of new or remodeled area greater than 500 sq ft (min. deposit $2000)	$1.00 per/sq. ft. of new or remodeled area greater than 500 sq ft (min. deposit $2000)	$1.00 per/sq. ft. of new or remodeled area greater than 500 sq ft (min. deposit $2000)	Municipal Code § 15.80.030(E) and Annual City Fee Resolution	Zoning Clearance for Building Permit	Finance determines
Stormwater Pollution Prevention Permit and Inspection (Construction SWPPP)	Minor[3]: $75 permit fee plus $500 min. deposit against which inspection time is charged Standard[4]: $75 plus $2000 min. deposit against which inspection time is charged Major[5]: $5000 min deposit against which inspection time is charged	Minor[3]: $75 permit fee plus $500 min. deposit against which inspection time is charged Standard[4]: $75 plus $2000 min. deposit against which inspection time is charged Major[5]: $5000 min deposit against which inspection time is charged	Minor[3]: $75 permit fee plus $500 min. deposit against which inspection time is . charged Standard[4]: $75 plus $2000 min. deposit against which inspection time is charged Major[5]: $5000 min deposit against which inspection time is charged	Municipal Code § 13.12.090(E) and Annual City Fee Resolution	Earlier of either: issuance of grading permit or zoning clearance for building permit	Finance determines

3. Minor: interior remodel; non ground disturbing, etc.
4. Standard: pools; driveways; minor concrete repairs; room additions, etc.
5. Major: new single family; new commercial; major additions/renovations; subdivisions; grading, etc.

Category	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Due	Account Number
Stormwater Operation and Maintenance Annual Inspection Fee	$45/Unit *plus* $100/HOA(if HOA)	$45/Unit *plus* $100/HOA(if HOA)	$100 for each acre or portion thereof	Municipal Code § 13.12.100(A) and Annual City Fee Resolution	Annually each October after project completion to City of Clayton	Finance determines
Stormwater Operation and Documentation Annual Compliance Review Fee	$45/Unit *plus* $100/HOA(if HOA)	$45/Unit *plus* $100/HOA(if HOA)	$100 for each acre or portion thereof	Municipal Code § 13.12.100(A) and Annual City Council Fee Resolution	Annually each October after project completion to City of Clayton	Finance determines
Stormwater Operation and Maintenance Annual Report Preparation Fee	$53/Unit *plus* $100/HOA(if HOA)	$53/Unit *plus* $100/HOA(if HOA)	$100 for each acre or portion thereof	Municipal Code § 13.12.100(A) and Annual City Fee Resolution	Annually each October after project completion to City of Clayton	Finance determines
School District (Mt Diablo Unified School District-MDUSD)				Rates determined annually by MDUSD School Board call 682-8000	To Mt Diablo Unified School District at building permit for additions or prior to final inspection for new construction	Pay at MDUSD
Sewer Plan Review and Connection (Clayton contracts with City of Concord for sewer)				Rates determined annually in City of Concord fee schedule call 671-3425	Prior to Building permit	Pay at City of Concord Engineering
Water Connection/Meter Service from Contra Costa Water District (CCWD)				Rates determined annually by CCWD fee schedule call 688-8000	Prior to Building permit	Pay at CCCWD

Category	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Due	Account Number
Building Permit, Plan Check and Building Inspection Fees [Clayton Contracts with Contra Costa County Building Inspection – (CCCBI)]				As established in County Fee Schedule Call 335-1352	Plan Check fee due at building permit submittal and Permit/inspection fees due at building permit issuance	Pay at CCCBI
Contra Costa Fire Protection District (CCFPD)				As established in CCFPD Fee Schedule Call 941-3300	Fire Plan Check fee due at permit review submittal (ie: improvement plan; building permit)	Pay at CCFPD
Contra Costa County Environmental Health[6]				As established in County Fee Schedule Call 692-2500	Health Dept Plan check and inspection fees due at or prior to permit review submittal (ie: building permit; tenant improvement, etc)	Pay at County Env. Health

6. Health Dept for restaurant, food sales/grocery, beauty, health uses; public pools; septic tank removals

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 1/19/10

Agenda Item: 9c

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR DW

DATE: JANUARY 19, 2010

SUBJECT: CLAYTON 2009-2014 HOUSING ELEMENT UPDATE

RECOMMENDATION

Provide input regarding recommended City responses to State Housing and Community Development Department (HCD) staff comments pertaining to the Clayton 2009-2014 Housing Element Update.

BACKGROUND

The City of Clayton submitted its Draft 2009-2014 Housing Element to the State Housing and Community Development Department (HCD) on July 15, 2009. Subsequently, HCD staff reviewed and provided comments on our Draft Housing Element, and City staff and Housing Element Consultant Jennifer Gastelum have since been working with HCD staff to address their requested changes to Clayton's Draft Housing Element.

Attached is a memorandum from Housing Consultant Jennifer Gastelum that provides a summary of work completed and draft responses to HCD reviewers on key issues. As Ms. Gastelum indicates in her Memorandum, the most challenging issues that remain for resolution at this point are related to addressing HCD's concern the City's current Draft Housing Element does not provide adequate evidence and assurance of the availability of appropriately zoned parcels in Clayton to satisfy the regional housing needs allocation (RHNA) assigned to this community by the Association of Bay Area Government (ABAG). HCD reviewers are not convinced the designated/classified 5-15 dwelling unit per acre properties cited and opportunities for second-story units in the Town Center identified would facilitate the construction of the assigned 84 lower-income units during this Housing Element period, ending in 2014. HCD reviewers have indicated the City must increase it maximum density for the multi-family General Plan designation and related Zoning classification to 20 units per acre and further identify suitable sites that could be redesignated/reclassified to these higher densities to facilitate the development of 50 dwelling units (HCD assumed shortfall) within the lower-income categories.

Essentially, this means that implementation measures would need to be added to the Draft Housing Element for the City to undertake the following:

1. Amend the City's General Plan, Zoning Ordinance, and related documents to increase the maximum density allowed for multi-family development in Clayton to 20 dwelling units per acre; and,

2. Identify suitable sites for consideration and amend the City's General Plan, Zoning Ordinance, and related documents to the maximum density threshold of 20 units per acre on the selected sites to facilitate the development of 50 dwelling units for lower-income households.

Specific sites that are currently designated/classified for up to 15 dwelling units per acre that need to be increased to 20 dwelling units per acre are the Old Fire Station site at 5850 Clayton Road (APN 120-015-011) and the Stanley property on High Street (APN 119-021-063) in the Town Center area. Additionally, staff and the Housing Element consultant have initially identified potential suitable sites, or portions thereof, that should be considered for redesignation and reclassification to facilitate achieving the potential 50-unit deficit that HCD has identified. The potential suitable sites for redesignation/reclassification identified by staff and the Housing Element consultant are (see maps attached):

1. Easley Ranch Property - 13.52 acres, APN 119-080-009 (Portion Only)
2. Capella Property - .93 acres, APN 119-021-013
3. Torres-Muga Property - 1.13 acres, APN 119-021-054
4. Clayton Valley Associates - .97 acres, APN 119-021-055

In her attached memorandum, Housing Element Consultant Jennifer Gastelum, provides in detail the language that should be added to the Draft Housing Element to respond to the HCD reviewers on the matters of redesignating/reclassifying multi-family sites to 20 dwelling units per acre and amending Clayton codes and policy documents to select suitable sites to facilitate the development of 50 dwelling unit for lower-income households. The initial sites selected above were identified as suitable for consideration because they are close to the Town Center with services, goods, and employment opportunities; and located on old Marsh Creek Road, an arterial with a public transportation route, available bus service, and existing affordable housing nearby. The intent of the recommended implementation measure(s) is these sites, as well as others as necessary, would be considered through standard public hearing processes with required public notice to formally amend the City's codes and policy documents to achieve redesignations/reclassifications of enough acreage at a maximum density of 20 dwelling units per acre to facilitate the development of 50 multiple-family dwelling units as requested by the HCD reviewers.

Staff has made direct contact with all of the property owners cited above, and will be with sending out letters describing this matter to all of them as a further follow-up.

Staff and the Housing Element Consultant are seeking Council feedback regarding the proposed approach to the HCD reviewer comments on the matters described in this report. The other comments by HCD reviewers, for the most part, have generally been addressed with information already provided to HCD reviewers.

Attachments:

1. January 11, 2010 Housing Element Status Report Memo from Housing Consultant Jennifer Gastelum
2. September 10, 2009 Review of the City of Clayton Draft Housing Element by State Housing and Community Development (HCD) Department
3. Assessor Parcel Maps of the Identified Suitable Sites

GPA\01-09.sr.cc-final revisions progress report

PMC®

MEMO

To: David Woltering, AICP
Community Development Director
CITY OF CLAYTON

From: Jennifer Gastelum

Cc:

Date: January 11, 2010

Re: Housing Element Status Report

City of Clayton 2009-2014 Housing Element Update

The City of Clayton submitted the Draft 2009-2014 Housing Element to the State Housing and Community Development Department (HCD) on July 15, 2009. The City and the consultant then conducted a conference call with HCD staff on September 3, 2009 to review their findings on the Draft Housing Element. The City then received a letter from HCD on September 10, 2009 stating their findings and necessary revisions to ensure compliance with State Housing Element law. The City worked with the consultant to address the issues as stated in the findings letter (Attachment 1) and submitted informal revisions to HCD on September 22, 2009. HCD staff then reviewed the changes and conducted a conference call with City staff and the consultant on November 4, 2009. The availability of appropriately zoned parcels to accommodate lower-income households stands out as the most challenging issue to address from this phone call. Since the conference call with HCD staff and PMC staff have researched state code provisions and discussed various approaches to address the availability of suitable lands issue for lower-income dwelling units. The RHNA shortfall is approximately 50 units for lower-income households.

The Draft Housing Element that was submitted to HCD on July 15, 2009 included an analysis to meet Clayton's regional housing needs allocation (RHNA) of 151 housing units, of which 84 are for lower-income households that relied on vacant, underutilized and mixed-use sites. HCD is requesting that the Element include recently built residential second-story developments and redevelopment trends to estimate potential capacity and when there are not recently approved projects. The City will need to demonstrate to HCD staff how the 50 unit shortfall in the lower-income categories could be satisfied. A summary of the Government Code relating to the sites inventory and the possible approaches that have been discussed is included in the information that follows.

Outstanding HCD Issues

Zoning for Lower-Income Households: Pursuant to Section 65583.2(c)(3)(A) and (B), the element must identify zoning and densities appropriate to encourage and facilitate the development of housing for lower-income households. For communities with densities that meet specific standards (at least 20 units per acre), this analysis is not required. The Draft City of Clayton Housing Element indicates the City is utilizing sites within the SF-MD and MF-MD zones, with a maximum density range of 5 to 15 units/acre, to accommodate the development of housing for lower-income households. Four of the six sites (zoned SF-MD) have a maximum density of five units/acre. The only examples of recent housing projects with units affordable to lower-income households were in a zone in which the maximum density is equal to 20 units/acre, but this zone only appears to allow housing for seniors. The other example states three units will be provided for lower- to moderate-income households through deed restriction, in a zone that does not allow multifamily development. As a result, the element must demonstrate existing - densities (up to 5 units/acre in the SF-MD zone and 15 units/acre in the MF-MD zone) can encourage and facilitate the development of housing for lower-income households based on factors such as market demand, financial feasibility and development experience within the zones.

