CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

AGENDA

REGULAR MEETINGS

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CLAYTON CITY COUNCIL
and
CLAYTON REDEVELOPMENT AGENCY

TUESDAY, February 16, 2010

7:00 p.m.

Hoyer Hall, 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 16, 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 February 2, 2010. **(View Here)**

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

(c) Reject the liability claim of Mr. Manuel Bagnaschi for alleged losses incurred October 2, 2010. **(View Here)**

(d) Authorize Mayoral notification to the Contra Costa County Auditor that the City of Clayton intends, under protest, for its Redevelopment Agency to remit directly the State-imposed theft of local tax increment revenues (property taxes) in the amount of $1,966,954 for FY 2009-2010 to aid State Budget deficits. **(View Here)**

(e) Acceptance of City Investment Portfolio Report for the 2nd Quarter of FY 2009-10. **(View Here)**

5. **RECOGNITIONS AND PRESENTATIONS**- None.

6. **REPORTS**

(a) Planning Commission – Commissioner Dan Richardson.
(b) Trails and Landscaping Committee – Committee Member Lorraine Mole.
(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 HEARINGS – None.

9. ACTION ITEMS

(a) Presentation of the Mid-Year City Budget status report for Fiscal Year 2009-2010 with recommendation by the Council Budget Sub-Committee to amend the adopted Budget to incorporate new General Fund revenue of $45,000 in 2% election payment pursuant to the Clayton Redevelopment Plan. **(View Here)** (Finance Manager; Mayor Stratford and Councilmember Geller).

Staff recommendations: **1).** Receive the presentation of the Mid-Year Budget Report and consider the Council Sub-Committee's recommendation to book $45,000 in new revenue to the General Fund; **2).** Receive public comments; **3).** By motion approve the recommended amendment to the FY 2009-2010 City Budget as submitted.

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

11. ADJOURNMENT– the next regularly scheduled meeting of Tuesday, March 2, 2010.

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* CLAYTON REDEVELOPMENT AGENCY *

February 16, 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 February 2, 2010. **(View Here)**

4. PUBLIC HEARINGS - None

5. ACTION ITEMS

(a) Consider adoption of a Resolution acknowledging an unpaid "2% election" payment of $501,898.64 due the City of Clayton since inception of the Agency and establishing a 4-year plan for repayment of the debit obligation. **(View Here)** (Executive Director)

Staff recommendation: Adopt the Resolution.

(b) Consider adoption of a Resolution authorizing the Clayton Redevelopment Agency to be the Project Applicant of a mixed use commercial project proposal for new development of public lands located at 1005 & 1007 Oak Street in the Clayton Town Center, and appropriation of $67,000 from the Agency's transfer of funds in CIP No. 10400 – Downtown Economic Development Fund for completion of the land use entitlement process. **(View Here)**
(Executive Director)

Staff recommendation: Adopt the Resolution.

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: 2/16/10

Agenda Item: 4(a)

TUESDAY, February 2, 2010

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

2. **CLOSED SESSION** – None.

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

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

(a) Approved the minutes of the regular meeting of January 19, 2010 and special meeting of January 25, 2010.

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

(c) Adopted Resolution 04-2010 establishing and approving an Anti-Fraternization Policy for the City of Clayton's employment organization.

(d) Accepted 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).

(e) Adopted Resolution 05-2010 supporting the passage of a November 2010 ballot measure, "*The Local Taxpayer, Public Safety and Transportation Protection Act of 2010*".

(f) Approved 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.

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Mayor Stratford presented a Certificate of Recognition to Brett Nebeker (BSA Troop 492) for his Eagle Scout Project (small dog fenced area) within the Clayton Dog Park. Brett thanked the Clayton K-9 Foundation for their monetary contributions to the project.

6. REPORTS

(a) Planning Commission – Vice Chair Sandy Johnson reported on the January 26th meeting of the Planning Commission. The Commission approved a time extension for building enhancements in the Clayton Station Shopping Center. She stated the applicant is required to remove litter, debris and graffiti from the property and have an ongoing maintenance plan in place before March 1st as a condition of approval.

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

(c) The City Manager reported the Council at its Goal Setting Session discussed extension of a contract with Economic Development Systems for Retail Recruitment in the Town Center, and due to the national economic downturn making this objective more difficult at this time. He reported the Oak Street project (Creekside Commons) is back on schedule.

The City Manager then outlined in detail the blatant inaccuracies of the recent *Contra Costa Times* article "Places like Clayton still denying access to records." He stated the City had in fact provided all of the salary data information that existed in its possession to the investigative reporter Thomas Peele but since it was not in the format he desired continued to claim the Public Records Act had not been fulfilled.

The Mayor stated that it was very frustrating dealing with Mr. Peele since he did not want the City to explain its position but only create the document he wanted.

Councilmember Pierce thanked staff for sticking to the correct principle. She stated the City does not want to have to create documents for every person who comes in demanding it. She stated she has not spoken with a single person who thought the City was wrong. She stated she knows of two letters to the editor being sent to the *Contra Costa Times* in support of the City's position on this matter.

Councilmember Medrano stated the public has to realize that while this is a simple report, citizens should not want tax dollars being spent to create documents because if it is done for one then a precedent is set and the City would have to create documents for everyone who asked.

(d) City Council

Councilmember Medrano attended the East Bay Division meeting of the League of California Cities.

Councilmember Pierce attended the Caldecott Tunnel groundbreaking, a Transportation Authority meeting, and an ABAG Executive Committee meeting.

Mayor Stratford attended the Library Foundation meeting and stated they are looking for funds and members of the public can become a member or buy a brick to support the Foundation. He also attended the New Mayors' orientation by the Contra Costa Mayors' Conference and a CERT Corps Council meeting. He stated a new CERT class will begin on April 7th.

Other – None.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Sawyer Crane and Peter Lloyd (and 16 other teenagers/young adults) described the continued interest in a bike park. Peter stated that there should be a way to use stimulus money to help fund the project to create more jobs for workers. Sawyer stated that the bike park would help with physical fitness and fight obesity. He stated that for youth ages 12 years and older there is nothing to do in the City parks. He stated the downtown park does not allow bikes. He stated that the group had started a website and are looking at ways to raise money. They presented the Council with information on signage to reduce City liability and also presented the City with a map of possible land sites for the dirt bike park.

The Council discussed the steps for a project like this which includes raising funds and finding an appropriate location for the park.

Councilmember Geller asked that the bikers form a coalition with parental support and start looking at the steps it takes to make a project like this happen.

Mayor Stratford stated it is a challenge to think about this project and it would be great to have something. He stated he would need a better understanding of the cost.

Sawyer Crane presented the Mayor with some information regarding cost. He stated locally the only bike parks are San Jose, San Ramon, Pleasanton, Aptos, Livermore, Fresno, and soon Lafayette ($105,000).

Councilmember Medrano stated that a project like this could take between 18-24 months if the money is raised by donations.

Mayor Stratford stated that there are other groups with competing recreational interests (skateboard parks, bocce ball facilities, tennis courts) who have had trouble raising the money to move their projects forward.

Kelly Crane, Clayton resident and parent asked that the Council taken the young men seriously and work with them. He stated the key issue is land use and that a dirt park like this would not require a lot of maintenance.

8. PUBLIC HEARINGS – 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].

The City Engineer presented the report and stated that at a previous meeting Council asked staff to contact firms and ask them why they did not bid on the project, and if they were interested in bidding on the project if it were opened again. He stated two contractors decided they were not interested, one did not have any interest, and one did not have the correct pesticide licensing. He stated that when staff initially put out the

RFQ it may have been too restrictive, but that after speaking with a manager from San Joaquin County he stated it was likely the City may only receive one or two more bids on the project. State licensing is required for the herbicide field application.

Councilmember Shuey asked what types of companies provide these types of services in the rest of the County. The City Engineer responded that this is very unique work and he was not aware of other cities that have this type of contract for noxious weed abatement.

The Assistant to the City Manager noted that this work is required due to a specific mitigation measure when the Oakhurst Development was approved.

The Council asked staff to research the interest of smaller companies and look at targeting contractors with the state licensing required for this work.

It was moved by Councilmember Medrano, seconded by Vice Mayor Shuey to reject the one quote received and instruct staff to re-do the work specifications and then re-circulate the work scope to obtain further contract quotes to perform the Landscape District's annual noxious weed abatement services (Passed; 5-0 vote).

10. COUNCIL ITEMS- None.

11. ADJOURNMENT– On call by Mayor Stratford the meeting adjourned at 8:17 p.m.

Respectfully submitted,

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Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

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Hank Stratford, Mayor

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 02/16/10

Agenda Item: 4 (b)

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: FEBRUARY 16, 2010

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION	Approve the following obligations.	
RUN DATE	OBLIGATION NUMBERS	TOTALS
01/28/10	16797 – 16851	$237,480.45

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

Attachments:
Invoice Distribution Report 02/11/10 (17 pages)

Account	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-2206-00.0.0-000 - PERS Liability						
	16819	Retirement PPE 2/7/10	201	CalPERS		
			7	PD Survivor Benefit 2/7/10	Inv	10.23
		Invoice number.: PPE 2/7/10				
A101-2206-00.0.0-000 - PERS Liability				*** Account total ***		10.23
A101-7220-01.0.0-000 - PERS Retirement						
	16819	Retirement PPE 2/7/10	201	CalPERS		
			1	Legislative 2/7/10	Inv	413.99
		Invoice number.: PPE 2/7/10				
A101-7220-01.0.0-000 - PERS Retirement				*** Account total ***		413.99
A101-7220-02.0.0-000 - PERS Retirement						
	16819	Retirement PPE 2/7/10	201	CalPERS		
			2	Admin 2/7/10	Inv	3,968.69
		Invoice number.: PPE 2/7/10				
A101-7220-02.0.0-000 - PERS Retirement				*** Account total ***		3,968.69
A101-7220-03.0.0-000 - PERS Retirement						
	16819	Retirement PPE 2/7/10	201	CalPERS		
			3	PW 2/7/10	Inv	2,316.72
		Invoice number.: PPE 2/7/10				
A101-7220-03.0.0-000 - PERS Retirement				*** Account total ***		2,316.72
A101-7220-04.0.0-000 - PERS Retirement						
	16819	Retirement PPE 2/7/10	201	CalPERS		
			4	Planning 2/7/10	Inv	1,176.88
		Invoice number.: PPE 2/7/10				
A101-7220-04.0.0-000 - PERS Retirement				*** Account total ***		1,176.88
A101-7220-06.0.0-000 - PERS Retirement						
	16819	Retirement PPE 2/7/10	201	CalPERS		
			5	Police 2/7/10	Inv	12,283.29
		Invoice number.: PPE 2/7/10				
A101-7220-06.0.0-000 - PERS Retirement				*** Account total ***		12,283.29
A101-7311-03.0.0-000 - General Supplies						
	16841	PW General Supplies 1/10	1387	Dyna Systems		
			1	PW General Supplies 1/10	Inv	51.84
		Invoice number.: 20331204				
	16849	PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
			2	PW Gen Sup 1/10	Inv	203.99
		Invoice number.: PW 1/10				
A101-7311-03.0.0-000 - General Supplies				*** Account total ***		255.83

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7311-06.0.0-000 - General Supplies					
	16850 PD Misc Charges 1/10	2349	US Bank Corp Pymt System		
	Invoice number.: PD 1/10	3	PD General Supplies 1/10	Inv	455.00
A101-7311-06.0.0-000 - General Supplies			*** Account total ***		455.00
A101-7312-05.0.0-000 - Office Supplies/Expense					
	16848 Adm: Misc Charges 1/10	2349	US Bank Corp Pymt System		
	Invoice number.: Adm 1/10	1	Adm Off Sup 1/10	Inv	77.34
A101-7312-05.0.0-000 - Office Supplies/Expense			*** Account total ***		77.34
A101-7312-06.0.0-000 - Office Supplies/Expense					
	16850 PD Misc Charges 1/10	2349	US Bank Corp Pymt System		
	Invoice number.: PD 1/10	2	PD Office Supplies 1/10	Inv	230.35
A101-7312-06.0.0-000 - Office Supplies/Expense			*** Account total ***		230.35
A101-7312-07.0.0-000 - Office Supplies/Expense					
	16800 Additional Hrs of Svc 1&2 Qtr	898	CCC Library		
	Invoice number.: 1/27/10	2	Office Expense 1&2 Qtr 09-10	Inv	1,633.00
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
	Invoice number.: 2/10	1	Library Keys 2/10	Inv	3.27
A101-7312-07.0.0-000 - Office Supplies/Expense			*** Account total ***		1,636.27
A101-7314-05.0.0-000 - Postage					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
	Invoice number.: 2/10	2	Adm Postage 2/10	Inv	-.88
A101-7314-05.0.0-000 - Postage			*** Account total ***		-.88
A101-7314-06.0.0-000 - Postage					
	16850 PD Misc Charges 1/10	2349	US Bank Corp Pymt System		
	Invoice number.: PD 1/10	4	PD Postage 1/10	Inv	149.58
A101-7314-06.0.0-000 - Postage			*** Account total ***		149.58
A101-7324-06.0.0-000 - Dues and Subscriptions					
	16850 PD Misc Charges 1/10	2349	US Bank Corp Pymt System		
	Invoice number.: PD 1/10	5	PD Membership dues 1/10	Inv	120.00
A101-7324-06.0.0-000 - Dues and Subscriptions			*** Account total ***		120.00

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7331-05.0.0-000 - Rentals/Leases					
	16798 Adm Copier Lease 2/10	2370	Konica Minolta Bus Solutions		
		1	Adm Copier Lease 2/10	Inv	628.98
	Invoice number.: 011347426				
	16799 Admin Copier Copies 1/10	2371	Konica Minolta Bus Sol-Copies		
		1	Adm Copier Copies 1/10	Inv	207.70
	Invoice number.: 213801090				
	16805 Adm Postage Mach Lease 3/10	896	Neopost Leasing		
		1	Adm-Postage Mach Rental 3/10	Inv	221.79
	Invoice number.: N1351259				
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		6	Adm Reimb for copies 2/10	Inv	-14.00
	Invoice number.: 2/10				
A101-7331-05.0.0-000 - Rentals/Leases			*** Account total ***		1,044.47
A101-7332-02.0.0-000 - Telecommunications					
	16801 CH Outside Phone Booth 2/10	2205	Pacific Telemanagement Svc		
		1	CH Outside Phone Booth 2/10	Inv	53.00
	Invoice number.: 170823				
	16817 Long Distance 1/10	1779	Access One		
		1	City Hall Svc 1/10	Inv	3.92
	Invoice number.: 1001772				
	16835 PW & Adm Cell Phones 1/10	2110	Sprint Comm (PW & ADM)		
		2	Adm Cell Phones 1/10	Inv	103.43
	Invoice number.: 1/10				
	16846 Local Phone Svc 1/10A	1243	AT&T/ CalNet 2		
		2	CH Local Phone 1/10A	Inv	168.70
	Invoice number.: 1/10A				
A101-7332-02.0.0-000 - Telecommunications			*** Account total ***		329.05
A101-7332-03.0.0-000 - Telephone					
	16817 Long Distance 1/10	1779	Access One		
		2	PW Svc 1/10	Inv	6.72
	Invoice number.: 1001772				
	16835 PW & Adm Cell Phones 1/10	2110	Sprint Comm (PW & ADM)		
		1	PW Cell Phones 1/10	Inv	190.00
	Invoice number.: 1/10				
	16846 Local Phone Svc 1/10A	1243	AT&T/ CalNet 2		
		1	PW-Local Phone 1/10A	Inv	32.47
	Invoice number.: 1/10A				
A101-7332-03.0.0-000 - Telephone			*** Account total ***		229.19

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7332-04.0.0-000 - Telephone					
	16817 Long Distance 1/10	1779	Access One		
		3	Planning Svc 1/10	Inv	9.29
	Invoice number.: 1001772				
	16846 Local Phone Svc 1/10A	1243	AT&T/ CalNet 2		
		3	Plng Local Phone 1/10A	Inv	41.74
	Invoice number.: 1/10A				
A101-7332-04.0.0-000 - Telephone			*** Account total ***		51.03
A101-7332-06.0.0-000 - Telephone					
	16804 PD Command Trl Sat Phn 1/10	2460	Globalstar LLC		
		1	PD Command Trl Sat Phn 1/10	Inv	26.98
	Invoice number.: 1/10				
	16806 PD Cell Phones 1/10	1223	Sprint Comm (PD)		
		1	PD Cell Phones 1/10	Inv	302.49
	Invoice number.: 1/10				
	16817 Long Distance 1/10	1779	Access One		
		5	Police Dept Svc 1/10	Inv	20.44
	Invoice number.: 1001772				
	16822 Local Phone Svc 12/09B	1243	AT&T/ CalNet 2		
		7	PD Local Phone 12/09B	Inv	179.47
	Invoice number.: 12/09B				
	16846 Local Phone Svc 1/10A	1243	AT&T/ CalNet 2		
		7	PD Local Phone 1/10A	Inv	452.59
	Invoice number.: 1/10A				
A101-7332-06.0.0-000 - Telephone			*** Account total ***		981.97
A101-7332-07.0.0-000 - Telephone					
	16817 Long Distance 1/10	1779	Access One		
		4	Library Svc 1/10	Inv	2.93
	Invoice number.: 1001772				
A101-7332-07.0.0-000 - Telephone			*** Account total ***		2.93
A101-7332-08.0.0-000 - Telephone					
	16846 Local Phone Svc 1/10A	1243	AT&T/ CalNet 2		
		5	Eng Local Phone 1/10A	Inv	83.50
	Invoice number.: 1/10A				
A101-7332-08.0.0-000 - Telephone			*** Account total ***		83.50
A101-7335-03.0.0-000 - Gas & Electricity					
	16823 Service 1/10 (Small Master)	113	PG&E		
		1	City Hall Svc 1/10	Inv	1,698.97
	Invoice number.: Sml Mst 1/10				

