AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, May 4, 2010

7:00 p.m.

Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517

Mayor: Hank Stratford
Vice Mayor: David T. Shuey

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

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

* CITY COUNCIL *
May 4, 2010

7:00 P.M.

1. **CALL TO ORDER THE CITY COUNCIL** – Mayor Stratford.

2. **CLOSED SESSION** – None.

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

4. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of April 20, 2010. **(View Here)**

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

(c) Adopt a Resolution calling for the preparation of the annual Engineer's Report for levy of FY 2010-2011 assessments in the Clayton Street Lighting Assessment District (pursuant to the Street Lighting Act of 1919). **(View Here)**

(d) Accept the City Financial Investment Report for the 3rd Quarter of Fiscal Year 2009-2010, ending March 31, 2010. **(View Here)**

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

6. **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

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

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

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

8. **PUBLIC HEARINGS** - None.

9. **ACTION ITEMS**

(a) Second Reading and Adoption of Ordinance No. 427 increasing the prima facie speed limit on Clayton Road and Marsh Creek Road, between Oakhurst Drive and Regency Drive, from 40 MPH to 45 MPH. **(View Here)**
(City Engineer)

Staff recommendation: **1.** Receive the Staff report; **2.** Receive public comments; **3.** Adopt a motion to have the City Clerk read Ordinance No. 427 by title and number only and waive further reading; and **4.** Following the City Clerk's reading, a motion to adopt Ordinance No. 427.

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

11. **ADJOURNMENT**– the next regularly scheduled meeting is Tuesday, May 18, 2010.

# # # # #

Agenda Date: 5-4-10

Agenda Item: 4a

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, April 20, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:30 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Councilmembers Geller, Medrano, and Pierce. Councilmember absent: Vice Mayor Shuey. Staff present: City Manager Gary Napper, Community Development Director David Woltering, City Engineer Rick Angrisani, City Attorney Dan Adams, and City Clerk Laci Jackson.

2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 6:30 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

7:08 p.m. OPEN SESSION Mayor Stratford reported the Council received reports from legal counsel and gave directions.

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 April 6, 2010.

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

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Presentation of the 2009 Annual Report of the Clayton Community Library Foundation.

Joyce Atkinson, CCLF President presented the Annual Report and stated the spring 2010 book sale generated $10,075 in revenue, an all time record. She thanked the Boy Scouts and the parents from Troop 484 for their help moving the books. She stated in 2009 the Library volunteers were again the best in the County and provided over $163,000 worth of free support. She stated library circulation has increased and the summer reading program was a success. She stated the Library Foundation meets the 3rd Wednesday of the month in the Story Room. She also stated April 25th the Foundation is holding a Murder Mystery play in Hoyer Hall and tickets were on sale.

(b) Proclamation declaring April 23, 2010 as "Clayton Community Library Volunteer Day".

Mayor Stratford presented Karen Hansen-Smith, Clayton Librarian, with the Proclamation. She noted the Library could not run without the help of the outstanding volunteers. Arlene Kikkawa Nielsen, Library Volunteer Coordinator, stated the Clayton Library is unique and the County is using the "Clayton Model" for all library partnerships now.

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

6. REPORTS

(a) Planning Commission – The Community Development Director reported on the April 13th Planning Commission meeting and stated the Commission reviewed the Housing Element changes that are before the Council for action this evening.

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

(c) The City Manager reported recreation surveys have been sent out to 1,200 residents as randomly selected by a group of Saint Mary's College. He stated the surveys are due by April 30th. He then outlined many of the upcoming community events.

(d) City Council

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

Councilmember Pierce attended the ABAG Regional Planning Committee meeting and reminded citizens about the Clayton Historical Society's Garden Tour on May 7th and 8th.

Councilmember Geller reminded citizens to attend the Library Foundation's Murder Mystery Play and the Clayton Cleans Up.

Mayor Stratford attended a meeting at Diablo View Middle School regarding a character development program. He also presented Clayton resident Dale Scovill, organist at the Clayton Valley Presbyterian Church, a Proclamation for his 50 years of community service as an organist.

(e) Other – None.

8. PUBLIC HEARINGS

(a) Public Hearing to consider a Resolution approving a General Plan Amendment to the Housing Element of the Clayton General Plan by adoption of the City of Clayton's 2009-2014 Housing Element Update, as required by State law (GPA 01-09).