City of Clayton's Options for Addressing the Zoning for Lower-Income Households
BALANCE OF REGIONAL HOUSING NEED

Income Category	2007 to 2014 ABAG Need Determination	Units Constructed/ Approved and Adjustments 2007–2014*	Percentage of Need Met	Balance of Existing Need
Extremely Low	24	0	0%	24
Very Low	25	0	0%	25
Low	35	0	0%	35
Moderate	33	1	3.0%	32
Above Moderate	34	20	58.8%	14
Total	151	21	13.9%	130

Units include both units constructed and those receiving building permits since January 1, 2007.

Source: Community Development Department; Association of Bay Area Governments

Clayton Vacant Land Inventory
Moderate- and Above Moderate-Income Households

The City's moderate- and above moderate-income allocation after counting building permits issues since January 2007 is 46 units. Based on vacant sites there is a realistic capacity of 20 total units on lower density sites, which would be available to moderate- and above moderate-income households and there is capacity for another 26 units which will be accommodated on underutilized sites and existing potential second story sites identified in Table 43 and 44 of the Draft Housing Element to meet the City's moderate and above-moderate-income housing need.

Extremely Low-, Very Low-, and Low-Income

The City's lower-income RHNA allocation is 84 units. The City must show that there is land zoned at 20 units an acre to meet this allocation. Based on the City's vacant land inventory none of the City's sites currently allow 20 units per. The MF (MD) designation currently allows a maximum of 15 units per acre. To meet the City's RHNA allocation the City will need to amend the MF (MD) designation to commit the City to increasing the allowable density on sites from a maximum of 15 units per acre to 20 units per acre. Based on this amendment the City's vacant land inventory has a capacity to accommodate 34 units on existing vacant sites. This leaves the City with a 50 unit shortfall. To meet the City's RHNA shortfall (50 units) the City will consider the following options:

1. Rezoning a portion of Site U-6/P-1 (Easly Ranch, APN 119-080-009, 13.52 acres) from SF (LD) to MF(MD) to meet the City's 50 unit RHNA shortfall. The City would rezone approximately 3.5 acres of this site to accommodate 50 units without physical or environmental constraint.

2. If it is determined that rezoning of the Easly Ranch site is not feasibility, the City will consider rezoning Sites P-2 (APN 119-021-013, .93 acres) and/or Site P-3 (APN 119-021-054 1.13 acres), and/or Site P-4 (APN 119-021-055 .97 acres)to accommodate the City's 50 units RHNA shortfall. The site(s) that will be rezoned will accommodate at least 16 units per site and not have any physical or environmental constraints on the site(s).

What new Implementation Measure I.1 will look like:

Implementation Measure (I.1) The City will promote the development of the Affordable Housing Opportunity sites identified in Table 42, Vacant Residential Land (i.e., High Street parcel (Site V-2) and Old Fire Station site (Site V-5)) by amending the General Plan Multi-family Medium Density Designation to allow for 10.1 to 20 units per acre. Currently the Designation allows for 10.1 to 15 units per acre.

Based on the Vacant and Underutilized Residential Land Tables (Table 42 and 43, 44 and 45) the City has a shortfall of land available to extremely low-, very low- and low-income households. The City needs enough land to accommodate 50 additional units on sites that allow for 20 units per acre. To address this shortfall the City will rezone one of the following sites within one year of adoption of the Housing Element.

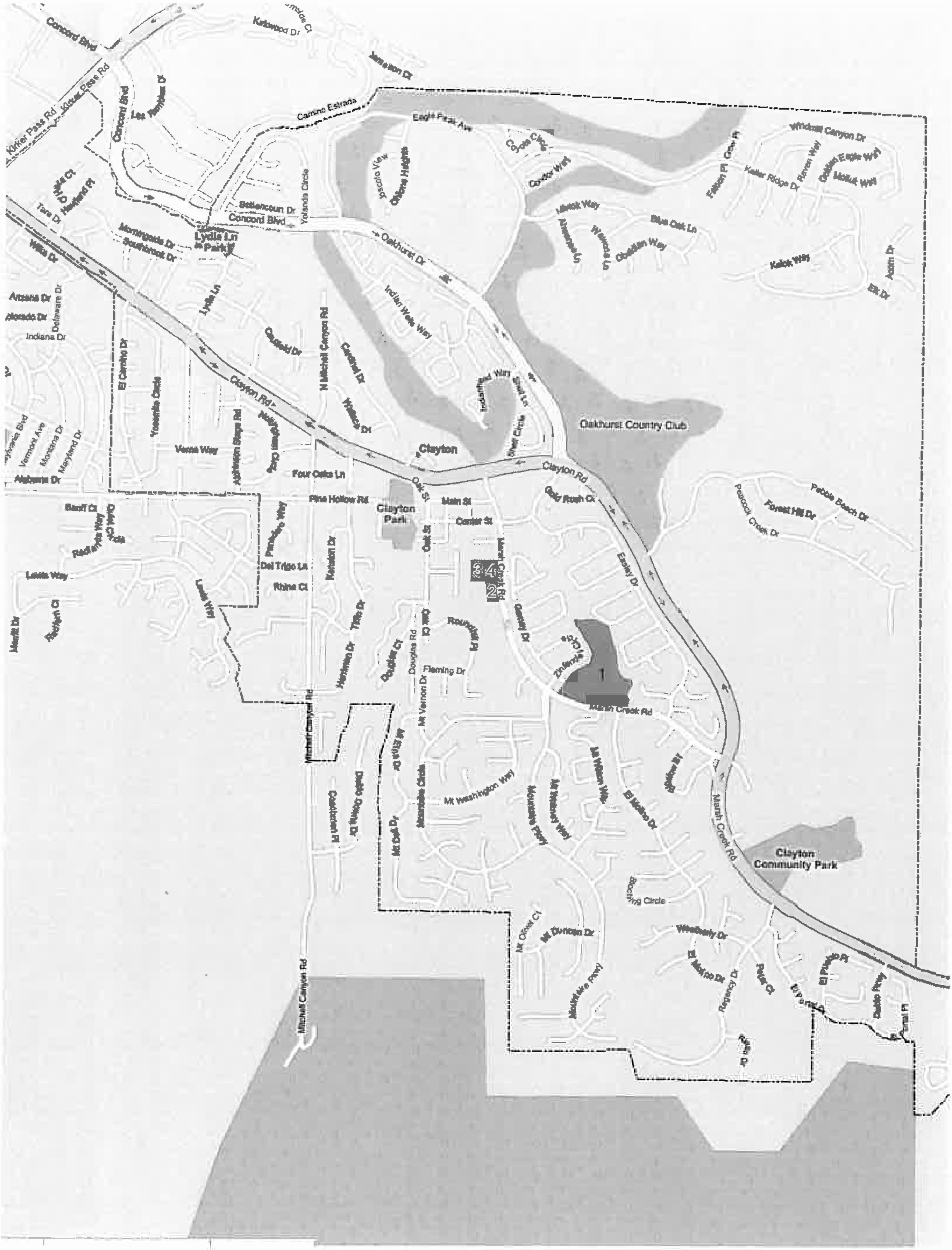
- Rezone a portion of Site U-6 (Easly Ranch, APN 119-080-009, 13.52 acres) from SF (LD) to MF(MD) to meet the City's 50 unit RHNA shortfall. The City will rezone approximately 3.5 acres of this site to accommodate 50 units without physical or environmental constraint.

- If it is determined that rezoning of U-6/P-1 is not feasible, the City will consider rezoning Sites P-2 (APN 119-021-013, .87 acres) and/or Site P-3 (APN 119-021-054 1.16 acres), and/or Site P-4 (APN 119-021-055 .95 acres (Table 45) to accommodate the City's 50 units RHNA shortfall. The site(s) will accommodate at least 16 units per site and not have any physical or environmental constraints on the site(s). This rezone will occur within one year of adoption of this Housing Element.

- If it is determined that rezoning any of the identify sites is not feasibility the City will identify another site or group of sites that will accommodate the City's 50 units RHNA shortfall.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Amend the General Plan Multi-family Medium Density Designation to allow for 10.1 to 20 units per acre by January 2011. Rezone sites to meet the RHNA by January 2011.



Concord Blvd
Kirker Pass Rd
Camino Estrada
Eagle Peak Ave
Yolanda Circle
Concord Blvd
Lydia Ln Park
Oakhurst Dr
Indian Wells Way
Oakhurst Country Club
Clayton Rd
Clayton
Four Oaks Ln
Pine Hollow Rd
Clayton Park
Main St
Center St
Oak St
Marsh Creek Rd
Easley Dr
Pebble Beach Dr
Peacock Creek Dr
Forest Hill Dr
Mitchell Canyon Rd
Mt Washington Way
Fleming Dr
Douglas Rd
Mt Vernon Dr
Clayton Community Park
Regency Dr
Mt Duncan Dr
Mt Olivet Ct
Lydia Ln
Morningside Dr
Southbrook Dr
Alabama Dr
Indiana Dr
Lewis Way
Rhine Ct
Del Trigo Ln
Blue Oak Ln
Windmill Canyon Dr
1
2
3
4

Attachment 2

STATE OF CALIFORNIA -BUSINESS, TRANSPORTATION AND HOUSING AGENCY — ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov

September 10, 2009

Mr. David Woltering, Director
Community Development Department
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Mr. Woltering:

RE: Review of the City of Clayton's Draft Housing Element

Thank you for submitting the City of Clayton's draft housing element received for review on July 15, 2009. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). A telephone conversation on September 3, 2009 with you and your consultant, Ms. Jennifer Gastelum, of PMC facilitated the review.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). For example, the element must analyze the potential of non-vacant and mixed-use sites to accommodate a portion of Clayton's share of the regional housing need and potential governmental constraints. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

The Department appreciates the cooperation provided by you and Ms. Gastelum during the course of the review and is committed to assist Clayton in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Ken Holder, of our staff, at (916) 323-3180.

Sincerely,

Cathy E. Creswell

Cathy E. Creswell
Deputy Director

Enclosure

APPENDIX

CITY OF CLAYTON

The following changes would bring Clayton's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element2/index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

   Clayton has a regional housing needs allocation (RHNA) of 151 housing units, of which 84 are for lower-income households. To address this need, the element relies on vacant, underutilized and mixed-use sites. However, to demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses, as follows:

   Realistic Capacity: The element identifies several sites with commercial uses and indicates potential capacity on the second story; however, it must explain the methodology used to determine the residential capacity. For example, the calculation should account for existing uses, including potential for non-residential development and residential development on second stories. The element could consider recently built residential second-story developments to estimate potential capacity. For example, the element describes a recent second-story mixed-use project (Rivulet Project) but could also discuss built densities, age of the existing structure and relate the project to identified sites.

