CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

AGENDA

REGULAR MEETINGS

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CLAYTON CITY COUNCIL
and
CLAYTON REDEVELOPMENT AGENCY

TUESDAY, February 2, 2010

7:00 p.m.

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

Mayor: Hank Stratford
Vice Mayor: David T. Shuey

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

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at **www.ci.clayton.ca.us**
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

* CITY COUNCIL *
February 2, 2010

7:00 P.M.

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

2. **CLOSED SESSION** - None.

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

4. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of January 19, 2010 and special meeting of January 25, 2010. **(View Here)**

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

(c) Adopt a Resolution establishing and approving an Anti-Fraternization Policy for the City of Clayton's employment organization. **(View Here)**

(d) Acceptance of the one-year review report concerning the effectiveness of and community compliance with the City's recent ordinance regulating residential outdoor personal property sales (Ordinance No. 420; adopted January 20, 2009). **(View Here)**

(e) Adopt a Resolution supporting the passage of a November 2010 ballot measure, "*The Local Taxpayer, Public Safety and Transportation Protection Act of 2010*". **(View Here)**

(f) Approve the Mayoral reappointment of Peggie Howell as Clayton's voting representative to the Board of Trustees of the Contra Costa Mosquito and Vector Control District for the 3-year term of January 1, 2010 through January 1, 2014. **(View Here)**

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificate of Recognition to Brett Nebeker (BSA Troop 492) for his Eagle Scout Project (small dog fenced area) within the Clayton Dog Park.

6. REPORTS

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

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

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

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

8. PUBLIC HEARING – None.

9. ACTION ITEMS

(a) Continued discussion of a proposed 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]. (City Engineer) **(View Here)**

Staff recommendation: By motion, reject the one quote received and instruct staff to re-circulate the work scope to obtain further contract quotes to perform the Landscape District's annual noxious weed abatement services.

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

11. ADJOURNMENT– the next regularly scheduled meeting of Tuesday, February 16, 2010.

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* CLAYTON REDEVELOPMENT AGENCY *

February 2, 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 meeting of January 19, 2010. **(View Here)**

(b) Adopt a Resolution approving the Agency's consent to transfer the General Partner interest in Diamond Terrace Limited Partnership of David Michael and PAM, Inc. to Interstate Realty Management Company as part owner and day-to-day manager of property known as Diamond Terrace – a Retirement Living Community (6401 Center Street). **(View Here)**

4. PUBLIC HEARING- None

5. ACTION ITEMS – None.

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

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

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MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 2-2-10

Agenda Item: 4a

TUESDAY, January 19, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:04 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, Assistant to the City Manager Laura Hoffmeiser, and City Clerk Laci Jackson.

2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 6:04 p.m.

(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

7:05 Report out of Closed Session: Mayor Stratford reported the Council received a report from and gave direction to legal counsel.

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

4. **CONSENT CALENDAR- It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey to approve the Consent Calendar as amended in 4(d) to add a Closed Session item to the Special Meeting agenda (Passed; 5-0 vote).**

(a) Information Only

1. Findings of the CA Statewide Local Streets and Roads Assessment Report.

(b) Approved the minutes of the regular meeting of January 5, 2010.

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

(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.

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Mayor Stratford read a Proclamation declaring January 20, 2010 as "USMC Sgt. Karie Stevens Day" in Clayton, and presented it to St. Stevens in attendance in appreciation for her military service.

(b) Mayor Stratford presented a Certificate of Recognition to Jacob M. Baldree (BSA Troop 492) for his Eagle Scout Project (shade arbor) at the Clayton Dog Park. Jacob stated that he spent more than 40 hours on the project and over 200 hours of group effort were volunteered. The Clayton Dog Park Coalition provided part of the funding as well as other organizations.

6. REPORTS

(a) Planning Commission – Commissioner Tuija Catalano report on the January 12th Planning Commission meeting. The Commission reviewed a time extension for building enhancements approval in the Clayton Station shopping center.

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

(c) The City Manager stated the City Maintenance crew had conducted preventative maintenance that included inspecting and cleaning storm drain inlets and creeks, and so far with the storms there have been no reports of flooding or damaged trees.

(d) City Council

Councilmember Medrano stated he met with the Endeavor Hall sub-committee and the plans will be coming to the Council soon.

Councilmember Pierce attended a Transportation Authority meetings including one concept Congressman John Garamendi. She also met with the Economic Development sub-committee.

Councilmember Geller met with Councilmember Medrano on the Endeavor Hall sub-committee work, and stated the City has sand and sandbags available for anyone who needs them.

Vice Mayor Shuey met with the design firm working on the parcel across from Endeavor Hall and attended a court hearing on litigation.

Mayor Stratford attended the Mayors' Conference.

(e) Other – None.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Sawyer Crane stated he had contacted State Senator Mark Desaulnier to discuss the liability issues associated with a bike jump park. Senator Desaulnier wrote back and indicated the City could post a sign that tells bikers that they are biking at their own risk.

Councilmember Medrano thanked Sawyer for coming back to the Council with updated information and stated they would discuss the possibility of funding such a project at their Goal Setting Session.

8. PUBLIC HEARINGS – 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].

The City Engineer presented the staff report and indicated this contract is for the Oakhurst Development's open space pesky week management program. The program used to be funded by the Oakhurst Landscape District but when the Oakhurst

Landscape District and the Citywide Landscape District merged funding responsibility for this task shifted citywide to all property owners. The City only received one response from Environtech Enterprises, the current subcontractor of Wildland Resource Management. The proposed contract comes at a cost savings of over $12,000 over the 3-year life of the contract. The proposed cost includes a contract with Wildland Resource Management for oversight. The City has stewardship responsibility to provide these services in the open space.

Vice Mayor Shuey asked why other firms did not bid on the project? The City Engineer responded that Requests for Qualifications went out on December 21st and were due back on January 7th. No other firms responded though two asked for extra time and were still unresponsive.

The Council discussed the bid process and its timing during the holidays, and whether staff should go back out to get more responses and contractor follow-up.

It was moved by Vice Mayor Shuey, seconded by Councilmember Geller to continue this item pending follow-up with the other possible bidders on the project and bring information back at the next meeting(Passed; 5-0 vote).

(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).

The Assistant to the City Manager presented the staff report and explained that state law requires the City to adopt a Resolution in order to retain collected development impact fees. She outlined the fees collected and expended then discussed the upcoming project where the monies need to be retained for eventual expenditure.

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce to adopt Resolution 03-2010 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 (Passed; 5-0 vote).

(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.

The Community Development Director introduced the staff report and reported the City had received comments from HCD about the City's draft Housing Element. He stated the City's Housing Consultant Jennifer Gastelum and City staff had been able to address most of the issues raised by HCD, except HCD's concerns about raising density maximum thresholds from 15 to 20 units identifying suitable sites for increasing densitites to accommodate affordable units. There now remains only had a few issues to reconcile.

The Community Development Director then introduced Jennifer Gastelum, PMC. Ms. Gastelum stated that in November staff had a conference call with HCD regarding final issues with the draft Housing Element. She said HCD wanted to see specific implementation measures for affordable housing included in the report to ensure that all 151 units assigned to Clayton could be accommodated on actual land sites. She stated HCD believed the proposal was 50 units short and they wanted to see additional sites that could accommodate these units identified in the report. Additionally, HCD suggested the density for the MFND zones be raised to accommodate 20 units per acre instead of the current 15 units per acre.

Ms. Gastelum stated she and staff had prepared written implementation measure including initial sites for consideration to address HCD's concerns regarding increasing the maximum density threshold to 20 units per acre from 15 units per acre for multi-family housing and identifying and re-designating to higher density suitable sites to accommodate the City's regional housing needs allocation (RHNA) in lower income categories. She asked the Council for input regarding these measures.

Councilmember Pierce asked if the property owners of the proposed sites seemed supportive of the re-zoning.

The Community Development Director responded that four property owners seem supportive and two others had reservations. He stated Clayton Valley Associates representatives and Mr. Raymond Capella were very supportive. Mr. Robert Easely requested more information and the opportunity to talk with family members. He stated a detailed letter will be sent out by the City as follow up to property owners. He stated further that Mr. Jerry Stanley and Mr. Richard Seeno seemed supportive of increasing their maximum density thresholds.

Councilmember Geller asked what happens once the sites are identified and rezoned. He commented the City still has no power to make them develop. Ms. Gastelum stated that the goal was to demonstrate to HCD sufficient land area is available with a higher density designation that, if developed, could accommodate the City's RHNA.

The City Manager stated a goal for a Housing Element is to remove obstacles for development of housing; whether or not property owners agree with a land re-designation on their property, the City Council has the authority to move forward because it has local land use authority.

Mayor Stratford asked if staff and the Housing consultant had exhausted all avenues to address HCD concerns without having to re-designate/ rezone additional sites.

Ms. Gastelum stated she had met directly with HCD reviewers and she believed HCD was firm and the proposed measure is the only option to satisfy certification.

Mayor Stratford stated that he talked with Mr. Jay Torres-Muga about his flag lot parcel, with its single lane driveway between the Clayton Valley Associates property and the Capella properties. He stated that since this is a sloped property he did not believe it was suitable for consideration for re-designation. Mayor Stratford urged the property be taken off the Housing Element list at this time.

Councilmember Pierce stated it was best to leave all of the properties on the list and go through the re-zoning process rather than take the Torres-Muga property off the list now and possibly have to add it back at a later date.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to move forward with the recommended revisions to the City's draft Housing Element Update for re-submittal to HCD for certification (Passed;4-1- No-Stratford).

10. **COUNCIL ITEMS**- None.

8:38 p.m.- Mayor Stratford recessed the City Council meeting until after the conclusion of the Redevelopment Agency meeting.

9:04 p.m.- Mayor Stratford reconvened the City Council meeting.

2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 9:04 p.m.

(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.

9:45 p.m.Report out of Closed Session: Mayor Stratford reported the Council received a report and gave direction to its Real Property Negotiator.

11. **ADJOURNMENT**– On call by Mayor Stratford the meeting adjourned at 9:45 p.m.

Respectfully submitted,

____
Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

____
Hank Stratford, Mayor

MINUTES
OF THE
SPECIAL MEETING OF THE
CLAYTON CITY COUNCIL

Agenda Date: 2-2-10

Agenda Item: 4a

January 25, 2010

1. **CALL TO ORDER & ROLL CALL** – the special meeting was called to order at 3:35 p.m. by Mayor Stratford in the 3rd Floor Conference Room, Clayton City Hall, 6000 Heritage Trail, Clayton, CA. Council Members present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano (arrived at 3:37 p.m.) and Pierce. Staff present: City Manager Gary Napper, City Clerk Laci Jackson, and City Attorney Dan Adams.

2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 3:35 p.m.

(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

4:43 p.m. Report out of Closed Session: Mayor Stratford reported the Council received a report and gave direction to Legal Counsel.

3. **PUBLIC COMMENTS** – None.

4. **ACTION ITEM**

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

The City Manager updated the City Council as to progress made and achievements obtained regarding the goals set from previous annual sessions. After considerable discussion and exchange of ideas, the City Council outlined the following Goals and Objectives for upcoming year:

- No renewal of contract with Economic Development Systems for the Phase III-Retail Recruitment & Placement Plan for downtown Clayton.
- Inventory the remaining unused public properties and determine if each should remain as open space or targeted for public recreation uses.
- Begin General Plan Update.
- Examine volume-based rates for residential trash can service to encourage more recycling by residents to meet 50% diversion state law.
- Prepare concepts for Community Park Improvements. Priorities (concession shack and Field 1 parking lot expansion).
- Production of City Oak street Buildings.
- Emergency Preparedness Training (CERT) for public and remaining City Council Members.
- Work to make Endeavor Hall more Profitable.
- Aid Existing Downtown Businesses with low interest façade or TI Loans.
- Research Solar Energy for City and Facilities.
- Use Morris & Diablo Streets for additional Retail Commercial space in Downtown.
- Grove Park improvements (expanded state & shade sails over play apparatus).