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7335-03.0.0-000 - Gas & Electricity		*** Continued ***		
16824 Service 1/10 (Individual Inv)	113	PG&E		
	1	PW Bldg Svc 1/10	Inv	179.71
Invoice number.: Indv 1/10				
	5	Oak St Svc 1/10	Inv	35.99
Invoice number.: Indv 1/10				
A101-7335-03.0.0-000 - Gas & Electricity		*** Account total ***		1,914.67
A101-7338-03.0.0-000 - Water Services				
16847 City Water Usage 12/09-1/10	67	Contra Costa Water Dist.		
	10	No Valley Park 12/09-1/10	Inv	146.01
Invoice number.: H Sr 12/09-1/10				
A101-7338-03.0.0-000 - Water Services		*** Account total ***		146.01
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance				
16845 Sprinkler Insp: CH, Lib, EH 1/	509	CR Fireline Inc		
	3	CH Sprk Insp Qtr & SA 1/10	Inv	310.00
Invoice number.: 78158-160				
16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
	3	PW Lighting supplies 1/10	Inv	87.31
Invoice number.: PW 1/10				
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance		*** Account total ***		397.31
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance				
16839 Libr Signs for Roses 1/10	17	Bay Area Barricade Serv.		
	1	Libr Signs for Roses 1/10	Inv	79.21
Invoice number.: 0256424				
16845 Sprinkler Insp: CH, Lib, EH 1/	509	CR Fireline Inc		
	1	Libr Sprk Insp Otr & SA 1/10	Inv	310.00
Invoice number.: 78158-160				
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance		*** Account total ***		389.21
A101-7342-03.0.0-000 - Machinery/Equipment Maintenanc				
16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
	4	PW Computer Rpr 1/10	Inv	50.00
Invoice number.: PW 1/10				
A101-7342-03.0.0-000 - Machinery/Equipment Maintenanc		*** Account total ***		50.00
A101-7343-03.0.0-000 - Vehicle Maintenance				
16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
	6	PW Veh Mtn 1/10	Inv	903.49
Invoice number.: PW 1/10				
A101-7343-03.0.0-000 - Vehicle Maintenance		*** Account total ***		903.49

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7343-06.0.0-000 - Vehicle Maintenance					
	16850 PD Misc Charges 1/10	2349	US Bank Corp Pymt System		
		6	PD Tow & bulbs 1/10	Inv	117.05
	Invoice number.: PD 1/10				
A101-7343-06.0.0-000 - Vehicle Maintenance			*** Account total ***		117.05
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies					
	16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
		1	PW Gas 1/10	Inv	861.67
	Invoice number.: PW 1/10				
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies			*** Account total ***		861.67
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies					
	16850 PD Misc Charges 1/10	2349	US Bank Corp Pymt System		
		1	PD Gas 1/10	Inv	2,559.95
	Invoice number.: PD 1/10				
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies			*** Account total ***		2,559.95
A101-7346-03.0.0-000 - HVAC Mtn & Repairs					
	16842 CH HVAC Repair 1/10	1265	ACCO Engineered Systems		
		1	CH HVAC Repair 1/10	Inv	395.00
	Invoice number.: 1384784				
A101-7346-03.0.0-000 - HVAC Mtn & Repairs			*** Account total ***		395.00
A101-7364-02.0.0-000 - Employee Recognition					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		5	Empl Recog Lunch Reimb 2/10	Inv	6.95
	Invoice number.: 2/10				
A101-7364-02.0.0-000 - Employee Recognition			*** Account total ***		6.95
A101-7372-01.0.0-000 - Conferences					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		4	Mayors Conf 7/09,1/10,2/10	Inv	250.00
	Invoice number.: 2/10				
A101-7372-01.0.0-000 - Conferences			*** Account total ***		250.00
A101-7373-03.0.0-000 - Education & Training					
	16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
		5	PW PAPA Seminar & Dues 1/10	Inv	290.00
	Invoice number.: PW 1/10				
A101-7373-03.0.0-000 - Education & Training			*** Account total ***		290.00

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7411-08.0.0-000 - Professional Services Retainer					
16818	Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
		1	Eng Svc 1/23/10-2/5/10	Inv	3,984.25
Invoice number.: 9078-9086					
A101-7411-08.0.0-000 - Professional Services Retainer			*** Account total ***		3,984.25
A101-7417-03.0.0-000 - Janitorial Service					
16832	Janitorial Services for 1/10	468	J & R Floor Services		
		3	City Hall 1/10	Inv	449.75
Invoice number.: Jan2010					
16834	Janitorial Supplies 1/10	84	Hammons Supply Company		
		3	CH Janitorial Supp 1/10	Inv	175.21
Invoice number.: 58517					
A101-7417-03.0.0-000 - Janitorial Service			*** Account total ***		624.96
A101-7417-06.0.0-000 - Janitorial Service					
16832	Janitorial Services for 1/10	468	J & R Floor Services		
		5	PD 1/10	Inv	225.00
Invoice number.: Jan2010					
A101-7417-06.0.0-000 - Janitorial Service			*** Account total ***		225.00
A101-7417-07.0.0-000 - Janitorial Service					
16832	Janitorial Services for 1/10	468	J & R Floor Services		
		2	Library 1/10	Inv	2,175.00
Invoice number.: Jan2010					
16834	Janitorial Supplies 1/10	84	Hammons Supply Company		
		1	Library Janitorial Supp 1/10	Inv	333.94
Invoice number.: 58517					
A101-7417-07.0.0-000 - Janitorial Service			*** Account total ***		2,508.94
A101-7417-09.0.0-000 - Janitorial Service					
16832	Janitorial Services for 1/10	468	J & R Floor Services		
		1	Comm Pk Svc 1/10	Inv	1,000.00
Invoice number.: Jan2010					
A101-7417-09.0.0-000 - Janitorial Service			*** Account total ***		1,000.00
A101-7419-01.0.0-000 - Other Professional Services					
16809	Video City Council Mtg 2/2/10	1467	LarryLogic Productions		
		1	Video CC Mtg 2/2/10	Inv	270.00
Invoice number.: 1024					
A101-7419-01.0.0-000 - Other Professional Services			*** Account total ***		270.00

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7419-03.0.0-000 - Other Professional Services					
	16837 Gopher & Mole Control 1/10	1969	PMT Pest Control Service		
		3	Gopher & Mole Control 1/10	Inv	525.00
	Invoice number.: 353				
A101-7419-03.0.0-000 - Other Professional Services			*** Account total ***		525.00
A101-7419-05.0.0-000 - Other Professional Services					
	16844 FSA Acct Admin 1/10	2500	Employee Benefit Specialists,		
		1	FSA Acct Admin 1/10	Inv	100.00
	Invoice number.: 48675-IN				
A101-7419-05.0.0-000 - Other Professional Services			*** Account total ***		100.00
A101-7419-06.0.0-000 - Other Professional Services					
	16803 PD-Crossing Guard WE 1/16/10	1538	All City Management Services,		
		1	PD-Crossing Guard WE 1/16/10	Inv	465.00
	Invoice number.: 18604				
	16814 PD PreEmpl Poly Exam 1/10	2585	TTI Polygraph		
		1	PD PreEmp Poly Exam 1/10	Inv	300.00
	Invoice number.: 10-001				
A101-7419-06.0.0-000 - Other Professional Services			*** Account total ***		765.00
A101-7419-09.0.0-000 - Other Professional Services					
	16837 Gopher & Mole Control 1/10	1969	PMT Pest Control Service		
		2	Gopher & Mole Control 1/10	Inv	1,000.00
	Invoice number.: 353				
A101-7419-09.0.0-000 - Other Professional Services			*** Account total ***		1,000.00
A101-7423-07.0.0-000 - Library Aide					
	16800 Additional Hrs of Svc 1&2 Qtr	898	CCC Library		
		1	Student Asst 1&2 Qtr 09-10	Inv	1,817.60
	Invoice number.: 1/27/10				
A101-7423-07.0.0-000 - Library Aide			*** Account total ***		1,817.60
A201-7311-00.0.0-000 - General Supplies					
	16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
		7	PW Streetlight grant 1/10	Inv	26.75
	Invoice number.: PW 1/10				
A201-7311-00.0.0-000 - General Supplies			*** Account total ***		26.75
A201-7327-00.0.0-000 - Street Maintenance Supplies					
	16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
		8	PW Street Supplies 1/10	Inv	131.10
	Invoice number.: PW 1/10				
A201-7327-00.0.0-000 - Street Maintenance Supplies			*** Account total ***		131.10

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A201-7335-00.0.0-000 - Gas & Electricity				
16823 Service 1/10 (Small Master)	113	PG&E		
	5	Traffic Sgn & St Lt 1/10	Inv	248.89
Invoice number.: Sml Mst 1/10				
A201-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		248.89
A201-7345-00.0.0-000 - Traffic Signal Maintenance				
16821 Traffic Signal Maintenance 12/	234	CCC General Services		
	1	Traffic Signal Mtn 12/09	Inv	2,483.79
Invoice number.: 3716				
A201-7345-00.0.0-000 - Traffic Signal Maintenance		*** Account total ***		2,483.79
A201-7412-00.0.0-000 - Engineering/Inspection Service				
16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
	4	Gas Tax Insp #9079	Inv	91.50
Invoice number.: 9078-9086				
A201-7412-00.0.0-000 - Engineering/Inspection Service		*** Account total ***		91.50
A201-7520-00.0.0-118 - 2010 Arterial Overlay -PreARRA				
16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
	3	Eng Svc #9083	Inv	4,772.24
Invoice number.: 9078-9086				
A201-7520-00.0.0-118 - 2010 Arterial Overlay -PreARRA		*** Account total ***		4,772.24
A210-7311-00.0.0-000 - General Supplies				
16840 PW Sign 1/10	17	Bay Area Barricade Serv.		
	1	PW Sign 1/10	Inv	437.00
Invoice number.: 0256162				
16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
	9	CC Transfer Station Dump 1/10	Inv	22.05
Invoice number.: PW 1/10				
A210-7311-00.0.0-000 - General Supplies		*** Account total ***		459.05
A210-7335-00.0.0-000 - Gas & Electricity				
16823 Service 1/10 (Small Master)	113	PG&E		
	2	Clock Service 1/10	Inv	78.05
Invoice number.: Sml Mst 1/10				
	3	Outdoor Lt Service 1/10	Inv	123.12
Invoice number.: Sml Mst 1/10				
	4	Irrigation Service 1/10	Inv	263.59
Invoice number.: Sml Mst 1/10				

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A210-7335-00.0.0-000 - Gas & Electricity		*** Continued ***		
16824 Service 1/10 (Individual Inv)	113	PG&E		
	4	Irrigation Svc 1/10	Inv	205.07
Invoice number.: Indv 1/10				
A210-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		669.83
A210-7338-00.0.0-000 - Water Services				
16847 City Water Usage 12/09-1/10	67	Contra Costa Water Dist.		
	9	No Vally Park 12/09-1/10	Inv	36.50
Invoice number.: H Sr 12/09-1/10				
	11	City Irrigation 12/09-1/10	Inv	3,514.26
Invoice number.: H Sr 12/09-1/10				
A210-7338-00.0.0-000 - Water Services		*** Account total ***		3,550.76
A210-7342-00.0.0-000 - Machinery/Equip Maintenance				
16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
	10	PW Tail lights 1/10	Inv	41.47
Invoice number.: PW 1/10				
A210-7342-00.0.0-000 - Machinery/Equip Maintenance		*** Account total ***		41.47
A210-7343-00.0.0-000 - Vehicle Maintenance				
16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
	11	PW Vehicle Mtn 1/10	Inv	1,443.89
Invoice number.: PW 1/10				
A210-7343-00.0.0-000 - Vehicle Maintenance		*** Account total ***		1,443.89
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies				
16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
	12	PW Landscape Fuel 1/10	Inv	622.01
Invoice number.: PW 1/10				
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies		*** Account total ***		622.01
A210-7419-00.0.0-000 - Other Professional Services				
16836 OH Waterfall Mtn 2/10	2266	Rock N Waterfall Co		
	1	OH Waterfall Mtn 2/10	Inv	650.00
Invoice number.: 111				
16837 Gopher & Mole Control 1/10	1969	PMT Pest Control Service		
	1	Gopher & Mole Control 1/10	Inv	2,500.00
Invoice number.: 353				
16838 Squirrel Control 1/10	1969	PMT Pest Control Service		
	1	Squirrel Control 1/10	Inv	3,676.00
Invoice number.: 352				
A210-7419-00.0.0-000 - Other Professional Services		*** Account total ***		6,826.00

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A211-7310-00.0.0-000 - Supplies and Equipment				
16833 Janitorial Supplies 1/10	84	Hammons Supply Company		
	5	Grove Pk Janitorial Supp 1/10	Inv	199.95
Invoice number.: 58516				
A211-7310-00.0.0-000 - Supplies and Equipment		*** Account total ***		199.95
A211-7311-00.0.0-000 - General Supplies				
16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
	7	Keys for Recycle Totes 2/10	Inv	10.65
Invoice number.: 2/10				
A211-7311-00.0.0-000 - General Supplies		*** Account total ***		10.65
A211-7335-00.0.0-000 - Gas & Electricity				
16824 Service 1/10 (Individual Inv)	113	PG&E		
	3	Grove Park Svc 1/10	Inv	128.56
Invoice number.: Indv 1/10				
A211-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		128.56
A211-7417-00.0.0-000 - Janitorial Services				
16832 Janitorial Services for 1/10	468	J & R Floor Services		
	6	Grove Park Janitorial 1/10	Inv	1,000.00
Invoice number.: Jan2010				
A211-7417-00.0.0-000 - Janitorial Services		*** Account total ***		1,000.00
A212-7413-00.0.0-000 - Legal Services				
16808 GHAD Legal Fees 1/10	159	Turner, Huguet & Adams		
	2	GHAD Legal Fees 1/10	Inv	1,426.50
Invoice number.: 1689				
A212-7413-00.0.0-000 - Legal Services		*** Account total ***		1,426.50
A214-7311-00.0.0-000 - General Supplies				
16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
	13	PW St Lt Parts 1/10	Inv	32.74
Invoice number.: PW 1/10				
A214-7311-00.0.0-000 - General Supplies		*** Account total ***		32.74
A216-7409-00.0.0-000 - Street Sweeping				
16831 Street Sweeping 1/10	1459	Clean Street		
	1	Street Sweeping 1/10	Inv	3,500.00
Invoice number.: 59338				
A216-7409-00.0.0-000 - Street Sweeping		*** Account total ***		3,500.00

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A230-7220-00.0.0-813 - PERS Retirement-COPS					
	16819 Retirement PPE 2/7/10	201	CalPERS		
		6	PD Grant 2/7/10	Inv	919.84
	Invoice number.: PPE 2/7/10				
A230-7220-00.0.0-813 - PERS Retirement-COPS			*** Account total ***		919.84
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant					
	16802 PD Router Maintenance 1/10	42	City of Concord		
		1	PD Router Maint 1/10	Inv	112.00
	Invoice number.: 18852				
	16846 Local Phone Svc 1/10A	1243	AT&T/ CalNet 2		
		8	PD Secure Ln 1/10A	Inv	496.78
	Invoice number.: 1/10A				
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant			*** Account total ***		608.78
A230-7520-00.0.0-825 - LED St Light Replacement EECBG					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		8	Record Not of Ex 2/10	Inv	50.00
	Invoice number.: 2/10				
A230-7520-00.0.0-825 - LED St Light Replacement EECBG			*** Account total ***		50.00
A301-7361-00.0.0-000 - Advertising					
	16797 EH Yellow Pg Ads 1/10	2014	AT&T Yellow Pages		
		1	EH Yellow Page Ads 1/10	Inv	280.50
	Invoice number.: 1/10				
A301-7361-00.0.0-000 - Advertising			*** Account total ***		280.50
A301-7389-00.0.0-000 - Misc Expense					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		9	Mail RDA Report 2/10	Inv	10.05
	Invoice number.: 2/10				
A301-7389-00.0.0-000 - Misc Expense			*** Account total ***		10.05
A301-7413-00.0.0-000 - Legal Services					
	16807 RDA Legal Services 1/10	159	Turner, Huguet & Adams		
		1	RDA Legal Services 1/10	Inv	55.50
	Invoice number.: 1688				
A301-7413-00.0.0-000 - Legal Services			*** Account total ***		55.50
A301-7520-00.0.0-003 - Concerts in the Grove Park					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		10	Reimb for Duct Tape 2/10	Inv	10.90
	Invoice number.: 2/10				
A301-7520-00.0.0-003 - Concerts in the Grove Park			*** Account total ***		10.90