   Non-Vacant Sites: The element must include a description and analysis of non-vacant sites to demonstrate their potential to redevelop with residential uses or more intensive residential uses within the planning period. The inventory only describes the number of existing units currently occupying each non-vacant site; however, it does not describe the existing use or analyze the extent existing uses may impede additional development within the planning period. For sites with residential uses, the inventory could specifically describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For non-residential sites, which also includes second-story sites, the inventory could note whether the use is operating, marginal or discontinued, the condition of the structure or expressed interest in redevelopment. Refer to the sample analysis on the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_home.php.

Zoning for Lower-Income Households: Pursuant to Section 65583.2(c)(3)(A) and (B), the element must identify zoning and densities appropriate to encourage and facilitate the development of housing for lower-income households. For communities with densities that meet specific standards (at least 20 units per acre for the City of Clayton), this analysis is not required. The element indicates the City is utilizing sites within the SF-MD and MF-MD zones, with a maximum density range of 5 to 15 units/acre, to accommodate the development of housing for lower-income households. Four of the six sites (zoned SF-MD) have a maximum density of five units/acre. The only examples of recent housing projects with units affordable to lower-income households were in a zone in which the maximum density is equal to 20 units/acre, but this zone only appears to allow housing for seniors. The other example states three units will be provided for lower- to moderate-income households through deed restriction, in a zone that does not allow multifamily development. As a result, the element must demonstrate existing densities (up to 5 units/acre in the SF-MD zone and 15 units/acre in the MF-MD zone) can encourage and facilitate the development of housing for lower-income households based on factors such as market demand, financial feasibility and development experience within the zones. Additional information is available in the *Building Blocks'* section on Zoning to Accommodate the Development of Housing Affordable to Lower-Income Households at http://www.hcd.ca.gov/hpd/housing_element/screen19_approp_zoning.pdf.

Environmental Constraints: The sites inventory lists potential constraints for most identified sites; however, the element must include an analysis of the impact on development in the planning period. For example, the element lists many sites with flooding and slope constraints but does not describe the potential impacts on development, housing capacity and affordability.

Emergency Shelters: The element includes a program (Program II.1.1) to permit emergency shelters as a permitted use within a five-acre area, known as The Kirker Corridor. However, pursuant to Chapter 633, Statutes of 2007 (SB 2), the element must describe sufficient capacity to accommodate the need and describe the suitability of the planned area for emergency shelters. See the Department's SB 2 technical assistance memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Land-Use Controls: While the element lists land-use controls and development standards for most zoning classifications, requirements should be described and analyzed for the TC Commercial and LC districts, particularly as they apply to second-story mixed-use sites.

Affordable Housing Plan: Clayton requires the approval of an affordable housing plan for residential projects of two or more units. The element describes the general framework for affordable housing plans (page 40), including incentives and options for meeting the requirement. However, the element does not analyze the impact of the requirement or the incentives. This analysis is particularly important given current market conditions and the cumulative impact of local regulations.

Codes and Enforcement: While the element lists housing codes administered by Contra Costa County, it appears the City does have a part-time code enforcement department. Therefore, the element should describe Clayton's building and zoning code enforcement processes and procedures and analyze their impact on the maintenance and preservation of affordable housing. Additional information and sample analyses are available in the *Building Blocks'* section at http://www.hcd.ca.gov/hpd/housing_element2/CON_offsite.php.

Potential Constraints on Persons with Disabilities: Based on an e-mail sent from the City on September 2, 2009, Clayton uses a definition of family in its zoning code. This definition appears to limit the number of unrelated persons and potentially constrains the development, maintenance and improvement of housing for persons with disabilities. As a result, the element should include a program to revise the definition as appropriate.

3. *Analyze the opportunities for energy conservation with respect to residential development (Section 65583(a)(8)).*

   The element states the City enforces the provisions of Title 24, which is the minimum compliance requirement for buildings in California and includes Programs V.1.1 and V.1.2 to distribute energy conservation brochures and develop concepts for developers to consider energy self-sufficiency. However, given the importance of promoting strategies to address climate change and energy conservation, the element could add programs to promote and encourage energy conservation. For example, programs could establish incentives to encourage green building practices. Additional information on potential policies and programs to address energy conservation are available in the *Building Blocks'* section on Opportunities for Energy Conservation at http://www.hcd.ca.gov/hpd/housing_element2/SIA_conservation.php.

B. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A-1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites with appropriate zoning. Programs to address a shortfall of sites must meet Government Code Sections 65583(a)(3) and 65583.2 (h) and (i) requirements to permit owner-occupied and rental multifamily uses by-right. Sites must be allowed without a CUP, planned-unit development or other discretionary review or approval and allow a minimum of 16 units per site. Also, at least 50 percent of the remaining regional housing need for lower-income households must be accommodated on sites designated for residential use only. In addition:

Program I.1 (AHO Sites): Describe how the City will promote development on affordable housing opportunity sites (i.e., financial incentives, regulatory concessions, implementation of a marketing plan, etc.).

Program II.1.1 (Emergency Shelters): Pursuant to SB 2, the Program must commit to permit emergency shelters without a CUP or other discretionary review and commit to only subject shelters to the same development and management standards that apply to other allowed uses within the identified zone.

2. *The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households (Section 65583(c)(2)).*

   The element includes a program to allow single-room occupancy (SRO) units and some actions, such as priority processing for extremely low-income (ELI) households. However, given the importance of encouraging a variety of housing types to meet the housing needs of ELI households, Program II.1.3 could be revised to establish standards or guidelines to facilitate approval of SROs and to provide financial incentives to promote SRO developments. In addition:

   Programs 1.5.1 (Promote Mixed-Use) and III.1.3 (Apply for Funding): The Program should be revised with discrete timelines (i.e., at least annually or bi-annually).

3. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

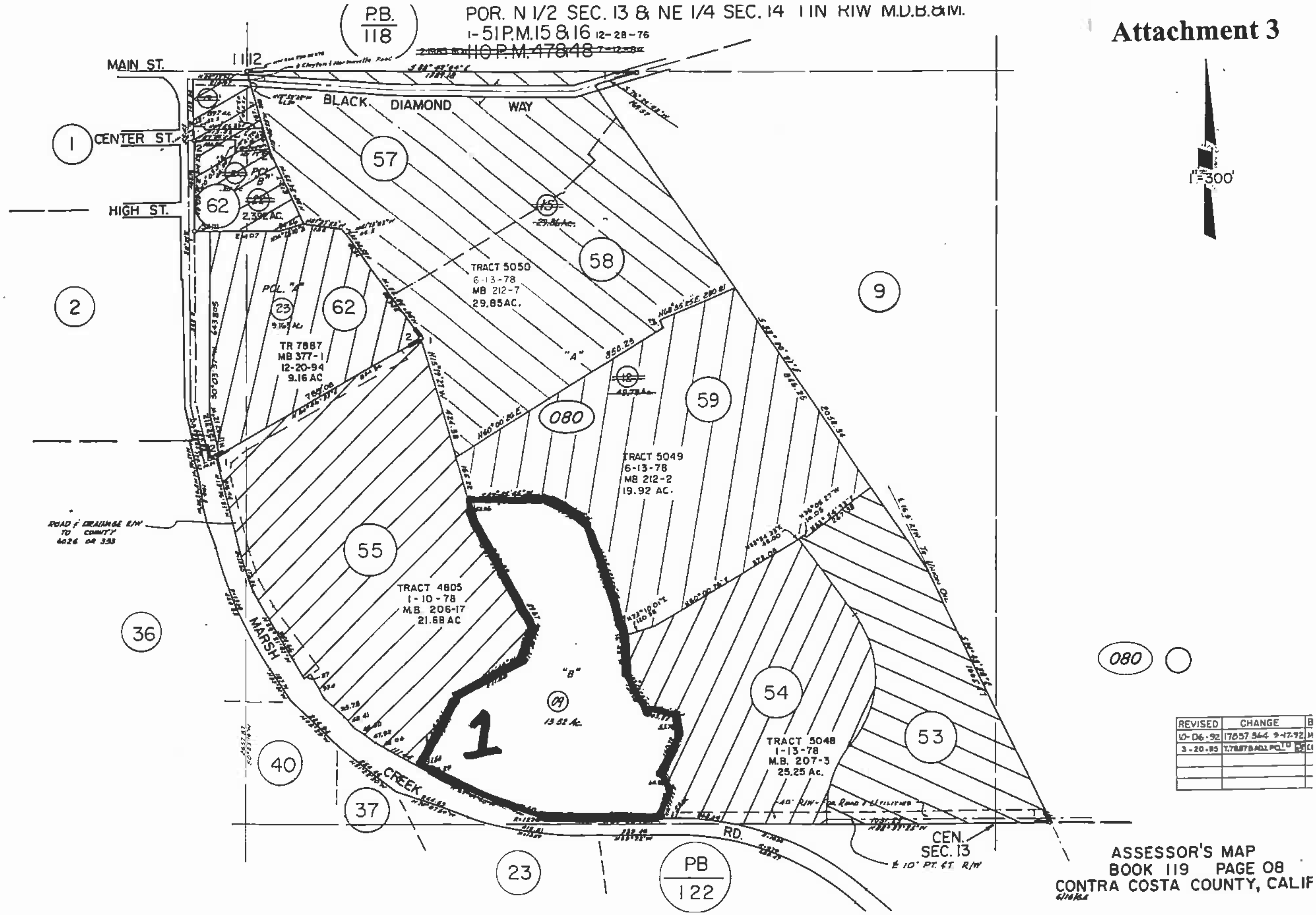
   As noted in Finding A-2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

   Program IV.3.1(Reasonable Accommodation): The Program must be revised to establish a reasonable accommodation procedure, separate from a variance or conditional use permit, for providing exception in zoning and land-use for housing for persons with disabilities by a date certain. A model ordinance and examples from several cities is available on the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_mitigate.php.

