



AGENDA

REGULAR JOINT MEETINGS

* * *

CLAYTON CITY COUNCIL AND GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

* * *

TUESDAY, April 6, 2010

6:30 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 ***
April 6, 2010

6:30 P.M.

1. **CALL TO ORDER THE CITY COUNCIL** – Mayor Stratford.
CALL TO ORDER THE GHAD BOARD OF DIRECTORS – Chairman Geller.
2. **CLOSED SESSION**
 - (a) *Government Code Section 54956.9, Conference with Legal Counsel*
Pending Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases
Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County

Reports out of Closed Session: 1. Mayor Stratford; and 2. Chairman Geller.
3. **ADJOURNMENT OF THE GHAD BOARD OF DIRECTORS MEETING**
Chairman Geller.

7:00 P.M.

4. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
5. **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 March 16, 2010. ([View Here](#))
 - (b) Approve Financial Demands and Obligations of the City. ([View Here](#))
 - (c) Adopt a Resolution establishing the City's 2010-2011 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention). ([View Here](#))
 - (d) Authorize extension of time for up to an additional twelve month period thru April 19, 2011 for continuation of two police corporal positions rather than filling one vacant police sergeant position. ([View Here](#))
 - (e) Adopt a Resolution approving covenant regarding operation and maintenance of storm water facilities on private property at 1519 N. Mitchell Canyon Road. ([View Here](#))

6. RECOGNITIONS AND PRESENTATIONS - None.

7. REPORTS

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

8. 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.

9. PUBLIC HEARINGS – None.

10. ACTION ITEMS

- (a) Consideration and discussion of staff report critiquing preliminary identification of possible public and private lands for a community group-requested dirt bike park. (Assistant to the City Manager) ([View Here](#))

Staff recommendation: Following discussion, provide policy direction to staff regarding the pursuit of a recreational dirt bike park in Clayton.

- (b) Consideration and discussion of a status report concerning the City's existing Community Emergency Response Team (CERT) and its mission and objectives. (Police Chief) ([View Here](#))

Staff recommendation: Following discussion, provide policy direction to staff regarding the mission of the City's CERT Program by authorizing registration of past and future Clayton CERT volunteers as State of CA Disaster Service Worker Volunteers (DSWV).

- (c) Consideration of a Resolution authorizing T-Mobile to submit land use entitlement applications for two cell tower locations on City open space property for equipment building and antenna (Ridge Trail above Oakhurst Golf Course and ridge above Field 3 at Clayton Community Park); and further authorizing the City Manager to enter into a lease agreements upon T-Mobile receiving City planning entitlements. (Assistant to the City Manager) ([View Here](#))

Staff recommendation: Adopt the Resolution.

- (d) Consideration of a design concept plan for a public parking lot expansion and snack shack project at Clayton Community Park (CIP No.10413: EBRPD WW Grant funds). ([View Here](#))
(City Engineer)

Staff recommendation: Provide project design and concept approval plus indication of funding augmentation source(s).

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

12. ADJOURNMENT– the next regularly scheduled meeting is Tuesday, April 20, 2010.

#

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

TUESDAY, March 16, 2010

Agenda Date: 4-6-10

Agenda Item: 5a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 5:30 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 Medrano, and Pierce. Councilmembers absent: Councilmember Geller. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Police Chief Dan Lawrence, City Engineer Rick Angrisani, and City Clerk Laci Jackson.
2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 5:30 p.m.
 - (a) *Government Code Section 54956.9, Conference with Legal Counsel*
Pending Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County

OPEN SESSION

7:20 p.m. Mayor Stratford reported the Council will continue the Closed Session at the end of its regular meeting.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
4. **CONSENT CALENDAR-** It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular meeting of March 2, 2010.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopted Resolution 06-2010 approving a Master Street Tree List for the City of Clayton.
 - (d) Approved two amendments and one addition to the City's Capital Improvement Budget for FY 2009-10:
 1. Expansion of existing lower field parking lot and new concession stand at Clayton Community Park (CIP No. 10413) using EBRPD WW Grant funds;
 2. Pine Hollow Road right of way improvements and entry sign (CIP No. 10379) using CCTA Measure J transportation improvement funds; and
 3. East Marsh Creek Road Upgrade Project (CIP No. 10415) using CCTA Measure J transportation improvement funds.
5. **RECOGNITIONS AND PRESENTATIONS** – None.

6. REPORTS

- (a) Planning Commission – Commissioner Tuija Catalano reported on the March 9th meeting of the Planning Commission. She reported there were two items before the Commission. The Commission adopted Policies and Procedures for their meetings and reviewed the tree list already adopted by the City Council.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager reported Chevron had contested their property tax assessments with the County's tax assessment appeal board for tax years 2004, 2005, 2006. The appeal board voted in favor of Chevron therefore requiring the county and its taxing entites to pay back \$17.8 million. Because of Assembly Bill 8 every taxing entity must pay their share of the repayment of that money, leaving Clayton with a bill of \$10,138. This money will be taken out of the City's upcoming tax allocation in April. On top of that, next year most property owners will not be receiving tax bills with the typical 2% increase to the assessed value; instead, most will receive tax relief as property values have decreased statewide. Overall, the County expects to have a 5% reduction in property taxes. He explained that Clayton's property tax values have held better than other parts of the County.
- (d) City Council

Councilmember Pierce attended a Transportation Authority meeting, an Administration and Projects committee meeting, and a Transpac meeting.

Mayor Stratford participated in the Junior Achievement Program at Mt. Diablo Elementary School along with Councilmembers Geller and Medrano. He thanked the City Manager for scheduling the volunteers. He attended the Mayors' Conference, the Clayton Library's Creekside Arts Festival, and gave a tour of City Hall to a group of Cub Scouts.

Other – None.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS- None.

8. PUBLIC HEARINGS

- (a) Public Hearing on the Chief of Police's proposed expenditure of Supplemental Law Enforcement Services Funds (SLESF; restricted-use COPS Grant monies) for front-line law enforcement personnel and law enforcement capital equipment in the amount of \$100,000.00 for FY 2009-2010.

The Police Chief presented the staff report stating the purpose of the Public Hearing was to approve an expenditure plan for the COPS grant. He stated for the 13th year the state legislature approved funds for front line municipal police services. The County oversees the funding and the City of Clayton will be allocated the base minimum of \$100,000 for the funding of its 11th police officer and two police service aides.

Mayor Stratford opened the Public Hearing at 7:34 p.m. No comments were received and he closed the Public Hearing at 7:35 p.m.

It was moved by Councilmember Shuey, seconded by Councilmember Pierce to adopt Resolution 07-2010 for the use of SLESF grant monies in FY 2009-2010 as proposed by the Chief (Passed: 4-0 vote).

9. **ACTION ITEMS**

- (a) Consider a Resolution approving a multi-year contract with Environtech Enterprises (Vallejo, CA) in the 3-year total amount of \$160,248.00 (\$53,416 per year) for annual abatement of noxious weeds in specified areas of the public open space of the Oakhurst Development [Citywide Landscape Maintenance District].

The City Engineer presented the staff report and stated the Request for Qualifications was revised and sent to the 72 firms in the area that do this type of abatement work. He stated the bid period was three weeks. The low bidder was Environtech Enterprises and they have performed this type of work for the last 20 years. The rebidding of this contract cost approximately \$1,500 though the low bidder lowered their bid by \$5,000 producing an overall savings for the City. Wildland Resource Management will continue to provide oversight of Environtech through a separate contract for \$1,600 per year.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 08-2010 (Passed; 4-0 vote).

10. **COUNCIL ITEMS**- None.

2. **CLOSED SESSION contineud** Mayor Stratford reconvened the Closed Session for the following purpose and then adjourned into Closed Session at 7:38 p.m.

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

8:39 p.m. Report out of Closed Session- Mayor Stratford reported the Council received reports from legal counsel and gave directions.

11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

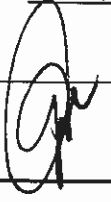
Hank Stratford, Mayor



Agenda Date: 04/06/10

Agenda Item: 5b

Approved:



Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MERRY PELLETIER, FINANCE MANAGER
DATE: APRIL 6, 2010
SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION

Approve the following obligations.

RUN DATE

OBLIGATION NUMBERS

TOTALS

04/02/10

16935 – 16988

\$192,810.96

Invoice Distribution Report

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

Attachments:

Invoice Distribution Report 04/02/10 (17 pages)

Run date: 04/02/2010 @ 11:43
Bus date: 04/02/2010

City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 1

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-2206-00.0.0-000 - PERS Liability			
16988 Retirement PPE 3/21/10	201 CalPERS		
Invoice number.: PPE 3/21/10	7 PD Survivor Benefit 3/21/10	Inv	10.23
A101-2206-00.0.0-000 - PERS Liability	*** Account total ***		10.23
A101-7218-02.0.0-000 - Life and LTD Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	1 Adm LTD 3/10	Paid	389.09
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	1 Adm LTD 4/10	Inv	389.09
A101-7218-02.0.0-000 - Life and LTD Insurance	*** Account total ***		778.18
A101-7218-03.0.0-000 - Life and LTD Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	2 PW LTD 3/10	Paid	226.41
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	2 PW LTD 4/10	Inv	226.41
A101-7218-03.0.0-000 - Life and LTD Insurance	*** Account total ***		452.82
A101-7218-04.0.0-000 - Life and LTD Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	3 Planning LTD 3/10	Paid	115.21
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	3 Planning LTD 4/10	Inv	115.21
A101-7218-04.0.0-000 - Life and LTD Insurance	*** Account total ***		230.42
A101-7218-06.0.0-000 - Life and LTD Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	4 PD LTD 3/10	Paid	624.92
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	4 PD LTD 4/10	Inv	624.92
A101-7218-06.0.0-000 - Life and LTD Insurance	*** Account total ***		1,249.84

Run date: 04/02/2010 @ 11:43
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City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 2

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7220-02.0.0-000 - PERS Retirement			
16988 Retirement PPE 3/21/10	201 CalPERS		
Invoice number.: PPE 3/21/10	2 Admin 3/21/10	Inv	3,968.69
A101-7220-02.0.0-000 - PERS Retirement	*** Account total ***		3,968.69
A101-7220-03.0.0-000 - PERS Retirement			
16988 Retirement PPE 3/21/10	201 CalPERS		
Invoice number.: PPE 3/21/10	3 PW 3/21/10	Inv	2,316.72
A101-7220-03.0.0-000 - PERS Retirement	*** Account total ***		2,316.72
A101-7220-04.0.0-000 - PERS Retirement			
16988 Retirement PPE 3/21/10	201 CalPERS		
Invoice number.: PPE 3/21/10	4 Planning 3/21/10	Inv	1,176.88
A101-7220-04.0.0-000 - PERS Retirement	*** Account total ***		1,176.88
A101-7220-06.0.0-000 - PERS Retirement			
16988 Retirement PPE 3/21/10	201 CalPERS		
Invoice number.: PPE 3/21/10	5 Police 3/21/10	Inv	12,651.02
A101-7220-06.0.0-000 - PERS Retirement	*** Account total ***		12,651.02
A101-7246-01.0.0-000 - Benefit Insurance			
16983 Dental Premium 4/10	540 Health Care Dental Trust		
Invoice number.: 105094	6 CC Geller 4/10	Inv	45.95
A101-7246-01.0.0-000 - Benefit Insurance	*** Account total ***		45.95
A101-7246-02.0.0-000 - Benefit Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	6 Adm Life, ADD 3/10	Paid	67.50
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	6 Adm Life, ADD 4/10	Inv	67.50
16982 Health Insurance 4/10	1316 CalPERS Health		
Invoice number.: 390	1 Admin 4/10	Inv	6,030.16
Invoice number.: 390	6 Adm Fees Health 4/10	Inv	115.66

Run date: 04/02/2010 @ 11:43
Bus date: 04/02/2010

City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 3

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7246-02.0.0-000 - Benefit Insurance	*** Continued ***		
16983 Dental Premium 4/10	540 Health Care Dental Trust		
Invoice number.: 105094	1 Admin Dental 4/10	Inv	479.92
A101-7246-02.0.0-000 - Benefit Insurance	*** Account total ***		6,760.74
A101-7246-03.0.0-000 - Benefit Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	7 PW Life, ADD 3/10	Paid	56.25
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	7 PW Life, ADD 4/10	Inv	56.25
16982 Health Insurance 4/10	1316 CalPERS Health		
Invoice number.: 390	2 PW 4/10	Inv	5,105.50
16983 Dental Premium 4/10	540 Health Care Dental Trust		
Invoice number.: 105094	2 PW Dental 4/10	Inv	556.95
A101-7246-03.0.0-000 - Benefit Insurance	*** Account total ***		5,774.95
A101-7246-04.0.0-000 - Benefit Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	8 Planning Life, ADD 3/10	Paid	22.50
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	8 Planning Life, ADD 4/10	Inv	22.50
16982 Health Insurance 4/10	1316 CalPERS Health		
Invoice number.: 390	3 Planning 4/10	Inv	2,449.78
16983 Dental Premium 4/10	540 Health Care Dental Trust		
Invoice number.: 105094	3 Planning Dental 4/10	Inv	214.56
A101-7246-04.0.0-000 - Benefit Insurance	*** Account total ***		2,709.34
A101-7246-06.0.0-000 - Benefit Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	9 PD Life, ADD 3/10	Paid	135.00

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7246-06.0.0-000 - Benefit Insurance	*** Continued ***		
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority 9 PD Life, ADD 4/10	Inv	135.00
Invoice number.: 4/10			
16982 Health Insurance 4/10	1316 CalPERS Health 4 Police Dept 4/10	Inv	9,608.68
Invoice number.: 390			
16983 Dental Premium 4/10	5 ER Share -retired PD 4/10	Inv	189.00
Invoice number.: 390			
16983 Dental Premium 4/10	540 Health Care Dental Trust 4 Police Dept Dental 4/10	Inv	950.78
Invoice number.: 105094			
A101-7246-06.0.0-000 - Benefit Insurance	*** Account total ***		11,018.46
A101-7312-06.0.0-000 - Office Supplies/Expense			
16951 PD Printing Services 3/10	42 City of Concord 1 PD Printing 3/10	Inv	88.00
Invoice number.: 19608			
A101-7312-06.0.0-000 - Office Supplies/Expense	*** Account total ***		88.00
A101-7314-05.0.0-000 - Postage			
16937 Adm Postage Added 3/26/10	2100 Neopost (add postage) 1 Adm Postage Added 3/26/10	Paid	300.00
Invoice number.: 3/26/10			
A101-7314-05.0.0-000 - Postage	*** Account total ***		300.00
A101-7324-08.0.0-000 - Dues and Subscriptions			
16975 Parcel Data Maps 3/10	2619 ParcelQuest 1 Parcel Data Maps 3/10	Inv	810.19
Invoice number.: 3223-3-2010			
A101-7324-08.0.0-000 - Dues and Subscriptions	*** Account total ***		810.19
A101-7329-09.0.0-000 - Park Supplies			
16971 PW Signs 3/10	17 Bay Area Barricade Serv. 1 PW Signs 3/10	Inv	144.21
Invoice number.: 0257786-IN			
16981 PW Landscape Supplies 3/10	2213 Crop Production Svcs 3 PW Landscape Supplies 3/10	Inv	1,147.14
Invoice number.: 206166			
A101-7329-09.0.0-000 - Park Supplies	*** Account total ***		1,291.35

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 Bus date: 04/02/2010

City of Clayton
 Invoice Distribution Report

OTDIST.L02 Page 5

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7331-05.0.0-000 - Rentals/Leases			
16953 Admin Copier Copies 3/10	2371 Konica Minolta Bus Sol-Copies		
Invoice number.: 214235962	1 Adm Copier Copies 3/10	Inv	180.82
16954 Adm Copier Lease 4/10	2370 Konica Minolta Bus Solutions		
Invoice number.: 011427133	1 Adm Copier Lease 4/10	Inv	628.98
A101-7331-05.0.0-000 - Rentals/Leases	*** Account total ***		809.80
A101-7332-02.0.0-000 - Telecommunications			
16938 CH Outside Phone Booth 4/10	2205 Pacific Telemanagement Svc		
Invoice number.: 184280	1 CH Outside Phone Booth 4/10	Inv	73.00
16939 Admin ISDN Line 4/10	1573 Verizon Business		
Invoice number.: 69217961	1 Admin ISDN Line 4/10	Inv	214.28
16960 Local Phone Svc 3/10A	1243 AT&T/ CalNet 2		
Invoice number.: 3/10A	2 CH Local Phone 3/10A	Inv	167.95
A101-7332-02.0.0-000 - Telecommunications	*** Account total ***		455.23
A101-7332-03.0.0-000 - Telephone			
16960 Local Phone Svc 3/10A	1243 AT&T/ CalNet 2		
Invoice number.: 3/10A	1 PW-Local Phone 3/10A	Inv	33.11
A101-7332-03.0.0-000 - Telephone	*** Account total ***		33.11
A101-7332-04.0.0-000 - Telephone			
16960 Local Phone Svc 3/10A	1243 AT&T/ CalNet 2		
Invoice number.: 3/10A	3 P1ng Local Phone 3/10A	Inv	42.19
A101-7332-04.0.0-000 - Telephone	*** Account total ***		42.19
A101-7332-06.0.0-000 - Telephone			
16960 Local Phone Svc 3/10A	1243 AT&T/ CalNet 2		
Invoice number.: 3/10A	7 PD Local Phone 3/10A	Inv	452.57
16961 PD Local Phone Svc 2/10B	1243 AT&T/ CalNet 2		
Invoice number.: 2/10B	1 PD Local Phone Svc 2/10B	Inv	88.97
A101-7332-06.0.0-000 - Telephone	*** Account total ***		541.54

Run date: 04/02/2010 @ 11:43
Bus date: 04/02/2010

City of Clayton
Invoice Distribution Report

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7332-08.0.0-000 - Telephone			
16960 Local Phone Svc 3/10A	1243 AT&T/ CalNet 2		
Invoice number.: 3/10A	5 Eng Local Phone 3/10A	Inv	83.69
A101-7332-08.0.0-000 - Telephone	*** Account total ***		83.69
A101-7335-03.0.0-000 - Gas & Electricity			
16985 Service 3/10 (Master)	113 PG&E		
Invoice number.:	1 City Hall 3/10	Inv	1,252.30
Invoice number.:	3 Lydia Pump Station 3/10	Inv	16.78
Invoice number.:	12 Westwood Pk Well 3/10	Inv	32.51
16987 Service 3/10 (Individual Inv)	113 PG&E		
Invoice number.:	1 PW Bldg Svc 3/10	Inv	86.01
Invoice number.:	5 Oak St Svc 3/10	Inv	35.10
A101-7335-03.0.0-000 - Gas & Electricity	*** Account total ***		1,422.70
A101-7335-07.0.0-000 - Gas & Electricity			
16985 Service 3/10 (Master)	113 PG&E		
Invoice number.:	4 Library 3/10	Inv	3,696.60
A101-7335-07.0.0-000 - Gas & Electricity	*** Account total ***		3,696.60
A101-7335-09.0.0-000 - Gas & Electricity			
16985 Service 3/10 (Master)	113 PG&E		
Invoice number.:	2 Community Restroom 3/10	Inv	149.28
A101-7335-09.0.0-000 - Gas & Electricity	*** Account total ***		149.28
A101-7342-03.0.0-000 - Machinery/Equipment Maintenanc			
16972 PW Equip Mtn 3/10	1541 Turf Star, Inc.		
Invoice number.: 6650919	1 PW Equip Mtn 3/10	Inv	198.07
A101-7342-03.0.0-000 - Machinery/Equipment Maintenanc	*** Account total ***		198.07
A101-7343-06.0.0-000 - Vehicle Maintenance			
16949 PD Vehicle Maintenance 3/10	42 City of Concord		
Invoice number.: 19626	1 PD Vehicle Mtn 3/10	Inv	2,034.89

Run date: 04/02/2010 @ 11:43
Bus date: 04/02/2010

City of Clayton
Invoice Distribution Report

OTDIST.L02 Page 7

Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7343-06.0.0-000 - Vehicle Maintenance	*** Account total ***		2,034.89
A101-7346-03.0.0-000 - HVAC Mtn & Repairs			
16958 Library, City Hall EMS & Mtn 3	1265 ACCO Engineered Systems		
Invoice number.: 528125-7	2 City Hall EMS &Mtn 3/10	Inv	450.00
A101-7346-03.0.0-000 - HVAC Mtn & Repairs	*** Account total ***		450.00
A101-7346-07.0.0-000 - HVAC Mtn & Repairs			
16958 Library, City Hall EMS & Mtn 3	1265 ACCO Engineered Systems		
Invoice number.: 528125-7	1 Library EMS & Mtn 3/10	Inv	724.00
A101-7346-07.0.0-000 - HVAC Mtn & Repairs	*** Account total ***		724.00
A101-7411-08.0.0-000 - Professional Services Retainer			
16984 Eng Svc 3/6/10-3/26/10	116 PERMCO, Inc.		
Invoice number.: 9118-9131	1 Eng Svc 3/6/10-3/26/10	Inv	5,595.75
A101-7411-08.0.0-000 - Professional Services Retainer	*** Account total ***		5,595.75
A101-7417-03.0.0-000 - Janitorial Service			
16957 Janitorial Services for 3/10	468 J & R Floor Services		
Invoice number.: MAR2010	3 City Hall 3/10	Inv	449.73
16968 Janitorial Supplies 3/10	84 Hammons Supply Company		
Invoice number.: 59225	2 Janitorial Supplies 3/10	Inv	108.01
A101-7417-03.0.0-000 - Janitorial Service	*** Account total ***		557.74
A101-7417-06.0.0-000 - Janitorial Service			
16957 Janitorial Services for 3/10	468 J & R Floor Services		
Invoice number.: MAR2010	5 PD 3/10	Inv	225.00
A101-7417-06.0.0-000 - Janitorial Service	*** Account total ***		225.00
A101-7417-07.0.0-000 - Janitorial Service			
16957 Janitorial Services for 3/10	468 J & R Floor Services		
Invoice number.: MAR2010	2 Library 3/10	Inv	2,175.00
16968 Janitorial Supplies 3/10	84 Hammons Supply Company		
Invoice number.: 59225	1 Janitorial Supplies 3/10	Inv	324.01
A101-7417-07.0.0-000 - Janitorial Service	*** Account total ***		2,499.01