- Prepare a Landscape Plan for Daffodil Hill and adjacent bare terraced walls.
- Research a prohibit Styrofoam Ordinance.
- Create a mandatory Commercial Recycling Program.
- Locate funding for Trails Rehabilitation.
- Monitor need for a ballot measure to Increase TOT rates.
- Review Re-Landscaping Options around the Clayton Fountain.
- Tot Lot at Lydia Lane Park.
- Review a Garbage Franchise Agreement Extension.
- Explore Increasing the RDA TI Cap.
- Research GIS Mapping Software.
- Create a Master Plan (Visual) for the Town Center.
- Teen Center in Clayton.
- Plan for Future Use of Easley Ranch.
- Promote & Assist High-Density Housing in the Downtown Area.
- Continue becoming more Community minded.
- Purchase the former Buscaglia property in the Downtown.
- Bocce Court Center on public property (private construction).
- Develop a "Building a Community of Character" partnership with the schools to emphasize valued character traits.
- Reinforce the sharing of official City reply communications.
- Continuous increased traffic enforcement.
- Promotion of Clayton events and activities on cable Channel 26.

4. **ADJOURN** – on call by Mayor Stratford, the meeting adjourned at 6:56 p.m.

Respectfully submitted,

____

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

____

Hank Stratford, Mayor

CITY OF CLAYTON
Founded 1857 · Incorporated 1964

Agenda Date: 02/02/10

Agenda Item: 4b

Approved:	
Gary A. Napper City Manager/Executive Director	

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: FEBRUARY 2, 2010

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION **Approve the following obligations.**

RUN DATE	OBLIGATION NUMBERS	TOTALS
01/28/10	16760 – 16796	$110,244.93

Invoice Distribution Report

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

Attachments:
Invoice Distribution Report 01/28/10 (12 pages)

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-2206-00.0.0-000 - PERS Liability					
	16764 Retirement PPE 1/24/10	201	CalPERS		
		7	PD Survivor Benefit 1/24/10	Inv	10.23
	Invoice number.: PPE1/24/10				
A101-2206-00.0.0-000 - PERS Liability			*** Account total ***		10.23
A101-5790-00.0.0-000 - Other Revenues					
	16782 Refund check rcvd in error 1/1	12	AT&T		
		1	Refund chk rcvd in error 1/10	Inv	200.00
	Invoice number.:				
A101-5790-00.0.0-000 - Other Revenues			*** Account total ***		200.00
A101-7218-02.0.0-000 - Life and LTD Insurance					
	16765 LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
		1	Adm LTD 2/10	Inv	389.09
	Invoice number.: 2/10				
A101-7218-02.0.0-000 - Life and LTD Insurance			*** Account total ***		389.09
A101-7218-03.0.0-000 - Life and LTD Insurance					
	16765 LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
		2	PW LTD 2/10	Inv	226.41
	Invoice number.: 2/10				
A101-7218-03.0.0-000 - Life and LTD Insurance			*** Account total ***		226.41
A101-7218-04.0.0-000 - Life and LTD Insurance					
	16765 LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
		3	Planning LTD 2/10	Inv	115.21
	Invoice number.: 2/10				
A101-7218-04.0.0-000 - Life and LTD Insurance			*** Account total ***		115.21
A101-7218-06.0.0-000 - Life and LTD Insurance					
	16765 LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
		4	PD LTD 2/10	Inv	591.11
	Invoice number.: 2/10				
A101-7218-06.0.0-000 - Life and LTD Insurance			*** Account total ***		591.11
A101-7220-02.0.0-000 - PERS Retirement					
	16764 Retirement PPE 1/24/10	201	CalPERS		
		2	Admin 1/24/10	Inv	3,968.69
	Invoice number.: PPE1/24/10				
A101-7220-02.0.0-000 - PERS Retirement			*** Account total ***		3,968.69

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7220-03.0.0-000 - PERS Retirement				
16764 Retirement PPE 1/24/10	201	CalPERS		
	3	PW 1/24/10	Inv	2,316.72
Invoice number.: PPE1/24/10				
A101-7220-03.0.0-000 - PERS Retirement		*** Account total ***		2,316.72
A101-7220-04.0.0-000 - PERS Retirement				
16764 Retirement PPE 1/24/10	201	CalPERS		
	4	Planning 1/24/10	Inv	1,176.88
Invoice number.: PPE1/24/10				
A101-7220-04.0.0-000 - PERS Retirement		*** Account total ***		1,176.88
A101-7220-06.0.0-000 - PERS Retirement				
16764 Retirement PPE 1/24/10	201	CalPERS		
	5	Police 1/24/10	Inv	12,258.86
Invoice number.: PPE1/24/10				
A101-7220-06.0.0-000 - PERS Retirement		*** Account total ***		12,258.86
A101-7246-01.0.0-000 - Benefit Insurance				
16762 Dental Premimum 2/10	540	Health Care Dental Trust		
	6	Cc Geller 2/10	Inv	45.95
Invoice number.: 101729				
A101-7246-01.0.0-000 - Benefit Insurance		*** Account total ***		45.95
A101-7246-02.0.0-000 - Benefit Insurance				
16762 Dental Premimum 2/10	540	Health Care Dental Trust		
	1	Admin Dental 2/10	Inv	521.02
Invoice number.: 101729				
16763 Health Insurance 2/10	1316	CalPERS Health		
	1	Admin 2/10	Inv	6,376.56
Invoice number.: 386 2/10				
	6	Adm Fees Health 2/10	Inv	117.15
Invoice number.: 386 2/10				
16765 LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
	6	Adm Life, ADD 2/10	Inv	67.50
Invoice number.: 2/10				
A101-7246-02.0.0-000 - Benefit Insurance		*** Account total ***		7,082.23
A101-7246-03.0.0-000 - Benefit Insurance				
16762 Dental Premimum 2/10	540	Health Care Dental Trust		
	2	PW Dental 2/10	Inv	556.95
Invoice number.: 101729				

	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7246-03.0.0-000 - Benefit Insurance				*** Continued ***		
	16763	Health Insurance 2/10	1316	CalPERS Health		
			2	PW 2/10	Inv	5,105.50
	Invoice number.: 386 2/10					
	16765	LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
			7	PW Life, ADD 2/10	Inv	56.25
	Invoice number.: 2/10					
A101-7246-03.0.0-000 - Benefit Insurance				*** Account total ***		5,718.70
A101-7246-04.0.0-000 - Benefit Insurance						
	16762	Dental Premimum 2/10	540	Health Care Dental Trust		
			3	Planning Dental 2/10	Inv	214.56
	Invoice number.: 101729					
	16763	Health Insurance 2/10	1316	CalPERS Health		
			3	Planning 2/10	Inv	2,449.78
	Invoice number.: 386 2/10					
	16765	LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
			8	Planning Life, ADD 2/10	Inv	22.50
	Invoice number.: 2/10					
A101-7246-04.0.0-000 - Benefit Insurance				*** Account total ***		2,686.84
A101-7246-06.0.0-000 - Benefit Insurance						
	16762	Dental Premimum 2/10	540	Health Care Dental Trust		
			4	Police Dept Dental 2/10	Inv	822.95
	Invoice number.: 101729					
	16763	Health Insurance 2/10	1316	CalPERS Health		
			4	Police Dept 2/10	Inv	9,608.68
	Invoice number.: 386 2/10					
			5	ER Share -retired PD 2/10	Inv	189.00
	Invoice number.: 386 2/10					
	16765	LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
			9	PD Life, ADD 2/10	Inv	123.75
	Invoice number.: 2/10					
A101-7246-06.0.0-000 - Benefit Insurance				*** Account total ***		10,744.38
A101-7311-03.0.0-000 - General Supplies						
	16785	PW Misc Supplies 1/10	1387	Dyna Systems		
			1	PW Misc Supplies 1/10	Inv	463.07
	Invoice number.: 20328550					
A101-7311-03.0.0-000 - General Supplies				*** Account total ***		463.07

	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7311-06.0.0-000 - General Supplies						
	16788	PD CA Penal & Evd Codes 2010	731	West Group Payment Center		
			1	PD CA Penal & Evd Codes 2010	Inv	184.85
	Invoice number.: 6063536031					
A101-7311-06.0.0-000 - General Supplies				*** Account total ***		184.85
A101-7312-05.0.0-000 - Office Supplies/Expense						
	16772	Adm Printing Services 1/10	42	City of Concord		
			2	Adm Printing 1/10	Inv	60.00
	Invoice number.: 18848					
A101-7312-05.0.0-000 - Office Supplies/Expense				*** Account total ***		60.00
A101-7314-05.0.0-000 - Postage						
	16776	Adm Postage Added 1/22/10	2100	Neopost (add postage)		
			1	Adm Postage Added 1/10/10	Paid	300.00
	Invoice number.: 1/22/10					
A101-7314-05.0.0-000 - Postage				*** Account total ***		300.00
A101-7331-05.0.0-000 - Rentals/Leases						
	16796	Admin Copier Copies 11/09	2371	Konica Minolta Bus Sol-Copies		
			1	Adm Copier Copies 11/09	Paid	181.10
	Invoice number.: 213437899					
A101-7331-05.0.0-000 - Rentals/Leases				*** Account total ***		181.10
A101-7332-06.0.0-000 - Telephone						
	16766	PD Cell Phones 12/09	1223	Sprint Comm (PD)		
			1	PD Cell Phones 12/09	Inv	299.72
	Invoice number.: 097 12/09					
A101-7332-06.0.0-000 - Telephone				*** Account total ***		299.72
A101-7335-03.0.0-000 - Gas & Electricity						
	16760	Service 1/10 (Master)	113	PG&E		
			1	City Hall 1/10	Inv	1,279.88
	Invoice number.:					
			3	Lydia Pump Station 1/10	Inv	16.68
	Invoice number.:					
			12	Westwood Pk Well 1/10	Inv	31.73
	Invoice number.:					
A101-7335-03.0.0-000 - Gas & Electricity				*** Account total ***		1,328.29
A101-7335-07.0.0-000 - Gas & Electricity						
	16760	Service 1/10 (Master)	113	PG&E		
			4	Library 1/10	Inv	3,906.88
	Invoice number.:					

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7335-07.0.0-000 - Gas & Electricity			*** Account total ***		3,906.88
A101-7335-09.0.0-000 - Gas & Electricity					
	16760 Service 1/10 (Master)	113	PG&E		
		2	Community Restroom 1/10	Inv	152.99
	Invoice number.:				
A101-7335-09.0.0-000 - Gas & Electricity			*** Account total ***		152.99
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance					
	16781 PW Equip Maint 11/09	62	Concord Garden Equipment		
		1	PW Equip Maint 11/09	Inv	740.63
	Invoice number.: 385984-7053				
	16794 CH, Lib, EH Emrgy Insp 12/09	2468	Cintas Fire Protection		
		1	CH Emergency Insp & Svc 12/09	Inv	631.25
	Invoice number.: 13223-327				
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		1,371.88
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance					
	16794 CH, Lib, EH Emrgy Insp 12/09	2468	Cintas Fire Protection		
		3	Libr Emergency Insp& Svc 12/09	Inv	1,172.87
	Invoice number.: 13223-327				
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		1,172.87
A101-7343-03.0.0-000 - Vehicle Maintenance					
	16784 PW Vehicle Maint 1/10	1284	ALTEC Industries, Inc.		
		1	PW Vehicle Maint 1/10	Inv	1,402.17
	Invoice number.: 5726878				
A101-7343-03.0.0-000 - Vehicle Maintenance			*** Account total ***		1,402.17
A101-7343-06.0.0-000 - Vehicle Maintenance					
	16773 PD Vehicle Maintenance 12/09	42	City of Concord		
		1	PD Vehicle Mtn 12/09	Inv	453.40
	Invoice number.: 18819				
A101-7343-06.0.0-000 - Vehicle Maintenance			*** Account total ***		453.40
A101-7346-03.0.0-000 - HVAC Mtn & Repairs					
	16778 Library, City Hall EMS & Mtn 1	1265	ACCO Engineered Systems		
		2	City Hall EMS & Mtn 1/10	Inv	450.00
	Invoice number.: 523268-273				
A101-7346-03.0.0-000 - HVAC Mtn & Repairs			*** Account total ***		450.00
A101-7346-07.0.0-000 - HVAC Mtn & Repairs					
	16778 Library, City Hall EMS & Mtn 1	1265	ACCO Engineered Systems		
		1	Library EMS & Mtn 1/10	Inv	724.00
	Invoice number.: 523268-273				