C. **Water Sewer Priority**

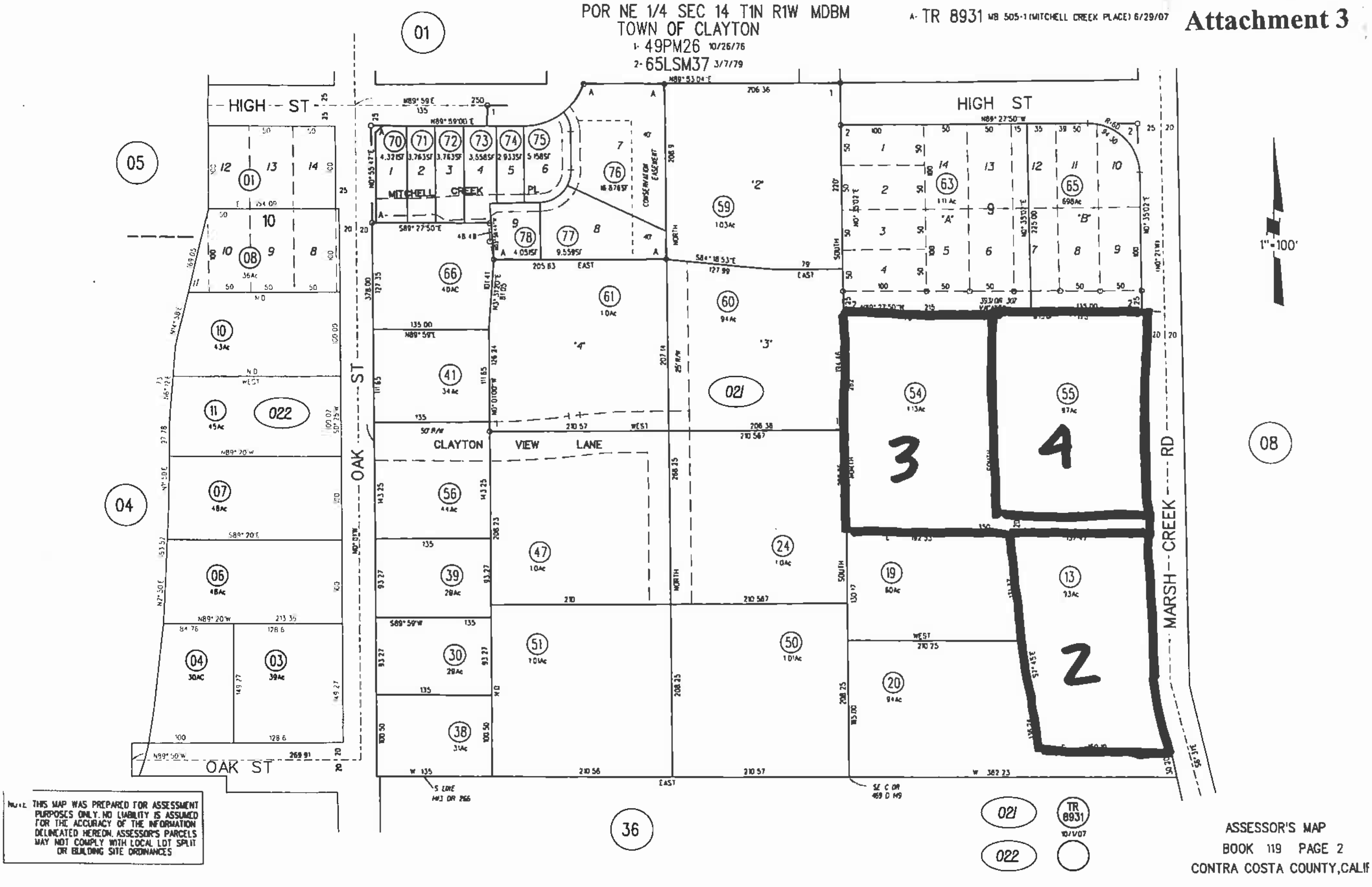
For your information, Government Code Section 65589.7 requires water and sewer providers to establish specific procedures and grant priority water and sewer service to developments with units affordable to lower-income households. The statute also requires local governments to immediately deliver the housing element to water and sewer providers. The Department recommends including a cover memo describing the City's housing element, including the City's housing needs and share of the regional housing need. For further assistance, refer to the technical assistance memo at http://www.hcd.ca.gov/hpd/memo_sb1087.pdf.

Attachment 3



Identified Suitable Site(s)

Attachment 3



Identified Suitable Site(s)

Agenda Date: 1/19/10

Agenda Item: 3a RDA

MINUTES
OF THE
REGULAR MEETING

CLAYTON REDEVELOPMENT AGENCY

December 1, 2009

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 8:24 p.m. by Chairperson Shuey in the Library Community Room, 6125 Clayton Road, Clayton, CA. Boardmembers present: Chairman Shuey, Vice Chair Medrano, Boardmembers Pierce and Stratford. Boardmembers absent: Boardmember Geller. Staff present: Executive Director Napper, Secretary Jackson, and General Counsel Adams

2. **PUBLIC COMMENTS** – None.

3. **CONSENT CALENDAR- It was moved by Boardmember Stratford, seconded by Vice Chairman Medrano to approve the Consent Calendar as submitted (Passed; 4-0 vote).**

(a) Approved the minutes of the regular meetings of September 15, 2009, October 6, 2009 and November 17, 2009.

(b) Approved the Redevelopment Agency's Audited Financial Statement for Fiscal Year 2008-2009 prepared by Moss, Levy & Hartzheim LLP (independent Certified Public Accountants).

(c) Authorized the Executive Director to purchase 272 Stranahan Circle (APN 119-620-037-0) in behalf of the Clayton Redevelopment Agency for the cash amount of $425,000.00 in Agency Low-Moderate Income Affordable Housing restricted-use funds, and authorize the Executive Director to commence procedures for the resale of this residential unit to a qualified Eligible Income Household.

4. **ANNUAL REORGANIZATION OF THE BOARD OF DIRECTORS**

(a) Nominations and election of Chair

Chairman Shuey opened the nominations.

It was moved by Boardmember Stratford to nominate Joseph Medrano for the position of Chair. No other nominations were received. Chairman Shuey called for the vote to elect Joseph Medrano as Chairman (Passed; 4-0 vote).

(a) Nominations and election of Vice Chair

Chairman Medrano opened the nominations.

It was moved by Boardmember Shuey to nominate Julie Pierce for the position of Vice Chair. No other nominations were received. Chairman Medrano called for the vote to elect Julie Pierce as Vice Chair (Passed; 4-0 vote).

5. **PUBLIC HEARING** – None.

6. **ACTION ITEMS** – None.

7. **BOARD ITEMS** – None.

8. **ADJOURN** – on call by Chairman Medrano the meeting adjourned at 8:25 p.m.

Respectfully submitted,

____
Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

____
Joseph A. Medrano, Chairman

Agenda Date: 1/19/10

Agenda Item: 5a RDA

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIRMAN AND BOARD MEMBERS

FROM: EXECUTIVE DIRECTOR

DATE: 19 JANUARY 2010

SUBJECT: FINDINGS OF FISCAL IMPACT ANALYSIS OF AGENCY'S STATUS

RECOMMENDATION

It is recommended the Board receive the presentation by Seifel Consulting, Inc. regarding its analysis of the Agency's pending approach in Fiscal Year 2014-2015 of its self-imposed Tax Increment revenue cap of $55 million; and following review and discussion, the Board provide policy direction to Agency staff regarding the merits and probability of increasing the Agency's cap limit for further collection of Tax Increment revenues during the remaining life of the Agency.

BACKGROUND

In June 2008, the Clayton Redevelopment Agency adopted a 5-Year Implementation Plan (as required by California Redevelopment Law) setting forth its achievements during the previous time period and establishing a plan for continued expenditure of Agency funds for Non-Housing and Affordable Housing objectives. During this exercise the Agency, with assistance by Seifel Consulting, Inc., learned it was approaching its self-imposed (1987) receipt of Tax Increment revenues in the amount of $55 million much sooner than the 50-year life of the Agency (July 2037). Revenue projections placed the Agency reaching its cap limitation in Fiscal Year 2014-2015.

At its annual Goals and Objectives Setting Session in February 2009, members of the Board requested staff to analyze this approaching situation, determine what transpires financially when the Agency reaches this revenue collection cap, and provide options for the Board to consider. Pursuant to that directive, in June 2009 the Executive Director contracted with Seifel Consulting, Inc. to perform an assessment of the fiscal impact of the Clayton Redevelopment Agency's halt to collection of Tax Increment revenues. Use of Seifel Consulting was beneficial as the firm was quite familiar with the Agency's financial position having just participated in the preparation of its 5-Year Implementation Plan.

FISCAL IMPACT STUDY

Attached for consideration at this meeting is a thirteen (13) page report by Seifel Consulting, Inc., that responds to the inquiries raised by the Board last year. The report will be summarized and presented at the meeting by Mr. Kohki Shiga, Senior Managing Consultant, with Seifel Consulting. Within its research are the following Findings:

a. The Agency's self-imposed Tax Increment collection cap remains on schedule to be reached in Fiscal Year 2014-2015 (in 5 years);

b. California Redevelopment Law allows agencies to amend their plans to extend time or fiscal limits to address remaining blighted conditions within the Project Area;

c. Naturally there are tangible benefits to extending the receipt of Tax Increment revenues to the Agency yet it will necessitate the preparation of a feasibility assessment and documentation of existing physical and economic blight in the Project Area. The legal definition of "blight", with its associated findings by the Board, has been severely constricted by state law since the Agency was created in 1987;

d. Other taxing entities within the Agency's Project Area do not hold approval authority over our Agency's formal action to extend the receipt of Tax Increment revenues but each entity has the right to object to our findings of blighted conditions, which objection includes seeking judicial relief;

e. When the Agency ceases to collect Tax Increment revenues, having reached its original cap of $55 million in Fiscal Year 2014-2015, the City's General Fund will commence receipt of its full share of local property tax revenues in the approximate amount of $400,000 annually (plus assessed valuation increases each year thereafter). This infusion of replenished revenue is offset by corresponding reductions in Agency monetary transfers to the City for the administration and staffing of the Agency and its business; and

f. A surprise beneficial finding for the City of Clayton was the discovery the Agency has never paid its 2% "election" of annual gross Tax Increment revenues to the City (per Section 33676 of *California Redevelopment Law*), invoked by City Council action in July 1987 (by City Resolution No. 31-87, copy attached).

   Agency inquiry to the County of Contra Costa as to why the pass-through payments were never made to the City received the County's reply (attached) they have no record of receiving the City's "election" or notice. Staff has rectified that oversight for current fiscal year (2009-2010) and going forward, which action should produce unbudgeted revenue to the City of $45,200. However, the Agency still owes the City approximately $459,950 in retrospective 2% "election" payments unpaid since FY 1987-1988.

Special legal counsel for the Agency has informed staff the overlooked back payments to the City can be made, and the Board and the City Council can determine a repayment schedule by later action. For example, one option, so as not to deplete Agency revenues for capital projects and economic development in one full swoop, would be to transfer monies owed to the City in annual increment equal to the amount the City's General Fund revenues are deficient each year to fund current basic operations during this economic downturn/recovery (negates any interim reliance on General Fund reserves).

FISCAL IMPACT

Once the Agency reaches its present Tax Increment revenue cap of $55 million in five years, the Agency will cease its receipt of further Tax Increment revenues valued at approximately $4.5 million (future value) for Non-Housing and Affordable Housing activities. The Agency continues to exist in order to perform and conclude its requirements under the Affordable Housing mandates and to expend all Tax Increment monies collected to that time.

There is certainly financial and community value for the Agency to extend its Tax Increment revenue cap for the continued collection of monies to address unresolved blighted conditions within the Project Area, yet such action may be at risk in opposition from other taxing entities awaiting the return of their full allotment of local property taxes.