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7417-09.0.0-000 - Janitorial Service			
16957 Janitorial Services for 3/10	468 J & R Floor Services 1 Comm Pk Svc 3/10	Inv	1,000.00
Invoice number.: MAR2010			
16968 Janitorial Supplies 3/10	84 Hammons Supply Company 3 Janitorial Supplies 3/10	Inv	108.00
Invoice number.: 59225			
A101-7417-09.0.0-000 - Janitorial Service	*** Account total ***		1,108.00
A101-7419-01.0.0-000 - Other Professional Services			
16964 Video City Council Mtg 3/16/10	1467 LarryLogic Productions 1 Video CC Mtg 3/16/10	Inv	315.00
Invoice number.: 1035			
A101-7419-01.0.0-000 - Other Professional Services	*** Account total ***		315.00
A101-7419-02.0.0-000 - Other Professional Services			
16973 Actuarial Svc GASB 45 3/10	2620 Lockstone Advisors LLC 1 Actuarial Svc GASB 45 3/10	Inv	1,300.00
Invoice number.: Invoice #1			
A101-7419-02.0.0-000 - Other Professional Services	*** Account total ***		1,300.00
A101-7419-06.0.0-000 - Other Professional Services			
16943 PD-Crossing Guard WE 2/27/10	1538 All City Management Services, 1 PD-Crossing Guard WE 2/27/10	Inv	418.50
Invoice number.: 19053			
16952 PD-Crossing Guard WE 3/13/10	1538 All City Management Services, 1 PD-Crossing Guard WE 3/13/10	Inv	465.00
Invoice number.: 19134			
16974 PD PreEmpl Poly 3/10	2585 TTI Polygraph 1 PD PreEmpl Poly 3/10	Inv	300.00
Invoice number.: 10-002			
A101-7419-06.0.0-000 - Other Professional Services	*** Account total ***		1,183.50
A101-7424-06.0.0-000 - Dispatch Services			
16944 PD Dispatch Svcs 2/10	42 City of Concord 1 PD Dispatch Svcs 2/10	Inv	13,173.00
Invoice number.: 19564			
16950 PD Dispatch Svcs 3/10	42 City of Concord 1 PD Dispatch Svcs 3/10	Inv	13,173.00
Invoice number.: 19632			
A101-7424-06.0.0-000 - Dispatch Services	*** Account total ***		26,346.00

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A101-7425-06.0.0-000 - Crime Lab			
16956 PD-Crime Lab 2/10	641 CCC Office of the Sheriff-Coro 1 PD Crime Lab 2/10685	Inv	685.00
Invoice number.: ClayPD-1002			
A101-7425-06.0.0-000 - Crime Lab	*** Account total ***		685.00
A101-7426-06.0.0-000 - Jail Booking Fee			
16942 Booking Fees 2/10	416 CCC Auditor-Controller 1 Booking Fees 2/10	Inv	100.00
Invoice number.: 2/10			
A101-7426-06.0.0-000 - Jail Booking Fee	*** Account total ***		100.00
A101-7429-06.0.0-000 - Animal Control			
16948 Animal Control Svc 4-6/10	1303 CCC Office of Revenue Collecti 1 Anim Cnt Svc 4-6/10	Inv	14,177.00
Invoice number.: ASD M5371			
A101-7429-06.0.0-000 - Animal Control	*** Account total ***		14,177.00
A201-7335-00.0.0-000 - Gas & Electricity			
16985 Service 3/10 (Master)	113 PG&E 9 Traffic Signals 3/10	Inv	442.65
Invoice number.:			
	10 Street Lights - Arterial 3/10	Inv	2,808.08
Invoice number.:			
16986 Svc: Irrig & Signal 3/10 (Mst)	113 PG&E 2 Clayton Traffic Sgn 3/10	Inv	34.43
Invoice number.:			
A201-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		3,285.16
A201-7345-00.0.0-000 - Traffic Signal Maintenance			
16955 Traffic Signal Maintenance 2/1	234 CCC General Services 1 Traffic Signal Mtn 2/10	Inv	1,986.42
Invoice number.: 3779			
A201-7345-00.0.0-000 - Traffic Signal Maintenance	*** Account total ***		1,986.42
A201-7412-00.0.0-000 - Engineering/Inspection Service			
16984 Eng Svc 3/6/10-3/26/10	116 PERMCO, Inc. 3 Speed Surveys #9129	Inv	770.00
Invoice number.: 9118-9131			
	4 Gas Tax Insp #9119	Inv	335.50
Invoice number.: 9118-9131			
A201-7412-00.0.0-000 - Engineering/Inspection Service	*** Account total ***		1,105.50

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A201-7520-00.0.0-118 - 2010 Arterial Overlay -PreARRA 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 5 Eng Svc #9127	Inv	115.50
A201-7520-00.0.0-118 - 2010 Arterial Overlay -PreARRA	*** Account total ***		115.50
A210-7311-00.0.0-000 - General Supplies 16970 PW General Supplies 3/10 Invoice number.: 0257740-IN	17 Bay Area Barricade Serv. 1 PW General Supplies 3/10	Inv	230.08
16981 PW Landscape Supplies 3/10 Invoice number.: 206166	2213 Crop Production Svcs 2 PW Landscape Supplies 3/10	Inv	1,037.87
A210-7311-00.0.0-000 - General Supplies	*** Account total ***		1,267.95
A210-7335-00.0.0-000 - Gas & Electricity 16985 Service 3/10 (Master) Invoice number.:	113 PG&E 5 Monument Lights 3/10	Inv	219.09
Invoice number.:	6 Oakhurst Pump (Fountain) 3/10	Inv	1,005.35
Invoice number.:	7 Outdoor Lights 3/10	Inv	13.38
Invoice number.:	8 Sprinkler Cont/Lndscp 3/10	Inv	64.92
16986 Svc: Irrig & Signal 3/10 (Mst) Invoice number.:	113 PG&E 1 OH Irrigation 3/10	Inv	420.60
16987 Service 3/10 (Individual Inv) Invoice number.:	113 PG&E 4 Irrigation Svc 3/10	Inv	153.67
A210-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		1,877.01
A210-7419-00.0.0-000 - Other Professional Services 16947 OH Waterfall Repair 3/10 Invoice number.: 100-4	2266 Rock N Waterfall Co 1 OH Waterfall Repair 3/10	Inv	200.00
16966 CFD Adm Fees 4-6/10 Invoice number.: C03201006	960 NBS Govt. Finance Group 3 CFD 07-1 Adm Fees 4-6/10	Inv	854.49
A210-7419-00.0.0-000 - Other Professional Services	*** Account total ***		1,054.49

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A211-7310-00.0.0-000 - Supplies and Equipment 16981 PW Landscape Supplies 3/10 Invoice number.: 206166	2213 Crop Production Svcs 1 PW Landscape Supplies 3/10	Inv	1,016.02
A211-7310-00.0.0-000 - Supplies and Equipment	*** Account total ***		1,016.02
A211-7335-00.0.0-000 - Gas & Electricity 16987 Service 3/10 (Individual Inv) Invoice number.:	113 PG&E 3 Grove Park Svc 3/10	Inv	72.65
A211-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		72.65
A211-7417-00.0.0-000 - Janitorial Services 16957 Janitorial Services for 3/10 Invoice number.: MAR2010	468 J & R Floor Services 6 Grove Park Janitorial 3/10	Inv	1,000.00
16969 Janitorial Supplies 3/10 Invoice number.: 59222	84 Hammons Supply Company 1 Janitorial Supplies 3/10	Inv	512.64
A211-7417-00.0.0-000 - Janitorial Services	*** Account total ***		1,512.64
A211-7420-00.0.0-000 - Other Outside Service 16966 CFD Adm Fees 4-6/10 Invoice number.: C03201006	960 NBS Govt. Finance Group 4 CFD 06-1 Adm Fees 4-6/10	Inv	854.49
A211-7420-00.0.0-000 - Other Outside Service	*** Account total ***		854.49
A212-7412-00.0.0-000 - Engineering/Inspection Service 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 2 OH GHAD #9131	Inv	2,502.25
A212-7412-00.0.0-000 - Engineering/Inspection Service	*** Account total ***		2,502.25
A212-7520-00.0.0-058 - Kelok Way&Golden Eagle Invert 16946 Pebble Bch Monitor 2/10 Invoice number.: 215869	1455 Berlogar Geotechnical Consulta 1 Pebble Bch Monitor 2/10	Inv	1,217.31
A212-7520-00.0.0-058 - Kelok Way&Golden Eagle Invert	*** Account total ***		1,217.31
A214-7311-00.0.0-000 - General Supplies 16967 PW St Lighting Supplies 3/10 Invoice number.: 946628325	1778 Graybar Electric Co, Inc 1 PW St Lighting Supplies 3/10	Inv	228.46
A214-7311-00.0.0-000 - General Supplies	*** Account total ***		228.46

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A214-7335-00.0.0-000 - Gas & Electricity			
16985 Service 3/10 (Master)	113 PG&E		
Invoice number.:	11 Street Lights-Res 3/10	Inv	8,424.25
A214-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		8,424.25
A216-7412-00.0.0-000 - Engineering/Inspection Service			
16984 Eng Svc 3/6/10-3/26/10	116 PERMCO, Inc.		
Invoice number.: 9118-9131	6 SW Tasks & Trng #9122	Inv	1,628.00
A216-7412-00.0.0-000 - Engineering/Inspection Service	*** Account total ***		1,628.00
A230-7218-00.0.0-000 - LTD Insurance-COPS			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	5 PD Grant LTD 3/10	Paid	42.43
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	5 PD Grant LTD 4/10	Inv	42.43
A230-7218-00.0.0-000 - LTD Insurance-COPS	*** Account total ***		84.86
A230-7220-00.0.0-813 - PERS Retirement-COPS			
16988 Retirement PPE 3/21/10	201 CalPERS		
Invoice number.: PPE 3/21/10	6 PD Grant 3/21/10	Inv	935.98
A230-7220-00.0.0-813 - PERS Retirement-COPS	*** Account total ***		935.98
A230-7246-00.0.0-000 - Benefit Insurance			
16935 LTD, Life & ADD 3/10	65 Municipal Pooling Authority		
Invoice number.: 3/10	10 PD Grant Life, ADD 3/10	Paid	11.25
16959 LTD, Life & ADD 4/10	65 Municipal Pooling Authority		
Invoice number.: 4/10	10 PD Grant Life, ADD 4/10	Inv	11.25
16982 Health Insurance 4/10	1316 CalPERS Health		
Invoice number.: 390	7 PD Grants 4/10	Inv	1,384.66
16983 Dental Premium 4/10	540 Health Care Dental Trust		
Invoice number.: 105094	5 PD Grant Dental 4/10	Inv	127.83
A230-7246-00.0.0-000 - Benefit Insurance	*** Account total ***		1,534.99

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A230-7384-00.0.0-000 - Legal Notice			
16962 COPS Grant Public Hearing 2/10	1648 Bay Area News Group East Bay 1 COPS Grant Public Hearing 2/10 Inv		96.80
Invoice number.: 3401255			
A230-7384-00.0.0-000 - Legal Notice	*** Account total ***		96.80
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant			
16945 PD Router Maintenance 3/10	42 City of Concord 1 PD Router Maint 3/10	Inv	112.00
Invoice number.: 19565			
16960 Local Phone Svc 3/10A	1243 AT&T/ CalNet 2 8 PD Secure Line 3/10A	Inv	496.78
Invoice number.: 3/10A			
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant	*** Account total ***		608.78
A230-7485-00.0.0-823 - Council Chambers Audio/Visual			
16977 CCC TV Channel Set up 3/10	2617 Contra Costa Television 1 CCC TV Channel Set up 3/10	Inv	29,434.02
Invoice number.: 001715			
A230-7485-00.0.0-823 - Council Chambers Audio/Visual	*** Account total ***		29,434.02
A301-7361-00.0.0-000 - Advertising			
16940 EH Yellow Pg Ads 4-6/10	2014 AT&T Yellow Pages 1 EH Yellow Page Ads 4-6/10	Inv	841.50
Invoice number.: 4-6/10			
16941 EH Vly Yellow Pg Ad 4-6/10	2140 Valley Yellow Pages 1 EH Vly Yellow Pg Ad 4-6/10	Inv	207.00
Invoice number.: 4-6/10			
A301-7361-00.0.0-000 - Advertising	*** Account total ***		1,048.50
A301-7413-00.0.0-000 - Legal Services			
16980 RDA Legal Svc 3/10	2355 Rutan & Tucker LLP 1 RDA Legal Svc 3/10	Inv	132.00
Invoice number.: 578688			
A301-7413-00.0.0-000 - Legal Services	*** Account total ***		132.00
A301-7520-00.0.0-002 - Farmer's Market			
16965 Banner Changes 3/10	1454 Sign A Rama 2 Banner Changes 3/10	Inv	23.67
Invoice number.: 17566			
A301-7520-00.0.0-002 - Farmer's Market	*** Account total ***		23.67

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A301-7520-00.0.0-003 - Concerts in the Grove Park 16965 Banner Changes 3/10 Invoice number.: 17566	1454 Sign A Rama 1 Banner Changes 3/10	Inv	47.34
A301-7520-00.0.0-003 - Concerts in the Grove Park	*** Account total ***		47.34
A302-7419-00.0.0-000 - Other Professional Services 16963 Housing Element Updt 2/10 Invoice number.: 30891	1156 PMC 1 Housing Element Updt 2/10	Inv	826.62
A302-7419-00.0.0-000 - Other Professional Services	*** Account total ***		826.62
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir 16976 LMI 272 Stran. Carpet Cln 3/10 Invoice number.: 2405077	2618 Sunshine Carpet & Tile Clnrs 1 LMI 272 Stran. Carpet Cln 3/10	Inv	250.00
16978 272 Stran. Exterminators 3/10 Invoice number.: 3/8/10	2616 Ararat Exterminators 1 272 Stran. Exterminators 3/10	Inv	2,405.00
16987 Service 3/10 (Individual Inv) Invoice number.:	113 PG&E 6 272 Stran Svc 3/10	Inv	9.23
A302-7520-00.0.0-007 - Smith 272 Stranahan Cir	*** Account total ***		2,664.23
A303-7520-00.0.0-007 - Creek Cleanout 16936 Prop Tax Asmts - 272 Strnhn 3/ Invoice number.: LMI TA 3/10	26 CCC Tax Collector 4 Prop Tax Asmts - 272 Strn 3/10 Paid		333.95
A303-7520-00.0.0-007 - Creek Cleanout	*** Account total ***		333.95
A303-7520-00.0.0-115 - Comm Park Lights & Turf Proj 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 7 Eng Svc #9128	Inv	3,922.25
A303-7520-00.0.0-115 - Comm Park Lights & Turf Proj	*** Account total ***		3,922.25
A420-7419-00.0.0-000 - Other Professional Services 16966 CFD Adm Fees 4-6/10 Invoice number.: C03201006	960 NBS Govt. Finance Group 1 CFD 90-IR Adm Fees 4-6/10	Inv	2,037.64
A420-7419-00.0.0-000 - Other Professional Services	*** Account total ***		2,037.64

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A421-7419-00.0.0-000 - Other Professional Services 16966 CFD Adm Fees 4-6/10 Invoice number.: C03201006	960 NBS Govt. Finance Group 2 CFD 90-2 Adm Fees 4-6/10	Inv	985.95
A421-7419-00.0.0-000 - Other Professional Services	*** Account total ***		985.95
A502-7511-00.0.0-000 - Machinery and Equipment 16979 Adm Chair Repair 2/10 Invoice number.: 311	1987 Creative Supports Inc 1 Adm Chair Repair 2/10	Inv	140.14
A502-7511-00.0.0-000 - Machinery and Equipment	*** Account total ***		140.14
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 8 Eng Svc #9120	Inv	477.25
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP	*** Account total ***		477.25
A601-2740-00.0.0-097 - Cost Recov Dep - CCWD Minor EP 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 9 Eng Svc #9121	Inv	41.50
A601-2740-00.0.0-097 - Cost Recov Dep - CCWD Minor EP	*** Account total ***		41.50
A601-2740-00.0.0-139 - Community Svc Reimbursement 16955 Traffic Signal Maintenance 2/1 Invoice number.: 3779	234 CCC General Services 2 Traffic Sgnl Maint 2/10	Inv	1,449.74
A601-2740-00.0.0-139 - Community Svc Reimbursement	*** Account total ***		1,449.74
A601-2740-00.0.0-523 - CCChurch DP 01-09 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 10 Eng Svc #9125	Inv	150.00
A601-2740-00.0.0-523 - CCChurch DP 01-09	*** Account total ***		150.00
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 11 Eng Svc #9126	Inv	595.00
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep	*** Account total ***		595.00

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2743-00.0.0-566 - Creekside Terrace Permco 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 12 Eng Svc #9124	Inv	155.00
A601-2743-00.0.0-566 - Creekside Terrace Permco	*** Account total ***		155.00
A601-2744-00.0.0-484 - Cortel SWP27-08 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 13 Eng Svc #9123	Inv	41.50
A601-2744-00.0.0-484 - Cortel SWP27-08	*** Account total ***		41.50
A601-2744-00.0.0-516 - Guttry SWP 21-09 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 14 Eng Svc #9123	Inv	62.25
A601-2744-00.0.0-516 - Guttry SWP 21-09	*** Account total ***		62.25
A601-2744-00.0.0-518 - Weisendanger SWP 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 15 Eng Svc #9123	Inv	62.25
A601-2744-00.0.0-518 - Weisendanger SWP	*** Account total ***		62.25
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 17 Eng Svc #9123	Inv	62.25
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08	*** Account total ***		62.25
A601-2744-00.0.0-563 - Jonathan, Tim SWP 20-09 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 18 Eng Svc #9123	Inv	62.25
A601-2744-00.0.0-563 - Jonathan, Tim SWP 20-09	*** Account total ***		62.25
A601-2744-00.0.0-568 - Plute Prop Minor SWP 16984 Eng Svc 3/6/10-3/26/10 Invoice number.: 9118-9131	116 PERMCO, Inc. 16 Eng Svc #9130	Inv	41.50
A601-2744-00.0.0-568 - Plute Prop Minor SWP	*** Account total ***		41.50

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Obligat'n Description	Vendor/ Name/ Line Nbr Description	Stage	Amount
A601-2744-00.0.0-569 - Omeara SWP 01-10			
16984 Eng Svc 3/6/10-3/26/10	116 PERMCO, Inc.		
Invoice number.: 9118-9131	19 Eng Svc #9123	Inv	62.25
A601-2744-00.0.0-569 - Omeara SWP 01-10	*** Account total ***		62.25
A702-7332-00.0.0-000 - Telephone			
16960 Local Phone Svc 3/10A	1243 AT&T/ CalNet 2		
Invoice number.: 3/10A	6 EH Local Phone 3/10A	Inv	58.97
A702-7332-00.0.0-000 - Telephone	*** Account total ***		58.97
A702-7335-00.0.0-000 - Gas & Electricity			
16987 Service 3/10 (Individual Inv)	113 PG&E		
Invoice number.:	2 EH Svc 3/10	Inv	116.55
A702-7335-00.0.0-000 - Gas & Electricity	*** Account total ***		116.55
* Report total *	*** Total ***		192,810.96



Agenda Date: 4-6-10

Agenda Item: 5c

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Assist. to the City Manager 

DATE: April 6, 2010

SUBJECT: Establishing 2010-2011 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution, Establishing the Rate Per Equivalent Run off Unit (ERU) for FY 2010-11 and requesting the Contra Costa County Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES) Program, maintaining the current ERU Rate at \$29.00 per single-family parcel.

BACKGROUND

The 1987 Reauthorization of the Federal Clean Water Act, as well as similar State legislation, required local agencies to obtain a NPDES Permit for discharging the contents of municipal storm drainage water conveyance systems. As implemented and enforced by the State through the Regional Water Quality Control Board (San Francisco Bay Area Region), this permitting effort is intended to improve water quality in the Delta and San Francisco Bay Estuary System, protect endangered species, and safeguard public waters and waterways for continued economic, recreation and health purposes. Stormwater runoff pollution has been identified as a significant impact on water quality and wildlife in the Bay Area by the State and Federal Government. During wet weather, large amounts of pollutants, such as oil and grease from automobiles, heavy metals from vehicle exhaust and brake pads, such as copper and lead, pesticides, herbicides and fertilizers from lawns and gardens, soil erosion, and biological material enter the storm drain system and ultimately empty, untreated, into creeks, waterways, the Delta and Bay.

The City participates and obtained its joint NPDES permit from the SF Regional Water Quality Control Board via the Contra Costa Clean Water Program whose participants include the cities within the County, the County and the Flood Control District. The City of Clayton has participated since its inception fourteen years ago (September 1993). The SF Regional Water Quality Control Board issued the third five-year permit in December 2009 for 2009/10-2013/14. The new permit is called the Municipal Regional Permit (MRP), which will cover many counties and cities in the bay area (rather than individual county by county and the cities within). The process to issue the new MRP took the last five years. The

permit allows the city and other jurisdictions to utilize the storm water drainage system for the discharges into creeks that ultimately drain into the bay. This joint participation allows for the program management and permit process costs to be kept to a minimum through economies of scale and local and regional collaboration, at a fraction of the cost of doing it alone. The program provides for a regional approach to Stormwater pollution control, regional monitoring, public education and outreach, technical support and training, special studies and NPDES permit administration requirements.