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A302-7419-00.0.0-000 - Other Professional Services					
16825	Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		11	RDA MI Log 2/10	Inv	20.50
Invoice number.: 2/10					
A302-7419-00.0.0-000 - Other Professional Services			*** Account total ***		20.50
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir					
16812	LMI Stranahan Ad 12/20/09	1648	Bay Area News Group East Bay		
		1	LMI Stranahan Ad 12/20/09	Inv	456.40
Invoice number.: 3345906					
16813	LMI Stranahan Svc 1/10	755	Allied Waste Services		
		1	LMI Stranahan Svc 1/10	Inv	44.75
Invoice number.: 1562780					
16818	Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
		2	Eng Svc #9085	Inv	305.00
Invoice number.: 9078-9086					
16824	Service 1/10 (Individual Inv)	113	PG&E		
		6	272 Stranahan Svc 1/10	Inv	9.78
Invoice number.: Indv 1/10					
16847	City Water Usage 12/09-1/10	67	Contra Costa Water Dist.		
		13	LMI House Svc 12/09-1/10	Inv	24.67
Invoice number.: H Sr 12/09-1/10					
16848	Adm: Misc Charges 1/10	2349	US Bank Corp Pymt System		
		2	LMI Clean House 1/10	Inv	350.00
Invoice number.: Adm 1/10					
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir			*** Account total ***		1,190.60
A303-7520-00.0.0-104 - Downtown Economic Dev Project					
16818	Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
		5	Eng Svc #9082	Inv	917.00
Invoice number.: 9078-9086					
A303-7520-00.0.0-104 - Downtown Economic Dev Project			*** Account total ***		917.00
A420-7612-00.0.0-000 - Interest Payment					
16816	CFD 90-1 Debt Svc 3/10	16	US Bank Ops Ctr ATTN: TFM		
		1	CFD 90-1 Debt Svc 3/10	Inv	145,049.44
Invoice number.: 95442900 3/10					
A420-7612-00.0.0-000 - Interest Payment			*** Account total ***		145,049.44
A501-7413-00.0.0-000 - Legal Services					
16811	GHAD Legal Svc 12/09	2469	Michel & Fackler APC		
		1	GHAD Legal Svc 12/09	Inv	779.59
Invoice number.: 10640					

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A501-7413-00.0.0-000 - Legal Services			*** Continued ***		
	16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
		6	Eng Svc #9086	Inv	1,018.88
	Invoice number.: 9078-9086				
A501-7413-00.0.0-000 - Legal Services			*** Account total ***		1,798.47
A601-2739-00.0.0-000 - Clayton Community Library Foun					
	16820 Library Volunteer 2/10	1160	Arlene H. Kikkawa-Nielsen		
		1	Library Volunteer 2/10	Inv	820.00
	Invoice number.: 2/10				
A601-2739-00.0.0-000 - Clayton Community Library Foun			*** Account total ***		820.00
A601-2740-00.0.0-083 - Cost Recov Dep-HurdR/SilverOak					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		12	Mailing for HUD 2/10	Inv	4.95
	Invoice number.: 2/10				
A601-2740-00.0.0-083 - Cost Recov Dep-HurdR/SilverOak			*** Account total ***		4.95
A601-2741-00.0.0-566 - Creekside Commons Consult					
	16829 Creekside Commons Env 1/10	2541	VIZf/x		
		1	Creekside Commons Env 1/10	Inv	3,135.00
	Invoice number.: 2100116-01				
A601-2741-00.0.0-566 - Creekside Commons Consult			*** Account total ***		3,135.00
A601-2743-00.0.0-085 - St Bonaventure-Traffic Sig Mtn					
	16821 Traffic Signal Maintenance 12/	234	CCC General Services		
		2	St Bona-Trfc Sig Mtn 12/09	Inv	121.16
	Invoice number.: 3716				
A601-2743-00.0.0-085 - St Bonaventure-Traffic Sig Mtn			*** Account total ***		121.16
A601-2744-00.0.0-083 - Clyde Miles/SilverOaks SWP					
	16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
		7	Eng Svc #9084	Inv	542.50
	Invoice number.: 9078-9086				
A601-2744-00.0.0-083 - Clyde Miles/SilverOaks SWP			*** Account total ***		542.50
A601-2744-00.0.0-484 - Cortel SWP27-08					
	16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
		9	Eng Svc #9080	Inv	41.50
	Invoice number.: 9078-9086				
A601-2744-00.0.0-484 - Cortel SWP27-08			*** Account total ***		41.50

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08				
16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
	10	Eng Svc #9080	Inv	41.50
Invoice number.: 9078-9086				
A601-2744-00.0.0-495 - D. Lombardo SWP 25-08		*** Account total ***		41.50
A601-2744-00.0.0-516 - Guttry SWP 21-09				
16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
	11	Eng Svc #9080	Inv	41.50
Invoice number.: 9078-9086				
A601-2744-00.0.0-516 - Guttry SWP 21-09		*** Account total ***		41.50
A601-2744-00.0.0-518 - Weisendanger SWP				
16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
	12	Eng Svc #9080	Inv	41.50
Invoice number.: 9078-9086				
A601-2744-00.0.0-518 - Weisendanger SWP		*** Account total ***		41.50
A601-2744-00.0.0-535 - Cano EIXO Plumbing M SWP06-09				
16827 Refund MSWP 09-03 2/10	2607	Cano Eixo Plumbing & Remodelin		
	1	Refund MSWP 09-03 2/10	Inv	500.00
Invoice number.: MSWP 09-03				
A601-2744-00.0.0-535 - Cano EIXO Plumbing M SWP06-09		*** Account total ***		500.00
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08				
16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
	13	Eng Svc #9080	Inv	41.50
Invoice number.: 9078-9086				
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08		*** Account total ***		41.50
A601-2744-00.0.0-545 - Cano Eixo MSWP 09-07				
16828 Refund MSWP 09-07 2/10	2607	Cano Eixo Plumbing & Remodelin		
	1	Refund MSWP 09-07 2/10	Inv	500.00
Invoice number.: MSWP 09-07				
A601-2744-00.0.0-545 - Cano Eixo MSWP 09-07		*** Account total ***		500.00
A601-2744-00.0.0-558 - Pierce Minor SWP 09-13				
16826 Refund MSWP 09-13 2/10	2608	Bobby Pierce		
	1	Refund MSWP 09-13 2/10	Inv	500.00
Invoice number.: MSWP 09-13				
A601-2744-00.0.0-558 - Pierce Minor SWP 09-13		*** Account total ***		500.00

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-563 - Jonathan, Tim SWP 20-09					
	16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
		14	Eng Svc #9080	Inv	41.50
	Invoice number.: 9078-9086				
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					
	16815 Erosion Control 1/10	2597	Bodhaine Discing & Grading		
		1	Erosion Control 1/10	Inv	674.13
	Invoice number.: 10166				
	16818 Eng Svc 1/23/10-2/5/10	116	PERMCO, Inc.		
		8	Eng Svc #9081	Inv	1,081.25
	Invoice number.: 9078-9086				
	16830 Diablo Pt Drainage Rpr 2/10	2597	Bodhaine Discing & Grading		
		1	Diablo Pt Drainage Rpr 2/10	Inv	1,503.33
	Invoice number.: 10171				
A601-2746-00.0.0-129 - Diablo Pt Grading Inspections			*** Account total ***		3,258.71
A601-2750-00.0.0-001 - Clayton First Night Fund					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		13	NYE Supplies 2/10	Inv	64.74
	Invoice number.: 2/10				
	16848 Adm: Misc Charges 1/10	2349	US Bank Corp Pymt System		
		3	NYE Socks 1/10	Inv	284.64
	Invoice number.: Adm 1/10				
A601-2750-00.0.0-001 - Clayton First Night Fund			*** Account total ***		349.38
A702-2730-00.0.0-002 - Endeavor Hall Cash Deposits					
	16810 EH Refund less Chg 1/30/10	2606	Dayna & Gregory Davis		
		1	EH Refund less Chg 1/30/10	Inv	500.00
	Invoice number.: EH 1/30/10				
A702-2730-00.0.0-002 - Endeavor Hall Cash Deposits			*** Account total ***		500.00
A702-5607-00.0.0-000 - Revenue					
	16810 EH Refund less Chg 1/30/10	2606	Dayna & Gregory Davis		
		2	EH Cln up Chgs 1/30/10	Inv	-104.16
	Invoice number.: EH 1/30/10				
A702-5607-00.0.0-000 - Revenue			*** Account total ***		-104.16
A702-7311-00.0.0-000 - General Supplies					
	16825 Adm: Petty Cash 2/10	379	Laci Jackson/ Petty Cash		
		14	EH Keys 2/10	Inv	6.56
	Invoice number.: 2/10				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A702-7311-00.0.0-000 - General Supplies			*** Continued ***		
	16849 PW Misc Charges 1/10	2349	US Bank Corp Pymt System		
		14	PW EH Supplies 1/10	Inv	18.55
	Invoice number.: PW 1/10				
A702-7311-00.0.0-000 - General Supplies			*** Account total ***		25.11
A702-7332-00.0.0-000 - Telephone					
	16846 Local Phone Svc 1/10A	1243	AT&T/ CalNet 2		
		6	EH Local Phone 1/10A	Inv	59.05
	Invoice number.: 1/10A				
A702-7332-00.0.0-000 - Telephone			*** Account total ***		59.05
A702-7335-00.0.0-000 - Gas & Electricity					
	16824 Service 1/10 (Individual Inv)	113	PG&E		
		2	EH Svc 1/10	Inv	297.86
	Invoice number.: Indv 1/10				
A702-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		297.86
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance					
	16843 EH New Gate Lock 1/10	133	Rex Lock & Safe, Inc.		
		1	EH New Gate Lock 1/10	Inv	432.14
	Invoice number.: 86127				
	16845 Sprinkler Insp: CH, Lib, EH 1/	509	CR Fireline Inc		
		2	EH Sprk Insp Qtr & SA 1/10	Inv	210.00
	Invoice number.: 78158-160				
	16851 EH Smoke Detector Repair 1/10	509	CR Fireline Inc		
		1	EH Smoke Detector Repair 1/10	Inv	555.00
	Invoice number.: 78265				
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		1,197.14
A702-7417-00.0.0-000 - Janitorial Service					
	16832 Janitorial Services for 1/10	468	J & R Floor Services		
		4	End Hall 1/10	Inv	30.00
	Invoice number.: Jan2010				
A702-7417-00.0.0-000 - Janitorial Service			*** Account total ***		30.00
* Report total *			*** Total ***		237,480.45

CITY OF CLAYTON
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Agenda Date: 2/16/10

Agenda Item: 4(c)

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **CITY CLERK**

DATE: **FEBRUARY 16, 2010**

SUBJECT: **REJECTION OF LIABILITY CLAIM FILED BY MANUEL BAGNASCHI**

RECOMMENDATION
Approve the rejection of liability claim against the City filed by Manuel Bagnaschi (MPA Claim No. 009639) for alleged reportedly occurring on October 2, 2009.

BACKGROUND
On December 29, 2009 the City received a liability claim filed by Manuel Bagnaschi for alleged expenses incurred by an ambulance transport following a call for police services. The City is self insured for general liability purpose and the Municipal Pooling Authority of Northern California administers the self-insured program. On December 30, 2009 the liability claim was transmitted to the Municipal Pooling Authority for processing.

Liability adjustors for the Municipal Pooling Authority investigated the claim. Following the investigation the Municipal Pooling Authority advised the City to issue a notice of rejection for the claim.

FISCAL IMPACT
None.

Attachment: 1. Copy of Claim

CLAIM PRESENTED TO THE CITY OF CLAYTON
*Please read the instructions on the back before completing.

Reserve for Filing Stamp

cc: **Received**

DEC 29 2010

City Claim #

City of Clayton

1. Claimant's Name: (PLEASE PRINT) manuel BAGNASCHI
   Claimant's Address: PO. Box 245
   City, State, Zip: CLAYTON, CA. 94517
   Day Phone: (925) 565-1230 Eve Phone: (-0-

2. When did the damage or injury occur?
   Month: 10 Day: 2 Year: 2009 Time: APPROX 10:00? a.m. p.m.

3. At which location did the damage or injury occur? Clayton Police DEPT. Parking Lot on Side of City BuILDING
   Police Report # 09-20838

4. What happened and why is the City responsible? Other Two officers OFFICER DEGUITE and SGT. MARCHUT
   a. I was TOLD by CLAYTON POLICE officer Rich ENENA and 2 other officers that I had To go by Ambulance that the City of Clayton would take CARE of Bill, I TOLD them I couldn't afford Ambulance ride that I could take my own vechicle They agreed said City of Clayton would take Care of the Bill.
   Name and position of responsible City Employee(s), if known:
   b. Rich ENENA and two officers that were on Duty

5. What damage or injury occurred?
   I was Charged $1,098.28 for Ambulance Services.

6. Claim amount (only if less than $10,000): $ 1,098.28
   If the amount exceeds $10,000, please check (X) the court of appropriate jurisdiction:
   ________ Municipal Court (claims up to $25,000) ________ Superior Court (claims over $25,000)

7. How did you arrive at the amount claimed? Please attach documentation. Bill for 1,098.28 for Ambulance Services To American medical Response.

8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on DEC. 28, 2010, at MARTINEZ, CA.
   ____
   Signature of Claimant or Representative's Signature

9. Official Notices and Correspondence
   If represented by an insurance company or an attorney, please provide the information requested below.
   Name and Capacity: (PLEASE PRINT) ______________________________
   Address: ______________________________
   City, State, Zip: ______________________________
   Daytime Telephone: ( ) ______________ Evening Phone: ( ) ______________

INVOICE

www.amr-inc.com

American Medical Response
P.O. Box 3429
Modesto, CA 95353

ACCOUNT NUMBER: 001197911

TRIP #	401-97942141-00
ACCT #	001197911
PATIENT NAME	MANUEL BAGNASCHI
DATE OF SERVICE	10/02/2009
AMOUNT DUE	1,098.28
DUE DATE	12/31/2009

10Z 2505350 00 00003234 00003330
3234 1 AT 0.357
MANUEL BAGNASCHI
PO BOX 245
CLAYTON CA 94517-0245

REMIT PAYMENT TO:

AMERICAN MEDICAL RESPONSE
FILE 73329 PO BOX 60000
SAN FRANCISCO, CA 94160-3329

PLEASE CHARGE MY ☐ VISA ☐ MASTERCARD ☐ DISCOVER ☐ AMERICAN EXPRESS

ACCOUNT ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ EXPIRATION DATE ☐☐☐☐ AMOUNT PAID $ ____________

CARD HOLDER NAME(PRINT): ____________ SIGNATURE: ____________

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

PATIENT NAME	ACCOUNT NO.	TRIP NO.	INVOICE DATE
MANUEL BAGNASCHI	001197911-0001	401-97942141-00	12/21/2009

DATE OF SERVICE	SERVICE FROM	SERVICE TO
10/02/2009	6000 HERITAGE TRL	REGIONAL MEDICAL CENTER - PES

IMPORTANT MESSAGES

Medicare or your insurance has denied your claim as member not eligible. Payment is now considered your responsibility. Please contact our Customer Service Department at (800)913-9106 if you have any questions. Thank you.

CODE	DESCRIPTION	UNITS	UNIT CHARGE		TOTAL CHARGE
A0429	BLS EMERGENCY	1	755.23		755.23
A0425	BLS MILEAGE	15	22.87		343.05

TOTAL CHARGES DUE	1,098.28

SEE REVERSE SIDE FOR INSURANCE INFORMATION

Send billing inquiries to: AMERICAN MEDICAL RESPONSE
P.O. BOX 3429 • MODESTO, CA 95353

Phone Number: 1-800-913-9106

Keep this portion for your records.

Agenda Date: 2/16/10

Agenda Item: 4(d)

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 16 FEBRUARY 2010

SUBJECT: REMITTANCE OF STATE – IMPOSED SHIFT OF REDEVELOPMENT FUNDS FY 2009-2010 SERAF SHIFT NOTIFICATION TO COUNTY

RECOMMENDATION

Under protest as to its legality, it is recommended the City Council approve and authorize the Mayor to inform the Contra Costa County Auditor in writing the Clayton Redevelopment Agency will remit its mandated SERAF shift of $1,966,954 in local redevelopment agency funds to the County on or before 10 May 2010, in compliance with a California State Budget mandate for FY 2009-2010.