Attachments:
1. Fiscal Impact Analysis by Seifel Consulting, Inc. [13 pp.]
2. City Resolution No. 31-87 [2 pp.]
3. Replies by Contra Costa County re: 2% election of City [2 pp.]

ATTACHMENT 1

Seifel
CONSULTING INC.

Memorandum

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January 18, 2010

To: Gary Napper, City Manager, City of Clayton

From: Pedro Peterson, Senior Consultant
Kohki Shiga, Senior Managing Consultant

Subject: Fiscal Impact Analysis for Clayton Redevelopment Agency

Seifel Consulting Inc. (Seifel) is pleased to deliver this memorandum summarizing our analysis of what transpires financially when the Clayton Redevelopment Agency (Agency) reaches its limit on tax increment collection (TI cap). The memo analyzes the potential benefits of amending the existing fiscal limits of the Clayton Redevelopment Plan (Plan) to allow the Agency to continue to collect tax increment in the Project Area. The additional revenues that the Agency would collect by potentially amending the Plan to increase the tax increment cap to a new limit would allow the Agency to complete the redevelopment program envisioned in the Plan adopted in 1987. As discussed below, Seifel recommends that the if Agency decides to pursue an amendment to increase its TI cap, it would be advisable to conduct a feasibility assessment of existing physical and economic blight in the Project Area in order to determine whether the blight findings necessary to support a "major" Plan Amendment can be made.

Seifel Consulting Inc. prepared this memorandum in consultation with Clayton Redevelopment Agency staff; Karen Tiedemann, Attorney at Goldfarb & Lipman LLC; Steven Gortler from Piper Jaffray, and staff at the Contra Costa County Auditor's Office. We appreciate their collective input and guidance provided throughout this assignment.

Summary of Redevelopment Plan

The Project Area, adopted in November 1987, spans 852 acres of the City of Clayton. It follows Clayton Road through most of the City's north-south extension and encompasses about half of the City's urbanized land. The Project Area includes the Town Center blocks along Main Street and the Clayton Station Center on Kirker Pass Road, bordering Concord, which together comprise most of the City's commercial land uses. The Project Area excludes the residential areas in the northern and southern portions of the City (Oakhurst and Dana Hills/Regency Woods/Regency Meadows, respectively), as well as two smaller areas in the northwestern portion on both sides of Clayton Road (Silver Creek/Casey Glen/Clayton Greens and Jeffry Ranch).

Table 1 summarizes time and fiscal limits and key dates specified in the Redevelopment Plan. The time limits for project activities and tax increment collection are July 2027 and July 2037, respectively. Through FY 2008/09, the Agency has collected $37.7 million in tax increment revenues exclusive of housing set-aside deposits, pass-through payments to taxing entities, "two percent" election payments, and payments in to the State ERAF fund. Thus, the Agency is projected to reach its TI cap of $55 million in FY 2014/15.

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

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

a. Limit on tax increment collection for non-housing program. Does not include pass-through payments, 20% housing set-aside, "2% election" payments pursuant to CRL Section 33676, and payments towards State ERAF (although it does include payments that may be required to be made under the Supplemental ERAF "take" of FY 2009/10 and 2010/11.)

Source: Clayton Redevelopment Agency

Fiscal Impact Analysis

As noted above, the Agency is expected to reach its limit on tax increment collection of $55 million in FY 2014/15. When it does, the Agency will no longer be able to collect tax increment generated within the Project Area after reaching this limit, even though the time limit on tax increment receipt established by the Redevelopment Plan is July 20, 2037.

The Agency has implemented much of its Redevelopment Program aimed at alleviating blighted conditions in the Project Area, particularly through investments in infrastructure improvements in the Town Center (downtown) area. However, the Agency remains interested in the continued revitalization of the Project Area using tax increment revenues to further alleviate blighted conditions and stimulate local economic development. Given that the original limit on tax increment collection was established in 1987 and recognizing the rising costs of land values and construction expenses in the Bay Area since that time, the Agency must consider the need to escalate the capital for the remainder of the Redevelopment Program to reflect today's value of the investments needed to alleviate remaining blighted conditions in the Project Area.

The California Redevelopment Law (CRL) authorizes redevelopment agencies to amend their plans to extend time and fiscal limits to address remaining blighted conditions present in their Project Areas beyond what was authorized by the original adoption of those plans. Any amendment that would increase a redevelopment agency's fiscal capacity to collect tax increment is considered a "major amendment." Major amendments require a complicated and legally prescribed adoption process that parallels the adoption of a new redevelopment plan (CRL Sections 33354.5 and 33354.6). (This will be further discussed below.)

In order to analyze the fiscal impact of increasing the TI cap, Seifel projected tax increment revenues assuming three different TI caps. The calculations assume a two percent inflationary increase on secured and unsecured assessed value in the Project Area, as well as the infusion of new assessed value according to the new development estimates highlighted in Appendix Table 4. Additionally, the calculations assume that the City will receive its inflationary ("2 percent election") payments from the Agency starting in FY 2009/10 pursuant to CRL Section 33676, and that the future annual payments will not be counted towards the Agency's TI cap.[1] Lastly, the calculation of the amended cap and no cap scenarios assume that statutory pass-through payments would be triggered after the Agency reaches its original $55 million TI cap, pursuant to CRL Section 33607.7. These pass-through payments would be excluded from the amended (or removed) TI cap, as the Redevelopment Plan establishes the TI cap net of pass-through payments to taxing entities.

The calculation of the three scenarios also assumes that the Agency will not be able to exclude payments into the State's FY 2009/10 and 2010/11 Supplemental Education Revenue

[1] Although the City elected in 1987 to receive its "2% elections" these payments were not made by the County in the past. The City Manager has now notified the County to commence disbursement of its 2% election starting in FY 2009/10, and the County has since agreed to do so. The Agency is presently considering "repayment" of all prior amounts owed, which in turn, may also be removed from the calculation of the TI cap. Seifel calculates the Agency "owes" the City General Fund approximately $460,000 in 2 percent election payments through FY 2008/09. Agency special legal counsel is reviewing this prospect, and the County has been asked to calculate the oversight amount for comparison.

Augmentation Fund (SERAF) from its TI Cap.[2] In response to the successful legal challenge to the FY 2008/09 ERAF take, the State has determined that Agency payments into the SERAF fund should be considered a "redevelopment" activity, and should therefore not be excluded from agencies' limits on tax increment collection. However, the California Redevelopment Association has challenged the constitutionality of this SERAF shift. Whether or not the CRA's legal challenge of the SERAF take is successful, the Agency will not be able to deduct these payments from its TI cap.

The Existing Cap and Amended Cap scenarios show the effect of reaching the tax increment cap, with incremental property taxes being distributed to each taxing entity. After the Agency reaches the TI cap in each scenario, all incremental property taxes generated from assed values above the FY 1987/88 base assessed value will be distributed to the various taxing entities, including the City General Fund, which is entitled to approximately 6.8 percent of all property tax generated in the Project Area.

Existing Cap Scenario

Through FY 2008/09, the Agency has collected approximately $37.7 million in net tax increment that can be counted towards its tax increment cap.[3] Over the next five years, the Agency is expected to collect between $3.2 and $3.5 million in net tax increment annually, and would thus reach the cap on tax increment collection in FY 2014/15, as shown in Figure 1, below. As Table 2 shows, under the existing cap the Agency is expected to collect an additional $17.0 million in tax increment revenues for its non-housing program, and the City General Fund and Agency are expected to collect $35.3 million in incremental property taxes through FY 2036/37 in nominal (or future value) dollars.[4] In present (FY 2009/10) value, discounted at six percent annually, the Agency is estimated to collect $15.0 million in non-housing revenues prior to reaching the TI cap and a total of $25.2 million in incremental property taxes prior to FY 2036/37. Appendix Table 1 illustrates the Agency's projected tax increment collection on an annual basis.

Amended Cap Scenario

One option the Agency may pursue would be to increase its limit on tax increment collection to accomplish the remaining activities in the Redevelopment Program. Seifel used the amount remaining under the tax increment cap after FY 2008/09 as a proxy for the remaining activities

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[2] Prior-year payments to the State ERAF are excluded from the TI cap.

[3] The Agency's tax increment cap nets out deposits into the 20 percent Housing Fund, pass-through payments to various taxing entities, 2 percent election payments pursuant to CRL Section 33676, and prior payments to State ERAF (although it does not exclude Supplemental ERAF payments that may be required in FY 2009/10 and 2010/11.)

[4] Incremental property taxes are all property tax revenues to the Agency and City General Fund, including tax increment available for non-housing and housing activities, potential pass-through and 2 percent election payments from the Agency to the City General Fund, and property taxes collected on assessed value above the FY 1986/87 base of $126,005,594