As part of its permit conditions, Clayton is required to implement a comprehensive Stormwater Management Plan (SWMP). The SWMP includes public participation and inter-governmental coordination designed to reduce the discharge of pollutants into the storm drainage system to the maximum extent practicable through the required implementation of 500 plus Best Management Practices (about 400 pages in long with an annual checklist that is 100 pages in length), or BMP's as they are commonly referred. (For comparison in FY 03-04 amendments were added to our permit by the Regional Board, commonly referred to C-3, which increased regulation and monitoring activities for development/construction controls, municipal maintenance, public education and outreach, illicit discharge and inspection, and documentation and reporting. These amendments increased our current permit requirements to about 75 pages. In 1997 there were 257 BMP's covering 40 pages; in 1993 the first permit time frame there were 12 BMP's, about 5 pages in length, all related to municipal maintenance activities such as drainage inlet cleaning and v-ditch cleaning).

Staff is aware that at this point the cost of meeting the obligations of the new MRP will exceed our revenues received from the special funding source by up to \$56,000 annually, which is currently being covered by this special fund reserves. We are also aware that there will be some sort of new requirements that will increase both local and group program costs to implement. Although difficult to fully identify all future additional costs at this point, staff has identified the likely minimum cost increases – with a caution that the costs may actually be two times higher than the current estimate. The minimum estimated cost impacts by the proposed new draft regulations to the City — could outpace revenues by \$113,225 by the second year, FY 2011-12, (some might be able to be covered by the remaining special fund reserve use) to over a quarter million dollars in year five, FY 2016-17. Again at this point it is unknown definitively what the additional cost impact will be; however we must at least levy the current ERU rate of \$29 per single family parcel (the same amount that we have levied since FY1999/2000). This is also the maximum amount that we are allowed to levy without a public vote to increase the amount or establish a second levy through a Prop. 218 or other voter approval.

DISCUSSION

Staff currently participates, at least monthly as is required by the program agreement and state permit, on the Clean Water Program's New Development Construction Controls Committee, MRP Implementation sub-committee, and Management Committee; and as needed –usually quarterly in the Administrative and Finance Committee and the Monitoring and Inspection Committee. City staff typically attends and participates in 3-4 meetings per month as is required for permit compliance.

The new MRP added many new requirements including further reduction of the development, threshold of significance from the current 10,000 sq. feet five (effective February 2006), to the 2,500 sq. feet which will be effective February 2011. This threshold will apply to widening of roads (including adding of turn lanes); additions of hardscape in medians; new sidewalk/asphalt path installation; bike lane additions and additions to existing developments, including single family homes. Other permit changes will result in more staff time to review and modify environmental review, mitigation, monitoring, reporting, development conditions, general plan and municipal ordinances. Compliance with these additional unfunded mandates has already, and will continue to, increase staff time spent on NPDES program. Most, but not all, of these cost are recovered through deposit accounts. Additional changes relate to areas where developer permit fees can not be charged. They include mandatory maintenance items

such as cleaning of trash along specific areas of creeks and quantification of the materials collected; and enforcement action (issuance of citations) to individuals for pollution runoff. The new permit also requires all maintenance staff and city contractors that apply herbicides or pesticides to be certified in Integrated Pest Management Practices (IPM), and for cities to have local IMP management plans and ordinances.

On the positive side the new permit did not include application to re-pavement projects of existing travel ways, and reduced the amount of drainage inlet modifications needed for trash and debris collection, decreased the amount of times creek waters need to be tested. However, does increase the number of items the creek testing needs to cover, requires establishment of local ordinances to prohibit the use of plastic grocery type bags, or other litter materials, mapping, monitoring and of all creeks and all outfalls to creeks, and specific on-going litter removal down to the size of a cigarette butt of litter on certain distance of creek segments and the cleaning of private drainage inlets (we currently do public inlets only). The permit also requires all agencies to have computer data base of mapping, reporting and monitoring information and making some of this information available on city web sites and potentially transmitting electronically to the SF Regional Water Board.

Another significant development is the establishment of legislation via litigation. Certain third-party interest groups have repeatedly brought successful legal action against the EPA, State and Regional Agencies, the cities, county, and our Clean Water Program. These court actions have increased costs for legal defense and added to the program requirements standards issued by the State, or as a result of judicial decisions. In addition if the upcoming permit issued by the SF Regional Board is determined to be to burdensome the Group or the Region we have filed an appeal and have currently placed the appeal on a up to two year suspense. This will allow time to understand the actual costs and other implications of the new permit. Activating the appeal will require expenditure of legal costs, thus increasing overall group costs, and further reducing our return to source funds. . Thereafter depending on the State decision there could be additional legal costs if the permit issuance is contested legally through the courts. The Environmental organizations have also filed an appeal with the State and placed it on a two year suspense as well. The Environmental organizations intend to monitor the permit conditions effectiveness and our compliance and then will determine if appeal is needed. To minimize the potential future appeal and related legal costs the group program costs have included encumbrances of some group Program funds for this purpose.

Overall the City's total costs are comprised of two components, one consisting of the pro rata share of group costs based upon population. The other is the management and maintenance activities undertaken by the City and its contracts with others for required activity implementation and monitoring and reporting. All program staff and permittees (cities and county) have been and continue to make strong efforts to control costs at the program level. However, funds for the new permit technical and legal work, revenue evaluation studies, potential election costs, implementation of the C-3 permit amendments, education and outreach, implementation of programs to address recent pollutants of concerns (mercury, PCB, etc.), and future TMDL's, trash, enforcement, have increased these State unfunded mandate costs.

The Group Clean Water Program Budget for FY 2010-11 is \$2.5 million, about \$1.5 million less than last year. However future budget years will see Group Program increases (50% increase by 2011-12) to address the new permit requirements. Increased costs for 2010-11 are being addressed by carry over or encumbrances of this years funds to help reduce or smooth out increases.

ASSESSMENT AND PROGRAM BUDGET

The City of Clayton's pro rata share of the Program's Costs of 1.03%, is apx. \$ 23,052 –a decrease of \$17,965 over last year. There is extreme caution to note that there is still an enormous uncertainty, as there are still unknown future costs relative to the new permit approved by the SFRWQCB which has

many new requirements with yet to be determined future capital and ongoing costs. Last years higher costs was due to the SFRWQCB hearing processes related to the new permit issuance.

It is currently estimated that gross revenues from our assessment would total approximately \$126,362. Of this \$23,052 is allocated to the Clean Water Program administration and group expenses; \$3,800 to the County Auditor for costs related to assessment collection; \$8,000 to the Sanitary District for commercial inspection, monitoring and municipal requested call out inspections; \$3,000 to the District for fiscal and assessment area management and \$5,500 for our state discharge permit fee. Thus, the remaining funds available to the City, for all other activities are approximately \$83,010, an increase of \$15,965 over this fiscal year 2009-10 budget. Any costs necessary to implement the requirements which exceed the special revenue funds received will have to be obtained through the City's General Fund revenues. Approximately fifty-five percent of the City's funds are directly spent on labor costs of maintenance activities required by the program, such as storm drain inspection and cleaning, creek clearing; responding to spill calls; the remaining is divided between equipment and materials; monitoring and inspection; and management and reporting. Management and reporting are this year and next year anticipated to be covered by up to \$121,158 from the City's Stormwater Fund reserves. Thereafter, if additional revenues are needed, due to state mandated permit requirements, the city would need to consider use of its General Fund, general fund reserves and/or additional parcel tax (which might be done on a regional basis).

To continue the local revenue source necessary to fund the unfunded mandates by federal and State government regulations, the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to establish a storm water utility area for the City and to impose benefit assessments on all applicable parcels within the City of Clayton. This is the annual consideration to request the local assessment levy which provides funding to the Federal and State Clean Water program mandates which the City must undertake and participate in according to Federal and State law. **Staff recommends no increase to the rate for FY 2010-11; it will be the same as last ten fiscal years, which is \$29.00 per ERU.**

When the program was originally established the rate cap for Clayton was set by the City Council at \$29/ERU. Based upon current law interpretations it is likely that an increase above \$29/ERU would trigger Prop. 218 processes, (requiring 2/3 property owner approval), unless legislation is made to add stormwater to the definitions of other utilities such as sewer and water. Such legislation was attempted two times in the past two years and has not been successful in receiving needed legislative support, or getting out of committee. State legislators have indicated they will not be proposing any in this legislative session or in the near future, and prior support to consider by the governor and his staff has evaporated. Given this scenario of lack of State assistance and the increases continuing in requirements by state regulating agencies funding is being further strained. Thus the Program and permittees are evaluating future potential other self help funding options. These include the potential for a regional wide prop 218 vote, some sort of new voter approved fee and other fee increase or supplemental fee options.

Since we are not exceeding the current rate cap and not increasing the rate above that already levied the current language of Prop. 218 process does not apply. A single family detached dwelling is typically one ERU; homes on lots 20,000 sq. ft. or larger are allocated 1.7 ERU's; attached homes (e.g., townhomes and duets) are 0.7 ERU. This formula is the same throughout all Contra Costa communities and all cities and the County funds their NPDES costs through the ERU assessments.

FISCAL IMPACT

Although a Federal and State Mandated program, cities do not receive any revenues from the Federal and State Government to offset or cover the mandated requirements. Consequently, the Stormwater Utility Rate and Assessment areas were established in 1993 by the County and the Cities to develop a funding source to cover the costs of the Federal and State mandates.

The recommended assessment for FY 2010-11 is the same rate that is currently in place. Should the City not authorize the Flood Control District to establish and collect the annual assessments, the City would not receive the apx. \$126,362 generated by the annual assessment and mandated activities would need funding from another source, such as the General Fund. Given the high level of commitment of the General Fund to other City programs and projects, prior state "takes" of local funds, overall economic downturn, and potential impacts to the General Fund from yet to be known potential state budget impacts, these NPDES costs if paid for by the General Fund, would adversely impact other services and operations the City currently provides to the community.

Additional implementation measures such as that needed for monitoring and maintenance of new Stormwater facilities required under our mandated permit and installed as part of new construction within Clayton (C-3), have been addressed by the City Council to provide for methods that are self supported by the new development such as Benefit Assessment Districts or Homeowners Associations or combination thereof, or other approach that would not financially impact the city and its general funds. This Council-directed policy minimizes potential impacts to the under-funded Stormwater fund or the City's General Fund for the permanent new development installed specific requirements to meet the new state regulations. General overall reporting, enforcement action and monitoring enhancements required by the regional board are reasons that the Program and Permittees are evaluating options for new revenues for future consideration to address these unfunded mandates. A future county wide election to address additional funding issues is expected to be over \$1.2 million dollars. Funds are being included in the Group Program level budget to address these potential future costs. Should the funds not be used or fully used they would be available to be returned to the cities stormwater funds.

CONCLUSION

To continue the revenue source required to fund the programs mandated activities the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to impose annual benefit assessments on all applicable parcels within the City of Clayton. The attached Resolution would maintain the current Stormwater Utility Rate assessment of \$29.00 per ERU for FY 2010-11.

Attachments:

- Proposed ERU Resolution for FY 2010-2011
- Clean Water Program Budget costs and cost sharing formula FY 2010-11
- Prelim. Cost estimates for new permit (MRP)

RESOLUTION NO. __-2010

A RESOLUTION ESTABLISHING THE RATE PER EQUIVILANT RUN-OFF UNIT (ERU) FOR FY 2010-2011 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

WHEREAS, under the Federal Water Quality Act [33 U.S.C. Section 1342 (p)], certain municipal stormwater discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Clayton, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit which requires the implementation of a Storm Water Management Plan and Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa County Flood Control and Water Conservation District (District) to establish Stormwater Utility Areas (SUA) and to levy annual benefit assessments for the purpose of carrying our activities required under the NPDES program; and

WHEREAS, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and local drainage maintenance activities; and

WHEREAS, at the request of the City, the Contra Costa County Flood Control District and Water Conservation District (District) has completed the process for the formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs payment agreement between the City and the District requires that the City of Clayton annually, by May 1, determine the rate to be assigned to a single ERU for the forthcoming fiscal year.

WHEREAS, the City Council adopted Resolution 9-93, which established the range of the annual assessment to be imposed by the District within the storm water utility area not to exceed \$29 per ERU.

WHEREAS, the City of Clayton has been at its maximum \$29 per ERU rate since FY 1999-2000 (the last nine fiscal years) and the same rate is proposed for FY 2010-2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby determine that the rate to be assigned to a single ERU for FY 2010-2011 shall be set and assessed at \$29.00

BE IT FURTHER RESOLVED, that the City Council of Clayton, California, does hereby request the Contra Costa Flood Control and Water Conservation District to adopt the SUA levies based on the above established rate.

Adopted by the City Council of the City of Clayton, California at a regular meeting of thereof held on April 6, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Hank Stratford, Mayor

ATTEST:

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on April 6, 2010.

Laci J. Jackson, City Clerk

**CONTRA COSTA CLEAN WATER PROGRAM
GROUP COSTS METHODOLOGY & ALLOCATION
FOR THE 2010/11 FISCAL YEAR**

City/County/State	January 1, 2008	January 1, 2009 ⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾	Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,051,674	1,060,435	0.83%		\$ 2,250,079
ANTIOCH	100,361	100,957	0.59%	9.52%	\$ 214,215
BRENTWOOD	50,614	51,908	2.56%	4.89%	\$ 110,141
CLAYTON	10,784	10,864	0.74%	1.02%	\$ 23,052
CONCORD	123,776	124,599	0.66%	11.75%	\$ 264,380
DANVILLE	42,629	43,043	0.97%	4.06%	\$ 91,331
EL CERRITO	23,320	23,440	0.51%	2.21%	\$ 49,736
HERCULES	24,324	24,480	0.64%	2.31%	\$ 51,943
LAFAYETTE	23,962	24,087	0.52%	2.27%	\$ 51,109
MARTINEZ	36,144	36,348	0.56%	3.43%	\$ 77,125
MORAGA	16,138	16,204	0.41%	1.53%	\$ 34,382
OAKLEY	33,210	34,468	3.79%	3.25%	\$ 73,136
ORINDA	17,542	17,669	0.72%	1.67%	\$ 37,491
PINOLE	19,193	19,383	0.99%	1.83%	\$ 41,128
PITTSBURG	63,652	63,771	0.19%	6.01%	\$ 135,312
PLEASANT HILL	33,377	33,547	0.51%	3.16%	\$ 71,182
RICHMOND	103,577	104,513	0.90%	9.86%	\$ 221,760
SAN PABLO	31,190	31,808	1.98%	3.00%	\$ 67,492
SAN RAMON	59,002	63,176	7.07%	5.96%	\$ 134,050
WALNUT CREEK	65,306	65,860	0.85%	6.21%	\$ 139,745
UNINCORP. COUNTY	173,573	170,310	-1.88%	16.06%	\$ 361,371
				100.00%	\$ 2,250,079

1. Population estimate based on State of California Department of Finance (E-4) City/County projections- January 1, 2009.
Figures are updated in May of each year.

2. Percentages based on prorata of population.

3. Budget Allocation amount is Utility Assessment amount which includes Contingency and Interest Income.

Activity	Year	current FY	Year 1	Year 2	Year 3	Year 4	Year 5	
clayton program costs (1.03% of total)		2009-10	2010-11	2011-12	2012-13	2014-15	2016-17	
commercial inspection		41,017	23,052	32,500	55,000	45,000	40,000	assume group program budget of \$18 million in year 5 (costs could be up to 2x more than shown)
street sweeping		6,000	8,000	16,000	32,000	64,000	128,000	assume all businesses inspected annually in year 5
flood control fiscal mgmt costs		42,000	43,050	44,100	45,200	46,330	47,800	
county auditor/complr costs		3,000	3,000	3,000	3,000	3,000	3,000	
state discharge permit fee		3,800	3,800	3,800	3,800	3,800	3,800	
DI's special trash		5,500	5,500	6,000	6,000	6,000	10,000	
city maint/admin		0	0	10,200	0	0	0	minimum 2 required
Total est FY cost		122,762	141,175	151,057	173,715	162,097	186,411	includes creek trash collection and quantification
		224,079	238,377	264,187	336,245	347,757	436,541	1,843,507
Total revenue rec'd @ \$29/ERU		126,362	126,362	126,362	126,362	126,362	126,362	total cost over 5 years
Street Sweeping revenue		42,000	43,050	44,100	45,200	46,330	47,800	226,480
sw (npdes) reserve use		55,717	65,441	0	0	0	0	0,65,441
Total Revenues		224,079	234,853	170,462	171,562	172,132	174,162	923,731
financial annual shortfall		0	3,924	113,225	164,183	175,065	262,379	718,778
addl \$ per parcel funds needed (4000 parcels)		0	1	29	42	44	66	new or higher fee or tax reqs voter or parcel approval in election
Total city of Clayton annual GF budget is \$3.5 million								
% of city budget for total NPDES costs		6%	7%	8%	9%	10%	12%	
% from GF needed for shortage		0%	0.1%	3%	4%	5%	8%	
requires equal offsetting reductions to ensure balanced budget or new revenues but voter approval needed								
police services are 47% of GF each officer = \$135,000								
maintenance services are 13% of GF each main worker = \$115,000								
residents garbage/recycling rates are \$37-40								
city street repair project estimate \$864,000 over next 4 years. Must be used for road repairs per region public vote (Measure J) of special tax that pays for them								
City has over \$500,000 in current deferred maintenance projects needs								
City has FY 09/10 FY general fund shortfall of \$381,000								
state took additional 8% of redevelopment - property tax - general fund revenue								



Agenda Date: 4-6-10

Agenda Item: 5d

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: APRIL 6, 2010

SUBJECT: CONSIDER EXTENDING THE TIME FOR THE TWO TEMPORARY POLICE CORPORAL POSITIONS FOR UP TO AN ADDITIONAL TWLEVE MONTHS

RECOMMENDATION

Receive the staff report and by minute motion on the Consent Calendar, approve extending the time for the two temporary police corporal positions for up to an additional 12-month period through April 19, 2011, instead of hiring one sergeant within the Clayton Police Department.

BACKGROUND

During a regularly scheduled City Council meeting, held on March 17, 2009, the City Council approved the temporary reorganization of the Police Department by establishing two police corporal positions for up to a period of 12 months. The primary purpose of this temporary reorganization was to provide staff the opportunity to train and develop two qualified Clayton police officers for evaluation for potential promotion to the rank of sergeant.

At that time, there were no Clayton police officers with the necessary experience, tenure, or education for consideration for promotion to the rank of sergeant to fill the third sergeant position, which had become vacant due to a retirement. Instead of conducting an immediate recruitment for a qualified sergeant from outside the Department, the City Council approved staff's recommendation to allow the opportunity to select the next sergeant from within the Police Department. The Council and staff recognized the value of promotion in this instance from within this organization with qualified personnel, an objective that has contributed to high morale and other benefits. The temporary reorganization went into effect Monday, April 20, 2009, and will expire on April 20, 2010.

DISCUSSION

Since the temporary reorganization occurred, both corporals have been assigned different patrol shifts, providing them an opportunity to work with other Clayton officers. They were in

affect functioning as "sergeants in training" and provided limited supervision of other patrol officers until they gained the necessary supervisor skills. Both corporals were also given authorization to review police reports as well as perform other basic duties and administrative tasks that a Clayton sergeant would ordinarily complete during their shift.

During this period, supervisory and command personnel observed and evaluated both corporals' work product and performance. Although both corporals have made progress and have demonstrated some desirable supervisory skills, they have not had the opportunity to demonstrate to staff their ability to manage personnel and resources during serious criminal incidents. These serious types of investigations require decision-making skills in order to bring successful closure to complicated investigations. Staff believes such decision making experience and understanding are critical and necessary supervisor skills.

Clayton has a low crime rate and considered a safe community, resulting in low volumes of serious crimes for officers to investigate. This has resulted in few opportunities for the corporals to develop their skills managing crime scenes while providing direction to officers. Because of this, staff feels that both corporals have not yet achieved the necessary level of practical experience and tenure that is required to assume the role of a police sergeant. Although each appears to have the potential to fill the role of a police supervisor, they are not ready to compete for the open sergeant position at this time. In staff's opinion, both corporals are not quite ready to fill the role of a supervisor and would benefit from additional exposure and experience.

Staff still believes that maintaining three authorized sergeant positions is extremely important to manage operational risk and wishes to fill the open sergeant's position as soon as practical. However, instead of conducting an immediate recruitment for a qualified sergeant from outside the Department, staff still supports the opportunity to select the next sergeant from within the Clayton Police Department. So, in lieu of abandoning the temporary corporal program, staff recommends extending the temporary corporal program for up to an additional 12-month period instead of immediately filling the one sergeant's vacant position from outside of the department. The extension of 12 months would provide ranking staff additional opportunities to train and develop the two corporals for evaluation and potential promotion of one to the rank of sergeant.

The two corporal positions would continue to be internal and temporary. By the end of the extended temporary training period (up to 12 additional months) both corporals should have been exposed to enough work situations and will have developed skills necessary to qualify them for competitive promotion to the rank of sergeant. At that point, the temporary corporal positions are each eliminated and staff would conduct an in-house selection process allowing the two officers an opportunity to compete for the one open sergeant's position.