BACKGROUND

For a second straight year, the California State Legislature approved and Governor Arnold Schwarzenegger signed a State Budget that imposed yet another attempt at stealing local redevelopment agency monies statewide in the astounding amount of $1.7 billion in FY 2009-10. The State's budgetary action in this regard (Chapter 21) is incredulous on the heels of losing in court a similar "shift" proposed in FY 2008-09 (April 2009 ruling). Ignoring the fiscal irresponsibility of this action, the theft also lacked equity in applying the pain to all local governments as those cities and local public agencies not having redevelopment agencies were not affected financially by this State Budget action. For the Clayton Redevelopment Agency, its portion of the "Supplemental Educational Revenue Augmentation Funds" (SERAF, or Son of ERAF) is a huge taking of the Agency's tax increment revenues, namely **$1.966 million** for this fiscal year alone (an additional $406,515 must be shifted in FY 2010-11).

Identical to its swift counter in 2008, the California Redevelopment Association (CRA) filed a lawsuit in Sacramento Superior Court to halt this recidivistic ploy by the State of California. The lawsuit challenges the constitutionality of the budget mandate and seeks to prevent the State from taking redevelopment funds for non-redevelopment purposes. The State crafted this year's bill to indicate the SERAF monies taken will be diverted to public education expenses in school districts with students located within redevelopment project areas, thereby reducing the State's general fund obligation in-kind under Prop 98 funding requirements. However, such craftiness does not trump the California Constitution (Article XVI, Section 16) which states that redevelopment tax increment funds can only be used for specified redevelopment activities, not to assist in balancing the State Budget.

Further, the lawsuit identifies the State's action violates the public education spending disparity prohibition arising from the 1970s U.S. Supreme Court infamous decision, *Serrano v. Priest*. In Fountain Valley for example (a named Plaintiff of the suit), the legislation's requirement that monies transferred to public schools from redevelopment agencies be spent on pupils residing in the redevelopment project area (or in housing assisted by the agency) will result in expenditures of approximately $3.3 million on only 64 students in the Garden Grove School District. That equals $52,518 per pupil when the average per-pupil spending in California is about $8,500!

REDEVELOPMENT AGENCY DIRECTION

At a regular meeting held on 15 September 2009, the Board of Directors of the Clayton Redevelopment Agency was forced by this State budget action to address this questionable theft of redevelopment monies. It was noted at that time the Agency's share of the statewide theft represented 2.5 times the Agency's annual discretionary monies available to it in Fiscal Year 2009-10:

Net Revenues to Agency in FY 09-10:	$ 3,349,526	
Existing Debt Service:	- 2,605,143	(78%)
Annual Revenues Available:	$ 744,383	

The state legislation barred redevelopment agencies from using any of its Affordable Housing reserves to pay this shift ($4.6 million net projected for 30 June 2010) but an agency may borrow from its FY 2009-10 Housing Fund tax increment flow this time only. If an agency does elect to borrow internally from its Affordable Housing funds, the internal loan must be repaid by 30 June 2015 (no interest accrues).

Due to the magnitude of the shift for FY 2009-10 of $1.966 million, the Board of Directors authorized its staff at that meeting to pay the illegal shift by combination of establishing an internal loan from this year's Agency's Affordable Housing tax increment (estimated at $592,412) and the balance of a now-revised $1,374,542* from the Capital Improvement Project (CIP) No. 10400 – Downtown Economic Development Fund. That CIP account only contains monies originating from the Agency's current and prior years' tax increment revenues.

* Note: In September 2009, the Agency's SERAF shift was estimated to be $1,965,065, subject to final calculation by the State Department of Finance. Its final amount is actually higher by $1,889.

STATE DEPARTMENT OF FINANCE NOTIFICATION

On 18 November 2009, the City of Clayton and its Redevelopment Agency received official notification from the State Department of Finance that our local obligation in this statewide theft of $1.7 billion in redevelopment agency revenues will amount to $1,966,954 [see letter – Attachment 1].

The legislative statute imposing the seizure of local funds requires the legislative body of each redevelopment agency (i.e. its city council or board of supervisors) to formally report to its county auditor by 01 March 2010 as to how the agency intends to remit the required SERAF amount. It is noted in the law, and in the letter, that an agency's failure to remit the required amount by 10 May 2010 will automatically cause the county auditor to withhold the like amount of monies from the property tax allocation due the legislative body (the city).

The Clayton Redevelopment Agency requests the County always disperse 100% of its local tax increment revenues due the Agency to allow the Agency to earn interest income on the full amount for FY 2009-10. Therefore, consistent with Agency's budget action occurring in September 2009, it is recommended the Mayor be authorized by the City Council to inform the County Auditor in writing that the City of Clayton will through its Redevelopment Agency, reluctantly and under protest, remit its $1,966,954 SERAF shift to the County Auditor on or before 10 May 2010.

FISCAL IMPACT

The Clayton Redevelopment Agency, and by extension the City of Clayton, will lose the opportunity to use $1.966 million in redevelopment agency monies available this fiscal year for the purpose of improving economic health and vitality in the Clayton Town Center. The seriousness of this unlawful action is CIP No. 10400 will be reduced to a balance of $1.75 million unless CRA litigation is successful before May 2010.

By such continuing actions of the State of California since 1991, the City of Clayton will have lost approximately $7.31 million in local property tax monies to the State of California to aid the state's chronic fiscal mismanagement.

Attachment: 1. November 2009 letter from CA Dept. of Finance [2 pp.]

ATTACHMENT 1

DEPARTMENT OF FINANCE
OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEGGER, GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

Received
NOV 18 2009
City of Clayton

November 13, 2009

TO ALL COUNTY AUDITORS, REDEVELOPMENT AGENCIES, AND THEIR LEGISLATIVE BODIES:

Chapter 21, Statutes of 2009, requires redevelopment agencies to shift $1.7 billion in property tax revenues to K-12 schools during the 2009-10 fiscal year via the Supplemental Educational Revenue Augmentation Funds (SERAF) that the Chapter created in each county. The Director of Finance is required to determine the amount each redevelopment agency shall transfer to the SERAF, and is further required to notify each redevelopment agency and legislative body of those amounts.

In accordance with the above requirements, the attached document provides the amount determined for your redevelopment agency.

Each redevelopment agency must allocate the specified amount to the county auditor-controller for deposit into the SERAF on or before May 10, 2010. By March 1, 2010 the legislative body shall either report to the county auditor-controller how the redevelopment agency intends to fund its SERAF obligation, or report that the legislative body intends to fund the SERAF obligation on behalf of the redevelopment agency pursuant to Section 33692 of the Health and Safety Code (HSC).

If a redevelopment agency determines that it will not be able to allocate to the SERAF the full amount required, it may enter into an agreement with its legislative body by February 15, 2010, for the legislative body to fund either the full SERAF obligation, or a portion thereof. Alternatively, pursuant to HSC Section 33690 (c), a redevelopment agency that makes a finding that insufficient monies are available to fund its SERAF obligation may borrow from monies contained in its Low and Moderate Income Housing Fund. Redevelopment agencies also may borrow from the amount otherwise required to be remitted in 2009-10 to its Low and Moderate Income Housing Fund. All borrowed funds must be fully repaid by June 30, 2015.

If you have any questions regarding this matter, please contact Chris Hill, Principal Program Budget Analyst, at (916) 322-2263.

MICHAEL C. GENEST
Director
By:

ANA MATOSANTOS
Chief Deputy Director

Attachment

	2009-10 Redevelopment Agency SERAF Shift Health and Safety Code Section 33690				
Redevelopment Agency Name	2006-07 Tax Increment Net of Pass-Throughs	2006-07 Gross Tax Increment	850,000,000 on Net Tax Increment Based on Net Factor (0.2261168310)	850,000,000 on Net Tax Increment Based on Gross Factor (0.1793855082)	Total SERAF
City of Clayton Redevelopment Agency	4,554,908	5,223,459	1,029,941	937,013	**1,966,954**

CITY OF CLAYTON
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Agenda Date: 2/16/10

Agenda Item: 4 (e)

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

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **MERRY PELLETIER**

DATE: **FEBRUARY 16, 2010**

SUBJECT: INVESTMENT PORTFOLIO REPORT SECOND QUARTER FY 2009-2010

RECOMMENDATION:

Accept the Investment Portfolio Report for the Second Quarter Fiscal Year 2009-10 ending December 31, 2009.

BACKGROUND

With adoption of the revised Investment Policy reviewed on July 18, 2006, the Finance Manager is required to submit a quarterly investment report to the City Council. The Second Quarter 2009-10 Fiscal Year report is provided herein.

FISCAL IMPACT

With the second quarter of the fiscal year completed, interest earnings for the General Fund are now at 77.54% of the '09-10 Budget for a total of $58,153. Average annual interest yield for the past 3 months was 3.17% compared to 3.19% in the prior period however the interest yield has dropped 34.4% compared to a year ago when the rate was 4.83%. City interest earnings through the second quarter totaled $379,340 compared to $378,821 a year ago. Over 37.8% of the current investment portfolio is invested in Local Agency Investment Funds (LAIF) an increase of 46.7% compared to the prior quarter. This increase is temporary due to the receipt of our property tax allocation received on December 16th. The LAIF quarterly apportionment rate for December was .60% a decrease from .90% in the prior quarter. Our Certificates of Deposit (CD) total 62.2% of our portfolio a decrease of 7.7% from the prior quarter. Only .6% of our portfolio is temporarily held in a cash money market fund. (These funds are due to maturing investments or interest allocations that have not been reinvested at this time). At this same time last year, 44% of our investments were in LAIF with a rate of 2.54% interest. The LAIF interest rate has declined over the past twenty four months from 4.96% in December 2007 to our current .60% rate marking a devastating decline of

87%. This decline has decreased our rate of return substantially. The market value of the total investment portfolio as of December 31, 2009 was $19,940,694 compared to $16,529,594 in December 2008. Our investment portfolio carrying value of $19,628,906 is $311,788 less than current market value showing the strength of our investments in a rapidly declining economy.

CONCLUSION

As interest rates continue to decrease our interest revenues have been negatively impacted. LAIF interest rates have continued to decline to .60% in December. This rate is the lowest rate on record since 1977. Market yields for 12 month CD's have drastically decreased from a high of 5.7% in March 2008 to a low of 2.35% in December 2009. As interest rates have declined especially over the short term, we have seen rates increase over the long term (60 months). We have been diligent to diversify our portfolio with investments immediately available in LAIF and cash (39%) and then staggered less than one year (5%), two years (17%), three years (21%), 4 years (13%) and 5 years (5%). By staggering our investment portfolio in this manner the impact of rate changes will be lessened.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments:
City of Clayton Investment Portfolio Second Quarter Fiscal Year 2009-2010 Report
(October 1, 2009 – December 31, 2009)

City of Clayton Investment Portfolio
October 1, 2009 - December 31, 2009

Investment Description		Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date		Market Value
Local Agency Investment Fund								
Account # 98-07-162								
TOTAL LAIF:	$	7,535,761.04	0.60%				$	7,542,903.62
Financial North Eastern CD's								
Columbia St. Bank (Tacoma WA)	$	100,000.00	4.00%	3.99%	02/01/08	02/01/10	$	100,230.00
NBT BK Nat'l Assn Norwich New	$	99,000.00	3.70%	3.68%	03/19/08	03/19/10	$	99,581.00
Flushing Savings Bank FSB	$	99,000.00	3.65%	3.61%	04/30/08	04/30/10	$	99,882.00
Select Bank (Grand Rapids, MI)	$	99,000.00	3.65%	3.58%	03/28/08	09/28/10	$	100,932.00
State Bk India New York	$	100,000.00	5.00%	4.84%	10/30/07	11/01/10	$	103,221.00
Enterprise National Bank Palm Beach	$	100,000.00	5.00%	4.84%	11/07/07	11/08/10	$	103,270.00
1st Financial Bank USA	$	98,000.00	4.74%	3.59%	12/17/08	12/17/10	$	100,912.00
Key Bank C/D	$	99,000.00	4.80%	4.60%	12/26/07	12/27/10	$	103,095.00
Washington Mutual Bank, Henderson	$	97,000.00	4.50%	4.35%	01/16/08	01/14/11	$	100,211.00
Union National Bank & Trust	$	100,000.00	3.00%	2.93%	01/22/09	01/22/11	$	102,460.00
Newbank	$	100,000.00	4.00%	3.86%	01/23/08	01/24/11	$	103,525.00
Washington Mutual Bank, Pk City	$	99,000.00	3.90%	3.78%	03/19/08	03/18/11	$	101,958.00
Bank of Nevada	$	99,000.00	3.75%	3.64%	03/26/08	03/28/11	$	101,837.00
Commerce National Bank, Geneva, MN	$	99,000.00	3.60%	3.50%	03/28/08	03/28/11	$	101,657.00
Community First Bank (Harrison, AR)	$	99,000.00	3.70%	3.59%	03/28/08	03/28/11	$	101,777.00
Paragon Commercial Bank, Raleigh NC	$	100,000.00	4.00%	3.87%	05/09/08	05/09/11	$	103,339.00
Peach St Bank (Gainesville)	$	99,000.00	4.00%	3.86%	06/06/08	06/06/11	$	102,406.00
Bank of Fairfield (Wash)	$	99,000.00	4.50%	4.31%	07/18/08	07/18/11	$	103,259.00
Bay Cities Bank, Tampa, FL	$	99,000.00	4.55%	4.35%	09/02/08	09/02/11	$	103,410.00
Nicolet Bank (Greenby, WI)	$	100,000.00	4.00%	3.86%	03/14/08	09/14/11	$	103,579.00
Business First Bank (Baton Rouge)	$	99,000.00	4.00%	3.86%	03/26/08	09/26/11	$	102,544.00
Banner Bank, Walla Walla, WA	$	98,000.00	2.65%	2.62%	04/08/09	10/11/11	$	99,211.00
Investors Community Bank (WI)	$	99,000.00	3.90%	3.77%	04/18/08	10/18/11	$	102,368.00
Carolina First Bank	$	98,000.00	2.60%	2.57%	04/22/09	04/24/11	$	99,075.00
First Guarantee Bank, Jacksonville purchased Ce	$	99,000.00	5.00%	4.74%	12/15/06	12/15/11	$	104,364.00
VIST Bank, Wiomissing, PA	$	99,000.00	3.40%	3.30%	12/29/08	12/29/11	$	102,298.00
City Bank Lynnwood Washington	$	100,000.00	3.00%	2.96%	12/31/08	12/30/11	$	101,560.00
Nexity Bank, Alabama	$	99,000.00	3.10%	3.05%	01/16/09	01/16/12	$	100,712.00
Wachovia Bank, Houston TX	$	97,000.00	4.50%	4.30%	01/16/08	01/17/12	$	101,352.00
BMW BK North Amer (Salt Lake)	$	99,000.00	4.00%	3.86%	03/19/08	03/19/12	$	102,574.00
BB&T Finl FSB Columbus, GA	$	100,000.00	3.00%	2.96%	03/18/09	03/19/12	$	101,476.00
Shore Bank (Chicago, IL)	$	100,000.00	3.00%	2.96%	03/19/09	03/19/12	$	101,485.00
Monona State Bank	$	99,000.00	3.80%	3.68%	03/28/08	03/28/12	$	102,175.00
National City Bank (Cleveland, OH)	$	99,000.00	4.00%	3.86%	03/31/08	04/02/12	$	102,588.00
Doral Bank (Catano, PR)	$	99,000.00	3.05%	3.00%	4/8/2009	04/09/12	$	100,552.00
Westernbank Puerto Rico, Mayaguez, PR	$	99,000.00	3.10%	3.05%	04/15/09	04/16/12	$	100,653.00
Franklin Templeton (SLC, Ut)	$	99,000.00	4.00%	3.86%	04/18/08	04/18/12	$	102,628.00
Saehan Bank, Los Angeles, CA	$	99,000.00	3.00%	2.96%	04/21/09	04/23/12	$	100,425.00
Minnwest Bank Metro (Rochester, MN)	$	98,000.00	2.85%	2.83%	04/29/09	04/30/12	$	99,062.00
R-G Premier Bank Puerto Rico	$	99,000.00	3.10%	3.05%	04/29/09	04/30/12	$	100,637.00
Eurobank, San Juan, PR	$	99,000.00	3.25%	3.19%	05/12/09	05/12/09	$	100,960.00
Hillcrest Bank, Overland Park, Kansas	$	99,000.00	3.00%	2.96%	04/30/09	05/30/12	$	100,368.00
Clayton Bank & Trust (TN)	$	99,000.00	4.65%	4.41%	07/09/08	07/09/12	$	104,232.00
Community First Bank (Corydon, IN)	$	99,000.00	3.00%	2.96%	01/15/09	07/16/12	$	100,283.00
Investors Bank (Wisconsin-42 Mo)	$	99,000.00	3.00%	2.97%	04/08/09	10/09/12	$	100,087.00
Pacific Cap Bank (Santa Barbara)	$	99,000.00	2.50%	2.50%	10/15/09	10/15/12	$	98,749.00
First Guarantee Bank & Trust Co.	$	99,000.00	2.25%	2.25%	10/21/09	10/19/12	$	98,768.00
First Peoples Bank (Port St. Lucie, FL)	$	99,000.00	2.90%	2.88%	04/24/09	04/24/12	$	99,781.00
1st Republic Bank Div of BofA	$	250,000.00	2.90%	2.85%	11/17/09	11/19/12	$	254,320.00
GE Money Bank (SLC, Ut)	$	99,000.00	4.15%	3.99%	12/18/08	12/18/12	$	103,091.00
GE Capital Financial, Inc (Holladay, Ut)	$	99,000.00	4.15%	3.99%	12/18/08	12/18/12	$	103,091.00
Fifth Third Bank	$	100,000.00	2.69%	2.35%	12/28/09	12/28/12	$	100,010.00
Wachovia Bank, Las Vegas NV	$	97,000.00	4.60%	4.36%	01/16/08	01/16/13	$	102,252.00
Private Bank of Buckhead (Atlanta, Georgia)	$	100,000.00	3.10%	3.08%	02/27/09	02/27/13	$	100,962.00
Bank of Illinois, Normal, IL	$	99,000.00	3.00%	2.98%	04/08/09	04/08/13	$	99,509.00
Primesouth Bank (Alabama)	$	99,000.00	4.05%	3.90%	04/18/08	04/18/13	$	102,722.00
Signature Bank, Chicago, IL	$	98,000.00	3.00%	2.99%	04/23/09	04/23/13	$	98,441.00
Integrity First Bank	$	99,000.00	4.10%	3.95%	04/25/08	04/25/13	$	102,869.00
Goldman Sachs Bank (Salt Lake)	$	99,000.00	4.45%	4.24%	05/07/08	05/07/13	$	103,925.00
Republic Bank (Bountiful, UT)	$	99,000.00	3.15%	3.12%	05/11/09	05/13/13	$	99,845.00
M&T Bank(Oakfield NY)	$	99,000.00	4.41%	4.15%	05/27/08	05/27/13	$	105,195.00
Lehman Commercial Bank (UT)	$	100,000.00	5.00%	4.70%	06/30/08	07/01/13	$	106,234.00
Cole Taylor Bank (IL)	$	99,000.00	5.00%	4.68%	07/11/08	07/11/13	$	105,692.00
Flagstar Bank FSB Troy, MI	$	99,000.00	5.00%	4.67%	09/19/08	09/19/13	$	105,872.00