The Community Development Director stated in March 2009 the City began the process of updating its Housing Element to address changes in State laws since the 2005 housing element cycle, and to prepare and adopt measures to accommodate the City's assigned 151-unit regional housing needs allocation (RHNA). He stated that specific sites had to be identified to accommodate identified housing needs, including sites for the 84 assigned lower-income housing units.

The Director noted in June 2009, the Planning Commission recommended the City Council forward its Draft Housing Element Update to the State Department of Housing and Community Development (HCD) for review subject to its subsequent adoption. Then, on June 30, 2009, the City Council accepted the Planning Commission's recommendation and voted to submit the Draft Housing Element to HCD. In September, HCD reviewers submitted comments on the Draft to the City and the Community Development Director and the City's Housing Consultant Jennifer Gastelum worked with the State reviewers to respond to their questions and comments. The State reviewers indicated they believe the Draft Housing Element has a shortfall of 50 units in its ability to accommodate housing units for lower-income households. The HCD reviewers did not accept the position that the City's current available properties with existing land-use and zoning designations/classifications could accommodate the identified shortfall. The reviewers indicated the City should identify specific properties for redesignation/reclassification to higher densities to address this shortfall. The reviewers also indicated the City should increase its maximum density threshold for multiple-family housing from 15 units per acre to 20 units per acre to assist with this accommodation.

The HCD position was provided to the City Council at its January 19, 2010 meeting by the Community Development Director and the Housing Consultant. At this meeting, the City Council supported further consideration of four properties: Easley, Capella, Clayton Valley Associates, and Torres-Muga, that had been presented for consideration by City staff and the Housing Consultant for redesignation/reclassification to higher densities to address the shortfall. Subsequently, HCD reviewers confirmed that only the Easley is sufficiently large enough to satisfy its criteria for redesignation/reclassification to higher densities to accommodate the shortfall. To satisfy HCD criteria each property must have the potential to yield a minimum of 16 units per acre. Only the Easley property could satisfy that requirement.

The Community Development Director concluded his presentation by stating the Housing Element document was modified to address this and other directives of the HCD reviewers and that he and the Housing Element Consultant are of the belief, based on communications with the HCD reviewers, that with the revisions that have been made, HCD would certify the Housing Element Update as now presented.

Housing Consultant Jennifer Gastelum then addressed the Council, stating the City has already moved forward with certain implementation program measures (i.e., Density Bonus Zoning Ordinance and the Manufactured Housing Ordinance) in the Housing Element Update, demonstrating good faith to the HCD reviewers. She confirmed HCD asked the City to create a multi-family housing zoning classification that would allow up to 20 units per acre and that the 50 unit shortfall required the identification of more sites that would allow at least 16 units per acre. She stated the Easley property needed to be included because it would help the City meet its required units. She stated it was also important to continue to leave in the other sites, i.e., Capella, Clayton Valley Associates, and Torres-Muga, as these additional sites could assist in satisfying the City's various housing obligation of its Redevelopment Agency.

Councilmember Geller asked if all land sites in the City were investigated? The Community Development Director stated staff and the Housing Consultant considered various properties throughout the City but focused on ones nearest to the Town Center with the close proximity of services, shopping, employment and the availability of a public transportation route.

Ms. Gastelum stated that as the City moves forward to re-zone the Easley property it can also continue to look for other sites. She reminded the Council that the City is not required to build these units, but must accommodate the possibility of the units being constructed by assuring the higher density land-use designations and zoning classifications are in place.

Mayor Stratford asked what the ramifications are for having a Housing Element out of compliance? Ms. Gastelum responded the City could be precluded from eligibility for certain funding and grants, including funds and grants related to transportation. For example, Measure C/Measure J funding is tied to the Housing Element certification.

Councilmember Medrano affirmed that the City has a requirement to identify the land and designate it appropriately for affordable housing development, but can not force landowners to actually build the units.

The City Manager stated the Housing Element is not a static document and the City has to go though the process to change land use, but concurred this process does not compel property owners to sell or produce housing units on their properties.

Mayor Stratford stated his concern the State requirements for Housing Element certification continue to become ever more stringent – What might the requirements be for the next Housing Element certification?

The City Manager stated HCD is trying to assure that cities have a more diversified housing stock and is ever tightening the loopholes to foster housing production.