After a written sergeant's test and an interview by outside senior law enforcement professionals, the most qualified and capable candidate would then be recommended for promotion to the rank of sergeant. The other officer returns to the patrol division as a patrol officer. Each corporal who is currently assigned as a temporary corporal will be required to continue to agree (in writing) with these express terms and conditions of temporary assignment in advance of their candidacy. Coupled with the agreement, both

corporals have the full understanding that at the end of the additional 12- month period or when the vacant sergeant's position is filled (whichever event occurs first), their corporal assignment and compensation differential ends and they return to their former police officer rank and compensation level.

In summary, the advantages of this continued temporary assignment/training program are as follows:

- Maintains department morale by developing future leaders from within.
- Maintains necessary department supervision, until at least one corporal is ready for promotion to the rank of sergeant.
- The two corporals would continue to provide immediate assistance to the sergeants, by completing limited supervisory duties and administrative projects.
- Reduces personnel salary costs.
- Leads to the potential promotion of an existing Clayton officer to Sergeant.
- The on-the-job-training the two corporals receive will contribute toward their success and advancement to higher rank responsibilities.

If approved, the extension of the temporary corporal training program would go into effect on Tuesday, April 20, 2010 and automatically terminate at the end of day on April 19, 2011 unless concluded earlier by a promotion to sergeant.

FISCAL IMPACT

Based on base salary, this temporary corporal program continues to save approximately **\$1,692** in salary costs, if approved and in place for the full twelve months.

For example, a Clayton officer is compensated at the top salary scale and receives \$5,434 per month. If promoted to the rank of sergeant, the newly promoted sergeant would receive an increase of **\$359**, increasing the monthly salary to \$5,793 per month.

Instead each corporal receives a temporary monthly pay incentive of 2% or an increase of **\$109** for each corporal, increasing the monthly pay for each corporal to \$5,543. By comparing the two temporary corporals' monthly salary increases of **\$218** ($109 \times 2 = \218) with the monthly increase in salary of **\$359** for a top step Clayton officer promoted to sergeant, the difference would be **\$141** per month, or **$\$359 - 218 = \$141$** . The total savings would be **\$1,692** (141×12).

Hypothetically, if staff conducted an immediate recruitment for the open sergeant's position, including outside candidates, and a talented and experienced outside candidate was number one, staff would be compelled to consider selecting the top candidate. In addition, a top candidate could potentially qualify for the sergeant step of \$6,368. The difference between a sergeant at the top of the salary scale receiving top sergeant pay of \$6,386 and two temporary corporals each receiving a 2% pay incentive is \$734, or $\$6,368 - \$5,652$ ($\$5,434 + 109 + 109$).



Agenda Date: 4-6-10
Agenda Item: 5e

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: APRIL 6, 2010

SUBJECT: RESOLUTION APPROVING COVENANT REGARDING OPERATION AND MAINTENANCE OF STORMWATER FACILITIES ON PRIVATE PROPERTY AT 1519 N. MITCHELL CANYON ROAD

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

Neil O'Meara and Kim Johnston are preparing to construct a new house on their property located at 1519 N. Mitchell Canyon Road to replace the old residence which was recently demolished.

Due to the latest stormwater treatment regulations, they have been required to install a filtration planter to receive and treat the stormwater runoff before it enters N. Mitchell Canyon Road. Along with the construction of the facility, they (along with any future property owners) are required to inspect and maintain the facility. To that end, an operations and maintenance plan has been prepared and approved by the City.

The City's General Stormwater Discharge Permit, issued by the Regional Water Quality Control Board, places the ultimate responsibility for stormwater treatment and the enforcement of the stormwater regulations on the City. In order to ensure that this privately-maintained facility remains functional, the property owner is required, at a minimum, to have an annual inspection performed and a report of the inspection findings filed with the City. If the property owner fails to either maintain the facility or perform the required inspections and reporting, the City is required to step in and repair and/or maintain the facility.

Date: April 6, 2010

Page 2 of 2

The attached covenant obligates the property owners to perform the required maintenance, inspections, and reporting. If necessary, the City is provided a right of entry in order to perform any work required and the property owner is obligated to reimburse the City for all of its incurred costs.

This is the same covenant approved for the Casper residence on Oak Street and similar to those approved for Flora Square, Longs Drugs (now CVS), Mitchell Creek Place and Pine Hollow Estates.

Upon approval by the City Council, the Covenant will be recorded to provide future owners notice of the obligations and the City's rights.

FISCAL IMPACT

The City is obligated by the Regional Water Quality Control Board to treat increased stormwater runoff due to new development before it enters our creeks or storm drain system. Since the Board did not provide for a funding source for such treatment, the City has no choice but to obligate the property owners involved and directly benefitted in such new development.

While it is hoped that these and future property owners will fulfill their maintenance obligations, the City is still responsible should the property owners fail in their responsibilities. Approval of the attached Covenant will allow the City to recoup its costs in the event actions must be taken against the property owners.

CONCLUSION

Staff recommends the City Council approve this Resolution approving the attached covenant for the Stormwater Management Facility Operations and Maintenance Agreement, and Right of Entry for 1519 N. Mitchell Canyon Road.

Attachments: Resolution
 Covenant

RESOLUTION NO. -2010

**A RESOLUTION APPROVING A COVENANT FOR RECORDATION ON
REAL PROPERTY TITLE FOR A STORMWATER MANAGEMENT
FACILITY OPERATIONS AND MAINTENANCE, AND RIGHT OF
ENTRY, AT 1519 N. MITCHELL CANYON ROAD.**

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

WHEREAS, Neil O'Meara and Kim Johnston, the owners of the property located at 1519 N. Mitchell Canyon Road (APN 118-063-004), are preparing to construct a new residence on the presently vacant parcel; and

WHEREAS, the terms of the City's General Stormwater Discharge permit, issued by the respective state Regional Water Quality Control Board, requires certain treatment of stormwater runoff from new construction prior to the stormwater runoff entering the City's creeks or storm drain system, and further makes the City responsible for such treatment and the enforcement of all stormwater regulations; and

WHEREAS, in accordance with these requirements, the City required the installation of a stormwater runoff treatment facility as a condition of approval of the proposed residence construction; and

WHEREAS, such treatment facilities require ongoing maintenance, inspection and reporting by the property in perpetuity; and

WHEREAS, the property owner has prepared an Operations and Maintenance Plan which specifies the required operations, maintenance and reporting tasks; and

WHEREAS, the City Engineer has reviewed and approved the said Operations and Maintenance Plan; and

WHEREAS, in order to provide notice to future property owners regarding their obligations relating to stormwater treatment as well as the City's obligation to enforce such requirements, the attached covenant has been prepared for approval by the Clayton City Council and recording in the Contra Costa County Recorder's office; and

WHEREAS, the City Attorney has reviewed and approved the terms and wording of said covenant.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council hereby approves the attached document entitled "Covenant Running With The Land, Stormwater Management Facility Operations and Maintenance Agreement, and Right of Entry" and authorizes the Mayor to sign the document on behalf of the City.

2. The City Clerk is hereby directed to file the executed document in the Office of the Recorder of Contra Costa County.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on April 6, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on April 6, 2010.

Laci J. Jackson, City Clerk

Recording Requested By:
CITY OF CLAYTON

Return to: **CITY OF CLAYTON**
 Engineering Dept.
 6000 Heritage Trail
 Clayton, CA 94517

Document Title

CITY OF CLAYTON

**COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITY OPERATIONS
AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY
(Single Parcel)**

**PROJECT: JOHNSTON – O'MEARA HOUSE CONSTRUCTION
1519 N. MITCHELL CANYON ROAD**

OWNERS NAME: Noel G. O'Meara and Kim R. Johnston

ASSESSOR'S PARCEL NUMBER: 118-063-004

**COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT,
AND RIGHT OF ENTRY**

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry ("Agreement") is made and entered into this _____ day of _____, 2010, by and between Noel O'Meara and Kim R. Johnston, (hereinafter jointly referred to as "Property Owner") and The City of Clayton, a municipal corporation ("City").

The following terms used in this Agreement shall have the meanings specified below:

DEFINITIONS

Maintain: The term "**Maintain**" or "**Maintained**" shall mean taking all actions deemed reasonably necessary by City to keep the Stormwater Facility in first class operation, condition and repair, which actions include but are not limited to regular inspections, painting, cleaning, maintenance, refinishing, repairing, replacing and reconstructing the Stormwater Facility, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming, mowing, and fertilizing the landscaping. The term shall also include the routine maintenance, and the annual inspection and reporting described in the Stormwater Control Operation and Maintenance Plan, and the payment of any applicable City fees.

NPDES Permit: The term "**NPDES Permit**" shall mean the San Francisco Bay Regional Water Quality Control Board's National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0029912 (issued to the City of Clayton) as amended, and as may be superseded by subsequent NPDES permits that are reissued from time to time.

Ordinance: The term "**Ordinance**" shall mean Chapter 13.12 of the City of Clayton Municipal Code (Stormwater Management and Discharge Control), as may be amended from time to time and any other provision of the City of Clayton Municipal Code deemed by the City of Clayton to be applicable to Stormwater Management and Discharge Control .

Property Owner: The term "**Property Owner**" and "**Property Owners**" shall mean Caspar Marital Trust and Jeffrey J. Caspar and all heirs, successors, executors, administrators and assigns of Caspar Marital Trust and Jeffrey J. Caspar in the Property (including all subsequent owners of any interest in the Property), it being the intent of the parties hereto that the obligations undertaken in this Agreement, as provided in Civil Code section 1468, run with the Property described in Exhibit A and constitute a lien against the Property.

Property: The term "**Property**" shall mean that certain real property located at 945 Oak Street, Clayton, CA, and more particularly described in Exhibit A which is attached hereto and hereby incorporated herein by reference.

Plan: The term "**Plan**" or "**Operation and Maintenance Plan**" means the City-approved Stormwater Control Operation and Maintenance Plan prepared by the owner's consultant, and approved by the City

Engineer in writing, which may be subsequently modified from time to time with City Engineer's written approval.

Stormwater Facility: The term "Stormwater Facility" means the permanent stormwater management facilities located and constructed on the Property including subsequent alterations thereto consented to in writing by the Clayton City Engineer.

RECITALS

This Agreement is made and entered into with reference to the following facts:

- A.** The Property Owner is the owner of the real property more particularly described on the attached Exhibit A.
- B.** N. Mitchell Canyon Road, an existing street is located adjacent to the Property, and the City is required to ensure that stormwater run-off from the Property into the street meets the requirements of its NPDES Permit.
- C.** To meet its obligations under its NPDES Permit the City has required the Property Owner to construct the Stormwater Facility on the Property.
- D.** To meet its obligations under its NPDES Permit the City has approved the Property Owner's Operation and Maintenance Plan for the Stormwater Facility.
- E.** To meet its obligations under its NPDES Permit the City's Ordinance requires proper operation and maintenance in perpetuity of the Stormwater Facility constructed on the Property.
- F.** The Plan includes an annual inspection and reporting requirement for the Stormwater Facility constructed on the Property.
- G.** This Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance, the City's NPDES Permit and the Plan.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1

Responsibility for Operation and Maintenance: No portion of the Stormwater Facility may be altered, in any way, by the Property Owner without the prior written consent of the City Engineer of the City of Clayton. The Property Owner shall Maintain the Stormwater Facility in first class operating condition, and in compliance with all applicable state, county and city laws and regulations. Applicable regulations include, but are not limited to, the City-approved Stormwater Control Operation and Maintenance Plan, and the provisions of the Ordinance, as they may be amended from time to time.

The Property Owner shall engage a landscape contractor or other licensed contractor to maintain the Stormwater Facility. The City Engineer, in her or his sole absolute discretion, may approve in writing an alternate method for the maintenance of the Stormwater Facility. The City Engineer, also in her or his sole absolute discretion, may revoke the approval of a previously approved alternate method for the maintenance of the Stormwater Facility.

SECTION 2

Inspection by Property Owner: The Property Owner shall cause its contractor to conduct annual inspections during the month of September of each year. The annual inspection report shall include completion of the checklist described in the approved Operation and Maintenance Plan. The Property Owner or its contractor must submit the inspection report to the City Engineer within 30 days after the annual inspection. A Management and/or Inspection fee established in the City's standard fee schedule shall accompany the annual inspection report.

SECTION 3

Right of Entry and Stormwater Facility Inspection by the City: The Property Owner hereby grants permission to the City, its authorized agents and employees, and the Central Contra Costa Sanitary District, the Contra Costa County Fire Protection District, County Environmental Health Department, the Contra Costa Mosquito and Vector Control District, and the Regional Water Quality Control Board to enter the portion of the Property where the Stormwater Facility is located, and to inspect the Stormwater Facility whenever any of the forgoing entities deems necessary to enforce provisions of the City's Ordinance. These entities may enter the premises at any reasonable time to inspect the Stormwater Facility's maintenance and operation, to inspect and copy records related to compliance with stormwater regulations, and to collect samples and take measurements. Whenever possible, these entities will provide notice prior to entry.

SECTION 4

Failure to Perform Required Stormwater Facility Repairs or Maintenance by the Property Owner: If the Property Owner or its successors fails to Maintain the Stormwater Facility in good working order and in accordance with the approved Plan and the City's Ordinance, the City, with prior notice, may enter the Property to return the Stormwater Facility to good working order. The City is under no obligation to Maintain or repair the Stormwater Facility, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this section takes any action to return the Stormwater Facility to good working order, the Property Owner shall reimburse the City for all the costs incurred by the City, including administrative costs (herein "costs of abatement". The City will provide the Property Owner with an itemized invoice of the City's costs and the Property Owner will have 30 days to pay the invoice. If the Property Owner fails to pay the invoice within 30 days, the City may, without the necessity of any judicial process, secure and record a lien against all real property of the Property Owner in the amount of such costs. In addition the City may make the cost of abatement of the nuisance caused by the failure to maintain the Stormwater Facility a special assessment against the Property that may be collected at the same time and in the same manner as ordinary municipal taxes are collected as provided in Government Code section 38773.5. This Section 4 does not prohibit the City from pursuing other legal recourse against the Property Owner.

SECTION 5

Indemnity: The Property Owner agrees to defend with legal counsel of City's choice, indemnify and holds harmless the City, its officials, employees and its authorized agents from any and all damages, accidents, casualties, occurrences, claims, penalties or fines which might arise or be asserted against the City and which are in any way connected with the construction, operation, presence, existence or maintenance of the Stormwater Facility by the Property Owner, or from any personal injury or property damage that may result from the City or other public entities entering the Property under Section 3 or 4.

SECTION 6

Successors and Assigns: The covenants of the Property Owner set forth in numbered Sections 1 through 5 above shall run with the land, and the burdens thereof shall be binding upon each and every part of the Property and upon the Property Owner, its successors and assigns in ownership (or any interest therein), for the benefit of N. Mitchell Canyon Road and each and every part thereof and said covenants shall inure to the benefit of and be enforceable by the City, its successors and assigns in ownership of each and every part of the street.

SECTION 7

Severability: Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

Recommended for approval:

City of Clayton:

City Engineer

Mayor

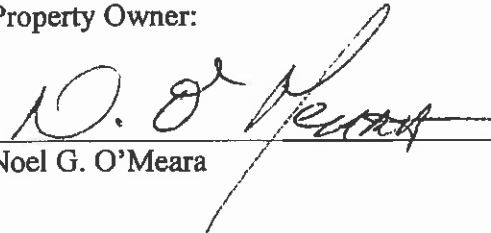
Reviewed by:

Attest:

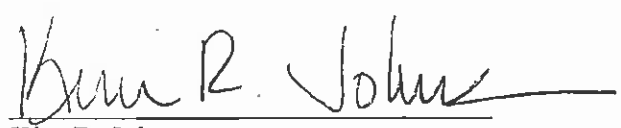
City Attorney

City Clerk

Property Owner:



Noel G. O'Meara



Kim R. Johnston

Attachments: Acknowledgements
Exhibit A

ALL PURPOSE ACKNOWLEDGMENT

State of California)
) s.s.
County of Contra Costa)

On 26th March 2010, before me, Doraiswami Ramesh, A Notary Public, personally appeared Noel G. O'Meara & Tim R Johnston, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signature on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

My commission expires: 10-18-2013

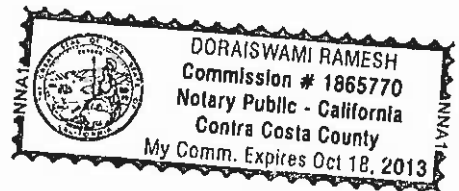


EXHIBIT A
Legal description

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 4 AS SHOWN THAT THAT CERTAIN MAP ENTITLED TRACT 2556, UNIT I, FILED AUGUST 28, 1957, IN BOOK 68 OF MAPS AT PAGE 27, IN THE OFFICE OF THE RECORDER OF CONTRA COSTA COUNTY.



Approved:

Gary A. Napper, City Manager

STAFF REPORT

Agenda Date: 4-6-10

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

Agenda Item: 10a

MEETING DATE: April 6, 2010

SUBJECT: Critique of preliminary identification of possible public and private lands for a community group-requested dirt bicycle park.

REQUEST

Following discussion, provide policy direction to staff regarding the pursuit of recreational dirt bicycle park in Clayton.

BACKGROUND

At the last several City Council meetings a group of Clayton youth brought forward ideas and a request to create a bicycle dirt track in Clayton. At the March 2, 2010 meeting the City Council provided a preliminary list of possible public and private lands and directed staff to critique the locations.

The preliminary identification included:

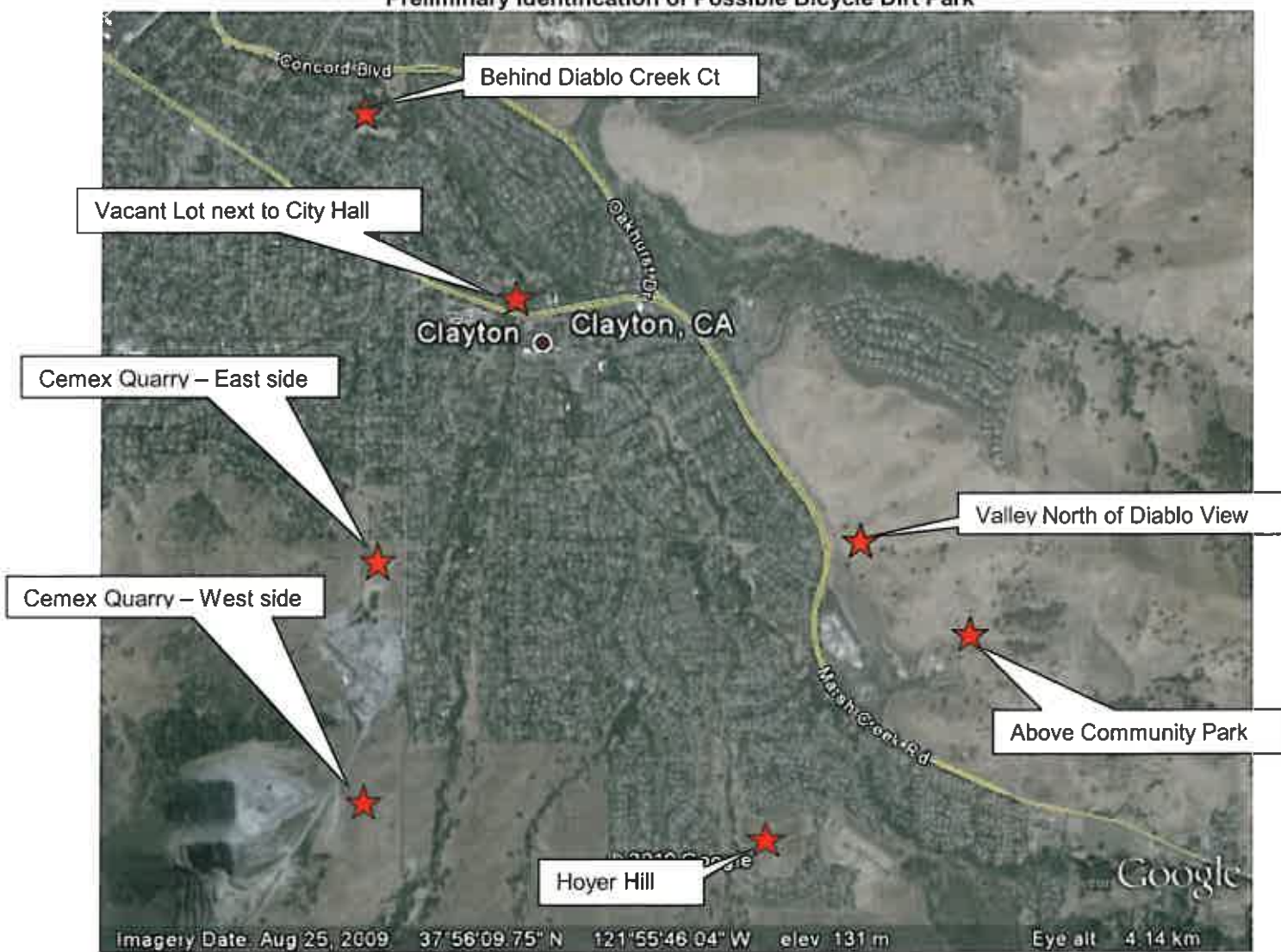
- Hoyer Hill (City owned open space area off Regency Drive)
- City owned open space area above the Community Park
- City owned open space in valley area north of Diablo View Middle School
- City owned property next to City Hall parking lot
- City owned open space area behind Diablo Creek Ct.
- Cemax Quarry – East side (quarry privately owned property located in unincorporated area – county)
- Cemax Quarry – West side (quarry privately owned property located in unincorporated area – county)

DISCUSSION

The above locations were critiqued for the following: General Plan consistency, zoning regulations, environmental issues (ie: soils stability, erosion, habitat- plants, animals, archeology–native American, noise, lights, etc.) surrounding land uses, accessibility, traffic/parking and security. See Attachments for specific location map and critique comments.