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7346-07.0.0-000 - HVAC Mtn & Repairs		*** Account total ***		724.00
A101-7384-04.0.0-000 - Legal Notices				
16786 CDD Not of PH 12/5/09	1648	Bay Area News Group East Bay		
	1	CDD Not of PH 12/5/09	Inv	99.60
Invoice number.: 3334327				
A101-7384-04.0.0-000 - Legal Notices		*** Account total ***		99.60
A101-7411-08.0.0-000 - Professional Services Retainer				
16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
	1	Eng Svc 1/9/10-1/22/10	Inv	3,439.50
Invoice number.: 9065-9073				
A101-7411-08.0.0-000 - Professional Services Retainer		*** Account total ***		3,439.50
A101-7419-01.0.0-000 - Other Professional Services				
16775 Video City Council Mtg 1/19/10	1467	LarryLogic Productions		
	1	Video CC Mtg 1/19/10	Inv	360.00
Invoice number.: 1021				
A101-7419-01.0.0-000 - Other Professional Services		*** Account total ***		360.00
A101-7419-06.0.0-000 - Other Professional Services				
16774 PD Live Scan 1/10	42	City of Concord		
	1	PD Live Scan 1/10	Inv	83.00
Invoice number.: 18860				
A101-7419-06.0.0-000 - Other Professional Services		*** Account total ***		83.00
A101-7425-06.0.0-000 - Crime Lab				
16769 PD-Blood Lab 11/09	641	CCC Office of the Sheriff-Coro		
	1	PD-Blood Lab 11/09	Inv	75.00
Invoice number.: ClayPD-0911				
16770 PD-Crime Lab 12/09	641	CCC Office of the Sheriff-Coro		
	1	PD Crime Lab 12/09	Inv	2,689.00
Invoice number.: ClayPD-0912				
A101-7425-06.0.0-000 - Crime Lab		*** Account total ***		2,764.00
A101-7426-06.0.0-000 - Jail Booking Fee				
16771 Booking Fees 12/09	416	CCC Auditor-Controller		
	1	Booking Fees 12/09	Inv	40.00
Invoice number.: 12/09				
A101-7426-06.0.0-000 - Jail Booking Fee		*** Account total ***		40.00
A201-7335-00.0.0-000 - Gas & Electricity				
16760 Service 1/10 (Master)	113	PG&E		
	9	Traffic Signals 1/10	Inv	426.88
Invoice number.:				

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A201-7335-00.0.0-000 - Gas & Electricity					
		10	Street Lights - Arterial 1/10	Inv	2,790.50
	Invoice number.:				
	16761 Svc: Irrig & Signal 1/10 (Mst)	113	PG&E		
		2	Clayton Traffic Sgn 1/10	Inv	32.92
	Invoice number.:				
A201-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		3,250.30
A201-7412-00.0.0-000 - Engineering/Inspection Service					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		4	Gas Tax Insp #9066	Inv	366.00
	Invoice number.: 9065-9073				
A201-7412-00.0.0-000 - Engineering/Inspection Service			*** Account total ***		366.00
A201-7419-00.0.0-000 - Other Outside Services					
	16795 Matching P-TAP Funds 2010	1167	MTC		
		1	Matching P-TAP Funds 2010	Paid	2,712.00
	Invoice number.: 2010				
A201-7419-00.0.0-000 - Other Outside Services			*** Account total ***		2,712.00
A201-7520-00.0.0-118 - 2010 Arterial Overlay -PreARRA					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		3	Eng Svc #9072	Inv	4,796.75
	Invoice number.: 9065-9073				
A201-7520-00.0.0-118 - 2010 Arterial Overlay -PreARRA			*** Account total ***		4,796.75
A210-7311-00.0.0-000 - General Supplies					
	16783 PW Misc Supp 1/10	17	Bay Area Barricade Serv.		
		1	PW Misc Supp 1/10	Inv	1,065.08
	Invoice number.: 0256409				
	16789 PW Supplies & Signs 1/10	17	Bay Area Barricade Serv.		
		2	PW Supplies & Signs 1/10	Inv	327.21
	Invoice number.: 0256410				
A210-7311-00.0.0-000 - General Supplies			*** Account total ***		1,392.29
A210-7335-00.0.0-000 - Gas & Electricity					
	16760 Service 1/10 (Master)	113	PG&E		
		5	Monument Lights 1/10	Inv	314.62
	Invoice number.:				
		6	Oakhurst Pump (Fountain) 1/10	Inv	1,116.54
	Invoice number.:				
		7	Outdoor Lights 1/10	Inv	13.78
	Invoice number.:				

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A210-7335-00.0.0-000 - Gas & Electricity				
	8	Sprinkler Cont/Lndscp 1/10	Inv	65.40
Invoice number.:				
16761 Svc: Irrig & Signal 1/10 (Mst)	113	PG&E		
	1	OH Irrigation 1/10	Inv	417.47
Invoice number.:				
A210-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		1,927.81
A210-7342-00.0.0-000 - Machinery/Equip Maintenance				
16781 PW Equip Maint 11/09	62	Concord Garden Equipment		
	2	PW Equip Maint 11/09	Inv	1,071.79
Invoice number.: 385984-7053				
A210-7342-00.0.0-000 - Machinery/Equip Maintenance		*** Account total ***		1,071.79
A212-7412-00.0.0-000 - Engineering/Inspection Service				
16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
	2	OH GHAD #9073	Inv	262.69
Invoice number.: 9065-9073				
A212-7412-00.0.0-000 - Engineering/Inspection Service		*** Account total ***		262.69
A214-7335-00.0.0-000 - Gas & Electricity				
16760 Service 1/10 (Master)	113	PG&E		
	11	Street Lights-Res 1/10	Inv	8,371.51
Invoice number.:				
A214-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		8,371.51
A216-7520-00.0.0-000 - Project/Program Costs				
16789 PW Supplies & Signs 1/10	17	Bay Area Barricade Serv.		
	1	PW Sign 1/10	Inv	98.32
Invoice number.: 0256410				
16790 PW Sand Bags 1/10	17	Bay Area Barricade Serv.		
	1	PW Sand Bags 1/10	Inv	437.00
Invoice number.: 0256425				
16791 PW Sand 1/10	1176	Contra Costa Topsoil		
	1	PW Sand 1/10	Inv	447.93
Invoice number.: 86838				
A216-7520-00.0.0-000 - Project/Program Costs		*** Account total ***		983.25
A222-7612-00.0.0-000 - Interest Payment				
16777 IMP 8/02 Debt Svc 1/10	1750	Wells Fargo Bank, N.A.		
	1	IMP 8-02 Debt Svc 1/10	Inv	5,949.75
Invoice number.: 1/20/2010				
A222-7612-00.0.0-000 - Interest Payment		*** Account total ***		5,949.75

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A230-7218-00.0.0-000 - LTD Insurance-COPS				
16765 LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
	5	PD Grant LTD 2/10	Inv	42.43
Invoice number.: 2/10				
A230-7218-00.0.0-000 - LTD Insurance-COPS		*** Account total ***		42.43
A230-7220-00.0.0-813 - PERS Retirement-COPS				
16764 Retirement PPE 1/24/10	201	CalPERS		
	6	PD Grant 1/24/10	Inv	935.98
Invoice number.: PPE1/24/10				
A230-7220-00.0.0-813 - PERS Retirement-COPS		*** Account total ***		935.98
A230-7246-00.0.0-000 - Benefit Insurance				
16762 Dental Premimum 2/10	540	Health Care Dental Trust		
	5	PD Grant Dental 2/10	Inv	127.83
Invoice number.: 101729				
16763 Health Insurance 2/10	1316	CalPERS Health		
	7	PD Grants 2/10	Inv	1,384.66
Invoice number.: 386 2/10				
16765 LTD, Life & ADD 2/10	65	Municipal Pooling Authority		
	10	PD Grant Life, ADD 2/10	Inv	11.25
Invoice number.: 2/10				
A230-7246-00.0.0-000 - Benefit Insurance		*** Account total ***		1,523.74
A301-7413-00.0.0-000 - Legal Services				
16787 RDA Legal Services 12/09	79	Goldfarb & Lipman		
	1	RDA Legal Services 12/09	Inv	73.50
Invoice number.: 96408				
A301-7413-00.0.0-000 - Legal Services		*** Account total ***		73.50
A303-7520-00.0.0-104 - Downtown Economic Dev Project				
16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
	5	Eng Svc #9068	Inv	274.50
Invoice number.: 9065-9073				
A303-7520-00.0.0-104 - Downtown Economic Dev Project		*** Account total ***		274.50
A501-7413-00.0.0-000 - Legal Services				
16779 Legal Services 12/09	1210	Liebert Cassidy Whitmore		
	1	Legal Services 12/09	Inv	528.00
Invoice number.: 112075				
A501-7413-00.0.0-000 - Legal Services		*** Account total ***		528.00

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A502-7511-00.0.0-000 - Machinery and Equipment					
	16780 Admin Chair 1/10	1987	Creative Supports Inc		
		1	Admin Chair 1/10	Inv	956.51
	Invoice number.: 40				
A502-7511-00.0.0-000 - Machinery and Equipment			*** Account total ***		956.51
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		6	Eng Svc #9067	Inv	166.00
	Invoice number.: 9065-9073				
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP			*** Account total ***		166.00
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		7	Eng Svc #9071	Inv	170.00
	Invoice number.: 9065-9073				
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep			*** Account total ***		170.00
A601-2744-00.0.0-484 - Cortel SWP27-08					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		9	Eng Svc #9068	Inv	62.25
	Invoice number.: 9065-9073				
A601-2744-00.0.0-484 - Cortel SWP27-08			*** Account total ***		62.25
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		10	Eng Svc #9068	Inv	62.25
	Invoice number.: 9065-9073				
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08			*** Account total ***		62.25
A601-2744-00.0.0-516 - Guttry SWP 21-09					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		11	Eng Svc #9068	Inv	62.25
	Invoice number.: 9065-9073				
A601-2744-00.0.0-516 - Guttry SWP 21-09			*** Account total ***		62.25
A601-2744-00.0.0-518 - Weisendanger SWP					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		12	Eng Svc #9068	Inv	62.25
	Invoice number.: 9065-9073				
A601-2744-00.0.0-518 - Weisendanger SWP			*** Account total ***		62.25

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		13	Eng Svc #9068	Inv	62.25
	Invoice number.: 9065-9073				
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08			*** Account total ***		62.25
A601-2744-00.0.0-549 - Anderson SWP 14-09					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		14	Eng Svc #9068	Inv	41.50
	Invoice number.: 9065-9073				
A601-2744-00.0.0-549 - Anderson SWP 14-09			*** Account total ***		41.50
A601-2744-00.0.0-560 - Coyle, Martin Minor SWP09-14					
	16792 Refund MSWP 09-14 Dep 1/10	2605	Coyle Home Remodel		
		1	Refund MSWP 09-14 Dep 1/10	Inv	500.00
	Invoice number.: MSWP 09-14				
A601-2744-00.0.0-560 - Coyle, Martin Minor SWP09-14			*** Account total ***		500.00
A601-2744-00.0.0-562 - J. Mourelatos SWP 19-09					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		15	Eng Svc #9068	Inv	62.25
	Invoice number.: 9065-9073				
A601-2744-00.0.0-562 - J. Mourelatos SWP 19-09			*** Account total ***		62.25
A601-2744-00.0.0-563 - Jonathan, Tim SWP 20-09					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		16	Eng Svc #9068	Inv	41.50
	Invoice number.: 9065-9073				
A601-2744-00.0.0-563 - Jonathan, Tim SWP 20-09			*** Account total ***		41.50
A601-2746-00.0.0-129 - Diablo Pt Grading Inspections					
	16793 Eng Svc 1/9/10-1/22/10	116	PERMCO, Inc.		
		8	Eng Svc #9069	Inv	276.25
	Invoice number.: 9065-9073				
A601-2746-00.0.0-129 - Diablo Pt Grading Inspections			*** Account total ***		276.25
A601-2750-00.0.0-001 - Clayton First Night Fund					
	16768 DV Gym NYE + Janitor 12/09	512	Mt. Diablo Unified School Dist		
		1	DV Gym NYE + Janitor 12/09	Inv	715.00
	Invoice number.: AR215915				
A601-2750-00.0.0-001 - Clayton First Night Fund			*** Account total ***		715.00