Councilmember Pierce stated the City has to identify sites for increasing densities, which inevitably will make those sites more valuable, but it is up to the free market to build the units. The City Manager noted land rezoning arising from the Housing Element adoption is done at a cost to the City not the property owner, which has considerable value.

The Community Development Director stated the changes in the Housing Element would require a portion of the Easley property to be rezoned for 15.1-20 units per acre. He also stated the historic use of the property could continue indefinitely on the area rezoned, but that if that area is proposed for development, then it would need to conform to the use and density that it was rezoned.

The City Manager stated it becomes City staff responsibility to ensure the land re-zoning was done in the least intrusive manner possible.

Mayor Stratford opened the Public Hearing at 8:23 p.m.

Robert Easley, property owner at 6595 Marsh Creek Road (Easley Property), stated he was not happy with the Housing Element process and he wrote the letter included in the staff report because the Easley family was not agreeable to the zoning changes proposed.

Mayor Stratford closed the Public Hearing at 8:26 p.m.

Mayor Stratford stated the subsequent hearing process for consideration of rezoning is where the City will work with the landowner to hopefully come up with something that works.

Robert Easley stated he is open to further discussion of this matter, but that at this time, the Easley family does not wish to change the property's zoning designation and that it must be something mutually agreed upon.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to adopt Resolution 12-2010 (Passed; 4-0 vote).

The City Manager thanked Jennifer Gastelum for her work on the City's Housing Element Update project.

9. ACTION ITEMS

(a) Discussion of the City's 2010 engineering and traffic speed survey studies on designated public roadways within the City, and Introduction and First Reading of Ordinance No. 427 increasing the prima facie speed limit on Clayton Road and Marsh Creek Road, between Oakhurst Drive and Regency Drive, from 40 MPH to 45 MPH.

The City Engineer stated Caltrans now requires that speed limits be set at the 5 MPH increment closest to the 85^{th} percentile as part of the basic speed law concept in California. The City of Clayton conducted speed surveys during the last two weeks of March and the first week of April. The surveys showed that 4 roadway segments would be candidates for having their speed limits increased. While two of the segments could remain unchanged due to mitigating circumstances, the speed limit must be raised on those segments of Clayton Road and Marsh Creek Road. If the Council does not adopt the proposed Ordinance an illegal speed trap would exist.

Councilmember Medrano stated it was unfortunate the speed would be increased near the school but stated the high speed is not in affect when children are present when the speed limit is automatically reduced to the 25 mph limit posted.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 427 by title and number only and waive further reading.

The City Clerk read Ordinance No. 427 by title and number only.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve Ordinance No. 427 for Introduction (Passed; 4-0 vote).

10. COUNCIL ITEMS- None.

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

CITY OF CLAYTON

Founded 1857 . . . Incorporated 1964

Agenda Date: 05/04/10

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER MP

DATE: May 4, 2010

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

RUN DATE	OBLIGATION NUMBERS	TOTALS
4/26/10	17045 – 17047	$3,560.25
4/29/10	17048 – 17073	$58,941.21
5/1/10	17074 – 17075	$27,259.43

Purchase Journal Report

- Batch 4651 Obligation 17045
- Batch 4653 Obligation 17046-17047

Invoice Distribution Report

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

Attachments:
Purchase Journal Report 04/26/10 (2 pages)
Invoice Distribution Report 04/29/10 (12 pages)

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A302-2101-00.0.0-000		entry					2,060.25CR
PJ	CCC Clerk Recorder's Office A302-7419-00.0.0-000 Descl..........: Housing Element Recording fees	17045	entry					2,060.25

Batch 4651 posted on 04/26/10 by 1002 for business date 04/26/10

Jnl	Description / Addnl data items	Ref 1	Ref 2	Ref 3	Rate / Resrce	Units	Amount / Rate	Posted amount
PJ	Obligation summary A101-2101-00.0.0-000		entry					444.00CR
PJ	Obligation summary A303-2101-00.0.0-000		entry					1,056.00CR
PJ	Neopost (add postage) A303-7520-00.0.0-104 Descl..........: Recreation survey postage	17046	entry					1,000.00
PJ	Neopost (add postage) A101-7314-05.0.0-000 Descl..........: Recreation survey postage $56	17047	entry					444.00
PJ	Neopost (add postage) A303-7520-00.0.0-104 Descl..........: Recreation survey postage $56	17047	entry					56.00