In addition any site on public property would be subject to various other laws and restrictions and regulations imposed on local government such as limitations on design (maximum height of platform, no peaked jumps), construction subject to state public bidding laws, construction labor subject to state prevailing wage laws, construction and maintenance inspections/reporting; and other laws/regulations to meet city insurance coverage such as no changes to approved design without re-submittal and re-approval by risk management the city insurance provider, etc.

Preliminary Identification of Possible Bicycle Dirt Park



See Attachments for specific location map and critique comments.

Environmental Review

California Environmental Quality Control Act (CEQA). All the sites are subject to state law that requires review and analysis of potential impacts to the site from its development and use in this case as a potential dirt bicycle park. This would require a site specific environmental study and analysis for the project. The type of Environmental review needed could vary by site and project scope—it could vary from Mitigated Negative Declaration (MND) to a focused Environmental Impact Report (EIR). Some of the sites could be subject to State Fish and Game, Federal Fish and Wildlife, US Army Corp of Engineers and SF Regional Water Quality Control Board regulations, review and permitting requirements. The CEQA study would typically address the following *but not limited to* potential issues and identify mitigations as appropriate: (this type of study is typically done concurrently with planning land use entitlements):

- Habitat issues - biological (plants/animals) may required biological/species survey by specialists
- Assessment of plant species in the project area (sensitive plant species per Federal and State Laws) any impacts and mitigations required.
- Assessment of animal species in the project area (sensitive animal species per Federal and Sate Laws) any impacts and mitigations required.

- Cultural resources – ie: native American
- Soils stability - Geotechnical study
- Stormwater runoff
- Erosion
- Drainage
- Grading
- Noise
- Dust
- Visual Impacts
- Lights
- Transportation/Traffic
- Parking demand
- Security of the site from vandalism. Visibility to police patrol. A location not visible can result in vandalism and illegal usage such as motorcycles, loitering, etc.
- Emergency accessibility. Can emergency responders access site with vehicles equipment in case of accident at the site.
- Review/approval and permitting by other state agencies: State Fish and Game; Army Corp of Engineering; State Regional Water Quality Control Board, etc.

Planning Permit Process

The Cemex Quarry sites in the County are designated Agricultural and it is unclear if the County General Plan would need to be amended. The Cemex sites are also zoned Ag-2 in the County, and it is unclear if the zoning would allow for bicycle park. City staff was unable to obtain County staff information prior to the completion of this report. The Cemex sites also have limitations as they are currently being used for resource mitigation. The West side is also in an area of landslide repair mitigation. The East side is also being used by Cemex for Agricultural soils and planting experiment site. These sites also increase issues with the existing Quarry vehicle traffic, as the Quarry entry is located off Mitchell Canyon Road and close to these sites.

In general the City owned sites have appropriate General Plan designation. The City Zoning Code designations for all but the City Hall site are Planned District and does not allow for dirt bike park. The Zoning Code would need to be amended to allow for this type of active recreational use (likely as a conditional use). The City Hall vacant lot has a zoning classification (amended at time of Bocce Ball Courts project application) of Public Facility which requires a conditional use permit and site plan review. If the PD Zoning text was amended any of the sites would need in addition to Environmental Review a site Development Plan (DP) application, a Conditional Use Permit and Site Plan Review Planning entitlement approvals. All of the City owned sites would have the same issues to be studied except for soil stability issues – this would not apply at two sites as they are flat; Behind Diablo Creek Ct, and Vacant Lot at City Hall.

For City owned property:

- No General Plan Amendment needed. General Plan shows city open space and park areas as both passive and active except as furthered modified by City zoning designations
- All sites except City Hall vacant lot require a zoning code text amendment as the sites do not currently allow for consideration of a bicycle park. The zoning text would need to be amended to allow as a conditional use.
- The City Open Space is designated as Planned Development (PD). The PD would need to be amended to allow consideration (either as permitted or conditionally permitted) of this type of activity.

- A site Development Plan (DP) application is required for uses within the PD zoning and would need to be submitted concurrent with the PD amendment application.
- If the PD is amended to allow consideration as a Conditional Use then a Use Permit would also need to be processed, concurrent with the DP/ Site Plan.
- City Hall lot would need Environmental Review, Conditional Use Permit and Site Plan Review entitlements.

For Cemex Quarry (private property) located in the County:

- Private property would need owner permission
- County General Plan may need to be amended
- County Zoning may need to be amended
- May need County Land Use Permit
- May need County Conditional Use Permit
- County Environmental Review needed – CEQA

Liability/Risk Management

In order for the City to be covered by MPA (the City's insurance) the following requirements would need to be met (applies to city owned property sites): *Note: Private property would be subject to the private property owner's liability and their property insurance company requirements if any.*

- Must be on City owned property
- The BMX would need to be engineered and designed in compliance with the ABA/NBL (American Bicycle Association/National Bicycle League) guidelines.
- MPA must approve any design prior to construction.
- MPA conducts verification inspection and approves prior to use.
- Changes or modifications to track must be in compliance with ABA/NBL and documented on engineered/construction drawings.
- Change or modification of the track must be re-submitted to Risk Management for approval prior to making the change.
- Change or modification of the track must be re-inspected by MPA after the change made prior to use.
- The design must be maintained and maintenance documented as approved by MPA.
- Routine (monthly) safety inspections must be performed and documented.
- City must adopt procedure and requirements to ensure the safety of the participants and users.
- There must be an appropriate barrier between the participants and users (ie: fencing)
- The park must be signed pursuant to Government Code Section 831.7
- The signage must include set hours of operation and the required use of safety apparel and bike padding.
- Any organized events must be supervised and the City must assure purchase of liability insurance for all organized events through the sanctioning body (ie: ABA/NBL)

Maintenance

Estimated costs are \$25,300 to \$60,000 annually. Maintenance would typically include:

- Annual hydro seeding of all exposed areas (needed for stormwater and erosion control)
- Annual rest period Dec through March which will require the hydro seeding of all exposed areas for erosion control.
- Track weeds will need to be scrapped and set each spring.
- Monthly mandatory safety inspections/documentation.
- Weekly maintenance – trash pick up/check fencing; other light maintenance and inspection and documentation of any other maintenance issues
- Knocking off the lips or smoothing of the humps to conform to safety requirements;
- filling in sides to ensure minimum track widths are maintained;
- filling in holes/ruts;
- chalking the sidelines;
- repair of fencing and locks.
- Volunteer maintenance labor could be used to supplement or assist city or city contracted maintenance however may be limited in scope or need to be under specified supervision and direction to ensure compliance with Liability Insurance.

FISCAL IMPACT

\$295,000 + (planning stage through construction) estimate

\$25,300 – \$ 60,000 annual operations and maintenance estimate

Planning thru construction detail

Estimated cost to prepare concept plans for processing entitlement process \$10,000

Estimated costs for environmental assessment and review assuming EIR not required \$135,000

Estimated Planning entitlement staff and hearing costs (zone change, conditional use permit, site plan, environmental review – assuming EIR not required) \$15,000

Estimated construction drawings costs/bid drawings: \$25,000

Erosion control and stormwater control plan \$5000

Estimated construction costs \$105,000

O&M detail:

Monthly inspection \$250 = \$3000

Weekly maint staff time @ \$200/wk = \$10,400

Weekly equip use @ \$75/wk = \$3,900

Mitigation control maintenance, inspection and reporting: \$2,000 year +

Annual repair costs: \$6,000

30 hours week coordinating/staffing for organized events (optional): \$500-1,000 mo.= \$12,000

Or alternatively

\$5000 month maintenance and materials for repairs = \$60,000

RECOMMENDATION

Following discussion, provide policy direction to staff regarding the pursuit of recreational dirt bicycle park in Clayton.

Attachments:

Site Locations – Overall map

Individual sites map

Hoyer Hill

Above Community Park

Valley North of Diablo View

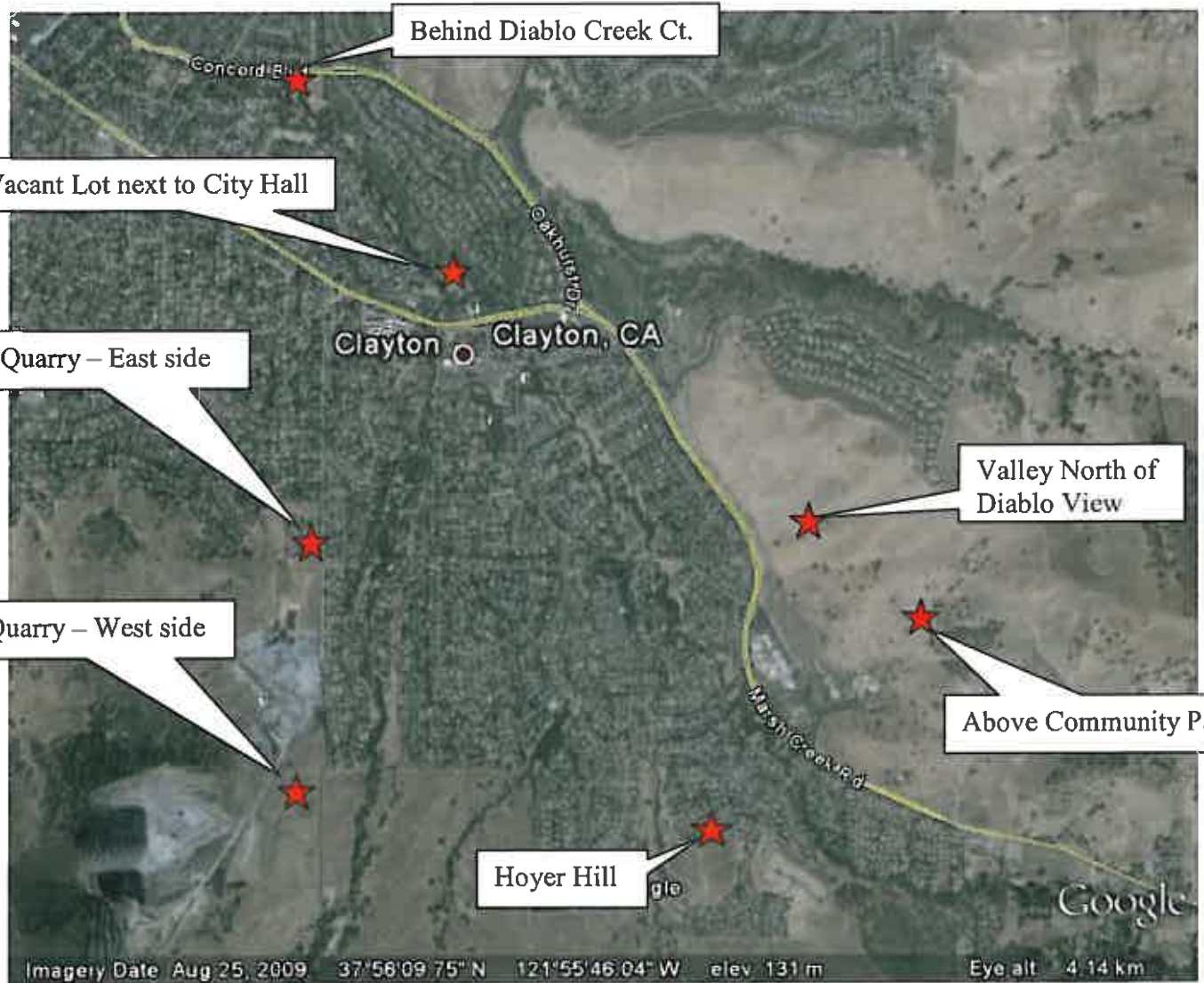
Behind Diablo Creek Ct

Vacant Lot next to City Hall

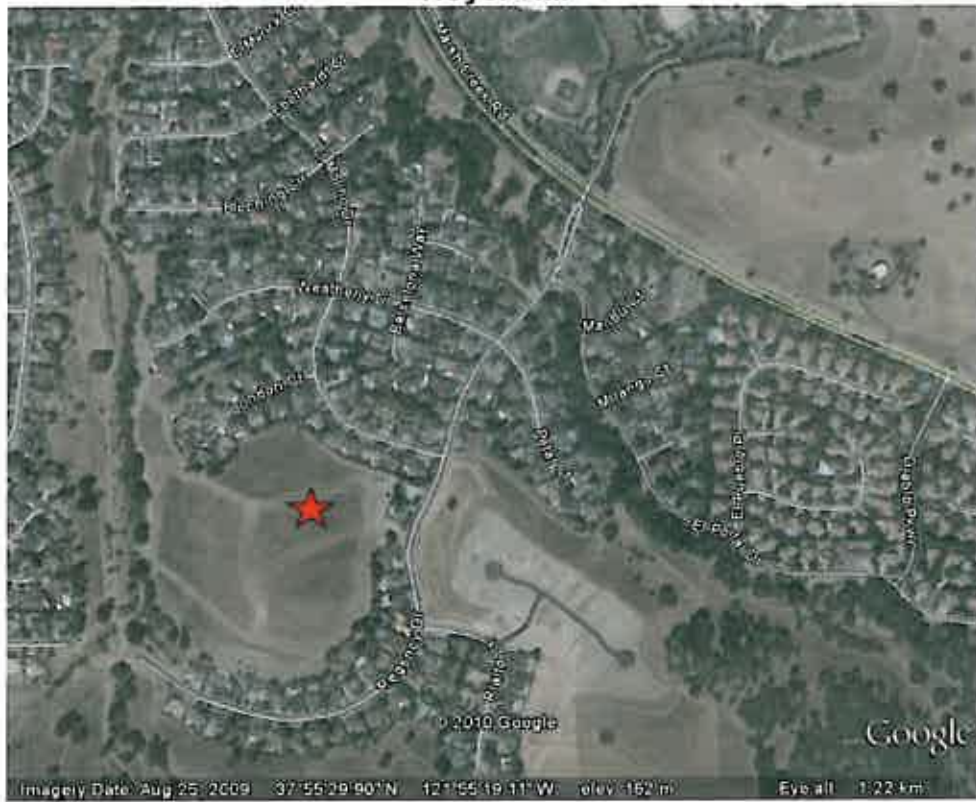
Cemax Quarry East Side

Cemax Quarry West Side

Preliminary Identification of Possible Bicycle Dirt Park



Hoyer Hill



Hoyer Hill – site has small flat area that adjoins Regency Drive most of site is sloping uphill. Surrounding land uses consist of existing established single family residential subdivision area (Regency Woods) on three sides – northwest side adjoins and slopes down to Donner Creek.

Positives:

No General Plan amendment needed
Small access to Public Street
Security has some limited visibility to public streets depending on location
Curb line on street parking across Regency Drive

Challenges:

Sloped site requires grading
Soil instability
Drainage issues
Security has limited visibility to public streets depending on location
Residential single family homes adjoining site
No off street parking – residential neighborhood
Potential animal and plant habitat issues

- Zoning – Zoning Text Amendment needed – the site is Planned District – the language in the zoning text does not allow for consideration of dirt bike park; could add to the text for consideration by Conditional Use Permit. Assuming the Zoning Text is amended the following would apply:
- Development Plan needed
- Conditional Use Permit needed
- Site Plan Review needed
- Environmental Review – CEQA (The following items would at a minimum need to be studied):
 - Habitat issues - biological (plants/animals) may required biological/species survey by specialists
 - Assessment of plant species in the project area (sensitive plant species per Federal and State Laws) any impacts and mitigations required.
 - Assessment of animal species in the project area (sensitive animal species per Federal and State Laws) any impacts and mitigations required.
 - Cultural resources – ie: native American
 - Soils stability - Geotechnical study. There is a landslide slump that has developed upslope from the Regency Drive opening. There have been other smaller slips of the soils on the slope areas.
 - Stormwater runoff. Site drains naturally down slope has V-ditch in some areas to intercept. Residential houses sit at bottom of the hill.
 - Erosion
 - Drainage
 - Noise – single family homes adjoin and are adjacent to the area
 - Dust
 - Grading
 - Visual Impacts – Site has residential homes on three side, the fourth side is steep and adjoins open space going down slope to creek
 - Accessibility: – the area has opening between single family residential homes on Regency Drive; there is also access from the city trail behind London Court
 - Transportation/Traffic (access is from Regency Drive and also El Molino to Regency – Regency is a non through (dead-end) street
 - Parking demand . Only parking is on street parking.
 - Security of the site from vandalism. Visibility to police patrol. Site has limited visibility from public streets. Houses surround most of the site and obscure some views onto the site.
 - Emergency accessibility. Can emergency responders access site with vehicles equipment in case of accident at the site. There is some limited access off Regency Drive.
 - Review/approval and permitting by other state agencies: State Fish and Game; Army Corp of Engineering; State Regional Water Quality Control Board, etc.

Above Community Park



Above Community Park - site is at far end above park that is sloping and has public trails. Surrounding land uses consist of open space – no homes. City parking lot is at Community Park or Diablo View Middle School located nearby.

Positives:

No General Plan amendment needed
No nearby residential homes
On site Parking lot at Community Park

Challenges:

Zoning Text Amendment needed
Sloped site requires grading
Soil instability
Drainage issues
Security has no visibility from vehicle patrol
Potential animal and plant habitat issues
Riparian habitat area – Fish and Game and off site mitigation will likely be required at greater than 1:1
Over use of community park – parking demands currently outnumber spaces on high use days
Other active use programming activity of park conflicts – potential over use/over programming of this park area

- Zoning – Zoning Text Amendment needed – the site is Planned District – the language in the zoning text does not allow for consideration of dirt bike park; could add to the text for consideration by Conditional Use Permit. Assuming the Zoning Text is amended the following would apply:
- Development Plan needed
- Conditional Use Permit needed
- Site Plan Review needed
- Environmental Review – CEQA (The following items would at a minimum need to be studied):
 - Habitat issues - biological (plants/animals) may required biological/species survey by specialists
 - Assessment of plant species in the project area (sensitive plant species per Federal and State Laws) any impacts and mitigations required.
 - Assessment of animal species in the project area (sensitive animal species per Federal and State Laws) any impacts and mitigations required.
 - Cultural resources – ie: native American
 - Soils stability - Geotechnical study. There is a landslide slump issues in the area. There have been other smaller slips of the soils on the slope areas.
 - Stormwater runoff. Site drains naturally down slope to small creek next to Field #3
 - Erosion
 - Drainage – Riparian area and will be subject to other agency reviews and approvals
 - Noise
 - Dust
 - Grading – Riparian area and will be subject to other agency reviews and approvals likely grater than 1:1 off site mitigation would be required.
 - Visual Impacts – limited as not very visible to public streets or residential areas
 - Accessibility: the area is only access from Marsh Creek Road
 - Transportation /Traffic: access is from Marsh Creek Road and Community Park parking lot area would not impact any existing residential areas
 - Parking demand; parking might be done as part of project or parking at nearby school – concern with other activities at school, over use or over commitment of parking – need to get school district approval for allowance of use of their parking lot area.
 - Security of the site from vandalism. Visibility to police patrol. Site has no visibility to Community Park parking lot – no patrol vehicle access.
 - Emergency accessibility. Can emergency responders access site with vehicles equipment in case of accident at the site. Access is somewhat limited and closest would be from top of Community park parking lot next to Field 3.
 - Review/approval and permitting by other state agencies: State Fish and Game; Army Corp of Engineering; State Regional Water Quality Control Board, etc.

© 2010 Google

Google

Imagery Date: Aug 25, 2009 37°55'59" 60" N 121°55'12" 22" W elev. 204 m Eye alt. 1.43 km



Valley North of Diablo View Middle School - site has small valley that is part drainage tributary of upper slope area and has riparian habitat area. Surrounding area is open space – no homes.