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A701-7310-00.0.0-000 - Supplies & Equipment					
	16767 DV Gym Expenses 10-12/09	512	Mt. Diablo Unified School Dist		
		2	DV Gym Mat & Supp 10-12/09	Inv	657.61
	Invoice number.: AR215979				
A701-7310-00.0.0-000 - Supplies & Equipment			*** Account total ***		657.61
A701-7335-00.0.0-000 - Gas & Electricity					
	16767 DV Gym Expenses 10-12/09	512	Mt. Diablo Unified School Dist		
		1	DV Gym Utilities 10-12/09	Inv	4,727.04
	Invoice number.: AR215979				
A701-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		4,727.04
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance					
	16794 CH, Lib, EH Emrgy Insp 12/09	2468	Cintas Fire Protection		
		2	EH Emergency Insp 12/09	Inv	99.11
	Invoice number.: 13223-327				
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		99.11
A702-7346-00.0.0-000 - HVAC Mtn & Repairs					
	16778 Library, City Hall EMS & Mtn 1	1265	ACCO Engineered Systems		
		3	EH Mtn 1/10	Inv	290.00
	Invoice number.: 523268-273				
A702-7346-00.0.0-000 - HVAC Mtn & Repairs			*** Account total ***		290.00
* Report total *			*** Total ***		110,244.93

Agenda Date: 2-2-10

Agenda Item: 4c

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Laci J. Jackson, City Clerk**

DATE: **February 2, 2010**

SUBJECT: **Adopt a Resolution Establishing and Approving an Anti-Fratemization Policy within the City of Clayton's Employment Organization**

BACKGROUND

In continuing effort to avert unnecessary exposure to risk, staff has identified that an Anti-Fraternization policy is needed. As a public employer, the City is potentially at liability risk if two employees in a supervisory-subordinate relationship were to fraternize. Currently, the City has no policy advising and warning its employees of issues with this type of behavior.

In order to draft a policy that would address legal concems, staff turned to an Employment Relations Attorney from the law firm of Liebert Cassidy Whitmore. The attorney drafted the Policy attached and suggested its adoption in order to reduce potential liabilities.

This Policy is a meet and confer item under state law for employer-employee relations. Therefore, staff presented this Policy to the Miscellaneous Employees group as well as the Clayton Police Officers Association (POA).

The City's Miscellaneous Employees Group had no objections to its adoption. The POA, after several meetings resulting in slight modifications, did not accept or reject the Policy but acknowledged the City had conferred in good faith over the matter and the POA will adhere to its implementation. No relationships currently exist within the City organization contrary to the stated Policy.

RECOMMENDATION

Adopt the Resolution.

FISCAL IMPACT

None.

Attachments: Resolution (1 page)
Policy (3 pages)

RESOLUTION NO. – 2010

A RESOLUTION ESTABLISHING AND APPROVING AN ANTI-FRATERNIZATION POLICY WITHIN THE CITY OF CLAYTON'S EMPLOYMENT ORGANIZATION

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the Personnel Rules and Regulations of the City of Clayton (the "Personnel Rules") do not address the possible employer exposure to liability of certain employees fraternization; and

WHEREAS, it has come to the attention of staff there could be inherit liability with these types of relationships when a superior and subordinate are involved in a relationship; and

WHEREAS, it is the duty and responsibility of the City as an employer to limit potential liability for the public entity and the general taxpayer; and

WHEREAS, the crafted Policy, attached at "Exhibit A," states guidelines and rules for prohibited employee conduct; and

WHEREAS, it is appropriate and necessary for the City Council to formally establish and approve an Anti-Fraternization Policy; and

WHEREAS, the City has met and conferred in good faith with its employee bargaining units regarding the establishment and adoption of this Policy, and each group has now expressed its acceptance or non-objection to its adoption.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, upon the recommendation of its City Manager, does hereby establish and approve the Anti-Fraternization Policy, attached hereto as "Exhibit A" and incorporated herein as if fully set forth, and hereby orders said Policy to be part of the Personnel Rules and Regulations of the City.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 2nd day of February 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

____
Hank Stratford, Mayor

ATTEST:

____
Laci J. Jackson, City Clerk

ANTI-FRATERNIZATION POLICY

Policy Statement

The purpose of this policy is to establish the anti-fraternization policy for the City of Clayton. This policy is intended to avoid conflicts of interest between work-related and personal/family obligations; reduce favoritism or even the appearance of favoritism; prevent personal/family conflicts from affecting the workplace; and decrease the likelihood of sexual harassment and/or gender discrimination in the workplace. As a result, the City of Clayton prohibits romantic and/or sexual relationships between supervisors and subordinate employees, as defined in this Policy.

Definitions

The following definitions apply to each section of this Policy.

a. A "romantic and/or sexual relationship" exists when two City employees become personally involved with each other to the point that there is any of the following: dating, exchange of personal affection, emotional attachment, sexual or physical intimacy, marriage, domestic partnership and/or cohabitation.

b. The term "dating" includes but is not limited to one or more social meetings under circumstances that leads to exchange of personal affection, emotional attachment and sexual or physical intimacy. "A social meeting" occurs when co-employees gather for purposes not related to work for the City.

c. "Cohabitation" applies to those employees who live together, share room and board, share children, or share financial responsibilities together without being married to one another.

d. "Supervisor" includes any person who has the discretion and authority to direct others as to the performance of City work. The definition of "Supervisor" includes those who periodically serve as acting supervisors.

Policy/Procedure

a. Romantic and/or Sexual Relationships Between Supervisors and Subordinate Employees Are Prohibited.

Public trust, safety and City morale require that supervisory employees avoid the appearance of a conflict between their professional responsibilities and any involvement that they may have in a romantic or sexual relationship with other City employees. In order to promote efficient operation of the City and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment and/or gender based discrimination, romantic and/or sexual relations between supervisors and subordinate employees are prohibited.

b. Enforcement

The City reserves the right to reasonably investigate situations in the workplace to determine whether there is a possible violation of this Policy. If the City determines that a Policy violation exists, remedial and/or disciplinary measures, including but not limited to a transfer, reassignment, or separation, may be utilized to mitigate issues that arise relevant to the enforcement of this Policy.

1. The City retains the right to refuse to place employees engaged in romantic and/or sexual relationships prohibited by this Policy in the same Department if the placement has the potential for creating an adverse impact on supervision, safety, security, morale or involves potential conflicts of interest.

2. In the event of a prohibited romantic and/or sexual relationship, the City will attempt to transfer one of the affected employees to a similar classified position in another City Department, should such a position exist, be available, and should the employee possess the skills and qualifications necessary to perform the essential duties of the position. Although the wishes of the involved parties as to who will be transferred will be given consideration by the City, the controlling factor will be the positive operation and efficiency of the City. If any such transfer results in a reduction in salary or compensation, applicable and legally required due process procedures shall be applied.

3. In lieu of a transfer from one department to another, or in situations in which no similar counterpart classification exists the affected employees may continue to be employed within the same City Department subject to recommendation of the Department Director and ultimate approval by the City Manager or his/her designee. However, any such continuing employment is predicated upon both subject employees not reporting to the same immediate supervisor; not being supervised by each other; not working the same shift at the same work site; or, otherwise becoming involved in a work environment having the potential for adverse impact on supervision, safety, security or morale.

4. If continuing employment of employees engaged in romantic and/or sexual relationships prohibited by this Policy cannot be accommodated consistent with the City's interest in promotion of safety, security, morale and efficiency, then the City retains sole discretion to separate one of the parties from City employ. Absent resignation by one affected employee, the less senior, in terms of overall City service shall be subject to separation. In the event of separation, applicable due process procedures, if any, will be followed.

The provisions of this Policy are not applicable to individuals employed by the City on or before the date of adoption of this Policy in their current state of romantic and/or sexual relationship. However, any of the following, after the effective date of this Policy, even as to current employees, will result in the applicability of the Policy: a) a new romantic and/or sexual relationship; b) a change in marital status or cohabitation; or c) a change in status that makes an employee a supervisor or acting supervisor.

Furthermore, employees in existing romantic and/or sexual relationships are subject to any and all employment-related actions by the City, pursuant to existing City policies and procedures to address conduct, and which negatively impact the work environment.

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 2-2-10

Agenda Item: 4d

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: FEBRUARY 2, 2010

SUBJECT: ACCEPTANCE OF ONE-YEAR REVIEW REPORT CONCERNING THE EFFECTIVENESS OF AND COMMUNIITY COMPLIANCE WITH THE CITY'S RECENT ORDINANCE REGULATING RESIDENTIAL OUTDOOR PERSONAL PROPERTY SALES (ORDINANCE NO. 420; ADOPTED JANUARY 20, 2009)

RECOMMENDATION

It is recommended the City Council accept this one-year review report concerning the effectiveness of and community compliance with the City's outdoor personal property ordinance, Ordinance No. 420, adopted January 20, 2009, thereby retaining Ordinance No. 420 as written and adopted.

BACKGROUND

Following review and refinement, the City Council adopted Ordinance No. 420 (see **Attached**) on January 20, 2009. This Ordinance allows residential outdoor personal property sales under prescribed circumstances. The Planning Commission drafted and recommended the adoption of this Ordinance after working with this matter at its meetings on August 26, November 12, and December 9, 2008. The Commission included performance criteria for allowing personal property sales in residential districts. Assuming compliance with those criteria, there would be no additional permitting requirements or fees. Key performance criteria of Ordinance No. 420 include the following:

- The term "personal property sales" is used and defined to describe the type of sales allowed;
- Personal property sales would be allowed up to six (6) days in a calendar year;
- These sales would be limited from 8:00 a.m. to 5:00 p.m.; and,
- These sales could not result in negative parking or traffic circulation impacts.

This matter came forward for community discussion because of a complaint about recurring outdoor produce sales in a residential neighborhood. At that time, the City only had provisions in Chapter 17.71, Home Business Permits, to rely upon for guidance to respond to the complaint. Chapter 17.71 allows for limited commercial activities only indoors within residential districts. This Chapter also includes standards for approval of the limited commercial activities in residential neighborhoods, including standards 7 and 8 as follow:

> "7. There shall be no signage or exterior indication of the home occupation; and
> 8. There shall be no outside display or storage of goods or materials."

The complaint about the frequent outside sale of produce in a residential neighborhood did not comply with these as well as other provisions of Chapter 17.71; consequently, the outdoor produce sales were not allowed. After some discussion of the matter, it became clear the community wanted to allow for limited, occasional outdoor sales in residential areas, conducted in a manner that would not be detrimental to protecting the "residential character" of those districts.

FINDING

Ordinance No. 420 seems to have provided the needed balance of interests associated with this issue. During this one year review period, staff has been able to refer residents to this Ordinance as incorporated into pertinent sections of the City's Municipal Code when there were questions about regulations for outdoor sales in residential districts. The Ordinance has provided a very beneficial guide for the community in this area of interest and activity. Further, staff is unaware of any violations of this Ordinance or requests to modify it during its initial year. Accordingly, staff recommends retaining Ordinance No. 420 as written.