City of Clayton Investment Portfolio
October 1, 2009 - December 31, 2009

Investment Description		Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date		Market Value
Midfirst Bank (Oklahoma City)	$	99,000.00	2.75%	2.78%	10/14/09	10/15/13	$	97,993.00
Worlds Foremost Bank Lincoln, NE	$	100,000.00	5.06%	4.65%	11/10/08	11/12/13	$	108,862.00
Sallie Mae Bank, Murray, UT	$	100,000.00	5.00%	4.66%	12/05/08	12/05/13	$	107,076.00
Discover Bank Greenwood DEL	$	100,000.00	4.16%	3.94%	12/18/08	12/18/13	$	105,590.00
Beacon Federal (Syracuse, NY)	$	99,000.00	3.20%	3.20%	04/15/09	04/15/14	$	99,111.00
Toyota Financial Savings Bank (Henderson, NV)	$	98,000.00	3.45%	3.41%	04/17/09	04/16/14	$	99,076.00
First Reliance Bank (Florence, SC)	$	99,000.00	3.25%	3.24%	04/17/09	04/17/14	$	99,304.00
First Bank of Highland Park (IL)	$	98,000.00	3.20%	3.18%	04/22/09	04/22/14	$	98,559.00
FSG Bank(Chattanooga, TN)	$	99,000.00	3.00%	3.03%	12/11/09	06/11/14	$	98,139.00
Summit Community Bank (Moorefield, WV)	$	100,000.00	3.20%	3.21%	08/19/09	08/19/14	$	99,751.00
Barclays Bank, Del	$	99,000.00	3.15%	3.17%	09/23/09	03/23/14	$	98,431.00
Fifth Third Bank	$	99,000.00	3.64%	3.25%	12/28/09	12/28/12	$	100,375.00
Net credit balance	$	19,533.00					$	19,533.00
TOTAL Financial North Eastern	**$**	**7,698,533.00**					**$**	**7,897,338.00**
Multi-Bank Securities, Inc. CD's								
Wachovia Bk FSB, Houston, TX	$	98,000.00	4.30%	4.30%	02/29/08	03/07/13	$	102,452.14
TOTAL Multi-Bank Securities:	**$**	**98,000.00**					**$**	**102,452.14**
Morgan Stanley								
Cash Account	$	111,611.52					$	111,611.52
Bank First National, WIS	$	98,000.00	3.70%	3.68%	03/13/08	03/12/10	$	98,522.34
Bloomfield St Bank, IN	$	99,000.00	4.00%	3.94%	06/25/08	06/25/10	$	100,455.30
Commerce National Bk, Columbus, Ohio	$	99,000.00	4.50%	4.35%	01/10/08	01/10/11	$	102,254.13
American Chartered Bank	$	98,000.00	3.95%	3.83%	03/19/08	03/21/11	$	101,008.60
Darby Bank, Vidalia, GA	$	98,000.00	3.90%	3.78%	04/23/08	04/25/11	$	101,078.18
Crescent St Bank, North Carolina	$	99,000.00	3.75%	3.64%	04/23/08	04/22/11	$	101,923.47
Medallion Bank, Salt Lake City	$	98,000.00	3.90%	3.78%	04/25/08	04/25/11	$	101,078.18
M&I Marshall & Isley Bank	$	98,000.00	4.00%	3.86%	05/23/08	05/23/11	$	101,314.36
Merrick Bank, UT	$	97,000.00	4.30%	4.13%	06/20/08	06/20/11	$	100,783.97
Washington TR RI	$	97,000.00	4.50%	4.31%	07/09/08	07/11/11	$	101,135.11
First Bank, Puerto Rico	$	99,000.00	2.10%	1.75%	08/25/09	08/29/11	$	98,934.66
First Business BK, Madison, WI	$	98,000.00	4.10%	3.95%	05/16/08	11/16/11	$	101,645.60
Morgan Stanley Bank, SLC, UT	$	97,000.00	4.45%	4.26%	11/28/08	11/28/11	$	101,242.78
American Express Centurion, SLC, UT	$	98,000.00	3.75%	3.64%	12/24/08	12/27/11	$	100,944.90
Florida Cmnty BK, Immokalee, FL	$	99,000.00	4.50%	4.30%	06/27/08	12/27/11	$	103,420.35
Capmark Bank, Midvale, UT	$	98,000.00	3.00%	2.95%	01/28/09	01/30/12	$	99,490.58
First Business BK, Madison, WI	$	99,000.00	2.39%	2.05%	08/17/09	02/17/12	$	98,562.42
Capital One Bank, Glen Allen, VA	$	98,000.00	4.00%	3.86%	03/12/08	03/12/12	$	101,528.00
Byron Bank, Michigan	$	98,000.00	3.90%	3.77%	03/14/08	03/14/12	$	101,323.18
BMW Bank of NA, SLC, UT	$	99,000.00	2.20%	2.20%	09/16/09	03/16/12	$	98,781.21
Alliance Bank, Syracuse, NY	$	98,000.00	4.05%	3.90%	03/24/08	03/21/12	$	101,642.66
Hillcrest Bank, Overland Pk, KS	$	150,000.00	2.70%	2.67%	07/15/09	04/16/12	$	151,176.00
Centennial BK, Fountain Vy, CA	$	99,000.00	4.25%	4.07%	05/30/08	05/30/12	$	103,251.06
Cowlitz Bank,Longview, WA	$	98,000.00	3.05%	3.00%	05/08/09	05/08/12	$	99,492.54
Atlanta Business BK, GA	$	99,000.00	4.20%	4.03%	05/28/08	05/29/12	$	103,132.26
Queensborough Nat'l Bk, Louisville, GA	$	99,000.00	4.65%	4.41%	07/16/08	07/16/12	$	104,278.68
CIT Bank, Salt Lake City, UT	$	147,000.00	2.95%	2.92%	07/01/09	07/02/12	$	147,000.00
World Financial Network (Columbus, OH)	$	100,000.00	2.60%	2.60%	10/28/09	10/29/12	$	100,000.00
Enterprise Bk & TR, Clayton, MO	$	150,000.00	3.00%	2.97%	07/08/09	01/08/13	$	151,248.00
Broadway Bk, Chicago, IL	$	99,000.00	4.15%	3.98%	04/30/08	04/30/13	$	103,018.41
American Cmnty BK, Woodstock	$	99,000.00	4.10%	3.94%	04/25/08	04/25/13	$	102,868.92
Ally Bank, Midvale Utah	$	98,000.00	3.20%	3.16%	04/03/09	04/03/13	$	99,119.16
Amcore Bk, Rockford, IL	$	97,000.00	4.25%	4.07%	04/25/08	04/25/13	$	101,220.47
Capmark Bank, Midvale, UT	$	147,000.00	3.35%	3.30%	7/1/2009	7/1/2013	$	148,935.99
Pacific St Bank, Stockton, CA	$	99,000.00	3.20%	3.18%	04/22/09	10/22/13	$	99,557.37
American Express Bank, SLC, UT	$	97,000.00	4.75%	4.47%	12/24/08	12/24/13	$	102,948.04
Bank Little Rock, ARK	$	99,000.00	3.20%	3.19%	04/08/09	04/08/14	$	99,129.69
CIT Bank, Salt Lake City, UT	$	98,000.00	3.40%	3.34%	4/1/2009	4/1/2014	$	99,496.46
Broadway Bk, Chicago, IL	$	150,000.00	3.70%	3.62%	07/10/09	7/10/2014	$	152,950.50
TOTAL Morgan Stanley	**$**	**4,198,611.52**					**$**	**4,297,505.05**
RBC Wealth Management								
Cash Account	$	0.14					$	0.14
North Milwaukee Stk. Bank, WI	$	98,000.00	3.50%	3.50%	12/18/08	12/23/11	$	100,495.08
Total RBC Wealth Management	**$**	**98,000.14**					**$**	**100,495.22**

City of Clayton Investment Portfolio
October 1, 2009 - December 31, 2009

Investment Description	Carrying Value	Percentage of Portfolio	Average Yield to Maturity	Market Value
Local Agency Investment Funds	$ 7,535,761.04	37.83%	0.600%	$ 7,542,903.62
Financial Northeastern	$ 7,698,533.00	39.60%	3.575%	$ 7,897,338.00
Multi-Bank Securities	$ 98,000.00	0.52%	4.300%	$ 102,452.14
Morgan Stanley	$ 4,198,611.52	21.55%	3.560%	$ 4,297,505.05
RBC Dain Rauscher	$ 98,000.14	0.50%	3.500%	$ 100,495.22
Grand Total Investment Portfolio:	**$ 19,628,905.70**	**100%**		**$ 19,940,694.03**

2009-10 Budgeted Interest-General Fund	$ 75,000
2009-10 Budgeted interest Received-General Fund	$ 58,153
Percent of General Fund Budget Received	77.54%
2009-10 Average Annual Yield	3.11%
2009-10 Total Interest Income to date	$ 379,340

I verify that this investment portfolio is in conformity with State laws and the City of Clayton's investment policy. The City's cash management program provides sufficient liquidity to meet the next six month's expenditures.

Merry Pickler 2/5/10
Finance Manager Date:

2/8/10
City Treasurer Date:

CITY OF CLAYTON
Founded 1857 · Incorporated 1964

Agenda Date: 2/16/10

Agenda Item: 9 (a)

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

DATE: February 16, 2010

SUBJECT: MID-YEAR BUDGET REVIEW DECEMBER 31, 2009

RECOMMENDATIONS OF COUNCIL BUDGET SUB COMMITTEE

1. Accept the Mid-Year Financial staff report of the City's General Fund and Special (Restricted-Use) Funds, and amend the FY 2009-10 City Budget to post $45,000 in the General Fund for 2% election payment from the Clayton Redevelopment Agency.

BACKGROUND

At a special meeting of the Clayton City Council on June 30, 2009 the City budgets for fiscal year 2009-2010 were adopted. The adopted Budget for the City's General Fund included a revenue program of $3,637,679 and an expenditure plan for $3,637,679. Hence, an annual balanced budget.

YEAR-TO-DATE CHANGES

On September 1, 2009 the City Council approved Resolution No. 36-2009 increasing the General Fund Operations Budget to cover encumbrances carried over from the prior fiscal year ending June 30, 2009 in the amount of $308,318. Other Fund Budgets were increased as follows: Gas Tax Fund $39,081, the Landscape Maintenance District Fund $22,794, the Grove Park Fund $632, the Stormwater Fund $10,662, the Community Gym Fund $50,142, and the Capital Improvement Fund $2,267,862.

DISCUSSION

The revenue and expense figures for the second fiscal quarter 2009-10 are now compiled, giving us a view of the fiscal picture for half an operating year. Attached is a spreadsheet of General Fund expenditures and revenues through December 31, 2009.

A. General Fund Revenues
General Fund revenues for mid-year are at 52.2% of the total original budget compared to 46.9% in the FY 08-09 Mid-Year report. Some comparisons to consider:

Description	2009-10	2008-09
Mid-Year Revenue	$ 1,899,604	$1,767,142
Encumbrances	$ 308,318	$ 307,277
Inter Fund Transfers	$ 326,759	$ 248,126
Property Taxes	$ 840,244	$ 889,854
Sales and Use Tax	$ 111,542	$ 78,896
Motor Vehicle In-Lieu Fees	$ 7,354	$ 17,026
Building Permit Fees	$ 9,095	$ 13,559
Planning Project Fees	$ 2,346	$ 15,267
Real Property Transfer Tax	$ 30,373	$ 20,910

The analysis of our Mid-Year General Fund status reveals our actual revenues received to date exceed expenses to date by $32,225. However, annual revenues are now forecasted to come in below Budget by $90,761. Sales tax revenues are projected to be less than originally budgeted by $16,050. Our property values have declined somewhat as secured property taxes are showing a projected decrease of $61,211 over the original budget. Included in the decreased secured property taxes are the vehicle license fee back-fill and sales tax triple-flip that the State implemented in FY 2005-06.

B. General Fund Expenditures
General Fund expenditures for mid-year came in at $1,898,869 (51.4%) of the budget compared to $1,905,297 in December 2008. It is important to note that our expenditures have only increased by 2.7% since December 2005. Most departments are within or less than the 50% mid-year mark taking into consideration that some costs are not annualized. For example, liability and workers' compensation insurance is prepaid for 12 months and our deferred maintenance projects are on going in the Public Works Department. It is also important to note that the Legislative Department now has the 4th of July Parade as part of City promotion activity and thus the increase in expenditures. Department comparisons are as follows:

Description	2009	2008	2005
Legislative	$ 39,425	$ 29,179	$ 24,750
Admin	$435,179	$ 437,500	$ 416,567
Public Works	$141,063	$ 219,771	$ 196,691
Planning	$138,911	$ 160,630	$ 153,748
General Services	$ 97,907	$ 61,985	$ 82,056
Police	$919,173	$ 889,275	$ 864,035
Library	$ 50,760	$ 60,938	$ 68,059
Engineering	$ 46,451	$ 46,019	$ 42,369
Total	$1,898,869	$1,905,297	$1,848,276

C. Special Fund Revenues and Expenditure

Annual revenues and expenditures of the City's Other Funds all appear to be on target as originally budgeted with three exceptions. The Grove Park Fund expenditures will exceed budget due to deferred maintenance projects however there are ample reserves available for these unbudgeted costs. The COPs Grant Fund will be over expended due to upgrades required by the Department of Justice to the Police Department telecommunication system. There are adequate funds available for these unexpected costs. Endeavor Hall revenues are currently at 45% of budget while expenditures are at 56%.

COUNCIL BUDGET SUB-COMMITTEE REVIEW

On February 9, 2010 the City Manager, and I met with Mayor Stratford and Council Member Geller to review the mid-year Budget data in great detail. The Council Budget Sub-Committee supports the analysis and recommendations herein. In addition, the Budget Sub-Committee recommends the General Fund Budget revenues be amended by $45,000 to include the 2% election of Redevelopment Property Tax Revenues that were not included in the original budget. This will leave an estimated gap of $45,761 that will be addressed at year end after all revenues and expenditures have been received.