Batch 4653 posted on 04/26/10 by 1002 for business date 04/26/10

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7246-01.0.0-000 - Benefit Insurance					
	17074 May Dental	540	Health Care Dental Trust		
		1	Dental May 2010	Inv	45.95
	Obligation.....: 17074				
	Obligation.....: 17074				
A101-7246-01.0.0-000 - Benefit Insurance			*** Account total ***		45.95
A101-7246-02.0.0-000 - Benefit Insurance					
	17074 May Dental	540	Health Care Dental Trust		
		2	Dental May 2010	Inv	479.92
	Obligation.....: 17074				
	Obligation.....: 17074				
	17075 May Health Premium	1316	CalPERS Health		
		1	May Health Premiums	Inv	6,030.16
	Obligation.....: 17075				
		6	May Health Admin Costs	Inv	115.66
	Obligation.....: 17075				
	Obligation.....: 17075				
A101-7246-02.0.0-000 - Benefit Insurance			*** Account total ***		6,625.74
A101-7246-03.0.0-000 - Benefit Insurance					
	17074 May Dental	540	Health Care Dental Trust		
		4	PW Dental May 2010	Inv	556.95
	Obligation.....: 17074				
	Obligation.....: 17074				
	17075 May Health Premium	1316	CalPERS Health		
		3	PW May Health Premiums	Inv	5,105.50
	Obligation.....: 17075				
	Obligation.....: 17075				
A101-7246-03.0.0-000 - Benefit Insurance			*** Account total ***		5,662.45
A101-7246-04.0.0-000 - Benefit Insurance					
	17074 May Dental	540	Health Care Dental Trust		
		3	Dental May 2010	Inv	214.56
	Obligation.....: 17074				
	Obligation.....: 17074				
	17075 May Health Premium	1316	CalPERS Health		
		2	Planning May Health Premiums	Inv	2,449.78
	Obligation.....: 17075				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
	Obligation.....: 17075				
A101-7246-04.0.0-000 - Benefit Insurance			*** Account total ***		2,664.34
A101-7246-06.0.0-000 - Benefit Insurance					
	17074 May Dental	540	Health Care Dental Trust		
		5	PD Dental May 2010	Inv	950.78
	Obligation.....: 17074				
	Obligation.....: 17074				
	17075 May Health Premium	1316	CalPERS Health		
		4	PD May Health Premiums	Inv	9,608.68
	Obligation.....: 17075				
		7	Retired EmpleeHealth-ERportion	Inv	189.00
	Obligation.....: 17075				
	Obligation.....: 17075				
A101-7246-06.0.0-000 - Benefit Insurance			*** Account total ***		10,748.46
A101-7312-07.0.0-000 - Office Supplies/Expense					
	17049 3rd Qtr Library costs	898	CCC Library		
		2	Office Expenses 3rd Qtr	Inv	1,220.67
	Obligation.....: 17049				
	Obligation.....: 17049				
A101-7312-07.0.0-000 - Office Supplies/Expense			*** Account total ***		1,220.67
A101-7324-06.0.0-000 - Dues and Subscriptions					
	17067 Training Bulletins&Testing Dat	2058	Lexipol LLC		
		1	Training Bulletins&TestingData	Inv	2,000.00
	Obligation.....: 17067				
	Obligation.....: 17067				
A101-7324-06.0.0-000 - Dues and Subscriptions			*** Account total ***		2,000.00
A101-7331-05.0.0-000 - Rentals/Leases					
	17050 5/1-5/31/10 Billing	2371	Konica Minolta Bus Sol-Copies		
		1	Konica May lease	Inv	628.98
	Obligation.....: 17050				
	Obligation.....: 17050				
A101-7331-05.0.0-000 - Rentals/Leases			*** Account total ***		628.98
A101-7332-02.0.0-000 - Telecommunications					
	17052 Nextel 2/26-3/25/10 PW/Adm	2110	Sprint Comm (PW & ADM)		