Attachment: Ordinance No. 420

ORDINANCE NO. 420

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON AMENDING THE FOLLOWING SECTIONS OF THE CLAYTON MUNICIPAL CODE PERTAINING TO ALLOWING PERSONAL PROPERTY SALES:
SECTION 5.04.010.D (BUSINESS LICENSE & TAXES DEFINITIONS),
SECTION 15.08.020.O (SIGN PROVISION DEFINITIONS),
SECTION 15.08.040.Q (EXEMPT SIGNS),
SECTION 15.08.070.F (REGULATIONS FOR SPECIAL SIGNS),
CHAPTER 17.04 (DEFINITIONS),
SECTION 17.16.020 (SINGLE FAMILY RESIDENTIAL DISTRICT PERMITTED USES), AND
SECTION 17.28.060 (PLANNED DEVELOPMENT PERMITTED USES) (ZOA 03-08)**

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

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

WHEREAS, the term "personal property sale" would more appropriately define the sale of personal property from a residence rather than the term "garage sale" as defined in Section 5.04.010.D of the Municipal Code; and

WHEREAS, the term "personal property sale sign" would more appropriately describe a sign for the sale of personal property rather than the term "garage or yard sale sign" as defined in Section 15.08.020 O. of the Municipal Code; and

WHEREAS, the term "personal property sale sign" would more accurately identify a personal property sale sign than the term "garage or yard sales signs" as found in Section 15.08.040.Q of the Municipal Code; and

WHEREAS, the Zoning Ordinance Definitions in Chapter 17.04 of the Municipal Code do not currently provide a definition for a "personal property sale"; and

WHEREAS, the Permitted Uses for Single Family Residential Districts in Section 17.16.020 of the Municipal Code do not currently allow for "personal property sales"; and

WHEREAS, the Permitted Uses for Planned Development Districts in Section 17.28.060 of the Municipal Code do not currently allow for a "personal property sale"; and

WHEREAS, Chapter 17.56 of the Municipal Code authorizes the City Council to amend Title 17 (Zoning) of the Municipal Code; and

WHEREAS, the Clayton Planning Commission held duly-noticed public meetings on August 26, and November 12, 2008 to consider and receive testimony regarding the broad subject of outside sales, which includes personal property sales, in residential areas; and

WHEREAS, at its November 12, 2008 public meeting, the Planning Commission indicated a desire to only consider allowing personal property sales outside in residential neighborhoods subject to conformance with prescribed parameters that limit frequency and duration of these sales, while avoiding adverse impacts to preserving the residential character of the neighborhoods involved; and

WHEREAS, the Clayton Planning Commission held a duly-noticed public hearing on December 9, 2008 on amending the Municipal Code to allow for personal property sales; determined that the amendment would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would support adoption of the amendment; and recommended City Council approval of the amendment; and

WHEREAS, on January 6, 2009 and January 20, 2009, the City Council held duly-noticed public hearings and gave due consideration to all testimony, comments, and documents received regarding this matter; and

WHEREAS, the public necessity, conveniences, and general welfare require the adoption of the following amendment; and

WHEREAS, the following amendments are in general conformance with the General Plan; and

WHEREAS, the following amendment of the Municipal Code are minor alterations of land use limitations which will not result in any changes in land use or density and, therefore, qualify for categorical exemptions from the California Environmental Quality Act in accordance with Section 15305 of the State CEQA Guidelines; and

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

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

SECTION 1. Section 5.04.010.D of the Municipal Code is amended to read as follows:

"D. "Personal property sale" includes garage and yard sales and shall mean a sale conducted at the residence of the owner's used goods or products produced or made on the premises. Any such sale shall comply with the provisions of Sections 17.16.020 E or 17.28.060 as applicable."

SECTION 2. Section 15.08.020.O of the Municipal Code is amended to read as follows:

"O. Personal Property Sale Sign: A temporary sign advertising a personal property sale."

SECTION 3. Section 15.08.040.Q of the Municipal Code is amended to read as follows:

"Q. Personal property sale signs, in accordance with the standards of Section 15.08.070 of this Chapter."

SECTION 4. Section 15.08.070.F of the Municipal Code is amended to read as follows:

"F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:

1. A total of one (1) on-site sign and up to six (6) off-site signs.
2. Only one (1) off-site sign may be displayed at any one intersection for each personal property sale.
3. The signs shall not exceed three (3) feet in height nor two (2) feet in width.
4. The signs shall only be displayed up to one (1) hour before, during, and up to one (1) hour following the personal property sale.
5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.
6. No signs shall be displayed on private property without the consent of the property owner.
7. Balloons, flags, pennants, animated devices, and similar objects are prohibited."

SECTION 5. A new Section 17.04.165 of the Municipal Code is added to read as follows:

"17.04.165 "Personal property sale" includes garage and yard sales and shall mean a sale conducted at the residence of the owner's used goods or products produced or made on the premises. Any such sale shall comply with the provisions of Sections 17.16.020 E or 17.28.060 as applicable."

SECTION 6. A new Section 17.16.020.E of the Municipal Code is added to read as follows:

"E. Personal property sales in accordance with the following regulations:

a. Personal property sales shall be allowed up to a maximum of six (6) days per calendar year;
b. Personal property sales shall be limited to the hours between 8:00 a.m. and 5:00 p.m.; and
c. Personal property sales shall not result in adverse impacts related to noise, traffic, safety, congestion, and parking."

SECTION 7. Section 17.28.060 of the Municipal Code is amended to read as follows:

"17.27.060 Permitted Uses. The Planned Development District is designed to effectively control the development of a single use or mixture of uses as defined in the overlying category (or categories) designated in the General Plan. Personal property sales are allowed in residential neighborhoods within Planned Development Districts subject to the following standards:

A. Personal property sales shall be allowed up to a maximum of six (6) days per calendar year;

B. Personal property sales shall be limited to the hours between 8:00 a.m. and 5:00 p.m.;

C. Personal property sales shall not result in adverse impacts related to noise, traffic, safety, congestion, and parking; and

D. Personal property sales are only allowed in higher-density residential developments if the sales area does not adversely impact common areas or public areas."

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

SECTION 9. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

SECTION 10. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Section 1 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on January 6, 2009.

Passed, adopted, January 20, 2009, by the following vote:

AYES: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller, Medrano, and Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON

Julie K. Pierce, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

Dan Adams, City Attorney

APPROVED BY ADMINISTRATION

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on January 6, 2009, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on January 20, 2009.

Laci J. Jackson, City Clerk

ZOA\2008\03-08.ord2

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 2-2-10

Agenda Item: 4e

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 02 FEBRUARY 2010

SUBJECT: ADOPTION OF RESOLUTION SUPPORTING A BALLOT MEASURE *"THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010"*

RECOMMENDATION

It is recommended the City Council adopt the prepared Resolution supporting a local public revenue protection initiative filed and presently circulating for signature to qualify for the November 2, 2010 statewide ballot.

BACKGROUND

Since 1991, in order to solve its various budget crises, the State of California has seized approximately $11.5 billion in city property tax revenues to fund its operations and state programs. During that same time period, the small City of Clayton alone has experienced **$5.4 million** siphoned from our local property tax revenues. Despite repeated state ballot measures passed by voters in California barring the State from taking local government revenues or monies dedicated for specific purpose (e.g. redevelopment funds; gas taxes), the State of California continues its annual theft unabated.

In Fiscal Year 2009-2010, the State of California again continued its irresponsible fiscal practices and "borrowed" $2 billion in local property tax revenues from local governments to partially patch its budget, with the City's share calculated at $134,428 (Prop 1A). Although our City was able to securitize payment of that "loan" this year through the Prop 1A Securitization Program to keep us whole, the budget adopted by the State further shifts **$1.965 million** from the Clayton Redevelopment Agency this year with plans for an additional shift of **$406,515** next fiscal year (a 2-year total of **$2.37 million** from Clayton).

In addition to these revenue shifting schemes, the State of California continues to face an upcoming 18-month shortfall of $20 billion due to its recurring failure to correct its structural deficit. In recent months the State's insatiable appetite has prompted it to eye other local revenue sources of local governments, including motor vehicle fuel tax revenues (Highway Users Tax Act and Proposition 42 monies), sales taxes, parcel transfer taxes, transit monies, transient occupancy tax (TOT), utility users taxes (UUT), and further redevelopment tax increment revenues. With the downturn in the economy, local governments' capability to cope has been seriously challenged, with some threatened survival, and the State's chronic pickpocket of local monies must simply "stop".

PROPOSED BALLOT MEASURE

On 20 October 2009, a comprehensive initiative ballot measure was filed to amend the State Constitution to prohibit the State from taking, borrowing or otherwise diverting local revenues to the State treasury. The measure was written by attorneys of the California Alliance for Jobs (a labor-management coalition), the California Transit Association, and the League of CA Cities. Support and text input was supplied by the California State Association of Counties (CSAC), the California School Boards Association, the California Special Districts Association, and other local government groups.

The Measure (copy of title and summary attached) reportedly protects existing local government revenues and assures that local taxpayer funds remain local. It contains no authority to implement new taxes, new spending or set-asides, and does not alter Prop 98 funding guarantees for schools nor does it reduce school state funding. Its effect would apply retroactively to any state legislation enacted between 20 October 2009 and Election Day (02 November 2010). In the event the State were to adopt legislation in the interim diverting these local revenue monies to the State Budget, the adoption of this Measure provides those monies misappropriated shall be restored automatically from the State's General Fund to the originating local government.

A fact sheet regarding the Measure (prepared by CitiPAC) is also attached as additional information.

To date, staff is informed the California Professional Firefighters (CPF) recently announced its opposition to the ballot measure claiming it fails to protect one dollar of first responder funding. Since the Measure would protect a city's general fund from State thefts and since the State Controller reports that on average 17% of a city's general fund is spent on local fire/EMS services and 41.5% on average for local law enforcement (49.5% in Clayton), it is difficult to comprehend their opposition.

FISCAL IMPACT

By shielding local tax revenues from State raids and loan shark practices, the Measure enables the City of Clayton and other local government to stem the current tide of service cuts, program eliminations, and bankruptcies. Cities would be better able to rely on their local revenue sources for the creation and adoption of annual meaningful budgets to fund local community services.

Attachments:
1. City Resolution [2 pp.]
2. Ballot Measure Title and Summary [1 pg.]
3. Q&A Fact Sheet by CitiPAC [2 pp.]
4. CA Legislative Analyst's Office (LAO) analysis [7 pp.]

RESOLUTION NO. - 2010

A RESOLUTION SUPPORTING THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010

THE CITY COUNCIL
City of Clayton, California

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop the chronic State of California raids of local government funds, and to dedicate the taxes on gasoline to fund critical local and state transportation improvement projects; and

WHEREAS, these local government funds are crucial in supporting the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day in their communities and regions, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and

WHEREAS, despite the fact that voters have repeatedly passed numerous measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has repetitively seized and borrowed billions of dollars in local government and transportation funds in the past few years, including $1.965 million from the Clayton Redevelopment Agency this fiscal year; and

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences throughout the State, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services, and reductions in pay for City of Clayton employees; and

WHEREAS, State politicians in Sacramento continually ignore the will of the voters, and current law provides no penalties when State politicians take or borrow these locally-dedicated funds; and

WHEREAS, a coalition of local government, transportation and transit advocates recently filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, for potential placement on California's November 2010 statewide ballot; and

WHEREAS, approval of this ballot initiative would close loopholes and change the California Constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

NOW THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby, for all of the reasons noted in the above Recitals, formally endorse the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, a proposed constitutional amendment; and

BE IT FURTHER RESOLVED that Clayton City Council does hereby authorize the listing of the City of Clayton, California as a supporter for the passage of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, and does herewith instruct the City Clerk to fax a copy of this signed Resolution to the ballot measure campaign offices at 916.442.3510.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 2nd day of February 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

____

Hank Stratford, Mayor

ATTEST:

____

Laci J. Jackson, City Clerk

ATTACHMENT 2

Date: December 16, 2009
Initiative 09-0063 (Amdt. #1-NS.)

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PROHIBITS THE STATE FROM TAKING FUNDS USED FOR TRANSPORTATION OR LOCAL GOVERNMENT PROJECTS AND SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT. Prohibits the State from shifting, taking, borrowing, or restricting the use of tax revenues dedicated by law to fund local government services, community redevelopment projects, or transportation projects and services. Prohibits the State from delaying the distribution of tax revenues for these purposes even when the Governor deems it necessary due to a severe state fiscal hardship. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Significant constraints on state authority over city, county, special district, and redevelopment agency funds. As a result, higher and more stable local resources, potentially affecting billions of dollars in some years. Commensurate reductions in state resources, resulting in major decreases in state spending and/or increases in state revenues. (09-0063.)