CONCLUSION

The City is expected to have an unfavorable balance ($45,761) or 1.2% of budgeted expenditures over revenues at year end after accounting for encumbrances ($308,318) carried over from the prior fiscal year. The deferred maintenance projects ($188,575), the General Plan Diagram ($26,743), Dispatch Services and Jail Booking Fees ($65,881) accounted for a majority of our outstanding encumbrances. It should be noted that staff has done everything possible to reduce costs and operate on a bare bones budget over the past five years. Unknowns that could affect costs are related to fluctuations in energy, water, vehicle operating costs, unforeseen building maintenance costs, and unfunded state mandates or shifts in revenue.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments:
A. General Fund Mid-Year Financial Report [1 pg.]
B. Special (Restricted-Use) Funds Report [1 pg.]

CITY OF CLAYTON MID-YEAR FINANCIAL REVIEW 12/31/2009 — EXHIBIT A

REVENUES

DESCRIPTION	Account Number	Budgeted Revenue 2009-10	Actual Revenue 12/31/2009	% Rec'd	Mid-Yr Balance	% Due	Projected Revenue 6/30/2010	Projected Variance 6/30/2010
Property Tax Secured (net)	4101	1,565,724	792,649	50.6%	773,075	49%	1,504,513	(61,211)
Property Tax Unsecured	4102	34,490	37,213	107.9%	(2,723)	0%	37,213	2,723
Property Tax Unitary Tax	4103	9,800	6,563	67.0%	3,237	33%	11,933	2,133
Property Tax Supplemental	4104	5,258	3,819	72.6%	1,439	27%	7,048	1,790
Property Taxes Other	4106	5,662	-	0.0%	5,662	100%	5,662	-
Sales and Use Tax	4301	214,000	111,542	52.1%	102,458	48%	197,950	(16,050)
Real Property Transfer Tax	4502	30,000	30,373	101.2%	(373)	0%	35,373	5,373
Business License	5101	90,000	79,863	88.7%	10,137	11%	90,000	-
Building Permit	5103	22,000	9,095	41.3%	12,905	59%	18,000	(4,000)
City Permits	5106	3,000	3,480	116.0%	(480)	0%	3,800	800
Public Safety Tax (Prop 172)	5201	65,000	18,727	28.8%	46,273	71%	65,000	-
Abandoned Vehicle Abatement	5202	1,225	1,394	113.8%	(169)	0%	3,353	2,128
Motor Vehicle License Fee	5203	35,000	7,354	21.0%	27,646	79%	24,850	(10,150)
Other In-lieu (Diamond Terrace)	5205	137,504	68,752	50.0%	68,752	50%	137,504	-
POST Reimbursements	5214	3,500	763	21.8%	2,737	78%	3,500	-
Planning Services	5301	5,000	3,221	64.4%	1,779	36%	3,721	(1,279)
Police Services	5302	22,000	14,068	63.9%	7,932	36%	25,000	3,000
Planning Project Fees	5304	30,000	2,346	7.8%	27,654	92%	7,000	(23,000)
Well Water Usage	5306	10,000	7,409	74.1%	2,591	26%	12,000	2,000
Misc. City Services	5319	2,500	1,111	44.4%	1,389	56%	2,500	-
Well Monitoring Service Charge	5321	18,858	10,826	57.4%	8,033	43%	18,858	-
City Administrative Fees	5322	33,281	36,436	109.5%	(3,155)	-9%	36,436	3,155
Cable TV Franchise Fees	5401	166,000	85,164	51.3%	80,836	49%	161,696	(4,304)
Solid Waste Franchise Fees	5402	76,000	39,462	51.9%	36,538	48%	76,000	-
Utility Franchise Fees	5403	119,833	47,933	40.0%	71,900	60%	119,833	-
Gas Line Franchise Fees	5404	11,128	11,153	100.2%	(25)	0%	11,153	25
Fines and Forfeitures	5501	37,000	12,298	33.2%	24,702	67%	30,000	(7,000)
Interest Earnings	5601	75,002	58,153	77.5%	16,849	22%	85,002	10,000
Park User Fees	5602	69,000	29,812	43.2%	39,189	57%	69,000	-
Meeting Room Fees	5603	2,100	867	41.3%	1,234	59%	2,100	-
Rental Fees	5604	-	1,035	100.0%	(1,035)	0%	1,035	1,035
Cattle Grazing Lease Rent	5608	8,310	8,494	102.2%	(184)	0%	8,494	184
Nextel Lease Rent	5609	29,372	14,830	50.5%	14,542	50%	29,660	288
Street Use Fees	5612	-	100	100.0%	(100)	0%	100	100
Crossing Guard Reimbursement	5701	5,014	4,987	99.5%	27	1%	4,987	(27)
Other Revenues	5790	-	1,126	100.0%	(1,126)	0%	1,126	1,126
Overhead Cost Recovery	5791	35,000	3,431	9.8%	31,569	90%	35,000	-
Asset Forfeiture Cnet	5801	6,600	7,000	106.1%	(400)	0%	7,000	400
Transfer from Measure C	6002	4,000	2,000	50.0%	2,000	50%	4,000	-
Transfer from Streets	6004	6,687	3,344	50.0%	3,344	50%	6,687	-
Transfer from St. Lights	6005	10,000	5,000	50.0%	5,000	50%	10,000	-
Transfer from GHAD	6006	18,677	9,339	50.0%	9,339	50%	18,677	-
Transfer from Landscape	6007	26,970	13,485	50.0%	13,485	50%	26,970	-
Transfer from RDA Project Fund	6008	275,000	137,500	50.0%	137,500	50%	275,000	-
Transfer from RDA LMI Fund	6009	125,000	62,500	50.0%	62,500	50%	125,000	-
Transfer from Stormwater Fund	6016	31,605	15,803	50.0%	15,803	50%	31,605	-
Transfer from Trust & Agency	6024	155,579	77,790	50.0%	77,789	50%	155,579	-
Encumbrances		308,318			308,318		308,318	-
TOTAL REVENUES		**3,945,997**	**1,899,604**	**48.1%**	**2,046,393**	**51.9%**	**3,855,236**	**(90,761)**

EXPENDITURES

DESCRIPTION	Dept Number	Budgeted Expenditure	Actual Expenditure	% Used	Mid-Yr Balance	% Due	Projected Expenditures	Projected Variance
Legislative	Dept 01	59,705	39,427	66.0%	20,278	34.0%	69,382	-
Admin/Finance	Dept 02	814,072	435,179	53.5%	378,893	46.5%	820,981	-
Public Works	Dept 03	142,495	69,459	48.7%	73,036	51.3%	335,694	-
Community Development	Dept 04	254,488	138,911	54.6%	115,577	45.4%	281,231	-
General Support	Dept 05	164,603	97,907	59.5%	66,696	40.5%	165,454	-
Library	Dept 06	1,800,991	919,173	51.0%	881,818	49.0%	1,868,672	-
Police Services	Dept 07	133,678	51,721	38.7%	81,957	61.3%	133,678	-
Engineering	Dept 08	96,758	46,451	48.0%	50,307	52.0%	100,016	-
Community Park	Dept 09	170,889	69,152	40.5%	101,737	59.5%	170,889	-
Encumbrances		308,318						
TOTAL EXPENDITURES		**3,945,997**	**1,867,379**	**47.3%**	**1,770,301**	**52.7%**	**3,945,997**	-
BALANCE			**32,225**				**(90,761)**	**(45,761)**

EXHIBIT B

CITY OF CLAYTON
SPECIAL (RESTRICTED USE) FUNDS REPORT
Mid Year 7/1/09-12/31/09

Fund #	Description	Budget Revenue 2009/10	Actual Revenue 12/31/2009	Budget Expenditures 2009/10	Actual Expenditures 12/31/2009
*201	Gas Tax Fund	299,483	110,522	425,573	82,414
210	Landscape Maintenance Fund	920,190	497,725	760,859	289,964
211	Grove Park Fund	117,934	60,765	111,938	31,724
*212	GHAD Fund	32,232	17,863	36,507	13,769
*214	Street Light Fund	127,959	70,497	141,246	52,795
*216	Stormwater Fund	125,200	28,108	179,034	74,382
*230	Restricted Grants Fund	126,000	24,661	140,610	86,493
*301	Redevelopment Project Fund	4,149,938	2,330,968	4,644,131	3,490,440
302	RDA Housing Project Fund	1,147,634	639,599	555,223	82,193
401	RDA Debt Service Fund	2,605,143	2,606,283	2,605,143	2,602,353
*501	Self Insurance Fund	3,000	1,608	41,220	6,475
502	Capital Equipment Replacement Fund	18,636	10,068	-	-
*701	Community Gym Enterprise Fund	150,502	63,923	98,335	40,021
702	Endeavor Hall Enterprise Fund	16,700	7,541	20,884	11,660
	Total	9,840,551	6,470,131	9,760,703	6,864,683

* Notes:
1. Revenue & Expenditure include Encumbrances
2. Gas Tax Fund beginning reserves $114,476
3. GHAD Fund beginning reserves $7,955
4. St Light Fund beginning reserves $117,139
5. Stormwater Fund beginning reserves $79,312
6. Restricted Grants Fund beginning reserves $313,139
7. RDA Project Fund beginning reserves $595,461
8. Self Insurance Fund beginning reserves $110,580
9. Community Gym Revenues from prior year $52,667

MINUTES
OF THE
REGULAR MEETING

CLAYTON REDEVELOPMENT AGENCY

Agenda Date: 2/16/10

RDA

Agenda Item: 3(a)

February 2, 2010

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 8:18 p.m. by Chairman Medrano in Hoyer Hall of the Clayton Community Library, 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 meeting of January 19, 2010.

(b) Adopted Resolution 01-2010 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).

4. **PUBLIC HEARING** – None.

5. **ACTION ITEMS** – None.

6. **BOARD ITEMS** – None.

7. **ADJOURN** – on call by Chairman Medrano the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

Joseph A. Medrano, Chairman

Agenda Date: 2/16/10

RDA
Agenda Item: 5(a)

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

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

AGENDA REPORT

TO: HONORABLE CHAIR AND BOARD MEMBERS

FROM: EXECUTIVE DIRECTOR

DATE: 16 FEBRUARY 2010

SUBJECT: DISPOSITION OF OUTSTANDING OBLIGATION OWED THE CITY ABSENCE OF 2% ELECTION PAYMENTS SINCE FY 1988-89

RECOMMENDATION

It is recommended the Board of Directors adopt the prepared Resolution acknowledging a $501,898.64 principal obligation to the City of Clayton for unpaid 2% election payments, and establishing a minimum 4-year payment plan.

BACKGROUND

In June 2008, the Clayton Redevelopment Agency adopted a 5-year Implementation Plan (as required by *California Redevelopment Law*) setting forth its accomplishments during the previous time period and outlining a plan for continued need for expenditure of Agency tax increment revenues for Non-Housing and Affordable Housing objectives. During this exercise, the Agency learned it was approaching its self-imposed revenue cap of $55 million sooner than the 50-year life of the Agency (July 2037). Revenue projections placed the Agency reaching its cap limitation in Fiscal Year 2014-15, with the last full-year's worth of allocation in FY 2013-14.

In February 2009, the Board directed staff to analyze this looming situation, determine what transpires financially when the Agency reaches this revenue collection cap, and provide options for the Board to consider. That fiscal impact analysis report was presented to the Board at its meeting on 19 January 2010. Within its findings was a surprise discovery the Agency had never paid its annual "2% election" of annual gross Tax Increment revenues due the City of Clayton (see Section 33676 of the *California Redevelopment Law*), per City Resolution No. 31-87 adopted in July 1987 [copy attached]. Subsequent Agency inquiry to Contra Costa County, the public entity that administers property tax levies, collection and dispersals in this county, as to why the payments were never made to the City garnered their reply they had no record of receiving the City's "2% election" resolution or other notice.

2% ELECTION PAYMENT AMOUNT

Upon learning of this oversight, Agency staff re-contacted the County of Contra Costa seeking its calculation of the 2% election funds due the City of Clayton. By email on 27 January 2010, County staff indicated the unpaid amount totaled $501,898.64 for the fiscal years 1988-89 through 2008-09 (21 years). By separate letter in response to the Executive Director's request, the County will now calculate and implement the 2% election payment to the City of Clayton in the current fiscal year (estimated at $45,000) and each year hereafter.

In discussions with the Agency's special legal counsel on this obligation (Karen Tiedemann, Esq.), she has informed Agency staff the 2% election payments can be paid to the City covering all years since inception. Since 2% election payments are made off-the-top of an agency's gross tax increment revenue allocation (i.e. before other pass-throughs and debt obligations), the aggregate sum due the City was previously dispersed to the Agency during each prior fiscal year. Therefore, the Agency is the sole holder of revenues due the City. In addition, 20% of the principal due ($100,379.72) is shouldered by the Affordable Housing Fund (balance of $401,518.92 from the Discretionary Project Fund).

PAYMENT PLAN

Naturally, a ½ million dollar Agency obligation to the City is a matter of serious consequence to the Agency and its fiscal status during downturns in tax increment revenue growth (local property tax economy) and pressed by 4.5 years remaining to collect monies before the current cap is reached in FY 2014-15. Further, the State of California's illegal taking of $1.966 million from the Agency this year for a SERAF shift pinches the Agency's reserves and financial capacity to pay the 2% election in one lump sum. Therefore, weighing all variables in this tight fiscal situation, it is proposed the Board acknowledge its 2% election obligation unpaid during the past 21 years and establish a 4-year payment plan to the City commencing in FY 2010-11. This action will create an Agency liability and a City receivable in the amount of $501,898.64 to be paid according to the following plan:

Fiscal Year	Non-Housing	Affordable Housing	Total Funds
2010-11	$ 100,379.73	$ 25,094.93	$ 125,474.66
2011-12	$ 100,379.73	$ 25,094.93	$ 125,474.66
2012-13	$ 100,379.73	$ 25,094.93	$ 125,474.66
2013-14	$ 100,379.73	$ 25,094.93	$ 125,474.66
Totals:	**$ 401,518.92**	**$ 100,379.72**	**$ 501,898.64**

In this manner the Agency can fulfill its debit obligation to the City of Clayton for past 2% election payments unpaid without decimating the Agency's existing reserves, its annual tax increment revenue flows or its contemplated improvement projects. Should the City require acceleration of the Agency's payments within the next 4 years due to its own budgetary plight, the City Council can call on the Agency Board of Directors to hasten repayment.

FISCAL IMPACT

The Agency's proposed 4-year payment plan for unpaid 2% elections due the City during the last 21 years represents a responsible fiscal strategy to meet its obligations without incapacitating the Agency's financial capacity to accomplish its objectives.

Attachments:
1. RDA Resolution [2 pp.]
2. 2% Election calculation by County [2 pp.]
3. City Resolution No. 31-87 [2 pp.]

RDA RESOLUTION NO. – 2010

A RESOLUTION ACKNOWLEDGING AN UNPAID 2% ELECTION PAYMENT DUE THE CITY OF CLAYTON SINCE INCEPTION OF THE CLAYTON REDEVELOPMENT AGENCY AND ESTABLISHING A 4-YEAR PLAN FOR PAYMENT OF SAID DEBIT OBLIGATION

THE BOARD OF DIRECTORS
Clayton Redevelopment Agency

WHEREAS, the Clayton Redevelopment Agency ("Agency") was formed in July 1987 in accordance with *California Redevelopment Law* for a 50-year life to expire in July 2037; and

WHEREAS, during its formation the City Council of the City of Clayton, California did adopt Resolution No. 31-87 on 01 July 1987 ordering "2% election" payments to the City each year by the Agency, as authorized by Section 33676 of the *California Health and Safety Code*, in connection with the Clayton Redevelopment Project; and

WHEREAS, said 2% election payments to the City were to commence after the tax year in which the ordinance adopting the Clayton Redevelopment Plan became effective, namely Fiscal Year 1988-89; and

WHEREAS, during examination of the Agency's remaining fiscal status and condition during calendar year 2009, it was discovered by Agency staff and its consultant, Seifel Consulting, Inc., that these 2% election payments had never been made to the City of Clayton; and

WHEREAS, subsequent verification by Contra Costa County's Auditor-Controller of this payment omission resulted in the County's calculation that the Agency owes the City of Clayton a total of $501,898.64 in unpaid 2% election payments from Fiscal Year 1988-89 through Fiscal Year 2008-09; and

WHEREAS, 2% election payments originate from the gross tax increment revenue collected each year for the Agency prior to the extraction of other public taxing entities' pass-through payments and Agency debt service; and

WHEREAS, due to the failure in allocating the 2% election payments to the City of Clayton during the last twenty one (21) fiscal years, the Agency now incurs a debit obligation to the City for the principal amount owed of $501,898.64; and

WHEREAS, lump sum payment of the Agency's debit obligation could negatively impact the financial status of the Agency to perform its 5-Year Implementation Plan, achieve its mission to cure blight, and seriously disable the reserves of the Agency in the wake of a $1.966 million illegal SERAF shift by the State of California this fiscal year.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Clayton Redevelopment Agency that:

1. The above Recitals are true and correct facts pertaining to the omission of the Agency making 2% election payments to the City of Clayton, California since Fiscal Year 1988-89 through Fiscal Year 2008-09, in accord with Section 33676 of the *California Health and Safety Code*.