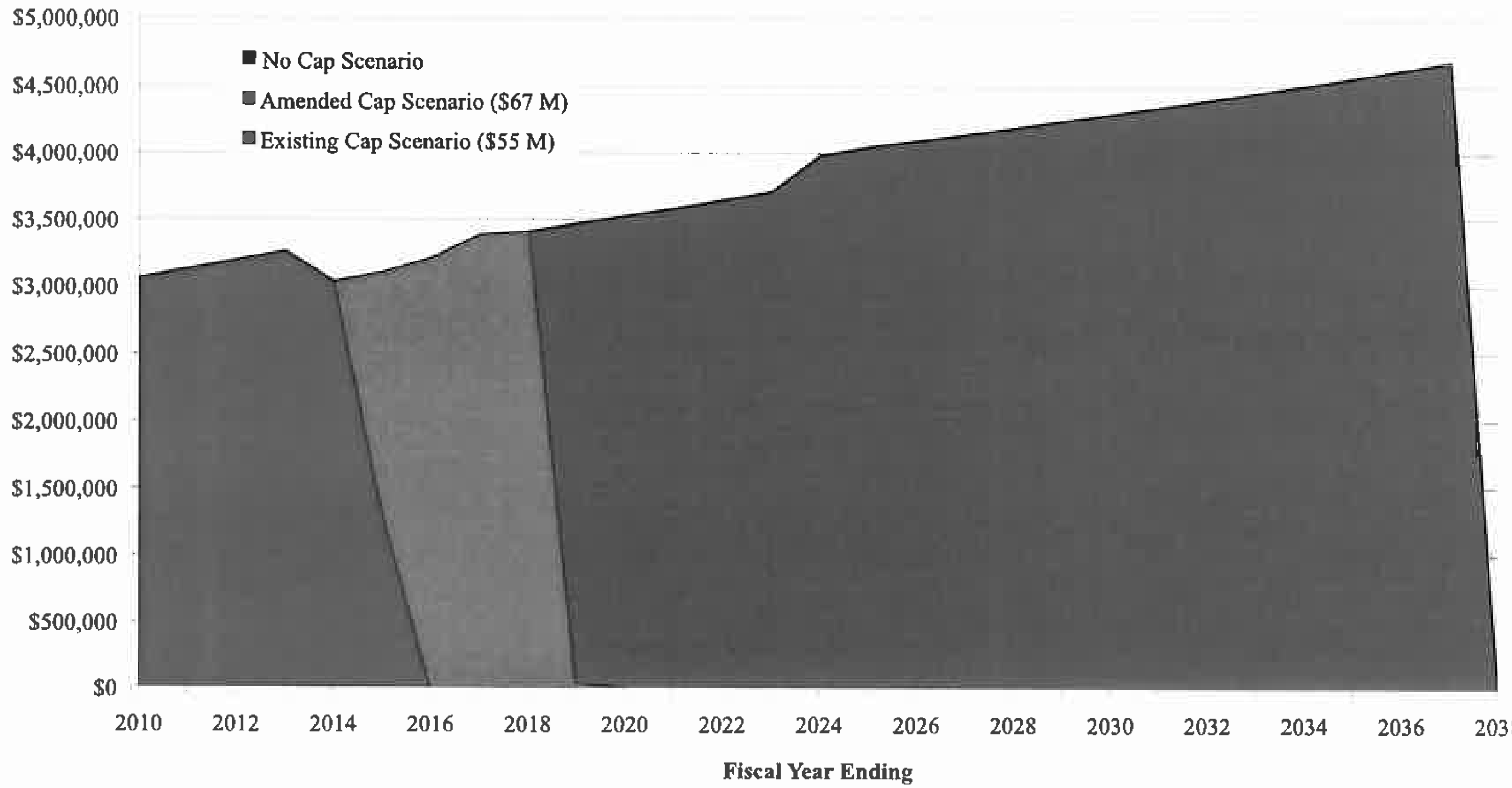
needed to eliminate blight in the Project Area, and escalated that amount to 2009 dollars using the Engineering News-Record Construction Cost Index. In this scenario, the limit on tax increment collection is assumed to be $67 million. Based on Seifel's tax increment projection, the Agency would be able to collect tax increment until FY 2018/19, as shown in Figure 1, below. As Table 2 illustrates, under the amended cap the Agency is expected to collect $28.8 million in additional tax increment revenues for its non-housing program, and the City General Fund and Agency are expected to collect $50.3 million in incremental property taxes through FY 2036/37 in nominal (or future value) dollars. In present (FY 2009/10) value, discounted at six percent annually, the Agency is estimated to collect $23.0 million in non-housing revenues prior to reaching the amended TI cap (likely in FY 2018/19) and a total of $35.3 million in incremental property taxes prior to FY 2036/37. Appendix Table 2 illustrates the Agency's projected tax increment collection on an annual basis.

It is important to note that increasing the TI cap to $67 million, and allowing the Agency to collect tax increment in the Project Area through FY 2018/19, would still likely not enable the Agency to issue new tax allocation bonds. This extension of the TI cap would allow the Agency to repay its existing debt obligations on a less aggressive schedule, as well as complete projects on a "pay-as-you-go" basis. Amendments that would allow the Agency to issue new bonds would likely need to extend the Agency's ability to collect tax increment revenues beyond ten to fifteen years.

No Cap Scenario

Figure 1 also shows a hypothetical scenario in which the Agency would eliminate its cap and collect tax increment until the Project Area expires in FY 2036/37. Although this scenario is not one that is likely to be pursued by the Agency (assuming possible resistance by other taxing entities), it gives an indication of when the Agency is likely to reach certain milestones for tax increment collection, which may help to determine what is an appropriate limit on tax increment collection. As Table 2 shows, assuming no tax increment cap, the Agency would be expected to collect $107.3 million in additional tax increment revenues for its non-housing program, and the City General Fund and Agency would be expected to collect $151.8 million in incremental property taxes through FY 2036/37. In present (FY 2009/10) value, discounted at six percent annually, the Agency would collect $51.1 million in non-housing revenues and a total of $71.5 million in incremental property taxes prior to reaching its time limit to receive tax increment in FY 2036/37. Appendix Table 3 illustrates the Agency's projected tax increment collection on an annual basis.

Figure 1
Net Annual Tax Increment Collection Under Existing Cap, Amended Cap and No Cap Scenarios
Clayton Redevelopment Project Area



Note: Net tax increment excludes housing set-aside, pass-through payments, 2% elections and prior-year ERAF payments. Therefore, increases in pass-through obligations result in decrease of tax increment revenues in FY 2013/14.

Table 2
Summary of Fiscal Impact of Removing Tax Increment Cap
Clayton Redevelopment Project Area

Project Area Information	**Existing Cap**	**Amended Cap**	**No Cap**
Base Year	FY 1986 - 1987	FY 1986 - 1987	FY 1986 - 1987
Estimated Last Year to Collect TI	FY 2014 - 2015	FY 2018 - 2019	FY 2036 - 2037
Cap on Tax Increment Collection[a]	55,000,000	67,000,000	N/A
Base Year AV	126,005,594	126,005,594	126,005,594
FY 2009/10 AV	637,516,066	637,516,066	637,516,066
Projected Property Tax Revenues			
Nominal (Future) Dollars			
Non-Housing Revenues	17,005,000	28,813,000	107,310,000
Housing Set-Aside	5,865,000	10,306,000	41,571,000
2% Elections to City	263,000	480,000	2,332,000
Passthroughs to City General Fund	0	17,000	657,000
Property Taxes Over Base Year AV	12,200,000	10,700,000	0
Total Incremental Property Taxes to City & Agency Through FY 2036/37	**35,333,000**	**50,316,000**	**151,870,000**
Actual (Present) Dollars[b]			
Non-Housing Revenues	14,987,000	22,984,000	51,070,000
Housing Set-Aside	5,152,000	8,158,000	19,233,000
2% Elections to City	230,000	377,000	1,017,000
Passthroughs to City General Fund	0	11,000	217,000
Property Taxes Over Base Year AV	4,805,000	3,790,000	0
Total Incremental Property Taxes to City & Agency Through FY 2036/37	**25,174,000**	**35,320,000**	**71,537,000**

a. Tax increment cap excludes housing set aside, passthrough obligations, 2 percent elections, and prior year payments to State ERAF.

b. Discounted to constant FY 2009/10 dollars at 6.0%

Note: Figures for projected incremental property taxes rounded to the nearest $1,000.

Source: Clayton Redevelopment Agency, Seifel Consulting Inc.

Next Steps

As described in further detail below, the process of amending a Redevelopment Plan to change time and fiscal limits on tax increment collection is analogous to the process of adopting a new Redevelopment Plan. The process involves the documentation of remaining physical and economic blighted conditions in the Project Area (both must be present) and potentially extensive consultations with the other taxing entities. Since the passage of SB 1206 in 2006, the definitions of blight in the CRL have been significantly tightened, making them substantially more difficult to document. For a plan amendment that would extend the Agency's ability to collect tax increment revenues within the Project Area, Seifel believes that it is best practice to demonstrate existing blight according to the most recent definitions in the CRL, even though the Project Area was adopted under the less stringent blight definitions in effect in 1987.

Seifel recommends that, prior to undertaking the complicated process of amending the Redevelopment Plan to increase its TI cap, the Agency should conduct a feasibility analysis that includes a preliminary assessment of remaining blight in the Project Area. This assessment should include a detailed "windshield survey" with redevelopment consultants and the Agency's legal counsel as well as a survey of real estate brokers knowledgeable with the market in the Project Area. The Agency may also want to use the feasibility analysis to conduct preliminary discussions with taxing entities that may oppose amending the plan to increase the TI cap.

Summary of Plan Amendment Process

If the Agency decides to pursue the process to amend the Redevelopment Plan, there are several steps that would be required under the CRL. The CRL requires that agencies prepare four critical documents to support a major amendment that does not add territory:[5]

- Preliminary Report,
- Environmental Documentation,
- Amended Redevelopment Plan and
- Report to City Council.

The formal process for amending a redevelopment plan is typically conducted in a nine to twelve month period, although the formal process can take longer depending on the extent of technical documentation required and the environmental process.

One of the key components of the Plan Amendment process is the documentation of remaining blight in the project area. According to the CRL, the Preliminary Report for a plan amendment that increases fiscal limits must provide evidence that some of the blighted conditions identified at the time of plan adoption still need to be alleviated, and the Agency cannot alleviate these blighted conditions without the proposed amendment to the existing plan.

In addition to the extensive documentation of remaining blighted conditions, the Agency would also be required to undertake consultations with the various entities that collect property taxes generated within the Project Area.

Additional Considerations

The Agency is considering terminating the Redevelopment Plan once it reaches its limit on tax increment collection of $55 million, likely in FY 2014/15. This would be an advisable course of action, as the Agency would continue to have an affordable housing production requirement if it does not terminate the Plan, and it would not be able to use tax increment revenues to help meet those obligations. However, the CRL requires that agencies meet all of their existing housing obligations prior to terminating their redevelopment plans.

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[5] To add territory to the project areas would require the preparation of an amended preliminary plan and project area along with accompanying legal description and maps.

In 2008, the Agency, with Seifel's assistance, completed its Five Year Implementation Plan for FY 2008/09 – FY 2012/13, outlining many of the Agency's affordable housing accomplishments, as well as remaining obligations that must be met prior to termination of the Redevelopment Plan. The Five-Year Implementation Plan shows that the Agency is on track to meet its housing production obligation, as well as its Housing Fund expenditure targeting requirement on non-age restricted housing. However, the Implementation Plan also highlights that the Agency must aggressively spend its Housing Fund revenues on housing affordable to very low-income households prior to June 30, 2014 in order to meet the expenditure targeting obligations over the compliance period required by the CRL (2002 through 2014). Additionally, as of FY 2006/07, the Agency carried an excess surplus of $757,605, which must be spent prior to termination of the Plan.

If the Agency does not meet its affordable housing obligations prior to reaching its TI cap, it will not be able to terminate the Redevelopment Plan. The Agency Board will be required to increase the limit on tax increment collection, which will be entirely dedicated towards the Housing Fund. Given that all tax increment revenues would be dedicated to the Housing Fund, the Agency would quickly incur an excess surplus unless it spent those revenues quickly. With an excess surplus, the Agency would be at risk of forfeiting its revenues to the County Housing Authority, which would have "housing development powers within the territorial jurisdiction of the agency," pursuant to CRL Section 33334.12(a)(1)(A). Thus the Agency and City Council may forfeit control over where housing developments would be developed within the Project Area.

Therefore, Seifel recommends that the Agency encumber its existing excess surplus, as outlined in the Five-Year Implementation Plan, and expend its Housing Fund revenues before it reaches its TI cap in such a way that it meet its targeting obligations.

Consequence of No Action

Amending the Redevelopment Plan to increase the limit on tax increment collection would be the optimal solution to allow the Agency to continue its unmet mission of eliminating blight in the Project Area. However, given the difficulty of documenting blight under the current CRL definitions (in effect since January 1, 2007) and the likely opposition from other taxing entities, the prospects of successfully amending the Redevelopment Plan are somewhat dim.