ATTACHMENT 3

Questions & Answers About the *Local Taxpayer, Public Safety and Transportation Protection Act* for Use by Public Agencies

WHAT IS *THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORATION PROTECTION ACT* AND WHAT DOES IT PROPOSE TO DO?

The *Local Taxpayer, Public Safety and Transportation Protection Act* (AG Initiative #: 09-0063) is a constitutional amendment that was filed with the California Attorney General in October of 2009. The measure, which proponents are working to qualify for the November 2010 statewide ballot, would prevent the State from borrowing or redirecting funds that are currently dedicated to cities, counties and special districts in California. The measure would also prevent the state from borrowing or redirecting various gas tax revenues that currently fund state and local transportation and mass transit programs, improvements and services. According to proponents, the measure contains the following principal provisions:

- Revokes the State's ability to borrow local government property tax funds (currently authorized under Prop 1A, approved in 2004).
- Prohibits the State from borrowing Prop. 42 funds (gas tax) which voters have dedicated to state and local government transportation improvements, and mass transit programs, services and improvements.
- Prohibits the State from taking or borrowing the Highway User Tax on gasoline (HUTA), which currently funds city, county and state road, highway, transit and other transportation improvements and services.
- Prevents the State from redirecting or diverting locally levied taxes, including parcel taxes, sales taxes, utility user taxes, TOT's and other locally imposed taxes that are currently passed by local governments and/or their voters and dedicated to cities, counties and special districts.
- Prohibits the State from taking, borrowing or redirecting funding for public transit, including existing taxes on gas and "spillover" funds dedicated to the Public Transportation Account.
- Adds additional constitutional protections to prevent the State from taking redevelopment funds or shifting redevelopment funds to other state purposes.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

> **PROHIBITS THE STATE FROM TAKING FUNDS USED FOR TRANSPORTATION OR LOCAL GOVERNMENT PROJECTS AND SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT.**
> Prohibits the State from shifting, taking, borrowing, or restricting the use of tax revenues dedicated by law to fund local government services, community redevelopment projects, or transportation projects and services. Prohibits the State from delaying the distribution of tax revenues for these purposes even when the Governor deems it necessary due to a severe state fiscal hardship. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Significant constraints on state authority over city, county, special district, and redevelopment agency funds. As a result, higher and more stable local resources, potentially affecting billions of dollars in some years. Commensurate reductions in state resources, resulting in major decreases in state spending and/or increases in state revenues.

WHO ARE THE OFFICIAL PROPONENTS?

The Executive Directors of the League of California Cities, the California Alliance for Jobs, and the California Transit Association are listed by the CA Attorney General's office as official proponents of the ballot measure. According to the website of the coalition supporting the measure (www.savelocalservices.com), other local government, redevelopment, labor, business, public safety, transportation and public transit organizations are also supportive.

HOW MANY SIGNATURES NEED TO BE COLLECTED TO QUALIFY FOR THE NOVEMBER BALLOT?

The Secretary of State's office says that proponents must collect 694,354 valid signatures from registered California voters to qualify for the ballot. The coalition supporting the measure claims they will collect 1.1 million signatures by mid-April to ensure qualification.

ISN'T FUNDING FOR LOCAL GOVERNMENT AND TRANSPORTATION ALREADY PROTECTED FROM STATE RAIDS?

California voters have passed several measures to prevent the State from redirecting local government and transportation funds. For example, in November 2004, 84% of California voters passed Proposition 1A, which put restrictions on the State's ability to shift or take local government revenues, including property taxes and sales taxes. That provision allowed the State to borrow a portion of local government property taxes under certain conditions. In November 2006, 77% of California voters passed a different Proposition 1A, which placed more restrictions on the state when it borrows the state sales tax on gasoline for non-transportation purposes.

Despite these and other measures, the recently-enacted State budget does continue to shift funding dedicated to local governments and transportation and transit programs and services. For instance, in this year's budget, the State:

- Borrowed approximately $2 billion in property taxes from local governments.
- Shifted $2.05 billion in redevelopment agency funding to schools.
- Shifted $910 million in transit funding away from local transit agencies.
- Voted to take more than $1 billion of the local government share of the Highway User Tax (HUTA) to repay state bond debt (the measure did not ultimately pass in the Assembly).
- Took action to eliminate the state sales tax on gasoline (Prop 42 funds) and HUTA and replace with a gasoline "fee" that would have no constitutional protection from future shifts by the legislature (the Governor ultimately vetoed this measure).
- Threatened to borrow Prop 42 transportation funds to address the State's deficit.

The Courts have ruled on separate occasions that the State's previous raids of redevelopment funds and public transit funding were illegal, yet the Legislature and Governor continue to propose similar raids of transit and redevelopment revenues.

DOES THIS MEASURE INCREASE OR DECREASE REVENUES FOR LOCAL GOVERNMENTS OR FOR TRANSPORTATION AND TRANSIT?

According to proponents, the measure only protects existing revenues that are currently dedicated to local governments and transportation and transit improvements and services. It does not dedicate any new revenues to local governments or transportation/transit.

CAN PUBLIC EMPLOYEES OR PUBLIC OFFICIALS GET INVOLVED IN THE CAMPAIGN TO PASS THIS MEASURE?

Public employees and officials (those employed by government agencies) may get involved only on their personal time, and not using any government (taxpayer funded) resources. You may campaign after work hours, on weekends, or during lunch breaks, provided no government resources (meeting room, money, computers, etc.) are used. Public employees and officials are advised to check whether their agency has adopted local rules governing campaigning.

ATTACHMENT 4

LAO

65 YEARS OF SERVICE

December 4, 2009

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative related primarily to state authority over local government resources (A.G. File No. 09-0063, Amdt. #1-NS) and below is our revised analysis of the initiative's fiscal effects.

BACKGROUND

Local governments receive resources from various sources, including funding from state tax revenues that are then given to local governments, as well as from locally imposed taxes and fees.

Transportation Funding

State transportation resources are derived from several major sources including excise taxes and sales taxes on gasoline and diesel fuels that are deposited into various state transportation accounts. In general, as described below, the revenues from these taxes are required to be used for specified transportation purposes, including distribution to local governments. Current law generally allows these funds to be loaned temporarily on a cash flow basis between the state's various transportation accounts in order to pay monthly obligations, such as Caltrans' payroll and payments to construction contractors. While fuel tax revenues generally can be used only for transportation purposes, the California Constitution allows, under certain circumstances, for these revenues to be loaned for up to three years to the state's General Fund for non-transportation purposes.

State Excise Tax on Gasoline and Diesel Fuel

The state currently charges an excise tax of 18 cents per gallon of gasoline and diesel fuel sold in California, commonly known as the "gas tax." In 2008-09, this tax generated roughly $3 billion in revenues. The Constitution requires that revenues from the gas tax be used only for transportation purposes, mainly to fund highway and road repairs or improvements. Current law requires that these revenues be deposited into the state's Highway Users Tax Account (HUTA) and be allocated by formulas. Specifically, two-thirds of gas tax revenues in the HUTA are allocated to the state, mainly for Caltrans to maintain and repair the state's highways. The other one-third of the revenues is given to cities and counties for local street and road maintenance and improvement. The Legislature currently can amend this allocation through passage of a bill signed by the Governor.

State Sales Tax on Gasoline and Diesel Fuel

The state currently charges a sales tax on the purchase of gasoline and diesel fuel. State law requires that almost all of these sales tax revenues be used for transportation purposes. These purposes include local street and road improvements, projects that expand capacity on the state's highway and transit systems, planning, and transit and rail operations. A portion of the sales tax on gasoline and diesel fuel is deposited into the Public Transportation Account (PTA) for the specific purposes discussed below, with the rest of the revenues deposited into the General Fund.

PTA Funding. Current law requires that funds in the PTA be used only for transportation planning and mass transportation purposes. Funds in the PTA are statutorily allocated by formula to local transit operators and the state for mass transportation purposes. The Legislature currently can amend this formula through the passage of a bill signed by the Governor—subject to certain limitations as interpreted by the courts.

Proposition 42 (2002) Transfer. The Constitution requires that the gasoline sales tax revenues deposited into the General Fund be transferred to the Transportation Investment Fund (TIF). These funds have been counted as tax revenues for purposes of calculating the minimum amount of K-14 education funding required under Proposition 98. Over the past five years, these revenues have averaged roughly $1.4 billion per year. Under certain conditions, the Constitution allows this transfer to be suspended. Suspended amounts, however, must be repaid with interest within three years. The Legislature currently can change the allocation of TIF resources through the passage of a bill signed by the Governor.

Other Local Government Revenues

Property Tax

The Constitution establishes a 1 percent maximum property tax rate on real property and directs counties to collect these tax revenues and allocate them to local governments according to law. While the Legislature may modify property tax allocation laws, the Legislature generally may not do so if it would decrease the total countywide share of property taxes allocated to cities, counties, and special districts. An exception to this provision is known as a "Proposition 1A (2004) suspension," after the measure that established this procedure.

Proposition 1A (2004) Suspension. No more than twice in ten years, during a severe state fiscal hardship, the Legislature may modify property tax allocation laws to decrease for one year the percentage of property taxes allocated to cities, counties, and special districts. The Legislature must repay each local government's reduced property taxes, with interest, within three years. In 2009, the Legislature enacted a Proposition 1A (2004) suspension, shifting 8 percent of every city, county, and special district's 2008-09 property taxes to educational agencies—a total of $1.9 billion in shifted revenue. The state must repay each local government by June 30, 2013.

Tax Increment

The Constitution and other statutes authorize city and county redevelopment agencies to create "project areas" in blighted, urban areas. After a redevelopment agency creates a project area, it receives all the growth in property tax revenues (called "tax increment") generated in the area. Other local agencies serving the project area continue to receive the amount of property taxes they received before the agency created the project area.

To partially mitigate the fiscal effect of redevelopment on other local agencies, state law requires most redevelopment agencies to "pass through" a portion of their tax increment to other agencies serving the project area. In addition to these ongoing pass-through obligations, the state periodically has required redevelopment agencies to make payments to schools. Current law, for example, requires redevelopment agencies to contribute to schools $1.7 billion in May 2010 and $350 million in May 2011. These payments to schools offset a commensurate amount of required state spending. Redevelopment agencies currently are challenging in court the state's constitutional authority to require these payments.

Mandates and VLF

State-Reimbursable Mandates. The Constitution generally requires the state to reimburse local governments when the state "mandates" a new local program or higher level of service. In general, the state reimburses local governments for mandates through appropriations in the annual budget act.

Vehicle License Fee (VLF). State law imposes a 1.15 percent VLF on the depreciated value of cars and trucks. The Department of Motor Vehicles (DMV) collects the VLF at the time of vehicle registration. The 1.15 percent rate includes a temporary 0.5 percent rate and a base 0.65 percent rate. The Constitution identifies three broad uses for revenues from the base VLF rate: offsetting DMV's collection costs, supporting the Local Revenue Fund (used for certain county health and social service programs), and distributing to cities and counties.

Using Base VLF Revenues to Offset State Mandate Costs. The Legislature has broad authority to modify base VLF allocation statutes, including shifting revenues to local governments to offset their costs to implement a state mandate. In 1991-92, for example, the state (1) modified the VLF depreciation schedule to generate higher revenues and (2) changed VLF allocation statutes to distribute the new revenues to counties responsible for new health and social services mandates. Because the increased VLF revenues offset the counties' costs to implement the mandates, the state was not required to appropriate mandate reimbursements to counties in the annual budget.

Other Local Revenues

The Constitution authorizes local governments to impose local taxes for local purposes. Over the years, local governments have imposed a wide range of local taxes, including Bradley-Burns sales, business license, utility users, and transaction and use taxes. The Constitution generally does not authorize the state to use or reallocate revenues raised under these taxes.

PROPOSAL

This measure amends the Constitution to constrain the state's authority to redirect or make changes to state and local resources and their allocation after October 21, 2009. Under the measure, the State Controller would reimburse affected local governments or accounts within 30 days if the state were found to have violated any of its provisions. Funds for these reimbursements, including interest, would be continuously appropriated from the state General Fund and do not require legislative approval. Any statute enacted between October 21, 2009 and the effective date of this measure that would have been prohibited under this measure would be repealed.