Positives:

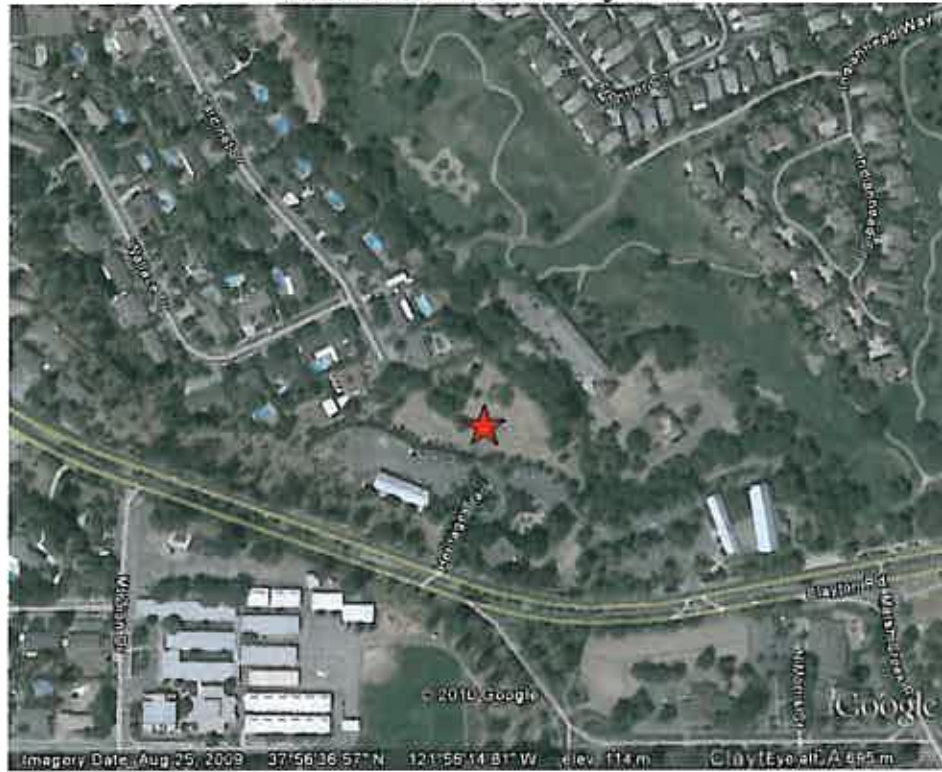
No General Plan amendment needed
No nearby residential homes

Challenges:

Zoning Text Amendment needed
Riparian habitat area – Fish and Game and off site mitigation will likely be required at greater than 1:1
Sloped site requires grading
Soil instability
Drainage issues
Security has no visibility for vehicle patrol
Animal and plant habitat issues
No parking areas located adjacent to site – closest would be Middle School but could conflict with other uses at school

- Zoning – Zoning Text Amendment needed – the site is Planned District – the language in the zoning text does not allow for consideration of dirt bike park; could add to the text for consideration by Conditional Use Permit. Assuming the Zoning Text is amended the following would apply:
- Development Plan needed
- Conditional Use Permit needed
- Site Plan Review
- Environmental Review – CEQA (The following items would at a minimum need to be studied):
 - Habitat issues - biological (plants/animals) may required biological/species survey by specialists
 - Assessment of plant species in the project area (sensitive plant species per Federal and State Laws) any impacts and mitigations required.
 - Assessment of animal species in the project area (sensitive animal species per Federal and State Laws) any impacts and mitigations required.
 - Cultural resources – ie: native American
 - Soils stability - Geotechnical study. There is a landslide slumps in the area.
 - Stormwater runoff. Site drains naturally down riparian area
 - Erosion
 - Drainage – Fish and Game and off site mitigation will likely be required at greater than 1:1
 - Noise
 - Dust
 - Grading
 - Visual Impacts – limited as not very visible to public streets or residential areas
 - Accessibility: the area is only access from Clayton Road
 - Transportation/Traffic: access is from Clayton Road – would not impact any residential areas
 - Parking demand. Parking might be done as part of project or parking at nearby school – concern with other activities at school, over use or over commitment of parking – need to get school district approval for allowance of use of their parking lot area.
 - Security of the site from vandalism. Visibility to police patrol. Site has limited to no visibility from Clayton Road – no patrol vehicle access
 - Emergency accessibility. Can emergency responders access site with vehicles equipment in case of accident at the site. There is very limited access off Clayton Road- terrain issues.
 - Review/approval and permitting by other state agencies: State Fish and Game; Army Corp of Engineering; State Regional Water Quality Control Board, etc.

Vacant Lot next to City Hall



Vacant Lot next to City Hall - site has level flat area that opens adjoins city hall and slopes to Mt. Diablo Creek. Surrounding land uses consist of existing established single family residential subdivision area along northerly side.

Positives:

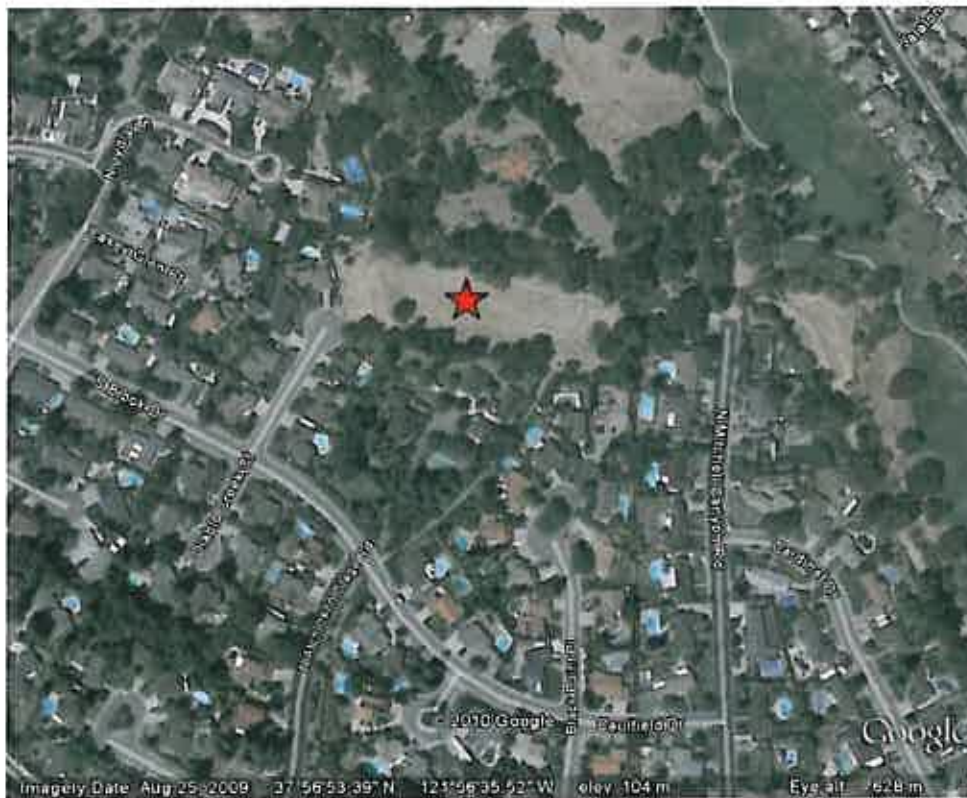
No General Plan amendment needed
No Zoning Text Amendment needed
Generally level site – minimal grading
No soil stability issues
Parking lot at City Hall
Homes only on one side
Centrally located
Highly visible for security and patrol

Challenges:

Zoning Text Amendment needed
Some Riparian habitat area
Drainage issues
Animal and plant habitat issues
Potential over demand of adjacent parking lot areas
Archeology issues – native American
Habitat issues – birds
Eucalyptus Tree removal needed for safety reasons
Potential parking issues to end of Cardinet Drive at opening to site

- Conditional Use Permit needed
- Site Plan Review
- Environmental Review – CEQA (The following items would at a minimum need to be studied):
 - Habitat issues - biological (plants/animals) may required biological/species survey by specialists
 - Assessment of plant species in the project area (sensitive plant species per Federal and State Laws) any impacts and mitigations required.
 - Assessment of animal species in the project area (sensitive animal species per Federal and Sate Laws) any impacts and mitigations required.
 - Cultural resources – ie: native American
 - Soils stability – No issues site is generally flat.
 - Stormwater runoff. Site drains naturally toward Mt Diablo Creek need to provide on site drainage to intercept and infiltrate – area flat to accommodate
 - Erosion
 - Drainage
 - Noise – single family homes adjoin and are adjacent to the area
 - Dust
 - Grading
 - Visual Impacts – Site has residential homes on northerly side with street opening at end of Cardinet Drive
 - Accessibility: – the area has access off Clayton Road to City Hall parking lot and from opening at end of Cardinet Drive and from the nearby Cardinet Trail and pedestrian tunnel
 - Transportation/Traffic (access is from City Hall Parking Lot off Clayton Road
 - Parking demand . Parking at City Hall and nearby Library and Keller House sites could have over demand. Potential overflow parking issues to nearby residential areas on Cardinet
 - Security of the site from vandalism. High visibility to police patrol.
 - Emergency accessibility. Can emergency responders access site with vehicles equipment in case of accident at the site. Immediate access off City Hall Parking Lot and end of Cardinet Dr
 - Review/approval and permitting by other state agencies: State Fish and Game; Army Corp of Engineering; State Regional Water Quality Control Board, etc.

Behind Diablo Creek Ct/Black Pointe Ct



Behind Diablo Creek Ct. - site is a flat level area that is located at the end of and behind Diablo Creek Ct to behind Black Point Ct. Surrounding land uses consist of existing established single family residential subdivision area on the westerly side – the east side is the city Cardinet Trail and adjacent Mt Diablo Creek. The Hurd Ranch home is beyond, with its vacant property – planned for future residential development.

Positives:

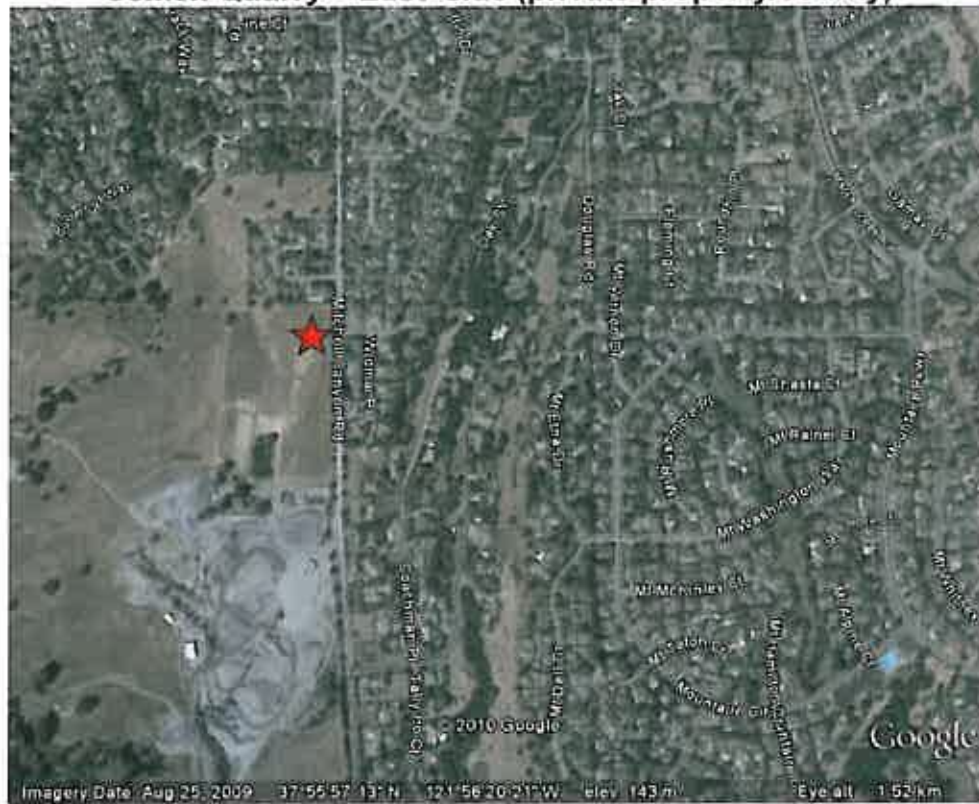
No General Plan amendment needed
Generally level site – minimal grading
No soil stability issues
Homes only on one side (future residential development across creek on Hurd Ranch property)
Generally centrally located
Visible for security patrol from Donner Creek Ct.
Minimal plant and habitat issues

Challenges:

Zoning Text Amendment needed
Animal and plant habitat issues
Potential over demand of adjacent parking lot areas
Adjacent single family homes
Limited to no parking
Single family cul-de-sac is only access

- Zoning – Zoning Text Amendment needed – the site is Planned District – the language in the zoning text does not allow for consideration of dirt bike park; could add to the text for consideration by Conditional Use Permit. Assuming the Zoning Text is amended the following would apply:
- Development Plan needed
- Conditional Use Permit needed
- Site Plan Review
- Environmental Review – CEQA (The following items would at a minimum need to be studied):
 - Habitat issues - biological (plants/animals) may required biological/species survey by specialists
 - Assessment of plant species in the project area (sensitive plant species per Federal and State Laws) any impacts and mitigations required.
 - Assessment of animal species in the project area (sensitive animal species per Federal and State Laws) any impacts and mitigations required.
 - Cultural resources – ie: native American
 - Soils stability – no issues
 - Stormwater runoff. Site drains naturally to Mt Diablo Creek – enough area to provide bio filtration
 - Erosion issues minimal
 - Drainage issues minimal
 - Noise – single family homes adjoin and are adjacent to the area
 - Dust
 - Grading issues: none - minimal
 - Visual Impacts – Site has residential homes on one side
 - Accessibility: –only access off residential cul-de-sac between single family residential homes
 - Transportation/Traffic access would be through single family neighborhoods and to a cul-de-sac
 - Parking demand. Only parking is on street parking which is very limited as a cul-de-sac
 - Security of the site from vandalism. Visibility to police patrol. Site has visibility from Diablo Creek Ct . Houses boarder rest of westerly portion of site, visibility from public Cardinet Trail to the on the easterly side.
 - Emergency accessibility. Can emergency responders access site with vehicles equipment in case of accident at the site. There is access at Diablo Creek Ct.
 - Review/approval and permitting by other state agencies: State Fish and Game; Army Corp of Engineering; State Regional Water Quality Control Board, etc.

Cemex Quarry – East side (private property/county)



Cemax- East side - site is flat area that adjoins the Quarry to the north and west. Surrounding land uses consist of existing established single family residential subdivision area to the east and south across Mitchell Canyon Road. Site is private property – Cemex and not within the City Limits – Contra Costa County has land use regulatory oversight.

Positives:

Flat Site

access to Public Street

visibility to public street

area potential large enough to accommodate on site parking

private property

Challenges:

Private property

Existing Active Quarry operation adjacent to site

Narrow Street with sidewalk accessibility issues to the site

Existing Gravel Truck traffic

Residential single family homes adjoining site

Potential animal and plant habitat issues -- active Plant and soil mitigation experiment and testing area

County land use control site is outside of city limits

County General Plan amendment may be needed

County Zoning Amendment may be needed

County Land Use Permit may be needed

County Conditional Use Permit may be needed

Bay Area Air Quality Management District might need to review land use as sensitive receptor to a quarry operation (fugitive dust, etc.)

- Environmental Review – CEQA (The following items would at a minimum need to be studied):
 - Habitat issues - biological (plants/animals) may required biological/species survey by specialists
 - Assessment of plant species in the project area (sensitive plant species per Federal and State Laws) any impacts and mitigations required.
 - Assessment of animal species in the project area (sensitive animal species per Federal and State Laws) any impacts and mitigations required.
 - Cultural resources – ie: native American
 - Soils stability – minimal issues
 - Stormwater runoff. Site drains naturally toward the residential homes.
 - Erosion
 - Drainage
 - Noise – single family homes adjoin and are adjacent to the area
 - Dust – impacts from the quarry operation to the site – air district regulation may apply – sensitive receptor issue
 - Grading – minimal
 - Visual Impacts – Site has residential homes on one side the other homes are across Mitchell Canyon Road
 - Accessibility: – the area is adjacent to Mitchell Canyon Road
 - Transportation/Traffic Mitchell Canyon Road- Quarry traffic narrow road and sidewalk location issues
 - Parking demand. No parking on Mitchell Canyon Road; site large enough to possibly include on site parking area.
 - Security of the site from vandalism. Visibility to police patrol. Site is very visible- however site is under county jurisdiction and subject to Sheriff Patrol, not city police patrol -
 - Emergency accessibility. Can emergency responders access site with vehicles equipment in case of accident at the site. There is access off Mitchell Canyon Road
 - Review/approval and permitting by other state agencies: State Fish and Game; Army Corp of Engineering; State Regional Water Quality Control Board, Bay Area Air Quality Management District, etc.

Cemax- West side - site is sloping and uphill away from Mitchell Canyon Road . Surrounding land uses consist of the quarry to the north and east. To the west and south is Mt. Diablo State Park property. Site is private property – Cemex and not within the City Limits – Contra Costa County has land use regulatory oversight.

Positives:

access to Public Street
visibility to public street
area potential large enough to accommodate on site parking
private property
no surrounding homes
site is past quarry entry/exit gate

Challenges:

Sloping site
Soil instability
Private property
Existing Active Quarry operation adjacent to site
Narrow Street with sidewalk accessibility issues to the site
Existing nearby Gravel Truck traffic (further to the east does not cross in front of this site)
Potential animal and plant habitat issues -- landslide repair mitigation area
County land use control site is outside of city limits
County General Plan amendment may be needed
County Zoning Amendment may be needed
County Land Use Permit may be needed
County Conditional Use Permit may be needed
Bay Area Air Quality Management District might need to review land use as sensitive receptor to a quarry operation (fugitive dust, etc.)

- Environmental Review – CEQA (The following items would at a minimum need to be studied):
 - Habitat issues - biological (plants/animals) may require biological/species survey by specialists
 - Assessment of plant species in the project area (sensitive plant species per Federal and State Laws) any impacts and mitigations required.
 - Assessment of animal species in the project area (sensitive animal species per Federal and State Laws) any impacts and mitigations required.
 - Cultural resources – ie: native American
 - Soils stability – landslide and slump has occurred in and near the site area
 - Stormwater runoff
 - Erosion
 - Drainage
 - Noise –
 - Dust – impacts from the quarry operation to the site – air district regulation may apply – sensitive receptor issue
 - Grading – would need to grade as site is sloped – possible slope stability and drainage issues
 - Visual Impacts –no surrounding residential homes; however state park entry and adjacent park grounds
 - Accessibility: – the area is adjacent to Mitchell Canyon Road
 - Transportation/Traffic Mitchell Canyon Road- Quarry traffic prior to this site limited vehicle traffic past quarry entry/exit – this location is past the quarry entry/exit
 - narrow road and no sidewalk issues
 - Parking demand. No parking on Mitchell Canyon Road; site large enough to possibly include on site parking area.
 - Security of the site from vandalism. Visibility to police patrol. Site is very visible- however site is under county jurisdiction and subject to Sheriff Patrol, not city police patrol -
 - Emergency accessibility. Can emergency responders access site with vehicles equipment in case of accident at the site. There is access off Mitchell Canyon Road
 - Review/approval and permitting by other state agencies: State Fish and Game; Army Corp of Engineering; State Regional Water Quality Control Board, Bay Area Air Quality Management District, etc.



Agenda Date: 4-6-10

Agenda Item: 10b

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: APRIL 6, 2010

**SUBJECT: REVIEW STATUS AND MISSION OF THE CITY'S COMMUNITY
EMERGENCY RESPONSE TEAM (CERT) PROGRAM**

RECOMMENDATION

Receive the report and conduct a public discussion on the status and mission of the City's CERT program, and authorize staff to re-register past and register all future CERT volunteers as State of California Disaster Service Worker Volunteers (DSWVs).

BACKGROUND

The City Council recognizes that during a large regional disaster, first responders (i.e., emergency and law enforcement personnel) at the local level will be unable to immediately respond to the expected and dramatic increase in the number of calls for service by the community. The Federal Government, during President Bush's administration, established the CERT program, which is a course of instruction that prepares citizens and provides an opportunity to volunteer in order to help the community prepare for and respond to emergencies. The ultimate goal is to have as many citizens as possible participate in making their communities safer, stronger, and better prepared for preventing and handling threats of terrorism, crime, and disasters of all kinds.

In an effort to facilitate and strengthen the City of Clayton's level of disaster preparedness, the City Council, on August 15, 2006, held a public discussion to consider establishing a Citizens Corps Council (CCCouncil) in order to oversee a CERT Program for the City of Clayton. During the public discussion, the City Council unanimously agreed that establishment of an active CERT Program would be beneficial to the City of Clayton. At a subsequent City Council meeting, the City Council adopted a Resolution establishing a CCCouncil to oversee and manage a CERT program for the City of Clayton. A short time later, the CCCouncil was formed and has grown to a present total of twelve members. The

CCCouncil is currently comprised as follows: nine Clayton resident volunteers, one City Councilmember, the Police Chief, and the Police Department's Office Coordinator.

Since the establishment of the CERT program, approximately 130 residents have become CERT volunteers by attending and eventually graduating from the six-week CERT course.

ISSUE DISCUSSION AND CURRENT DIRECTION

During the past year, the CCCouncil has debated several issues regarding the CERT Program. The issues include on-going training for CERT volunteers, reduced funding and participant interest, and the City's exposure to liability. Staff understood that volunteers who attend CERT training or respond to emergencies have become the responsibility of the City under the workers compensation program through the Municipal Pooling Authority (MPA). Basically, workers compensation coverage begins, and ends, within the context of their training. The number of CERT volunteers increases with each completed CERT course, thus adding to the number of City personnel, both paid and volunteer, covered under workers compensation. This growing issue and exposure needs to be addressed. The CCCouncil also discussed registering CERT graduates under the State's California Disaster Service Worker Volunteer Program (DSWVP).

As a result of many meetings and research by staff, the CCCouncil concluded that they needed to modify the CERT Program by implementing a "three-tiered" CERT Program that would address all of the issues listed above. The modified Program was described as follows:

- Level I: A two-hour course of instruction on basic emergency preparedness, recommended family emergency planning and other basic disaster information. At this level, students do not receive training on how to respond and volunteer to assist the City during a disaster, and are not considered pre-registered disaster volunteers.
- Level II: A six-week, 20 hour CERT course, which includes fire suppression, basic medical operations, light search & rescue, CERT operations and a "hands-on" graduation drill. Students receive training on how to respond and assist the City during a disaster and are sworn-in as a Disaster Service Worker Volunteer (DSWV). Graduates receive a certificate of completion and their status as a DSWV terminates at the completion of this training.
- Level III: Individuals at this level take the same six-week CERT course of instruction are also sworn-in as a DSWV and make a commitment to stay active by attending quarterly and yearly training events. This level of commitment establishes them as formal CERT volunteers and part of Clayton's emergency response plan.

The CCCouncil developed the "three-tiered" CERT program because the CCCouncil found that most CERT students only wanted a brief exposure to basic emergency training and family planning. The CCCouncil felt that if students attended Level I training and

not the six-week CERT course, this strategy would, over time, reduce the number of graduates covered under workers compensation

Under Levels II & III, students who attend the six-week CERT course would be sworn-in as DSWV's at the beginning of the course. After the final drill, students would be offered an opportunity to either "opt" out of the CERT Program, or make a strong commitment to continue in quarterly on-going training as CERT members. Graduates who "opt" out would be terminating their DSWV status, and would be considered Level II graduates. Level II graduates would then be asked to return their CERT cards, all class supplies and materials so the materials could be utilized in future CERT classes. The CCCouncil felt that by offering CERT graduates an opportunity to opt out, this would further reduce the number of volunteers the City would be responsible for. Level III graduates would make a strong commitment to be actively involved in future CERT training. Level III graduates would retain their supplies, CERT cards, and continue to be considered DSWV's.