In that event, once the Agency reaches its current TI cap of $55 million, the Agency will cease to collect tax increment revenues, estimated at $4.5 million for housing and non-housing activities in FY 2015/16, including revenues transferred to the General Fund for Agency administration. Once the TI cap is reached, the City General Fund will begin to receive its share of full property taxes in the Project Area (roughly $400,000 of incremental property taxes), so the net less of property taxes to the City and the Agency will be roughly $4.1 million, starting in FY 2014/15, as shown in Appendix Table 1.

Appendix Table 1
Projected Tax Increment Revenues Under Amended $55 Million Cap Scenario
Clayton Redevelopment Project Area
(In Future Value or Nominal Dollars)

			Existing Cap Scenario					
			Tax Increment Revenues					
Year (N)	Fiscal Year	Cumulative Net Tax Increment[a]	Non Housing Revenues[b]	Housing Set Aside	2% Elections to City GF[c]	Passthroughs to City GF[d]	Property Tax Over Base Year AV to City GF[e]	Incremental Property Taxes to City & Agency[f]
Base	1986/ 87							
23	2009/ 10	40,813,609	3,060,667	1,023,021	42,723	0	0	4,126,411
24	2010/ 11	43,993,087	3,127,069	1,048,169	45,233	0	0	4,220,471
25	2011/ 12	47,241,578	3,194,799	1,073,820	47,793	0	0	4,316,412
26	2012/ 13	50,560,461	3,263,884	1,099,983	50,404	0	0	4,414,271
27	2013/ 14	53,648,840	3,032,046	1,126,670	53,068	0	0	4,211,785
28	2014/ 15	56,808,194	1,326,485	493,484	23,857	0	226,022	2,069,849
29	2015/ 16	60,076,984	0	0	0	0	404,417	404,417
30	2016/ 17	63,524,074	0	0	0	0	420,123	420,123
31	2017/ 18	66,997,564	0	0	0	0	444,675	444,675
32	2018/ 19	67,000,000	0	0	0	0	455,173	455,173
33	2019/ 20	67,000,000	0	0	0	0	465,881	465,881
34	2020/ 21	67,000,000	0	0	0	0	476,803	476,803
35	2021/ 22	67,000,000	0	0	0	0	487,943	487,943
36	2022/ 23	67,000,000	0	0	0	0	499,306	499,306
37	2023/ 24	67,000,000	0	0	0	0	510,896	510,896
38	2024/ 25	67,000,000	0	0	0	0	522,719	522,719
39	2025/ 26	67,000,000	0	0	0	0	534,777	534,777
40	2026/ 27	67,000,000	0	0	0	0	547,077	547,077
41	2027/ 28	67,000,000	0	0	0	0	559,623	559,623
42	2028/ 29	67,000,000	0	0	0	0	572,419	572,419
43	2029/ 30	67,000,000	0	0	0	0	585,472	585,472
44	2030/ 31	67,000,000	0	0	0	0	598,786	598,786
45	2031/ 32	67,000,000	0	0	0	0	612,366	612,366
46	2032/ 33	67,000,000	0	0	0	0	626,217	626,217
47	2033/ 34	67,000,000	0	0	0	0	640,346	640,346
48	2034/ 35	67,000,000	0	0	0	0	654,757	654,757
49	2035/ 36	67,000,000	0	0	0	0	669,456	669,456
50	2036/ 37	67,000,000	0	0	0	0	684,450	684,450
TOTAL			17,004,951	5,865,147	263,078	0	12,199,703	35,332,880

a. Tax increment revenues net of housing set aside and obligations to taxing entities. The current cap on tax increment collection in the Redevelopment Plan is calculated net of housingand pass through obligations. Tax Increment collected through FY 2008/09 AV calculated based on 2% growth from FY 2007/08 data.

b. Non-Housing Revenues available to the Agency net of passthrough obligations, 2% election payments and County Administration fee.

c. 2% inflationary payments (CRL 33676) that the City has opted to receive.

d. Statutory payments (CRL 33607.7) triggered by possible amendment that would be needed to increase or remove tax increment collection cap. Payments would begin the year after Agency reaches original $55,000,000 tax increment collection cap.

e. Property taxes collected above base year assessed value in Project Area.

f. Property taxes available to Agency and City General Fund, including housing and non-housing tax increment revenues, 2% election payments, and property taxes collected above base year assessed value. Excludes County Administration fee and passthrough payments made to taxing entities other than the City.

Appendix Table 2
Projected Tax Increment Revenues Under Amended $67 Million Cap Scenario
Clayton Redevelopment Project Area
(In Future Value or Nominal Dollars)

			Amended Cap Scenario						
			Tax Increment Revenues						
Year (N)	Fiscal Year	Cumulative Net Tax Increment[a]	Non Housing Revenues[b]	Housing Set Aside	2% Elections to City GF[c]	Passthroughs to City GF[d]	Property Tax Over Base Year AV to City GF[e]	Incremental Property Taxes to City & Agency[f]	Fiscal Impact of Cap Increase
Base	1986/ 87								
23	2009/ 10	40,813,609	3,060,667	1,023,021	42,723	0	0	4,126,411	0
24	2010/ 11	43,993,087	3,127,069	1,048,169	45,233	0	0	4,220,471	0
25	2011/ 12	47,241,578	3,194,799	1,073,820	47,793	0	0	4,316,412	0
26	2012/ 13	50,560,461	3,263,884	1,099,983	50,404	0	0	4,414,271	0
27	2013/ 14	53,648,840	3,032,046	1,126,670	53,068	0	0	4,211,785	0
28	2014/ 15	56,808,194	3,101,659	1,153,891	55,785	0	0	4,311,335	2,241,490
29	2015/ 16	60,076,984	3,208,828	1,199,225	58,556	1,901	0	4,468,509	4,064,090
30	2016/ 17	63,524,074	3,383,587	1,270,047	61,382	5,042	0	4,720,058	4,299,940
31	2017/ 18	66,997,564	3,408,526	1,299,285	64,265	9,952	0	4,782,028	4,337,350
32	2018/ 19	67,000,000	32,022	12,286	621	111	450,968	496,009	40,840
33	2019/ 20	67,000,000	0	0	0	0	465,881	465,881	0
34	2020/ 21	67,000,000	0	0	0	0	476,803	476,803	0
35	2021/ 22	67,000,000	0	0	0	0	487,943	487,943	0
36	2022/ 23	67,000,000	0	0	0	0	499,306	499,306	0
37	2023/ 24	67,000,000	0	0	0	0	510,896	510,896	0
38	2024/ 25	67,000,000	0	0	0	0	522,719	522,719	0
39	2025/ 26	67,000,000	0	0	0	0	534,777	534,777	0
40	2026/ 27	67,000,000	0	0	0	0	547,077	547,077	0
41	2027/ 28	67,000,000	0	0	0	0	559,623	559,623	0
42	2028/ 29	67,000,000	0	0	0	0	572,419	572,419	0
43	2029/ 30	67,000,000	0	0	0	0	585,472	585,472	0
44	2030/ 31	67,000,000	0	0	0	0	598,786	598,786	0
45	2031/ 32	67,000,000	0	0	0	0	612,366	612,366	0
46	2032/ 33	67,000,000	0	0	0	0	626,217	626,217	0
47	2033/ 34	67,000,000	0	0	0	0	640,346	640,346	0
48	2034/ 35	67,000,000	0	0	0	0	654,757	654,757	0
49	2035/ 36	67,000,000	0	0	0	0	669,456	669,456	0
50	2036/ 37	67,000,000	0	0	0	0	684,450	684,450	0
TOTAL			28,813,089	10,306,397	479,830	17,005	10,700,261	50,316,583	14,983,710

a. Tax increment revenues net of housing set aside and obligations to taxing entities. The current cap on tax increment collection in the Redevelopment Plan is calculated net of housingand pass through obligations. Tax Increment collected through FY 2008/09 AV calculated based on 2% growth from FY 2007/08 data.

b. Non-Housing Revenues available to the Agency net of passthrough obligations, 2% election payments and County Administration fee.

c. 2% inflationary payments (CRL 33676) that the City has opted to receive.

d. Statutory payments (CRL 33607.7) triggered by possible amendment that would be needed to increase or remove tax increment collection cap. Payments would begin the year after Agency reaches original $55,000,000 tax increment collection cap.

e. Property taxes collected above base year assessed value in Project Area.

f. Property taxes available to Agency and City General Fund, including housing and non-housing tax increment revenues, 2% election payments, and property taxes collected above base year assessed value. Excludes County Administration fee and passthrough payments made to taxing entities other than the City.

Appendix Table 3
Projected Tax Increment Revenues Under No Cap Scenario
Clayton Redevelopment Project Area
(In Future Value or Nominal Dollars)

Year (N)	Fiscal Year	Cumulative Net Tax Increment[a]	No Cap Scenario: Tax Increment Revenues: Non Housing Revenues[b]	Housing Set Aside	2% Elections to City GF[c]	Passthroughs to City GF[d]	Property Tax Over Base Year AV to City GF[e]	Incremental Property Taxes to City & Agency[g]	Fiscal Impact of Cap Removal
Base	1986/ 87								
23	2009/ 10	40,813,609	3,060,667	1,023,021	42,723	0	0	4,126,411	0
24	2010/ 11	43,993,087	3,127,069	1,048,169	45,233	0	0	4,220,471	0
25	2011/ 12	47,241,578	3,194,799	1,073,820	47,793	0	0	4,316,412	0
26	2012/ 13	50,560,461	3,263,884	1,099,983	50,404	0	0	4,414,271	0
27	2013/ 14	53,648,840	3,032,046	1,126,670	53,068	0	0	4,211,785	0
28	2014/ 15	56,808,194	3,101,659	1,153,891	55,785	0	0	4,311,335	2,241,487
29	2015/ 16	60,076,984	3,208,828	1,199,225	58,556	1,901	0	4,468,509	4,064,092
30	2016/ 17	63,524,074	3,383,587	1,270,047	61,382	5,042	0	4,720,058	4,299,935
31	2017/ 18	66,997,564	3,408,526	1,299,285	64,265	9,952	0	4,782,028	4,337,353
32	2018/ 19	70,530,360	3,466,299	1,329,958	67,206	12,052	0	4,875,515	4,420,342
33	2019/ 20	74,123,650	3,525,228	1,361,245	70,206	14,193	0	4,970,871	4,504,991
34	2020/ 21	77,778,644	3,585,335	1,393,157	73,265	16,378	0	5,068,135	4,591,333
35	2021/ 22	81,496,574	3,646,645	1,425,708	76,386	18,606	0	5,167,344	4,679,401
36	2022/ 23	85,278,700	3,709,181	1,458,909	79,569	20,878	0	5,268,537	4,769,231
37	2023/ 24	89,334,692	3,981,353	1,492,775	82,816	23,196	0	5,580,140	5,069,244
38	2024/ 25	93,457,473	4,046,416	1,527,318	86,128	25,561	0	5,685,422	5,162,703
39	2025/ 26	97,629,759	4,094,158	1,562,551	89,506	27,972	0	5,774,188	5,239,411
40	2026/ 27	101,852,539	4,142,855	1,598,490	92,951	30,432	0	5,864,729	5,317,652
41	2027/ 28	106,126,822	4,192,527	1,635,147	96,466	32,942	0	5,957,081	5,397,458
42	2028/ 29	110,453,640	4,243,191	1,672,537	100,051	35,501	0	6,051,280	5,478,861
43	2029/ 30	114,834,043	4,294,869	1,710,676	103,707	38,111	0	6,147,363	5,561,891
44	2030/ 31	119,269,103	4,347,581	1,749,577	107,437	40,774	0	6,245,368	5,646,582
45	2031/ 32	123,759,912	4,401,346	1,789,256	111,241	43,490	0	6,345,333	5,732,967
46	2032/ 33	128,307,586	4,456,187	1,829,728	115,121	46,260	0	6,447,297	5,821,080
47	2033/ 34	132,913,262	4,512,125	1,871,010	119,079	49,086	0	6,551,301	5,910,955
48	2034/ 35	137,578,100	4,569,182	1,913,118	123,116	51,968	0	6,657,384	6,002,627
49	2035/ 36	142,303,283	4,627,380	1,956,067	127,234	54,908	0	6,765,589	6,096,133
50	2036/ 37	147,090,018	4,686,742	1,999,876	131,434	57,907	0	6,875,959	6,191,509
TOTAL			107,309,666	41,571,212	2,332,129	657,111	0	151,870,119	116,537,239