Transportation Funding

Prohibits Borrowing or Redirection of Certain Transportation Resources. The measure prohibits gasoline and diesel excise tax revenues, gasoline sales tax revenues, and funds deposited into the PTA from being loaned temporarily, or permanently, to the General Fund, or any other state fund. This eliminates the state's ability to borrow transportation funds for non-transportation purposes. The measure also eliminates Caltrans' ability to make temporary loans between various transportation accounts to manage cash flow—such as to pay staff and to fund the construction of projects.

Requires Gasoline Sales Tax to Be Deposited Directly Into the TIF. The measure requires the revenues from the sales tax on gasoline to be deposited directly into the TIF, instead of first flowing through the General Fund. (It is not clear if this change would affect calculations related to K-14 education described above.) Unlike current law, this transfer could not be suspended.

Requires Public Process to Amend Allocations. This measure requires the California Transportation Commission to conduct public hearings and prepare a report before the Legislature could enact changes to the allocation of either gas tax revenues in the HUTA or gasoline sales tax revenues in the TIF.

Specifies Allocation of PTA Funds in Constitution. The measure specifies in the Constitution the portion of PTA funds that would be made available for various programs. Under the measure, about one-half of all PTA funding would be given to local transit agencies for operational support. These allocations could not be changed without a vote of the people.

Other Local Government Revenues

Property Tax. The measure eliminates the state's authority to shift property taxes from cities, counties, and special districts to schools during a severe state fiscal hardship. Under the measure, the state would continue to be responsible for the repaying of local governments for the 2009 Proposition 1A (2004) suspension, but could not shift property tax revenues to schools again.

Tax Increment. Under the measure, the Legislature could not enact laws after October 21, 2009 that require redevelopment agencies to shift funds to schools or other agencies beyond any amounts required by statutes in existence on January 1, 2008. The effect of the measure's provisions regarding the $2 billion 2009-10 and 2010-11 redevelopment shifts (enacted before October 21, 2009) is not clear. While the measure does not contain provisions directly repealing these payments, it declares these laws to be illegal under existing constitutional provisions. It is possible that this declaration could affect the outcome of the pending litigation regarding these payments.

VLF. The measure eliminates the Legislature's authority to reallocate VLF revenues to offset state mandate costs. This provision would not affect the 1991-92 VLF changes that reimburse local governments for health and social services costs.

Other Local Revenues. The measure specifies that the Legislature may not reallocate, borrow, or use revenues raised from locally imposed taxes.

FISCAL EFFECTS

This measure does not affect the total amount of state and local government revenues. Instead, it relates primarily to state authority over local government resources. While some elements of this measure would be subject to future interpretation by the courts, its overall effect is to constrain the state's ongoing authority to redirect or make changes to state and local resources and their allocation, beginning October 21, 2009. The measure would have significant immediate and long-term fiscal impacts on state and local governments, as described below.

Higher and More Stable Resources for Non-Education Local Governments

Long-Term Effect. Given the number and magnitude of past state actions affecting local tax revenues and resources, this measure's restrictions on state authority to enact such measures in the future would have potentially major beneficial fiscal effects on non-education local governments. For example, the state could not enact measures that require redevelopment agencies to pass through more revenues to schools. Similarly, the state could not suspend payments to local transit agencies to pay state costs. In these cases, this measure would result in non-education local government resources being more stable—and higher—than otherwise would be the case. The magnitude of increased local resources is unknown and would depend on future actions by the state. Given past actions by the state, however, this increase in local resources could be billions of dollars in some years. These increased local resources could result in higher spending on local programs or decreased local fees or taxes.

Near-Term Effect. Given past state actions during times of state fiscal difficulty, it is possible that this measure would invalidate some inconsistent state laws enacted between October 21, 2009 and the effective date of this measure. While the nature and terms of these state laws is not known, any such repeal likely would result in higher and/or more stable revenues to cities, counties, special districts, and redevelopment agencies (non-educations local governments) than otherwise would be the case. In addition, as noted above, the measure's fiscal effect on pending litigation regarding $2 billion of redevelopment funds is not clear.

Lower Resources for State Programs

In general, as we discuss below, the measure's effect on state finances would be the opposite of its effect on local finances. That is, this measure would result in *decreased* resources being available for state programs than otherwise would be the case.

Resources Available for State Budgetary Purposes. Under the measure, the state could not: (1) use redevelopment or other local funds to support education, (2) borrow or redirect fuel or property tax revenues as part of a state budget solution, or (3) reallocate VLF revenues to offset state mandate reimbursement obligations. As a result, the state would need to take alternative actions to balance the state budget in some years—such as increasing taxes or decreasing spending on state programs. Given current and previous actions by the state, we estimate that this decrease in state fiscal authority could reduce state resources by billions of dollars in some future years.

Transportation Project Resources. By eliminating Caltrans' authority to make temporary cash loans between the state's various transportation accounts, this measure would likely result in slower spending on construction projects, particularly in the near term. This is because Caltrans would need to accumulate a large enough balance in each account (potentially, in total affecting several hundred million dollars) to meet its monthly cash flow needs.

Summary of Fiscal Effects

The measure would have the following major fiscal effects:

- Significant constraints on state authority over city, county, special district, and redevelopment agency funds. As a result, higher and more stable local resources, potentially affecting billions of dollars in some years. Commensurate reductions in state resources, resulting in major decreases in state spending and/or increases in state revenues.

Sincerely,

Mac Taylor
Legislative Analyst

Michael C. Genest
Director of Finance

CITY OF CLAYTON

Agenda Date: 2-2-10

Agenda Item: 4f

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **City Clerk**

DATE: **February 2, 2010**

SUBJECT: **Re-appointment of Peggie Howell to the Board of Trustees Contra Costa Mosquito and Vector Control District as Clayton's representative for the term January 1, 2010 through January 1, 2014.**

RECOMMENDATION
Confirm the nomination by the Mayor to re-appoint Peggie Howell to the serve as the City of Clayton representative on the Contra Costa Mosquito and Vector Control District.

BACKGROUND
Ms. Howell has been serving on the Contra Costa Mosquito and Vector Control District as Clayton's representative since November 2009. Ms. Howell's term expired January 1, 2010. Mayor Stratford and staff contacted Ms. Howell who indicated her desire to continue as Clayton's representative.

FISCAL IMPACT
None.

CONCLUSION
Appoint Peggie Howell to serve on the Contra Costa Mosquito and Vector Control District for a term of January 1, 2010 through January 1, 2014.

Agenda Date: 2-2-10

Agenda Item: 5a

BRETT NEBEKER

EAGLE SCOUT PROJECT

TROOP 492, BOYS SCOUTS OF AMERICA

for

coordination and installation of a

small dog fenced area

at the

Clayton Dog Park

Agenda Date: 2-2-10
Agenda Item: 9a

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: FEBRUARY 2, 2010

SUBJECT: CONTRACT AWARD FOR THE ABATEMENT OF NOXIOUS WEEDS IN THE OAKHURST OPEN SPACE PARCELS FOR CALENDAR YEARS 2010 - 2012.

RECOMMENDATION

Reject Fee Quote from Environtech Enterprises and direct Staff to modify the Request for Quote and solicit new quotes.

BACKGROUND

At the previous City Council meeting on January 19th, Staff presented a three year contract with Environmental Enterprises for the abatement of noxious weeds in the Oakhurst Open Space parcels to the Council for approval.

Since the City only received one proposal from the solicitation sent to six firms, the City Council questioned why no additional proposals had been received. Staff explained that a couple of firms had expressed what appeared to be serious interest in submitting a quote and that we had even extended the submittal deadline in response to a request for more time. However, only one proposal was received and no other questions or comments had been received from the other firms.

Councilmembers questioned why, with the present state of the economy, more firms weren't interested in submitting a quote. The Council then directed Staff to survey the firms given the solicitation to determine why they did not submit a quote and if there was any interest in re-bidding the work.

In discussing these issues with the five contractors who did not submit proposals, we found that:

1) two of the contractors decided that they just weren't interested after reviewing the Request for Quote (RFQ);
2) one of the contractors did not have the pesticide spraying licenses or the specific equipment called for in the RFQ;
3) one of the contractors did not have the pesticide spraying licenses required in the RFQ;

4) one contractor claimed he submitted a quote (however, we never received it).

Staff had prepared the RFQ using specifications based upon the methods and materials currently being used to control the noxious weeds. It now appears that the specifications may have been too strict and literal. For instance, it is not important exactly what equipment the contractor uses as long as he achieves the desired results. In addition, the required licenses may not be necessary as it appears that the herbicides being used are not on the federal or state restricted lists (this is still being confirmed).

Most of the contractors queried indicated that they would be willing to submit a quote if the work is re-bid and at least three weeks are allowed for preparing the quote.

FISCAL IMPACT

None at this point.

CONCLUSION

Based upon Staff's discussions with the potential bidders, it appears that the City may be able to make the RFQ more competitive (but not necessarily less expensive) by modifying the specifications and re-bidding the work. Therefore, Staff recommends that the City Council reject the fee quote received from Environtech Enterprises and direct Staff to modify the RFQ as discussed in this report and request new bids.

Agenda Date: 2-2-10

Agenda Item: 3a RDA

MINUTES
OF THE
REGULAR MEETING

CLAYTON REDEVELOPMENT AGENCY

January 19, 2010

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 8:38 p.m. by Chairman Medrano in the Library Community Room, 6125 Clayton Road, Clayton, CA. Boardmembers present: Chairman Medrano, Vice Chairperson Pierce, Boardmembers Geller, Shuey and Stratford. Staff present: Executive Director Napper, Secretary Jackson, and General Counsel Adams

2. **PUBLIC COMMENTS** – None.

3. **CONSENT CALENDAR- It was moved by Vice Chairperson Pierce, seconded by Boardmember Stratford to approve the Consent Calendar as submitted (Passed; 5-0 vote).**

(a) Approved the minutes of the regular meetings of December 1, 2009.

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.

The Executive Director stated in 2008 the Redevelopment Agency discovered wiithin the next 5 years, by 2014, the Agency will reach its self-imposed Tax Increment cap. The Agency hired Seifel Consulting to do research and look at options for the future. During this research Seifel discovered that in 1987 with the formation of the Agency, the Agency elected for a 2% pass through to the City. Though the Resolution was adopted, from 1987 until this fiscal year the Agency has never paid that money to the City and currently an obligation of $460,000 to the City. The Agency can set up a repayment schedule to the general fund and the County is going to calculate that 2% each year. The Executive Director then introduced Mr. Shiga.

Kohki Shiga, Seifel Consulting, Inc. stated there are two limits to the Redevelopment Agency one is time (2037) and one is monetary ($55 million). He stated at this time the Tax Increment cap is being monitored and it is expected by 2014/2015 the limit will be reached. At that time the money that is being collected ($4.2 million per year) must be re-distributed among the City's General Fund and other taxing entities.

The Executive Director stated the City General Fund will receive approximately $400,000 per year after the cap is reached. He stated the definition of blight laws in 1987 are different and if the Agency wants to entertain increasing the cap for justifiable blight reasons then the other taxing entities can challenge the reasoning in court.

Mr. Shiga stated the Agency can increase the cap or leave it as it is and reach the cap in 5 years. He stated it takes 9-12 months to raise the cap and the other taxing entities must be notified and if they desire they can challenge the findings. The Agency also has to show a correlation between the blight and the money being requested in the extension of the cap.

The Executive Director stated the finding for blight is much narrower than it was when the Redevelopment Agency was created. The Board discussed the advantages of pursuing an increase in the TI cap to further cure remaining blighted conditions in the Project Area.

It was moved by Boardmember Shuey, seconded by Vice Chairperson Pierce to accept the Report, and ask staff to look into the merits and probability of increasing the Agency's cap on its collection of tax increment revenues (Passed; 5-0 vote).