2. The Board of Directors herein acknowledges and accepts the fact the Agency does owe the City of Clayton its past 2% election payments in the principal amount of $501,898.64, and hereby wishes to correct this oversight and fulfill its monetary obligation in this regard.

3. In order to pay the debit obligation of $501,898.64 without decimation of the Agency's existing reserves and future tax increment revenue allocations, the Board of Directors does herewith adopt and order the following 4-year payment plan to satisfy its fiscal obligation:

Fiscal Year	Non-Housing	Affordable Housing	Total Funds
2010-11	$ 100,379.73	$ 25,094.93	$ 125,474.66
2011-12	$ 100,379.73	$ 25,094.93	$ 125,474.66
2012-13	$ 100,379.73	$ 25,094.93	$ 125,474.66
2013-14	$ 100,379.73	$ 25,094.93	$ 125,474.66
Totals:	**$ 401,518.92**	**$ 100,379.72**	**$ 501,898.64**

4. The Board of Directors does hereby instruct its Executive Director to notify and provide a copy of this Resolution signed by its Chairman to the City of Clayton, California as good faith evidence of action taken to fully satisfy the 2% election debit obligation of the Agency over the next four (4) fiscal years, and to transmit to the Board for consideration any future action by the City Council of Clayton to call for acceleration of this payment plan due to the City's finding of fiscal plight.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Clayton Redevelopment Agency at a regular public meeting thereof held on the 16th day of February 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE BOARD OF DIRECTORS
CLAYTON REDEVELOPMENT AGENCY

____
Joseph A. Medrano, Chairman

ATTEST:

____
Laci J. Jackson, Secretary

ATTACHMENT 2

From: Bob Campbell [mailto:bcamp@ac.cccounty.us]
Sent: Wednesday, January 27, 2010 4:24 PM
To: gnapper@ci.clayton.ca.us
Cc: 'Bobby Romero'; mpelletier@ci.clayton.ca.us; 'Vincent Villacorta'
Subject: RE: City of Clayton 2% Election Payment

Mr. Napper, attached is the schedule that Vincent worked up for the Clayton 2% pass through.

Total amount for all years, 2008-09 and prior, is $501,898.64

Let us know if you have any questions.
(See attached file: Clayton RDA 2% to city of Clayton.pdf)
"Gary Napper" <gnapper@ci.clayton.ca.us>

"Gary Napper" <gnapper@ci.clayton.ca.us>

01/14/2010 10:07 AM

Please respond to <gnapper@ci.clayton.ca.us>

To"'Bob Campbell'" <bcamp@ac.cccounty.us>

cc<mpelletier@ci.clayton.ca.us>, "'Vincent Villacorta'" <VVill@ac.cccounty.us>, "'Bobby Romero'" <brome@ac.cccounty.us>

SubjectRE: City of Clayton 2% Election Payment

Clayton RDA
2% pass thru
Funds 4201 and 4248

TRA	87-88	88-89	89-90	90-91	91-92	92-93	93-94	94-95	95-96	96-97	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	Total
4201 (City of Clayton)																							
13001		1.57	0.00	4.74	8.07	9.78	8.17	9.44	10.20	10.93	12.24	13.48	14.74	16.12	17.53	18.98	20.45	678.17	725.58	773.94	823.27	873.58	4,050.98
13003		19.14	4.82	12.60	21.43	25.98	21.70	25.06	27.10	29.02	32.52	35.67	39.00	42.66	46.40	50.22	54.11	57.81	61.85	65.98	70.18	74.47	817.72
13004		29.87	28.85	142.54	242.38	293.80	245.43	283.49	306.51	328.26	367.86	404.88	442.73	484.34	526.78	570.07	614.23						5,312.02
13006		80.52	82.13	241.67	410.94	498.13	416.16	361.36	390.71	418.44	468.91	514.68	562.80	615.70	669.65	724.68	780.82	26,699.64	28,566.27	30,470.24	32,412.29	34,393.18	159,778.92
13007		0.00	0.00	0.00	0.07	0.00																	0.07
13008		0.00	0.00	0.04	0.10	0.09	0.10	0.09	0.09	13,890.02	15,565.39	17,116.34	18,716.51	20,475.63	22,269.93	24,100.12	25,966.92						158,101.37
13009		0.00	0.00	0.06	0.00	0.12	0.15	1,168.26	1,263.15														2,431.74
13010		1.29	1.31	0.00	843.81	0.00	0.00																846.41
13011		167.58	171.67	496.23	9,293.86	1,022.84	1,011.57																12,163.75
13012		1,816.79	1,903.05	5,465.55	2,245.28	11,265.64	9,410.93	10,869.96	11,752.85														54,730.05
13013		486.27	508.17	1,320.41	289.44	2,721.64	2,273.56	2,626.05	2,839.34	3,040.85	3,407.62	3,750.16	4,100.75	4,486.17	4,879.30	5,280.29	5,689.30	6,862.14	7,341.88	7,831.23	8,330.36	8,839.47	86,904.40
13014		98.80	118.02	170.22	0.34	350.85	293.09	338.53	366.02	392.00	439.28	483.43	528.63	578.31	628.99	680.68	733.40						6,200.59
13022		0.00	0.00	0.20	1.42	0.41	0.34	0.40	0.43	0.46	0.51	0.56	0.62	0.67	0.73	0.79	0.85	772.37	826.37	881.45	937.63	994.93	4,421.14
13023		0.00	0.00	0.83	281.71	1.72	2.03	2.34	2.53	2.71	3.04	3.37	3.68	4.03	4.38	4.74	5.11						322.22
13024		0.00	0.00	165.67	0.00	341.47	285.25	329.48	356.24	381.53	427.54	469.68	513.59	561.86	611.09	661.31	712.54						5,817.25
13025		0.00	0.00	0.00	0.00	0.00																	0.00
13027				0.00	0.00	0.00																	0.00
13028				0.00	0.00	0.00																	0.00
13029				0.00	0.00	0.00																	0.00
13032				0.00	0.00	0.00																	0.00
13033				0.00	0.00	0.00																	0.00
13038					0.00	0.00																	0.00
13039						0.00																	0.00
4201 Total	0.00	2,701.83	2,818.02	8,020.76	13,638.85	16,532.47	13,968.49	16,014.46	17,315.17	18,494.22	20,724.91	22,792.25	24,923.05	27,265.49	29,654.78	32,091.88	34,577.73	35,070.13	37,521.95	40,022.84	42,573.73	45,175.63	501,898.64
																							501,898.64

ATTACHMENT 3

RESOLUTION NO. 31 -87

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

CITY OF CLAYTON

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

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

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

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

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

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

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

* * * * *

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

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

NOES, Councilmembers: None

ABSENT, Councilmembers: Hawes

ABSTAIN, Councilmembers: None

Mayor

ATTEST;

City Clerk

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

Laci J. Jackson, City Clerk

40-006

CITY OF CLAYTON
Founded 1857 . . . Incorporated 1964

Agenda Date: 2/16/10

Agenda Item: RDA 5(b)

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIR AND BOARD MEMBERS

FROM: EXECUTIVE DIRECTOR

DATE: 16 FEBRUARY 2010

SUBJECT: RESOLUTION ESTABLISHING THE AGENCY AS PROJECT APPLICANT "CREEKSIDE COMMONS" – MIXED USE COMMERCIAL PROJECT 1005 & 1007 OAK STREET, CLAYTON TOWN CENTER

RECOMMENDATION

It is recommended the Board of Directors adopt the prepared Resolution.

BACKGROUND

In January 2008 following the solicitation of requests for development proposals, the City Council invited Mr. Uzoma Nwakuche and his development design team (which included Robert Staehle as architect, VIZf/x) to pursue a land use entitlement permit from the City for its sale of City-owned properties and eventual construction of a mixed-use commercial project on two parcels in the Town Center. Since the properties are owned by the City, the Clayton Redevelopment Agency did not assume lead in the project nor did it participate financially even though the site location is within the Agency's Project Area. The project became known as the "Rivulet Project".

During the summer of 2009, the capacity of Mr. Nwakuche was drawn into question as to the financial resources to replenish the debit application processing account, close escrow and/or affect actual construction of the project. Several opportunities were provided by the City for Mr. Nwakuche to resolve these concerns, which ultimately lead to a complete lack of communication or financial solutions. As the draft Disposition and Development Agreement (DDA) was never signed by Mr. Nwakuche nor approved by the City Council, the City stepped forward to assume control of the proposed project presently stalled at the Planning Commission.

The City holds public title to the underlying land and improvements on three (3) parcels of land located on the west side of Oak Street between High and Center Streets in the Town

Center area. Two (2) of the properties have improvements (of various condition and age) on the lands, one formerly leased to PERMCO, Inc. (City Engineer firm) APN 119-050-034 (approx. 11,760 sq. ft.) and the other formerly leased to Clayton Mind and Body Spa, APN 119-050-009 (approx. 8,710 sq. ft.). The third parcel (APN 119-050-008; 12,631 sq. ft.) is primarily in open space condition. Immediately adjacent to the north is a largely-unused right-of-way extension to Center Street; it is a remote possibility that Center Street would ever be punched up the hillside for traffic circulation or access.

AGENCY PROJECT INVOLVEMENT

The Agency's 5-Year Implementation Plan (adopted on 01 July 2008) describes the program activities the Agency intends to undertake "*... to continue the elimination of blight, stimulate development, and produce and facilitate affordable housing opportunities within the Project Area*". A review of the proposed project reveals its location and intended land uses qualify it as a prime candidate for the Agency's endorsement and financial assistance, and its purposes are compatible with the Agency's mission.

The proposed "Creekside Commons" project (formerly "Rivulet") involves the construction of a mixed-use two-story building with a western-style frontage characteristic of architectural themes suggested in the *Town Center Specific Plan*. The first floor is comprised of approximately 7,200 sq. ft. of retail commercial space with a 20-foot ceiling. The second floor consists of seven (7) residential units which will involve affordable housing opportunities. The residential units are 1-bedroom and several contain dens. A terrace is proposed on the creek side of the second story. The project is presently stalled at the Planning Commission awaiting funds to complete the final environmental review documents and commence public hearings. The City Council ultimately determines the fate of the proposed project.

The former project sponsor deposited a total of $27,940 with the City to commence payment for the application's processing expenses. At the time the City halted further processing until the deposit was replenished, incurred project expenses exceeded monies on deposit by $30,109.95. The City was later informed that none of the project's private design team and consultants had been paid for services rendered on the project. To this point, 75% of the application's processing is essentially complete. Given the project's future benefit to the Clayton Town Center over existing conditions at this site, the value of project work performed to date, and the prospect of future regulatory restrictions to building setbacks near creeks, it has been determined by City/Agency officials and staff that moving the project to entitlement completion is a worthy and harmonious goal of the Agency.

AGENCY FINANCIAL ASSISTANCE

To resurrect project processing, it is necessary to cure the expense debit to date and contract with the project's existing design/consultant team to arrange completion of their work moving forward. It is also necessary for the project to have a new Project Applicant. To these ends, it is recommended the Board take action agreeing to be the new Project

Applicant (the City remains as property owner) and allocate tax increment revenues to cure the expense debit as well as underwrite a project processing budget for completion. Below is a table illustrating monies necessary for project entitlement completion:

Project Completion Budget

Application Account Debit:	$ 30,109.95
VIZf/x Design/Consultant Contract:	$ 10,450.00
City staff processing time/expenses:	$ 12,500.00
Environmental consultant (Raney)	$ 8,900.00
City Engineering services:	$ 5,000.00
Allocation Needed:	**$ 66,959.95**

Capital Improvement Project (CIP) No. 10400 – Downtown Economic Development Fund is the depository of Agency tax increment revenues available for expenditure on projects and services consistent with the Agency's 5-Year Implementation Plan. Sufficient Agency monies exist in this account to underwrite completion of entitlement for the proposed Project.

FISCAL IMPACT

As noted above, $30,109.95 worth of City and consultant expenses has already been incurred on the Project and must be repaid to keep the City whole even without further processing of the Project's application. Consequently, for an additional allocation of $36,850 in Agency funds, a mixed use commercial project for the Clayton Town Center can be submitted for public review and prospective entitlement approval. For rounding purpose, staff recommends the appropriation from CIP No. 10400 be $67,000.

Attachments:
1. RDA Resolution [2 pp.]
2. Creekside Commons Project Update – Feb. 2010 [2 pp.]
3. Creekside Commons floor plans [3 pp.]

RDA RESOLUTION NO. – 2010

A RESOLUTION AUTHORIZING THE AGENCY TO BE THE PROJECT APPLICANT OF A MIXED USE COMMERCIAL DEVELOPMENT PROJECT PROPOSED FOR CITY-OWNED REAL PROPERTIES ON OAK STREET IN THE CLAYTON TOWN CENTER, AND APPROPRIATING $67,000 IN AGENCY TAX INCREMENT REVENUES TO THE PROJECT ENTITLEMENT COMPLETION BUDGET

THE BOARD OF DIRECTORS
Clayton Redevelopment Agency

WHEREAS, the goals and objectives of the Clayton Redevelopment Agency cited in its 5-Year Implementation Plan adopted on 01 July 2008 include the elimination of blight and economic blighting conditions and the production of affordable housing within the Project Area; and

WHEREAS, the City of Clayton owns three (3) real properties located on Oak Street in the Clayton Town Center upon which rest two (2) older and blighted bungalow buildings that are presently vacant and not entirely compatible with the City's General Plan and the *Town Center Specific Plan*; and

WHEREAS, in response to public solicitation of requests by the City for redevelopment proposals of this blighted site and existing improvements, the City invited in January 2008 a developer (Mr. Uzoma Nwakuche) and his assembled development design team to pursue a land use entitlement permit from the City for ultimate sale of the public real properties and eventual construction of a mixed use commercial project on this site; and

WHEREAS, following initial pursuit and processing of the project's application, it became clear in the summer of 2009 that the invited developer no longer had the financial capacity to continue processing the land use entitlement application nor provided other arrangements for completion of the application or ultimate redevelopment and construction of the proposed mixed use project; and

WHEREAS, based on these realizations and after offering the developer numerous opportunities to cure the monetary deficit and/or bring a third party financier or developer to the proposal, City and Agency officials and staff met with a representative of the existing development design team and consultants to assess the current situation and consider options for continued processing of the mixed use commercial project to its completion; and

WHEREAS, general consensus arose from these meetings that it would be appropriate and beneficial for the Clayton Redevelopment Agency to assume the dual role of Project Applicant and underwriter of the land use entitlement process from this time forward to bring the proposed project to public review and entitlement completion, acknowledging the two-story building having 7,200 sq. ft. of retail commercial space on ground floor and seven (7) residential units of an affordable housing design on the second floor contain land uses wholly compatible with the mission of the Agency and the *Town Center Specific Plan*;

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Clayton Redevelopment Agency does hereby find and approve:

1. That the above Recitals are true and correct statements of fact regarding the history and current situation arising from the processing of a land use development application for a mixed use commercial project (known as "Creekside Commons") proposed on three (3) real properties owned by the City of Clayton adjacent to Oak Street in the Clayton Town Center.

2. That based on the proposed land uses in the Creekside Commons commercial project, it is compatible and consistent with the Agency's 5-Year Implementation Plan and its goals and objectives for the Agency to assume the dual role of Project Applicant and financial underwriter of the proposed Project's land use entitlement permit, and the Board herein approves and authorizes its Executive Director to sign the necessary land use application and associated documents to implement this direction.

3. That the appropriation of $67,000 in Agency tax increment revenues from the Capital Improvement Project Budget (CIP No. 10400 – Downtown Economic Development Fund) is hereby authorized and appropriated for completion of the land use entitlement process for the proposed Creekside Commons project.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Clayton Redevelopment Agency at a regular public meeting thereof held on the 16th day of February 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE BOARD OF DIRECTORS
CLAYTON REDEVELOPMENT AGENCY

Joseph A. Medrano, Chairman

ATTEST:

Laci J. Jackson, Secretary

FEB 8 2010

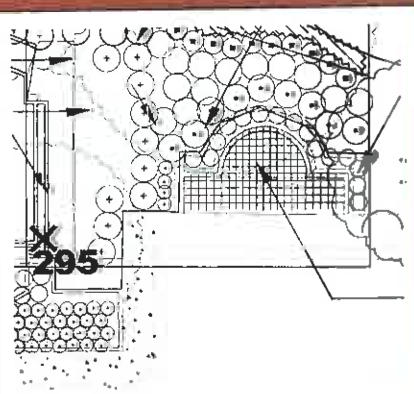
PROJECT UPDATE

CREEKSIDE COMMONS

THE DESIGN TEAM IS TARGETING COMPLETION OF A SUBMITTAL PACKAGE BEFORE FEBRUARY 28

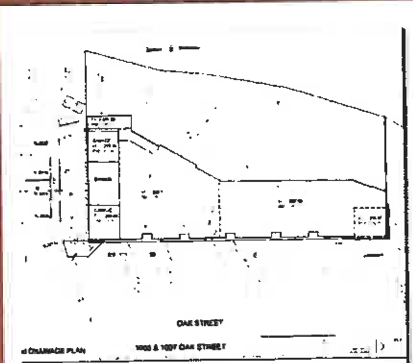
On track for a February submittal package

The consultant team has been working diligently since executing contracts to prepare a submittal package for the Community Development Director. We have prepared a draft submittal package inclusive of 90% of the architectural drawing, a draft landscape plan together with a 75% complete civil package. We have scheduled a meeting to be held this week with the City Engineer and Community Development Director to review our progress and obtain input. The process of completing the drawing package hinges on decisions being made and reflected in those same drawings. We are making the decisions based on input from staff coupled with the project teams years of experience working on similar projects. This newsletter is an attempt to keep the sub-committee informed.