a. Tax increment revenues net of housing set aside and obligations to taxing entities. The current cap on tax increment collection in the Redevelopment Plan is calculated net of housing and pass through obligations. Tax Increment collected through FY 2008/09 AV calculated based on 2% growth from FY 2007/08 actual data.

b. Non-Housing Revenues available to the Agency net of passthrough obligations, 2% election payments and County Administration fee.

c. 2% inflationary payments (CRL 33676) that the City has opted to receive.

d. Statutory payments (CRL 33607.7) triggered by possible amendment that would be needed to increase or remove tax increment collection cap. Payments would begin the year after Agency reaches original $55,000,000 tax increment collection cap.

e. Property taxes collected above base year assessed value in Project Area.

f. Property taxes available to Agency and City General Fund, including housing and non-housing tax increment revenues, 2% election payments, and property taxes collected above base year assessed value. Excludes County Administration fee and passthrough payments made to taxing entities other than the City.

g. Property taxes available to Agency and City General Fund, including housing and non-housing tax increment revenues, 2% election payments, and statutory passthrough payments to City. Excludes County Administration fee and passthrough payments made to taxing entities other than the City.

Appendix Table 4
New Development Roll Value Schedule
Clayton Redevelopment Project Area

		Residential Market Rate For Sale		Residential Market Rate For Sale		Residential Rental (Taxable)		Commercial Neighborhood Retail		Total Incremental Assessed Value		Grand Total Incremental Assessed Value[a]	
		Units	Incremental Assessed Value	Units	Incremental Assessed Value	Units	Incremental Assessed Value	Square Feet	Incremental Assessed Value	Constant Dollars		Constant $	Future $
Plan Year	Fiscal Year		($370,000/unit)		($325,000/unit)		($100,000/unit)		($125/SF)	Residential	Non-Res		
Base	1986 - 1987												
23	2009 - 2010		0		0		0		0	0	0	0	0
24	2010 - 2011		0		0		0		0	0	0	0	0
25	2011 - 2012		0		0		0		0	0	0	0	0
26	2012 - 2013		0		0		0		0	0	0	0	0
27	2013 - 2014		0		0		0		0	0	0	0	0
28	2014 - 2015		0		0		0		0	0	0	0	0
29	2015 - 2016		0	24	7,800,000		0		0	7,800,000	0	7,800,000	8,784,067
30	2016 - 2017	50	18,500,000		0		0		0	18,500,000	0	18,500,000	21,250,685
31	2017 - 2018				0		0		0	0	0	0	0
32	2018 - 2019		0		0		0		0	0	0	0	0
33	2019 - 2020		0		0		0		0	0	0	0	0
34	2020 - 2021		0		0		0		0	0	0	0	0
35	2021 - 2022		0		0		0		0	0	0	0	0
36	2022 - 2023		0		0		0		0	0	0	0	0
37	2023 - 2024		0		0		0		0	0	0	0	0
38	2024 - 2025		0		0		0		0	0	0	0	0
39	2025 - 2026		0		0		0		0	0	0	0	0
40	2026 - 2027		0		0		0		0	0	0	0	0
41	2027 - 2028		0		0		0		0	0	0	0	0
42	2028 - 2029		0		0		0		0	0	0	0	0
43	2029 - 2030		0		0		0		0	0	0	0	0
44	2030 - 2031		0		0		0		0	0	0	0	0
45	2031 - 2032		0		0		0		0	0	0	0	0
46	2032 - 2033		0		0		0		0	0	0	0	0
47	2033 - 2034		0		0		0		0	0	0	0	0
48	2034 - 2035		0		0		0		0	0	0	0	0
49	2035 - 2036		0		0		0		0	0	0	0	0
50	2036 - 2037		0		0		0		0	0	0	0	0
	Total	50	18,500,000	24	7,800,000	0	0	0	0	26,300,000	0	26,300,000	30,034,752

Note: Units or square footage counted in year construction is completed or property is reassessed. If assessment delay is expected, this schedule reflects the expected delay.

a. Future value for new developments escalated at 2% per year.

Source: Clayton Redevelopment Agency, Seifel Consulting Inc.

ATTACHMENT 2

RESOLUTION NO. 31 -87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON MAKING THE ELECTIONS AUTHORIZED BY SECTION 33676 OF THE HEALTH AND SAFETY CODE IN CONNECTION WITH CLAYTON REDEVELOPMENT PROJECT

CITY OF CLAYTON

WHEREAS, the Community Redevelopment Law authorizes taxing agencies such as the City of Clayton with territories located within a proposed Redevelopment Project Area to elect to be allocated, in addition to the portion of taxes allocated to the agency pursuant to subdivision (a) of Section 33670 of the Health and Safety Code, all or any portion of the tax revenues allocated to the agency pursuant to subdivision (b) of Section 33670 of the Health and Safety Code as are described in Section 1 of this Resolution; and

WHEREAS, the City Council of the City of Clayton deems it to be in the best interest of the City of Clayton to make such elections;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON as follows:

1. The City of Clayton hereby makes the election provided in subdivision (a) of Section 33676 of the Health and Safety Code, to be allocated, in addition to the portion of taxes allocated to the City of Clayton pursuant to subdivision (a) of Section 33670 of the Health and Safety Code, all or any portion of the tax revenues that would otherwise be allocated to the Redevelopment Agency of the City of Clayton pursuant to subdivision (b) of Section 33670 of the Health and Safety Code attributable to one or both of the following:

(a) Increases in the rate of tax imposed for the benefit of the City of Clayton, which levy occurs after the tax year in which the ordinance adopting the Clayton Redevelopment Plan becomes effective.

(b) Increases in the assessed value of the taxable property in the Clayton Redevelopment Project Area, as the assessed value is established by the assessment roll last equalized prior to the effective date of the ordinance adopting the Clayton Redevelopment Plan pursuant to subdivision (a) of Section 33670, which are, or otherwise would be, calculated annually pursuant to subdivision (f) of Section 110.1 of the Revenue and Taxation Code.

2. The City Clerk is directed to transmit a certified copy of this Resolution to the Redevelopment Agency of the City of Clayton and to the official or officials performing the functions of levying and collecting taxes for the City of Clayton.

* * * * *

PASSED AND ADOPTED as a Resolution of the City Council of the City of Clayton at the meeting thereof held on the 1st day of July, 1987, by the following vote:

AYES, Councilmembers: Bovat, Manning, Vice Mayor Hall and Mayor Parsons.

NOES, Councilmembers: None

ABSENT, Councilmembers: Hawes

ABSTAIN, Councilmembers: None

James Parsons
Mayor

ATTEST;

Ruth A. Scott
City Clerk

40-006

I hereby certify that Resolution No. 31-87 was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on July 1, 1987

Laci J. Jackson
Laci J. Jackson, City Clerk

ATTACHMENT 3

Contra Costa County

Office of
COUNTY AUDITOR-CONTROLLER

625 Court Street
Martinez, California 94553-1282
Telephone (925) 646-2181
Fax (925) 646-2649

Stephen J. Ybarra
Auditor-Controller

Elizabeth A. Verigin
Assistant Auditor-Controller

Received
NOV 06 200_
City of Clayton

November 4, 2009

Gary A. Napper
City Manager
Executive Director, Clayton Redevelopment Agency
6000 Heritage Trail
Clayton, Ca. 94517-1250

Re: 2% Election Payments by the Clayton City Counsel

Dear Mr. Napper:

Your letter dated October 9, 2009 asks if "*the City of Clayton's 2% election was ever implemented and allocated to the City*." After reviewing our records for the Clayton Redevelopment Agency my staff found no record of receiving the City of Clayton's Ordinance 31-87 electing the 2% pass-through or making 2% pass-through payments from the Clayton Redevelopment Agency to the City of Clayton.

Future 2% pass-through payments to the City of Clayton can be processed through my office as part of our annual pass-through processing on behalf of the Clayton Redevelopment Agency.

As for prior year 2% pass-through payments not made to the City of Clayton, I would suggest that the Redevelopment Agency discuss with counsel as to the appropriate time frame that the agency can make those prior year pass-through payments to the city.

If you need additional assistance or information relating to this issue please contact Bob Campbell, Chief Accountant, at (925) 646-1402 or e-mail him at bcamp@ac.cccounty.us.

Sincerely;

Stephen Ybarra

Stephen Ybarra
Auditor-Controller

Contra Costa County

Office of
COUNTY AUDITOR-CONTROLLER

625 Court Street
Martinez, California 94553-1282
Telephone (925) 646-2181
Fax (925) 646-2649

Stephen J. Ybarra
Auditor-Controller

Elizabeth A. Verigin
Assistant Auditor-Controller

Received

DEC 10 2009

City of Clayton

December 8, 2009

Gary A. Napper
City Manager
Executive Director, Clayton Redevelopment Agency
6000 Heritage Trail
Clayton, Ca. 94517-1250

Re: Implementation and Allocation of 2% Election Payments

Dear Mr. Napper:

As requested in your letter dated November 30, 2009, the Office of the Auditor-Controller will calculate, on behalf of the Clayton Redevelopment Agency, the cities election to receive the 2% pass through payment beginning with fiscal year 2009-10.

If the Clayton Redevelopment Agency chooses to calculate and distribute their pass through payments, please notify my Office by March 1, 2010.

If you need additional assistance or information, please contact Bob Campbell, Chief Accountant, at (925) 646-1403 or e-mail him at bcamp@ac.cccounty.us.

Sincerely;

Stephen Ybarra

Stephen Ybarra
Auditor-Controller