6. BOARD ITEMS – None.

7. ADJOURN – on call by Chairman Medrano the meeting adjourned at 9:03 p.m.

Respectfully submitted,

____
Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

____
Joseph A. Medrano, Chairman

CITY OF CLAYTON
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Agenda Date: 2-2-10

Agenda Item: 5b RDA

Approved

Gary A. Napper, Executive Director

REDEVELOPMENT AGENCY STAFF REPORT

TO: HONORABLE CHAIR AND BOARD MEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR DW

DATE: FEBRUARY 2, 2010

SUBJECT: DIAMOND TERRACE - TRANSFER OF GENERAL PARTNER INTERESTS (CDD 05-03)

RECOMMENDATION

Approve the attached resolution (see **Attachment 1**) which authorizes the Executive Director to execute the consent to transfer General Partner interests in the Diamond Terrace Limited Partnership from David Michael (0.0225%) and PAM incorporated (0.0450%) to Interstate Realty Management Company.

DISCUSSION

Diamond Terrace Investors, a California limited partnership, is the owner and operator of the Diamond Terrace senior care facility at 6401 Center Street. In October 2001, the Agency and Diamond Terrace Investors entered into a Loan Agreement for the Diamond Terrace facility. In addition, Diamond Terrace Investors executed a Promissory Note in favor of the Clayton Redevelopment Agency. Section 4.12(b) of the Loan Agreement states that Diamond Terrace Investors and successors-in-interest shall not transfer Diamond Terrace interests without prior written consent of the Clayton Redevelopment Agency.

In a letter dated January 26, 2010, the PAM Companies, on behalf of Diamond Terrace Investors, requested the Clayton Redevelopment Agency consent to transfer specified General Partner interests to Interstate Realty Management Company (see **Attachment 2**). As stated in the January 26th correspondence, as the new General Partner, Interstate Realty Management Company, will assume all duties and responsibilities pertaining to the property related to ownership and day-to-day management.

Company profile and financial information was provided to staff for Interstate Realty Management Company. This company provides a broad-range of property management services in over 250 communities involving 32,000 dwelling units throughout the Country, the District of Columbia, and the U.S. Virgin Islands (see **Attachment 3**).

FISCAL IMPACT

No impact.

Attachments

1 **Resolution RDA ___ - 2010, Approving the Transfer of Specified General Partner Interests from David Michael (0.0225%) and PAM incorporated (0.0450%) to Interstate Realty Management Company.**

2 **Letter from Dave Michael, President, PAM Companies, dated January 26, 2010.**

3 **Interstate Realty Management Company Profile**

CDD 2003 05-03-sr2-RDA

RDA RESOLUTION NO. - 2010

A RESOLUTION APPROVING THE AGENCY'S CONSENT TO TRANSFER THE GENERAL PARTNER INTEREST IN THE DIAMOND TERRACE LIMITED PARTNERSHIP OF DAVID MICHAEL AND PAM, INC. TO INTERSTATE REALTY MANAGEMENT COMPANY AS PART OWNER AND DAY-TO-DAY MANAGER OF PROPERTY KNOWN AS DIAMOND TERRACE – A RETIREMENT LIVING COMMUNITY (6401 CENTER STREET)

CLAYTON REDEVELOPMENT AGENCY
City of Clayton, California
(CDD 05-03)

WHEREAS, Diamond Terrace Investors, a California limited partnership, is the owner and operator of the retirement living facility known as Diamond Terrace, located at 6401 Center Street in Clayton; and

WHEREAS, the Clayton Redevelopment Agency and Diamond Terrace Investors entered into a loan agreement on October 1, 2001 regarding Diamond Terrace; and

WHEREAS, the Diamond Terrace Investors executed a promissory note in the amount of $4,036,00.00 in favor of the Clayton Redevelopment Agency on October 1, 2001 concerning the construction of Diamond Terrace; and

WHEREAS, Section 4.12(b) of the Loan Agreement states that Diamond Terrace Investors shall not transfer interests in Diamond Terrace without the prior written consent of the Redevelopment Agency; and

WHEREAS, on January 26, 2010, the PAM Companies, on behalf of Diamond Terrace Investors, requested in writing that the Clayton Redevelopment Agency consent to transfer General Partnership interests in the Diamond Terrace Limited Partnership from David Michael (0.225%) and PAM incorporated (0.0450%) to Interstate Realty Management Company; and

WHEREAS, the PAM Companies request of January 26, 2010 was accompanied by a company profile and financial information for Interstate Realty Management Company that indicates this company successfully provides a broad-range of property management services in over 250 communities involving 32,000 dwelling units throughout the United States, the District of Columbia, and the U.S. Virgin Islands.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CLAYTON REDEVELOPMENT AGENCY DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION 1. The Board of Directors does hereby find and affirm the above noted recitals are true and correct facts and information relative to the proceedings at hand.

SECTION 2. The Board of Directors herewith grants its consent to the transfer requested herein and does hereby authorize its Executive Director to execute the consent to transfer General Partner interests as well as all duties and responsibilities related to ownership and day-to-day management of the Diamond Terrace property from David Michael and PAM Incorporated to Interstate Realty Management Company.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Clayton Redevelopment Agency, California, at a regular public meeting thereof held on February 2, 2010, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CLAYTON REDEVELOPMENT AGENCY, CA

____

Joseph A. Medrano, Chairman

ATTEST:

____

Laci J. Jackson, Secretary

I certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the Clayton Redevelopment Agency at a regular public meeting held on February 2, 2010.

Laci J. Jackson, Secretary

CDD\2003\05-03-Resolution-3.Transfer.2.2.10

Attachment 2

PAM

THE PAM COMPANIES

Quality Managed Properties Since 1969

January 26, 2010

Mr. David Woltering, AICP
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, Ca 94517

SUBJECT: Diamond Terrance

Dear Mr. Woltering,

It has been a pleasure discussing with you the transfer of the General Partner Interest in Diamond Terrance Limited Partnership to Diamond Terrance-Michaels (PAM) LLC.

The General Partner Interest being transferred is that of David Michael as a 0.0225% and PAM Incorporate 0.0450% interest.

The new General Partner parent company is Interstate Reality Management and the Michael's organization. Interstate Reality Management and Michaels Development has been identified in the industry as number 1 in the top 50 of Affordable Housing Owners and number 2 in the top 50 Affordable Housing Developers in the nation. The parent organization, Michaels Development pursues acquisition and development of affordable housing and Interstate Reality Management manages housing throughout the United States. I am enclosing a brochure for your review.

The new General Partner will assume all duties and responsibilities related to the property in ownership and day to day management. This transaction will be pending approval the City of Clayton, Redevelopment Agency, the California State Tax Credit Agency and the Limited Partner syndicator as well as Lender. Once all those approvals are received we can consummate the transaction anticipated to be in approximately 3 months from now.

I am also enclosing a financial statement on the new General Partner. We feel that this transfer will benefit the City and the Property significantly given the quality of Interstate Reality services and nationwide recognition as well as operating the property going forward.

Please let me know if you have any questions or need additional information.

Sincerely,

Dave Michael
President
(209) 334-6565 ext. 2222
dmichael@pamcompanies.com

RECEIVED

JAN 27 2010

CLAYTON COMMUNITY DEVELOPMENT DEPT.

PROFESSIONAL APARTMENT MANAGEMENT

2020 West Kettleman Lane
P.O. Box 1570
Lodi, CA 95241

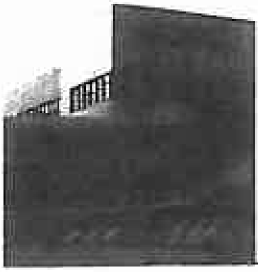
209-334-6565
Fax 209-334-3712

Website
www.PAMCompanies.com

PAM COMPANIES MISSION STATEMENT

We at THE PAM COMPANIES are dedicated to the innovative creation and ongoing professional management of high quality, safe living communities. As the industry leader, our steadfast commitment to *Integrity, Honesty* and *Family Values* results in outstanding customer service and profitability.

Attachment 3



INTERSTATE REALTY MANAGEMENT COMPANY A MERGING OF TALENTS…

We Are a Dedicated and Diverse Team of Professionals Creating Innovative [illegible]

Interstate Realty Management Company is an Accredited Management Organization (AMO); providing marketing, maintenance, social, administrative, accounting, financial, property and asset management services for over 250 communities across the country. The IRM portfolio consists of over 32,000 units serving a myriad of resident populations. With 16 district offices throughout the United States, more than 1,400 employees in 27 states, the District of Columbia and the U.S. Virgin Islands, IRM maintains a highly sophisticated and proprietary computerized accounting and financial management system in our corporate office which is accessible via private network to all of our district offices and property locations. IRM is nationally recognized as an innovator of creative management solutions and was awarded the first "Community of Quality" award given by the National Affordable Housing Management Association (NAHMA). We have received numerous other awards due to excellence in design, management and social responsibility. Seasoned professionals oversee the day-to-day operations of each community in our portfolio and are accountable for the financial, physical and social health of our communities. We invest in ongoing education, training and industry affiliations for all staff members. Many have received advanced degrees and professional designations including doctorates, master degrees, CPA, NAHP, CPM, COS. Our senior staff teaches on a national level and are often asked to participate on panels and committees that are at the forefront of property management issues. Long-term business relationships with regulatory partners allow IRM to help set the agenda for the long-term direction of our industry. Hand-in-hand with residents, neighborhood organizations and community leaders, we help create properties that look good and continue to remain that way. More importantly, we empower our residents through community actions which grants them to accomplish their own objectives, while improving themselves both personally and financially.

Providing Real Estate Management in 27 States, the District of Columbia and the U.S. Virgin Islands

Bottom left **Michael J. Levitt**, Founder & Chairman of the Board for Interstate Realty Management Company, Michaels Development Company & Michaels Affiliate Organizations; **John J.O'Donnell**, Chief Operating Officer of The Michaels Organization; **Mark L. Morgan**, President; **James V. Bleiler**, Executive Vice President; **Charles J. Dumin, Jr.**, Vice President; **Robert E. Sampson, Jr.**, Vice President

Top left: **Denise Tatum**, Vice President; **Charlie Ramos**, Vice President; **Marc Getson**, Vice President; **Gary L. Eckrote**, Vice President; **Olivette Bealon**, Vice President; **Sandra E. Cipollone**, Senior Vice President; **Donald L. Miller, Jr.**, Vice President; **Lona Black**, Vice President; **Anthony Polidora**, Vice President

INTERSTATE REALTY MANAGEMENT COMPANY
A MICHAELS ORGANIZATION
www.irmmgmt.com
856.596.0500
3 East Stow Road Marlton, NJ 08053

1-7.23.09

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(925) 673-7300 • Fax No. (925) 672-4917

FAX COVER SHEET

DATE: 1-29-10

TO:

FAX NO. PHONE NO.

FROM: City Clerk

FAX NO. PHONE NO.

NUMBER OF PAGES (INCLUDING COVER SHEET): 5

RE: 2-2-10 Agenda

TRANSMISSION VERIFICATION REPORT

TIME : 01/29/2010 16:08
NAME : CITY OF CLAYTON
FAX : 9256724917
TEL : 9256737300
SER.# : BROJ4J117998

DATE, TIME	01/29 16:07
FAX NO./NAME	PIONEER
DURATION	00:00:36
PAGE(S)	05
RESULT	OK
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TIME : 01/29/2010 16:09
NAME : CITY OF CLAYTON
FAX : 9256724917
TEL : 9256737300
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DATE,TIME	01/29 16:09
FAX NO./NAME	CONC TRANSCRIPT
DURATION	00:00:42
PAGE(S)	05
RESULT	OK
MODE	STANDARD ECM

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DATE: 1-29-10

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FROM: City Clerk

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NUMBER OF PAGES (INCLUDING COVER SHEET): 5

RE: 2-2-10 Agenda

TRANSMISSION VERIFICATION REPORT

TIME : 01/29/2010 16:11
NAME : CITY OF CLAYTON
FAX : 9256724917
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SER.# : BROJ4J117998

DATE,TIME	01/29 16:10
FAX NO./NAME	CC TIMES
DURATION	00:00:42
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CITY OF CLAYTON

Founded 1857.. Incorporated 1964

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FAX COVER SHEET

DATE: 1-29-10

TO:

FAX NO. PHONE NO.

FROM: City Clerk

FAX NO. PHONE NO.

NUMBER OF PAGES (INCLUDING COVER SHEET): 5

RE: 2-2-10 Agenda