In order to implement the modified CERT program and communicate the changes to prior CERT participants, the CCCouncil drafted and sent an electronic communication to all prior participants on February 2, 2010. The letter (attached) described the "three-tiered" program, the rationale for the changes, and instructions for selecting a level of commitment to the CERT Program. The letter explained that if CERT graduates did not want to be fully committed to the CERT Program, they would be considered Level II graduates. As such, the letter asked this group to turn-in their CERT cards and supplies over to their Zone Coordinators, in order to terminate their status as a DSWV's. All others would be considered Level III CERT graduates and would be sworn-in as DSWV's and become part of Clayton's emergency response plan.

A short time later, the CCCouncil received mixed reactions to this letter from several CERT members, which indicated to staff there was a controversy brewing over the proposed modified CERT program. Comments ranged from those expressing pleasure and relief by having an opportunity to give back their CERT materials and terminate their DSWV status. Others felt frustration and snubbed by the "tone" of the letter. The "three-tiered" CERT Program was designed by the CCCouncil to strategically address all of the CERT issues, described earlier. However, the main driver was an attempt by the CCCouncil to develop a CERT Program that would reduce the City's exposure to liability when a CERT volunteer is injured while performing their assigned disaster tasks.

This apparent controversy prompted an in-depth discussion among staff over the "three-tiered" CERT Program. Because the new tiered Program is more complex and cumbersome, compared to a Program with one six-week CERT course, some staff felt this modified approach would require more administrative effort to manage. Staff also continued discussions about covering trained CERT volunteers under the DSWVP, which action the Municipal Pooling Authority (MPA), the City's risk management pool recommended.

However, staff had differing opinions on the effectiveness of registering CERT volunteers under the DSWVP, creating some confusion among staff. Some staff members felt the lack of future funding for the State's DSWVP would still leave the City exposed to

liability when CERT volunteers suffered injuries while performing their assigned disaster duties. Others felt that just following the MPA's recommendation would be adequate in order to address Clayton's liability issue. Internally, staff did not reach an agreement on the best course of action to resolve the liability issue. As a result, the Chief and the City Manager placed the CERT Program on a temporary hold so it could be reviewed with research on the liability issue for an appropriate course of action to pursue.

RESEARCH

On March 9, 2010, staff contacted Mr. Charles Boettger, Loss Control Supervisor for the MPA, in order to find an acceptable solution to reducing the City's exposure to liability. Mr. Boettger started his answers by saying that; "anyone who attends a course of instruction, that is designed to train residents on how to respond in an elevated role, and in a "quasi related role" of a first responder, in order to "take charge" during an emergency, in lieu of government availability, is a volunteer."

Mr. Boettger continued by saying that there is a simple solution that should resolve the City's liability concerns. He described a procedure under the provisions of the DSWVP, that allows the City to "transfer the risk" of volunteer workers' compensation injury expense, resulting from CERT activities, to the State's DSWVP. In order to "transfer the risk," the City must have first established an Accredited Disaster Council, pursuant to California Government Code Section 8612. The City Council accomplished this requirement when they adopted a Resolution establishing the City's CCCouncil on September 19, 2006. Because of this action, the City can now lawfully register all CERT graduates as Disaster Service Worker Volunteers (DSWV) under the DSWVP.

Mr. Boettger recommended the City follow the risk transfer procedure, by simply registering all CERT students at the start of each six-week CERT course. This can be accomplished by following the State's DSWVP Guidance Pamphlet, dated April 6, 2001. The pamphlet describes the registering process as follows: the City Clerk, or designee, conducts a swearing-in ceremony of all CERT volunteer students at the start of each CERT class. The City Clerk then records the action and documents the registration process. In this manner, if a City volunteer CERT member is also registered as DSWV, then their injuries, resulting from their activities as a CERT member, either in their training program or responding to a disaster emergency, would be covered by the State of California through the DSWVP, instead of the City and its MPA.

Mr. Boettger also said that Mr. Jake O'Malley, MPA Risk Manager/CAO made a presentation to the MPA Executive Committee on January 20, 2010, regarding this procedure. Mr. O'Malley indicated in his presentation that this procedure was an effective and lawful method to transfer risk from the City to the DSWVP.

During staff's conversation with Mr. Boettger, the three-tiered CERT Program was described and the reasons for modifying Clayton's existing CERT program. Boettger said that this process appeared to be excessive and was not necessary. He continued by saying that anyone who enrolls and graduates from the six-week CERT course, receiving

training on how to respond to an emergency, is considered a trained volunteer. Whether or not CERT graduates opt out or not, both committed and uncommitted CERT graduates are still considered trained DSWV's under current law and become the responsibility of the City's worker compensation program unless risk transfer to DSWVP is accomplished.

CONCLUSION

In conclusion, we should not forget the reason for the CERT Program, which is to train and educate as many citizens as possible on the principles in responding to a major disaster by preparing themselves as well as providing them to assist their local government. Instead of redesigning Clayton's CERT Program into a complex and management intensive hierarchy, we should focus on the original program goal of education and training and keeping the CERT Program simple.

This can be accomplished following the MPA's direction regarding transferring risk to the DSWVP by following the guidance in the State's DSWVP pamphlet and swear-in all students at the start of the six-week course and keep track of all who have been sworn-in.

Staff recommends the City Council accept the minimal amount of risk by restarting the CERT Program and immediately register prior CERT participants as soon as practical as well as all future CERT students as state DSWV members.

FISCAL IMPACT

There is no known additional fiscal impact during the process of registering CERT volunteers as State of California DSWV members. Certainly, shifting workers' compensation liability exposure from the City to the State Disaster Service Worker Volunteer Program (DSWVP) is the simplest and optimum solution to this issue.

Attachment: 1. Letter to CERT volunteers [2 pp.]

CLAYTON



Date: February 2, 2010

To: All Clayton Community Emergency Response Team Members

From: Herb Young, Chairman
City of Clayton Citizen Corps Council (C5)

This letter is intended for all Clayton Residents who have taken CERT classes for the purpose of 1) having a basic knowledge of emergency preparedness; 2) gaining knowledge in fire suppression, medical operations, light search and rescue; and 3) desiring to assist the City in the event of a disaster.

From our first CERT class in the spring of 2007, through the seventh class held in the fall of 2009, we have found that many people were only looking for basic emergency preparedness training and were not intending to actively participate in a formal CERT team including additional training, drills and other activities. In order to continue to grow our program and improve the level of service it provides to the community, we are modifying how Clayton CERT is organized.

We have modified our program to meet our Citizen's needs as follows:

- | | |
|-----------------|---|
| CERT Level I: | A two-hour class on basic emergency preparedness, suggested supplies, recommended family emergency planning and other basic disaster information. A certificate of attendance will be awarded upon completion of the class. |
| CERT Level II: | A six week, 20 hour CERT program including fire suppression, basic medical operations, light search & rescue, CERT Operations and a "hands on" drill. Attendees will be sworn in as Disaster Service Workers for the duration of the training only and will receive a certificate of completion upon completion of all 6 modules. |
| CERT Level III: | Individuals at this level are recognized as our formal CERT Team and commit to a minimum annual time commitment, advanced training, quarterly drills and other on-going |

commitments in order to be prepared to respond to disasters on a local, regional or statewide basis. CERT team members will be sworn in as Disaster Service Workers and be issued formal ID cards designating them as part of the City of Clayton's formal disaster response plan.

If you took the CERT class for your general knowledge and disaster preparedness, but do not anticipate responding in the event of an emergency or unable to meet the on-going commitments to be part of the formal CERT Team, we thank you for striving to be more prepared in the event of a disaster. If you do wish to join the formal CERT Team, it would be helpful if you could return your CERT backpack and issued equipment so those items can be used for on-going CERT training. We also need you to return your CERT ID card to avoid confusion or conflict with our new training plan. Please contact your Zone Coordinator for information on returning backpacks and ID cards.

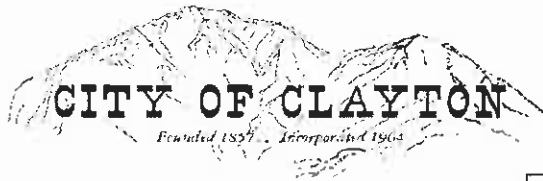
In the event that you decline to continue with the program, but still wish to volunteer in the event of a disaster, you will be able to volunteer as a spontaneous volunteer and will be assigned to a task commensurate with your training and experience, independent of the formal CERT team.

If you want to advance to the formal CERT Team, you will need to reserve space to attend the CERT Level III Class. The first Level III Class is scheduled for Wednesday, May 26, 2010 at 6:30pm at Endeavor Hall. You will be sworn in as a Disaster Service Worker, sign a Team Commitment Agreement and will be issued a new formal CERT Team Member ID Card. Please call the CERT Hotline at 673-7355 to reserve a spot.

We feel that this change recognizes and responds to our Citizen's needs and can provide all Clayton residents with a level of emergency preparedness training that best fits with their time, commitment and ability levels. It will also result in a skilled and more advanced formal CERT Team that is able to respond in the event of a disaster.

We appreciate the hard work and effort of everyone that has been involved with the Clayton CERT program thus far. The knowledge and training you have obtained will assist you in taking care of yourself and your family during a disaster and that helps all of Clayton to withstand a disaster or other emergency.

Since we need acknowledgement from each CERT graduate, please respond to your Zone Coordinator, the person who sent you this message. Your Zone Coordinator can assist you with any other questions you may have.



Agenda Date: 4-6-10

Agenda Item: 10c

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: April 6, 2010

SUBJECT: Approve Resolution authorizing the City to allow T-Mobile to submit land use entitlement applications for two cell tower locations on City open space property for equipment building and antenna (Ridge Trail above Oakhurst Golf Course and ridge above Field 3 at Clayton Community Park); and further authorizing the City Manager to enter into a lease agreements upon T-Mobile receiving City planning entitlements, subject to City Attorney approval of the final wording of the agreements.

REQUEST

Approve Resolution No. __-2010, authorizing the City Manager to allow T-Mobile to submit land use entitlement applications for two locations on City open space for cellular equipment building and antenna (Ridge Trail above Oakhurst Golf Course and on the ridge above Field 3 at the Clayton Community Park), and further authorizing the City Manager to enter onto a lease agreements with T-Mobile upon receiving City planning entitlements, subject to the City Attorney approval of the final wording of the agreements.

BACKGROUND

One of the City Council's long-term goals has been the facilitation for establishment and enhancement of telecommunications services in the City. Another City Council goal has been to enhance ongoing City revenues. Over the past years several wireless carriers have expressed interest in locating antenna to improve or enhance service coverage in the area. In 2001 Nextel established a cellular site at the lower parking lot of Field 1 at the Clayton Community Park. Over the years inquiries have been made by various other companies. To date Metro PCS and ATT have located co-located at the PGE tower and underlying private property on Nottingham Circle. The adjacent PGE tower on Pine Hollow Road in Concord has Verizon/MetroCom. ATT also has a cell site at their equipment building on old Marsh Creek Road. Verizon located a cell site at the Contra Costa Water District reservoir off Marsh Creek Road across from Diablo Parkway.

T-Mobile has identified there are service coverage issues in the Clayton area. In order to improve the service coverage they have identified a need to establish a cell site (antenna and equipment enclosure) on the Ridge Trail area above the Oakhurst Golf Course, and at the Clayton Community Park above Field 3. T-Mobile had explored using PGE tower on above Oakhurst Golf Course and the lower filed parking lot lights. Neither of these locations was suitable in terms of coverage and cost.

The antennas use a line of sight method for signal receiving and transmission so a placement that did not interfere with the hillside is necessary. In addition the equipment building uses electricity and broadband for programming and monitoring. T-Mobile would need to extend such services to their locations. City staff met T-Mobile representatives and identified locations that would not impact the use of the trail or park and would meet T-Mobile's needs. City staff also encouraged T-Mobile to see if other carriers were interested in co-location at these sites. T-Mobile did contact ATT who advised them that they had adequate coverage of the Clayton area and did not have a need for other cell sites. Verizon/Sprint-Nextel, Metro PCS, and MetroCom, also indicated that they did not have a need for additional cell sites.

Nextel is the only provider on City owned property and thus paid the City a one time lease execution (signing) fee of \$3000 and pays a current monthly lease of \$2471 (Nextel's lease increase annually by the CPI with a minimum of 3% and a maximum of 5%). Staff has received information that lease amounts in other jurisdictions vary by site with locations nearest the freeways commanding the highest amounts. The ranges are from \$750 to \$2700 monthly; mean is \$1725 with the average \$2000. Freeway locations typically command around \$3000 monthly.

DISCUSSION

T-Mobile is interested in pursuing two locations for cellular sites in the City of Clayton. Both sites are on open space property owned by the City of Clayton. As such T-Mobile requires permission of the property owner (City of Clayton) to submit necessary land use entitlement applications, and upon approval of the entitlement applications would enter into a leases with the property owner (City of Clayton) for the use of the public property. City authorization to allow T-Mobile to file would not prejudice their applications as the requests would be processed through the normal planning entitlements (Conditional Use Permit and Site Plan Review) for these two sites and pay all required entitlement application processing costs and, if approved, be subject to any conditions the Planning Commission imposes.

T-Mobile's concept is to use an artificial tree type design for the antenna installation and each site would have a small equipment enclosure of about 600 square feet. The equipment enclosure concept is to be in a location that is least visible or not visible to most nearby areas and would be done in a fashion that blends with the surroundings. The specifics of the antenna and equipment building would be the subject of detailed application and review through the Planning Commission hearing process.

T-Mobile and City staffs have been in discussions of potential financial terms. T-Mobile is in agreement with the following deal terms that if approved by the City Council would be included into leases subject to receiving Planning Commission entitlement approvals and City Attorney approval of the lease language:

For each site:

- a one time lease execution fee (signing fee) of \$3736;
- monthly lease of \$2576;
- annual CPI adjustment of not less than 3% and not more than 5%;
- five year period of time with five successive five year periods extension opportunities.
- building and antenna are the maintenance responsibility of T-Mobile;
- payment of a bond or other acceptable security to ensure that maintenance is kept up and to cover any removal cost should the company no longer exist (and no other company acquires the business) and the City needs to remove the improvements;

The lease would also include, among other items:

- a provision that T-Mobile shall allow co-location provided at other companies cost, provided it does not interfere with their site and City planning entitlements and lease payments for co-location are secured;
- language regarding maintenance responsibility;
- indemnifications clause.

Staff has seen T-Mobiles draft lease and it is very similar to the Nextel lease the city executed.

Staff is requesting the City Council approve the attached Resolution which authorizes the City Manager to allow T-Mobile to file land use entitlement applications for these two City owned properties and further authorizes the City Manager to execute a lease agreements with the previously discussed financial deal terms, upon receipt of planning entitlements and subject to the City Attorney approval of the final wording. Each party fully understands and accepts that City approval of the lease terms does not prejudice the land use entitlement process.

FISCAL IMPACT:

Approval of this agreement would result in new General Fund revenue of \$61,824 annually. There would also be one time additional revenue of \$7472 as a fee payment to the City upon the execution of the agreements. (City staff costs involved in the processing of the Use Permit, Site Plan and Lease Agreements are paid for by cash deposit account by the applicant that is separate from any lease and signing fee payments.)

RECOMMENDATION:

Approve Resolution No. __-2010, authorizing the City Manager to allow T-Mobile to submit entitlement applications for two cell tower locations on City open space for cellular equipment building and antenna (Ridge Trail above Oakhurst golf Course and on the ridge above Field 3 at the Clayton Community Park), and further approving the financial deal terms and authorizing the City Manager to enter onto a lease agreements with T-Mobile upon receiving City planning entitlements and subject to the City Attorney approval of the final wording of the agreement.

Attachments:

Resolution ____ - 2010
T-Mobile lease deal terms letter
Site location maps

Laura/T-Mobile lease ccr

RESOLUTION NO. __-2010

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ALLOW T-MOBILE TO SUBMIT ENTITLEMENT APPLICATIONS FOR TWO CELL TOWER LOCATIONS ON CITY OPEN SPACE FOR CELLULAR EQUIPMENT BUILDING AND ANTENNA (RIDGE TRAIL ABOVE OAKHURST GOLF COURSE AND ON THE RIDGE ABOVE FIELD 3 AT THE CLAYTON COMMUNITY PARK), AND FURTHER AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENTS WITH T-MOBILE UPON RECEIVING CITY PLANNING ENTITLEMENTS, SUBJECT TO THE CITY ATTORNEY APPROVAL OF THE FINAL WORDING OF THE AGREEMENTS.

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

WHEREAS, the City Council has established goals for staff to facilitate telecommunication services within the city; and

WHEREAS, T-Mobile Communications has identified they have cellular service coverage problems in and near the city of Clayton including but not limited to coverage gaps, inability to make and receive calls, and dropped calls; and,

WHEREAS, T-Mobile has identified that service can be improved by establishing two cellular antenna sites in the City; and

WHEREAS, T-Mobile has identified two sites on land owned by the City of Clayton, in which to install an antenna and equipment building which would involve a lease of about 600 square feet for each site; and

WHEREAS, the two locations are open space along the Ridge Trail above Oakhurst Golf Course and on open space above Field #3 at the Clayton Community Park; and

WHEREAS, City staff has preliminary determined the proposed sites would not adversely impact open space or park use, functions operations and maintenance; and

WHEREAS, the City Zoning Code establishes that cellular telecommunication facilities are conditional uses and are also subject to site plan review entitlement process, requiring consideration and action by the Planning Commission through a public hearing process; and

WHEREAS, City application process requires the property owner to consent to allow submittal of entitlement applications if the property is not under the applicant's ownership or legal control; and

WHEREAS, T-Mobile needs to receive City authorization to submit entitlement applications for the City owned properties; and

WHEREAS, T-Mobile will be responsible to submit all necessary planning entitlement applications and pay all application costs; and

WHEREAS, City authorization for entitlement application submittal does not imply any forthcoming land use approval by the Planning Commission for each process is separate and independent; and

WHEREAS, the City staff has proposed financial deal terms to be included in leases should T-Mobile receive planning entitlements for desired areas; and

WHEREAS, the City Council considered the application submittal authorizations and deal terms for potential lease agreements at their meeting of April 6, 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton California does hereby authorize its City Manager to allow T-Mobile to submit land use entitlement applications for two locations on City open space for cellular equipment building and antenna (Ridge Trail above Oakhurst golf Course and on the ridge above Field 3 at the Clayton Community Park), and that T-Mobile shall pay all entitlement application processing costs, and that no implicit approval of the entitlement applications are provided by this authorization.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clayton City Council does hereby authorize its City Manager to enter into a lease agreement with T-Mobile upon receiving City planning entitlements, subject to the City Attorney approval of the final wording of the agreements, and to include the following deal terms for each site:

- a one time lease execution fee (signing fee) of \$3736;
- initial monthly lease of \$2576;
- annual CPI adjustment of not less than 3% and not more than 5% (including between this date and the lease date);

- five-year period of time with five successive five year periods extension opportunities;
- building and antenna are the maintenance responsibility of T-Mobile;
- payment of a bond or other acceptable security to ensure that maintenance is kept up and to cover any removal cost should the company no longer exist (and no other company acquires the business) and the City need to remove the improvements;
- a provision that T-Mobile shall allow co-location provided at other companies cost, provided it does not interfere with their site and the co-locatee secures lease approvals, planning entitlements and arrangements from the City;
- language regarding maintenance responsibility.
- indemnification clause.

PASSED, APPORVED AND ADOPTED by the City Council of Clayton California at a regular public meeting of said Council held on April 6, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Hank Stratford, Mayor

ATTEST:

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular adjourned meeting held on April 6, 2010.



Sacramento Market
1755 Creekside Oaks Drive, Ste 190
Sacramento, CA 95833

March 29, 2010

City of Clayton
6000 Heritage Trail
Clayton, CA 94517

RE: T-Mobile Site BA11786B / Ridge Trail
Ridge above Ahwanee Lane
Clayton, CA Contra Costa County
APN: 118-370-089

To Whom It May Concern,

This letter represents T-Mobile's interest in leasing property for a telecommunications facility, located on ridge above Ahwanee Lane, Clayton, CA in Contra Costa County, APN No. 118-370-089. T-Mobile agrees to the following business terms:

Lease signing bonus in the amount of \$3,736.00
Monthly rent in the amount of \$2,576.00
Annual CPI rent escalation with a minimum of 3% and maximum of 5%
Initial 5-years term with 5 additional 5 year term options

The above business terms are subject to City of Clayton's planning entitlement approval. All planning entitlement application and construction plan review costs will be fully paid for by T-mobile.

If you have any questions or comments, please contact John DaCruz at (209) 483-5971 or via email at jdacruz@mikagroup.net.

Respectfully,

A handwritten signature in black ink, appearing to read 'Doug Murphy', with a long horizontal flourish extending to the right.