REVISED LANDSCAPE PLAN

COLOR AND MATERIALS



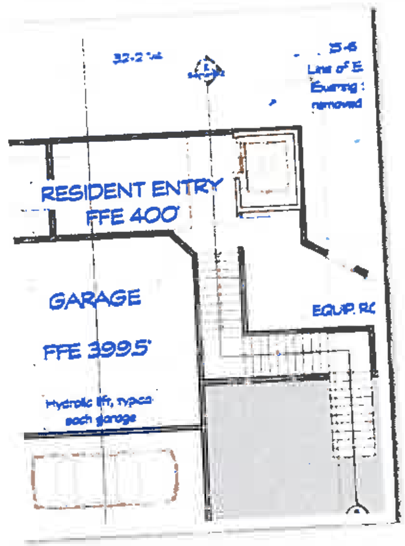
CIVIL SUBMITTAL

The team is pushing the project forward and in doing so making decisions that might impact the operations, sales and marketing of the project. Some of the design decisions initiated by the team include the following.

The design team has assigned the name of 'Creekside Commons' to the project. We feel this name embraces the unique setting and the mixed use character of the proposed design.

A visible design modification has been to relocate the main residential entry for the building from the north to the south end of the project. When the project site plan was first conceived in December of 2007 the concept of incorporation of the Center Street ROW was not a part of the building program. Now more than 2 years later the inclusion of that ROW with the incorporation of the interpretive mini-park has created a unique commercial opportunity at the north end of the building. The possibility of a commercial entity at the north end of the building being enhanced with views and a connection to the mini-park seem obvious. Further with the residential garages located at the south of the building the need for an elevator at that entry also seems like an obvious design improvement.

The completion of the Tentative Map is also acting as a catalyst to solidify how the future building might be operated. The inclusion of the vehicle lifts has always been an integral design solution utilized to maximize this unique site. The design team is proposing to allocate the residential garages as assigned common space. This distinction has several benefits. Each building owner or tenant will be allocated an individual garage. The mechanical equipment including the garage door and vehicle lift are envisioned to be maintained by the community. This will ensure consistent maintenance and repair of the equipment and systems.

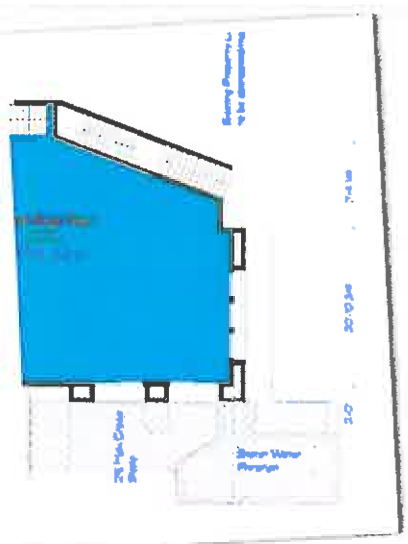


SOUTH ENTRY

MOVING THE ELEVATOR TO THE SOUTH END OF THE PROJECT HAS ALLOWED FOR THE INCREASE OF COMMERCIAL SPACE AT AND WILL PROVIDE FOR MORE CONVENIENCE FOR THE BUILDING RESIDENTS.

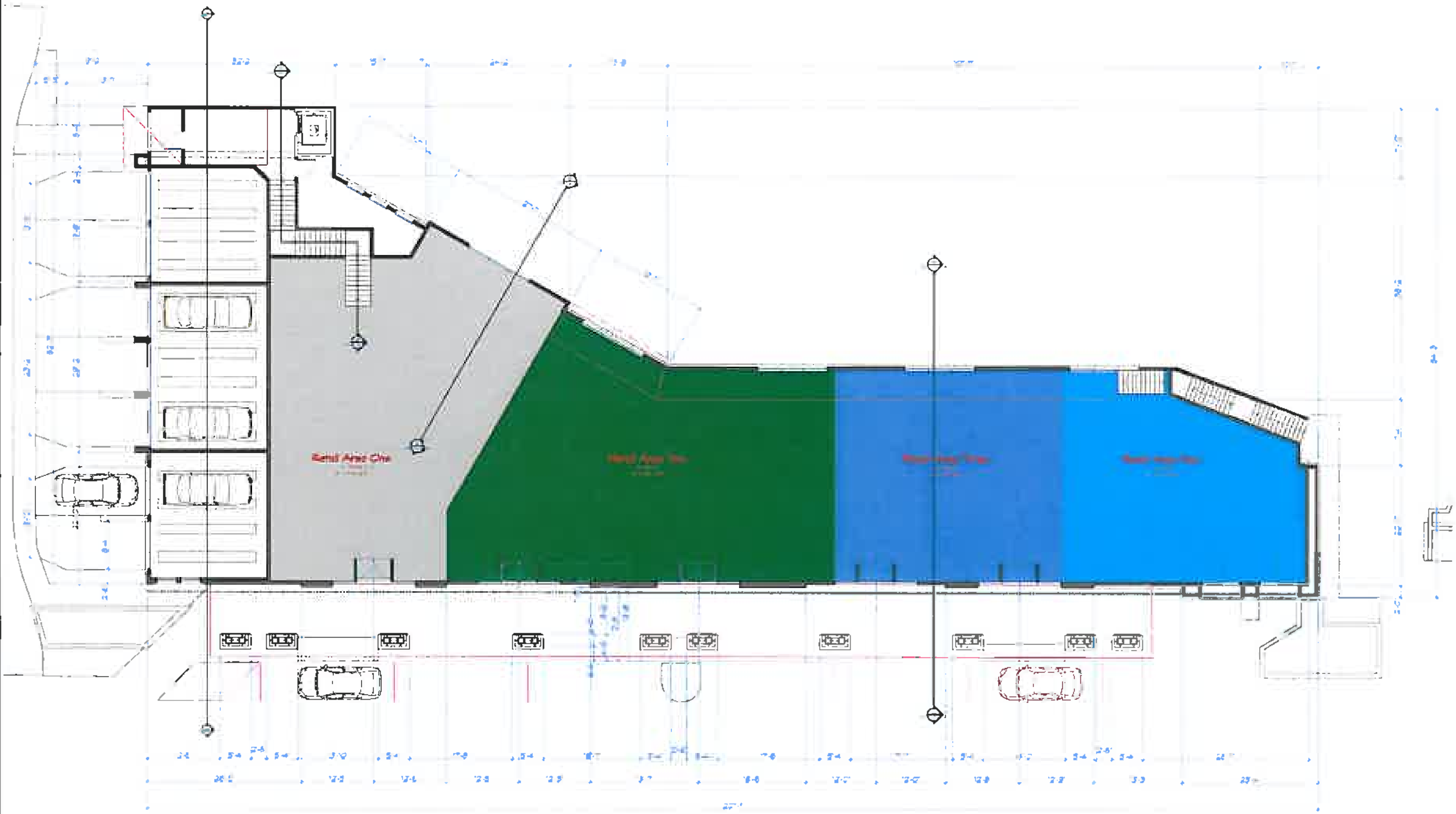
NORTH ELEVATION

ADDITIONAL FENESTRATION ON THE NORTH ELEVATION WILL INCREASE NATURAL LIGHT IN THE RETAIL SPACE AND TAKE ADVANTAGE OF THE VIEWS TO THE ABANDONED CENTER STREET ROW AND THE CREEK.



NORTH ENTRY

REDUCING THE RESIDENTIAL ENTRY AT THE NORTH TO A STAIRWAY ENTRY AND EGRESS HAS ALLOWED FOR INCREASED LEASABLE SPACE AT THE NORTH END OF THE PROJECT.



1 First Floor Plan

CONSULTANTS

Creekside Commons

1005 - 1007 Oak Street, Clayton, CA

City of Clayton, Redevelopment Agency

MARK	DATE	DESCRIPTION

PROJECT NO

MODEL FILE

DRAWN BY

CHKD BY

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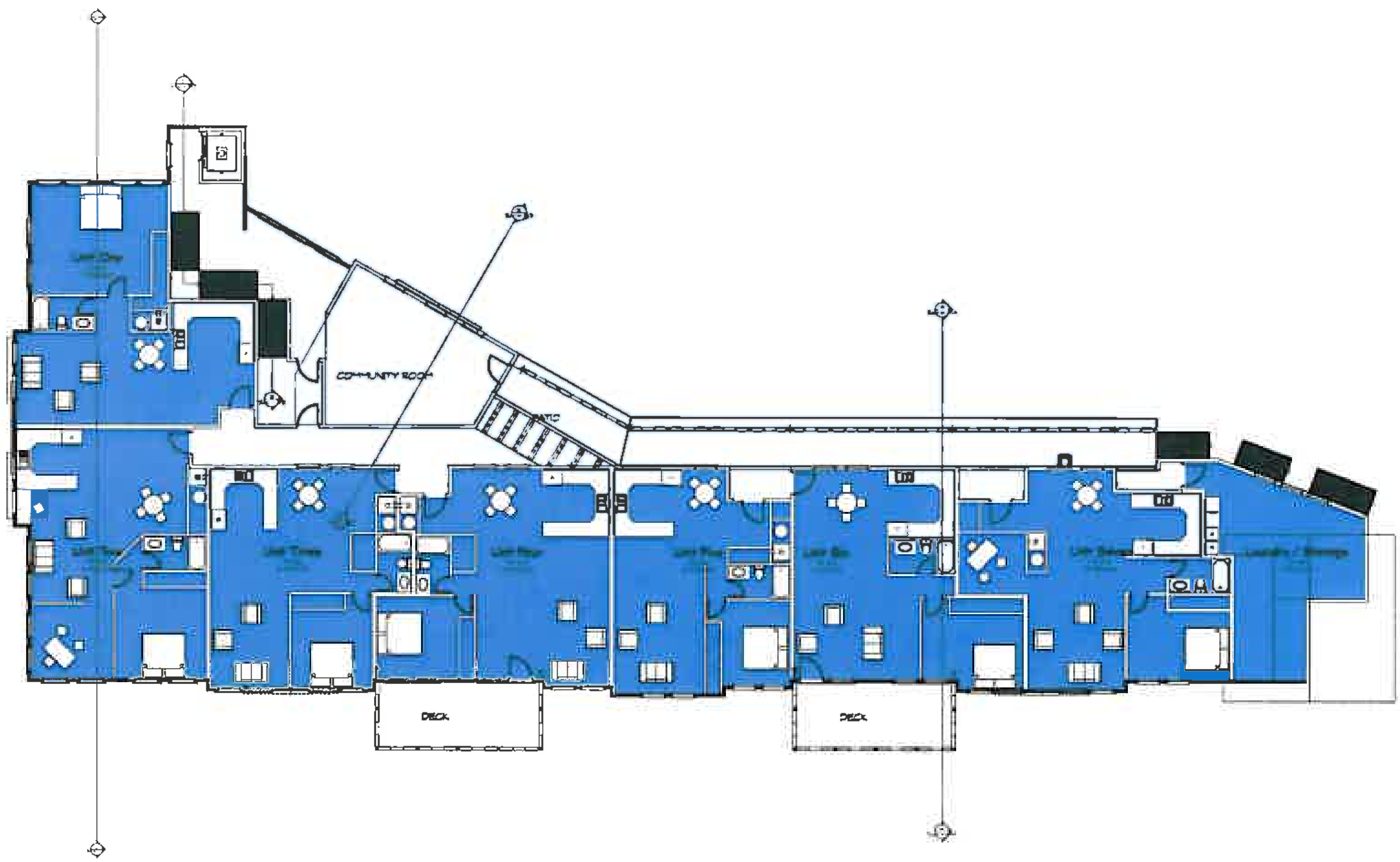
SHEET TITLE

1st FLOOR PLAN

A-1.2

SHEET 9

CP



1 2nd FLOOR PLAN

CONSULTANTS

Creekside Commons

1005 - 1007 Oak Street, Clayton, CA

City of Clayton, Redevelopment Agency

MARK	DATE	DESCRIPTION

PROJECT NO
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SHEET TITLE
2nd FLOOR PLAN

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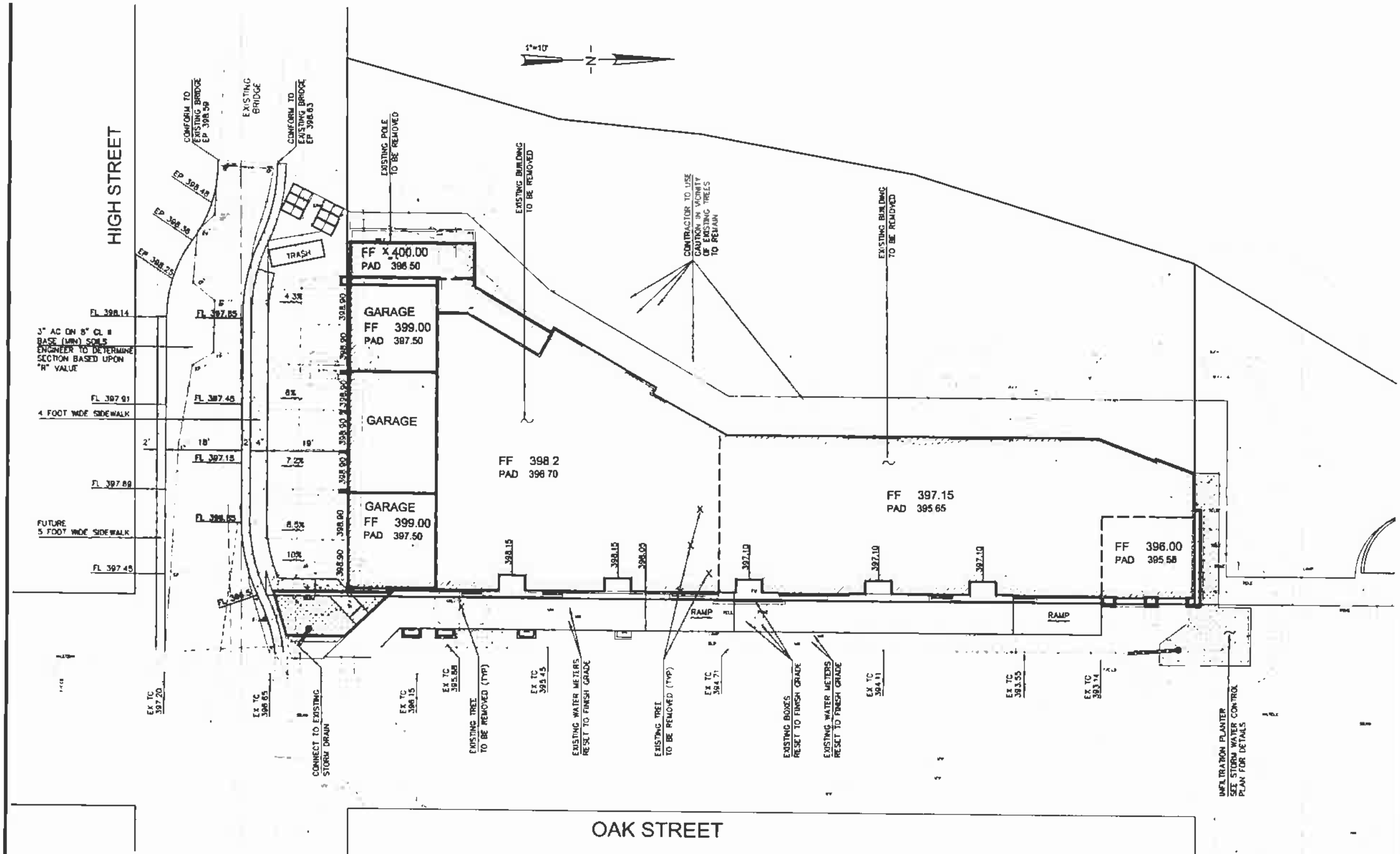

GRADING and DRAINAGE PLAN

1005 & 1007 OAK STREET

CITY OF CLAYTON | CONTRA COSTA COUNTY | CALIFORNIA

#	REVISIONS	DATE

DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
Tel 925/837-3780
Fax 925/837-4378

SHEET 1 OF 1 SHEET