Doug Murphy
Development Manager
T-Mobile



P.B.
75

APX. LOCATION
RIDGE TRAIL

1. LOT B 107PM31 9/29/83
A. POR SEC 11 TIN RIW MDBM
B. POR TRACT 7065 MB 314-28

1998 ROLL POR TRACT 6990 (OAKHART COUNTRY CLUB) MB 328-21
D-1991 ROLL POR TR7256 EAGLE PEAK UNIT 1 MB 345-46

- C-1991 ROLL POR AMENDED TR 7066 MB 346-40 (CHAPARRAL SPRINGS UNIT 1)
- F-1991 ROLL POR TRACT 7249 MB 335-8 (PEACOCK CREEK UNIT 1)
- G-1991 ROLL PCL A TRACT 7255 MB 335-8 (PEACOCK CREEK UNIT 2)
- 2. 154PM7 9-6-91
- 3. 154PM10 9-6-91
- H-1994 ROLL POR TRACT 7263 MB 367-30 (WINDMILL CANYON UNIT 3)
- I-1995 ROLL POR TRACT 7766 MB 374-28 (NORTH VALLEY)
- J-1996 ROLL POR TRACT 7264 MB 380-1 (WINDMILL CANYON UNIT 4)
- K-1996 ROLL POR TRACT 7260 MB 380-7 (EAGLE PEAK UNIT 3)
- L-1996 ROLL LOTS A&B TR 7261 MB 394-38 (EAGLE PEAK UNIT 4)

NOTE THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR INACCURACIES OR OMISSIONS. THE MAP MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.



Sacramento Market
1755 Creekside Oaks Drive, Ste 190
Sacramento, CA 95833

March 29, 2010

City of Clayton
6000 Heritage Trail
Clayton, CA 94517

RE: T-Mobile Site BA21633B / Clayton Ballpark
Park Lane & Marsh Creek Road
Clayton, CA Contra Costa County
APN: 118-520-004

To Whom It May Concern,

This letter represents T-Mobile's interest in leasing property for a telecommunications facility, located at Clayton Ballpark, Park Lane & Marsh Creek Road, Clayton, CA in Contra Costa County, APN No. 118-520-004. T-Mobile agrees to the following business terms:

Lease signing bonus in the amount of \$3,736.00
Monthly rent in the amount of \$2,576.00
Annual CPI rent escalation with a minimum of 3% and maximum of 5%
Initial 5-years term with 5 additional 5 year term options

The above business terms are subject to City of Clayton's planning entitlement approval. All planning entitlement application and construction plan review costs will be fully paid for by T-mobile.

If you have any questions or comments, please contact John DaCruz at (209) 483-5971 or via email at jdacruz@mikagroup.net.

Respectfully,

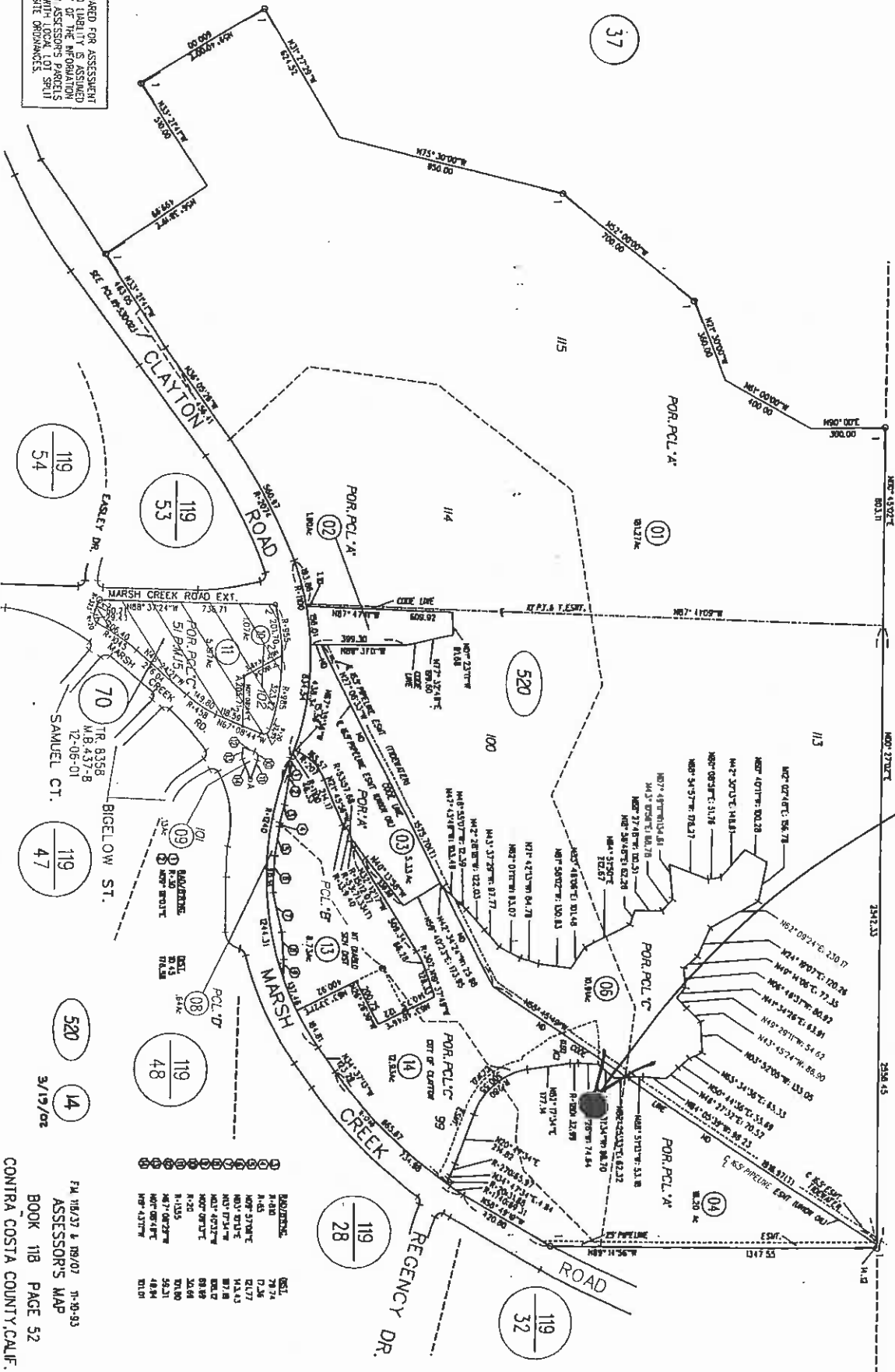
A handwritten signature in black ink, appearing to read 'Doug Murphy', with a long, sweeping horizontal line extending to the right.

Doug Murphy
Development Manager
T-Mobile

1- 162 P.M. 49 6-17-83
 2 - POR. 51P.M.15 170K.P.C.T. - 12-28-76
 889 ROLL-A - POR. TRACT 6990 DAKESST COUNTY
 CLUB LOTS D16 1021 M.B. 328-21

APX. LOCATION
 CL. COM. PARK

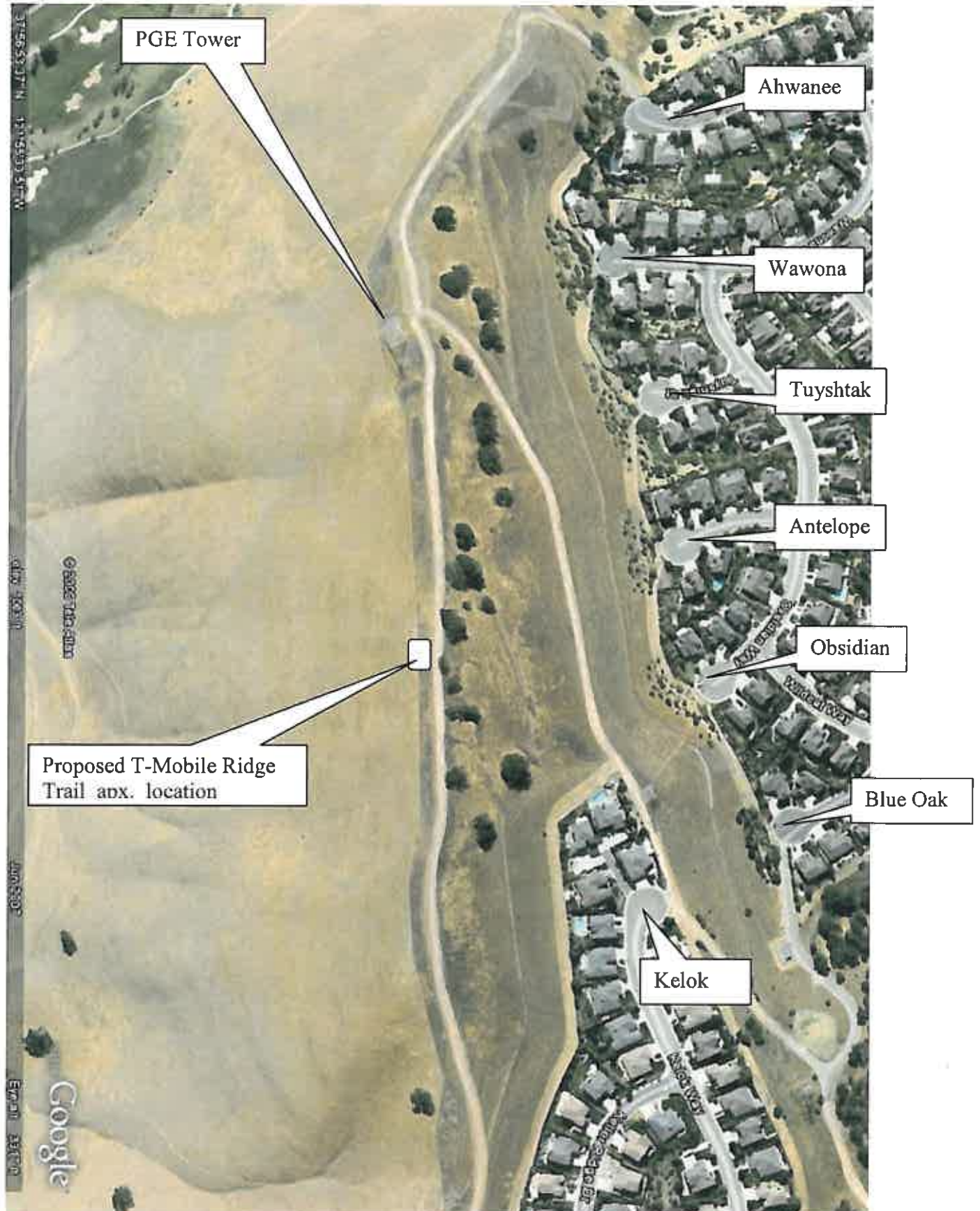
P.B.
 75



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT
 FOR USES ONLY, AND LIABILITY IS ASSIGNED
 TO THE USER. THE ASSessor'S OFFICE
 MAY NOT CARRY WITH LOCAL LOT 9911
 OR BUILDING SITE ORDINANCES.

T- Mobile Proposed Cellular Location Sites, Clayton CA , March 2010







Proposed T-Mobile above Field #3
Cl. Com. Pk. apx. location

Field #3

Google

37°55'41.81"N 121°55'40.71"W

1000 ft

May 2008

37°55'41.81"N 121°55'40.71"W



Agenda Date: 4-6-10
Agenda Item: 10d

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: APRIL 6, 2010

SUBJECT: CONSIDERATION OF PRELIMINARY DESIGN FOR EXPANSION OF PARKING AREA AND CONSTRUCTION OF A CONCESSION STAND AT FIELD No. 1 IN THE CLAYTON COMMUNITY PARK (CIP PROJECT No. 10413)

RECOMMENDATION

Review plans and provide direction to Staff.

BACKGROUND

At its March 16th meeting, the City Council approved a revised project scope for CIP Project No. 10413, which deleted the resurfacing and lighting of the playfields and limited the proposed improvements at the Community Park to the expansion of the lower parking area and the construction of a new concession stand at Field No. 1 (the field closest to Marsh Creek Road).

Staff has prepared a preliminary plan for the parking expansion and concession stand location for the City Council's review and approval. If acceptable to the Council, this preliminary plan can then be used for the environmental impact assessment and approval. The environmental approval is required before the project can be submitted to the East Bay Regional Park District for approval and funding by the Measure WW bond proceeds. An estimated cost for the environmental review process of this proposed Project is \$ 7,500, an expense not included in the construction budget below.

Date: April 6, 2010

Page 2 of 3

Parking Area Expansion

The plan presented creates 100 new parking spaces in addition to the 50 parking spaces that currently exist. The existing lower parking lot will remain unchanged except for the addition of 7 standard (as opposed to compact) parking stalls (2 handicap accessible) near the home plate area of Field No. 1.

The other 93 new parking spaces have been created along a new 25' wide driveway running from the turnaround in the existing parking lot to the Gym Court driveway at Diablo View Middle School off Marsh Creek Road. Again these are all full size (9' x 18') parking spaces.

This work will require the relocation of the existing pathway that runs from the parking lot to Marsh Creek Road. We have shown a new asphalt pathway along the easterly side of the proposed parking from the existing parking lot to the pathway that runs between Field No. 1 and the middle school. We have proposed a concrete path connection with steps from the new driveway to Marsh Creek Road. As the Council will note, we have shown a sharp angle in the path to hopefully discourage skateboarders. In addition to the path, we will have to relocate the existing patio structure, tables and BBQ located just north of the existing parking lot turnaround area.

As with all new projects creating impervious areas, we are required to treat the stormwater runoff before it leaves the site. To that end, we are tilting the entire new pavement away from Marsh Creek Road and towards the ballfield. We are proposing that the storm runoff generally sheet flow off of the pavement and into a filtration planter located between the parking area and the new asphalt path. The filtered water will be collected under the planter in a perforated pipe and conveyed to the existing storm drain system.

Sloping of the new pavement towards the ballfield will necessitate the grading of small slopes and/or the installation of retaining walls along the westerly side of the parking area. We have provided some three typical cross-sections showing the finished condition. The retaining walls and slope are not anticipated to exceed three feet in height.

Staff has estimated the total construction cost of this work at approximately \$480,000 (see attached cost estimate).

Concession Stand

We have shown a 10' x 20' concession stand building adjacent to the existing bathrooms on the southeast side of the ballfield.

Staff investigated the possibility of using a prefabricated structure but was unable to find one that would fit with the appearance of the existing restroom building. All of the concrete block prefabricated buildings included restrooms and the other building types dedicated for

Date: April 6, 2010

Page 3 of 3

concession stand uses were either ugly or on wheels. Therefore, it will be necessary to design and construct the building from scratch.

The Council's desire to provide cooking facilities necessitates various utility connections. Utilities were generally available in the immediate vicinity of the building with the exception of a natural gas service. Since gas will be needed for a stove, it will necessary to bring a new gas service and meter in from Marsh Creek Road.

Staff has estimated the cost for the construction of the concession stand at approximately \$178,000.

FISCAL IMPACT

As authorized by the City Council, the City now has an executed Master Agreement with East Bay Regional Park District and anticipates receiving \$492,000 in funding from the sale of the Measure WW Bonds in its next funding cycle.

Since it is estimated that the environmental evaluation and construction of the parking lot expansion will use all but \$4,500 of the WW Bond funds, it will be necessary to allocate additional funds (\$173,500) from another source in order to include construction of a concession stand. There is approximately \$750,000 of unassigned interest earnings in the City's Capital Improvement Budget and \$298,125 in interest earnings in the City's Trust & Agency Fund (plus another \$254,773 in unassigned funds). Redevelopment Agency monies are not eligible for use on this project as its location is outside the Agency's Project Area.

CONCLUSION

City staff seeks City Council confirmation of proceeding with the processing of this Park Improvement Project.

Attachments: Parking Lot Plan
 Project Cross-sections
 Cost Estimate

City of Clayton**Community Park Parking Lot Expansion
Construction Cost Estimate**

<u>NO.</u>	<u>ITEM</u>	<u>UNIT</u>	<u>QUAN.</u>	<u>UNIT PRICE</u>	<u>TOTAL COST</u>
<u>DEMOLITION</u>					
1	Remove Existing AC Parking Lot/Incl. Sawcut	SF	110	\$ 3.00	\$ 330.00
2	Remove Existing AC Path (from Existing Parking Lot to DVMS)	SF	6,589	\$ 2.00	\$ 13,178.00
3	Remove Existing AC Walkway (Along Ballfield & Parking Lot)	SF	980	\$ 5.00	\$ 4,900.00
4	Remove Existing Conc. Curb & Gutter	LF	166	\$ 10.00	\$ 1,660.00
5	Remove Existing Conc. Vertical Curb	LF	53	\$ 7.00	\$ 371.00
6	Remove Existing Conc. BBQ Patio area (See Misc. for saved items)	SF	1,175	\$ 4.00	\$ 4,700.00
7	Remove Existing Landscaping & Irrigation(Incl. 6" & smaller Trees)	SF	23,300	\$ 0.50	\$ 11,650.00
8	Remove Existing Trees (Larger than 6" Diameter)	EA	10	\$ 250.00	\$ 2,500.00
9	Remove Ex. Storm Drain Inlet & Pipe (from BBQ Area to Curb)	LF	50	\$ 20.00	\$ 1,000.00
10	Trucking & Disposal	CY	75	\$ 100.00	\$ 7,500.00
DEMOLITION SUBTOTAL					\$ 47,789.00
<u>GRADING</u>					
11	Rough Grading (From Ex. Parking Lot to DVMS)	CY	5,700	\$ 5.00	\$ 28,500.00
12	Finished Grading for Expanded Parking W/Minor Excavation	SF	32,000	\$ 0.25	\$ 8,000.00
13	Finished Grading for 8' AC Path alignment W/Minor Excavation	SF	3,500	\$ 0.25	\$ 875.00
14	10" CL II AB (for Expanded Parking) 31,391sf @ 145lbs/CF	Ton	1,889	\$ 18.00	\$ 34,002.00
15	4" CL II AB (for 8' wide AC Path) 3,447sf @ 145lbs/CF	Ton	83	\$ 18.00	\$ 1,497.60
GRADING SUBTOTAL					\$ 72,874.60
<u>PAVING & CONCRETE</u>					
16	3" AC (Roadway & Parking areas)-31,391sf @ 149lbs/CF	Ton	585	\$ 80.00	\$ 46,776.00
17	2" AC (8' Path)-3,447sf @ 149lbs/CF	Ton	44	\$ 80.00	\$ 3,496.00
18	Standard City Curb & Gutter	LF	225	\$ 30.00	\$ 6,750.00
19	Redwood Header	LF	1,525	\$ 5.00	\$ 7,625.00
20	4" Concrete for Expanded BBQ area	SF	385	\$ 15.00	\$ 5,775.00
21	4" Concrete walk W/Steps (from Ex. Sidewalk on M.C. Road)	SF	670	\$ 15.00	\$ 10,050.00
PAVING & CONCRETE SUB.					\$ 80,472.00
<u>STORM DRAIN</u>					
22	4" PVC (To drain from Bio Retention Areas to M.C.Rd)	LF	125	\$ 15.00	\$ 1,875.00
23	4" Perforated PVC (Bio Retention Areas)	LF	300	\$ 20.00	\$ 6,000.00
24	Replace Existing Inlets Grates W/cover at Grade	EA	2	\$ 150.00	\$ 300.00
STORM DRAIN SUBTOTAL					\$ 8,175.00

LANDSCAPING & IRRIGATION

25	Landscaping (perimeter of new parking area)	SF	7,000	\$	3.00	\$	21,000.00
26	Irrigation (perimeter of new parking area)	SF	7,000	\$	3.00	\$	21,000.00
27	Irrigation (Relocation of Existing Boxes)	LS	1	\$	3,000.00	\$	3,000.00
28	Bio-Retention Areas (soils, planting, etc.)	SF	1,700	\$	20.00	\$	34,000.00

LANDSCAPE & IRRIG. SUB. \$ 79,000.00

MISCELLANEOUS

29	New Parking Space Striping	LF	1,985	\$	0.75	\$	1,488.75
30	New Parking Space Handicap Symbols	EA	6	\$	200.00	\$	1,200.00
31	Relocate Ex. Overhead patio structure, Tables, & BBQ's	LS	1	\$	1,500.00	\$	1,500.00
32	Stair Railing for Concrete walkway to M.C.Rd.	LS	1	\$	1,000.00	\$	1,000.00
33	Retaining Wall (Masonry)	SF	1,070	\$	50.00	\$	53,500.00
34	Parking Lot Lighting (incl. conduit, wiring, etc.)	EA	5	\$	2,000.00	\$	10,000.00
35	Parking Bumpers	EA	93	\$	75.00	\$	6,975.00

MISCELLANEOUS SUBTOTAL \$ 75,663.75

CONSTRUCTION SUBTOTAL \$ 363,974.35

10% CONTINGENCY \$ 36,397.44

GRAND TOTAL CONSTRUCTION ESTIMATE \$ 400,371.79

Design, inspection and administration (20%) \$ 80,074.36

TOTAL PARKING EXPANSION COST \$ 480,446.14

CONCESSION BUILDING

1	Site Preparation (demo, grading, etc.	SF	200	\$	20.00	\$	4,000.00
2	10' x 20' Masonry Block Building	SF	200	\$	200.00	\$	40,000.00
3	6" Concrete Slab for 10' x 20' Concession Building	SF	200	\$	30.00	\$	6,000.00
4	Gas Service from Marsh Creek Road to Bldg.	LS	1	\$	20,000.00	\$	20,000.00
5	Water and electrical connection to existing bldg.	LS	1	\$	5,000.00	\$	5,000.00
6	Interior electrical and plumbing	LS	1	\$	5,000.00	\$	5,000.00
7	Furnishings (stove, refrigeration, etc.	LS	1	\$	35,000.00	\$	35,000.00

CONCESSION BLDG SUB. \$ 115,000.00

CONSTRUCTION SUBTOTAL \$ 115,000.00

15% CONTINGENCY \$ 17,250.00

GRAND TOTAL CONSTRUCTION ESTIMATE \$ 132,250.00

Design, inspection and administration (35%) \$ 46,287.50

TOTAL CONCESSION BUILDING COST \$ 178,537.50