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7332-02.0.0-000 - Telecommunications					
		2	Admin Nextel March	Inv	103.74
	Obligation.....: 17052				
	Obligation.....: 17052				
A101-7332-02.0.0-000 - Telecommunications			*** Account total ***		103.74
A101-7332-03.0.0-000 - Telephone					
	17052 Nextel 2/26-3/25/10 PW/Adm	2110	Sprint Comm (PW & ADM)		
		1	PW Nextel March	Inv	189.14
	Obligation.....: 17052				
	Obligation.....: 17052				
A101-7332-03.0.0-000 - Telephone			*** Account total ***		189.14
A101-7335-03.0.0-000 - Gas & Electricity					
	17063 4/10 Gas & Electricity	113	PG&E		
		1	Lydia Pump Station	Inv	17.39
	Obligation.....: 17063				
		2	City Hall Gas	Inv	871.36
	Obligation.....: 17063				
		3	Westwood Park Well	Inv	39.29
	Obligation.....: 17063				
	Obligation.....: 17063				
A101-7335-03.0.0-000 - Gas & Electricity			*** Account total ***		928.04
A101-7335-07.0.0-000 - Gas & Electricity					
	17063 4/10 Gas & Electricity	113	PG&E		
		4	Library Electric	Inv	3,436.74
	Obligation.....: 17063				
	Obligation.....: 17063				
A101-7335-07.0.0-000 - Gas & Electricity			*** Account total ***		3,436.74
A101-7335-09.0.0-000 - Gas & Electricity					
	17063 4/10 Gas & Electricity	113	PG&E		
		5	Community Restroom	Inv	127.63
	Obligation.....: 17063				
	Obligation.....: 17063				
A101-7335-09.0.0-000 - Gas & Electricity			*** Account total ***		127.63
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance					
	17060 CC Park bathrooms-Dryers	2625	William Fuller & Associates, I		

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance					
		1	CCPark Bathroom Hand Dryers	Inv	520.00
	Obligation.....: 17060				
	Obligation.....: 17060				
	17061 City Hall HVAC repair	2626	Marken Mechanical Services Inc		
		1	HVAC Repair	Inv	525.00
	Obligation.....: 17061				
	Obligation.....: 17061				
A101-7341-03.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		1,045.00
A101-7343-06.0.0-000 - Vehicle Maintenance					
	17066 PD Vehicle Mtn	42	City of Concord		
		1	PD Svc	Inv	3,728.74
	Obligation.....: 17066				
	Obligation.....: 17066				
A101-7343-06.0.0-000 - Vehicle Maintenance			*** Account total ***		3,728.74
A101-7346-03.0.0-000 - HVAC Mtn & Repairs					
	17058 City Hall EMS 4/2/10	1265	ACCO Engineered Systems		
		1	City Hall EMS 4/2/10	Inv	205.00
	Obligation.....: 17058				
	Obligation.....: 17058				
A101-7346-03.0.0-000 - HVAC Mtn & Repairs			*** Account total ***		205.00
A101-7411-08.0.0-000 - Professional Services Retainer					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		1	Permco 9151- 4/10-4/23	Inv	2,746.25
	Obligation.....: 17062				
	Obligation.....: 17062				
A101-7411-08.0.0-000 - Professional Services Retainer			*** Account total ***		2,746.25
A101-7417-03.0.0-000 - Janitorial Service					
	17048 April Svc	468	J & R Floor Services		
		1	April 2010	Inv	449.72
	Obligation.....: 17048				
	Obligation.....: 17048				
	17073 Janitorial Supplies-Library &	84	Hammons Supply Company		
		2	Supplies City Hall	Inv	128.61
	Obligation.....: 17073				
	Obligation.....: 17073				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7417-03.0.0-000 - Janitorial Service			*** Account total ***		578.33
A101-7417-06.0.0-000 - Janitorial Service					
	17048 April Svc	468	J & R Floor Services		
		2	April 2010	Inv	225.00
	Obligation.....: 17048				
	Obligation.....: 17048				
A101-7417-06.0.0-000 - Janitorial Service			*** Account total ***		225.00
A101-7417-07.0.0-000 - Janitorial Service					
	17048 April Svc	468	J & R Floor Services		
		3	April 2010	Inv	2,175.00
	Obligation.....: 17048				
	Obligation.....: 17048				
	17073 Janitorial Supplies-Library &	84	Hammons Supply Company		
		1	Supplies Library	Inv	238.84
	Obligation.....: 17073				
	Obligation.....: 17073				
A101-7417-07.0.0-000 - Janitorial Service			*** Account total ***		2,413.84
A101-7417-09.0.0-000 - Janitorial Service					
	17048 April Svc	468	J & R Floor Services		
		4	April 2010	Inv	1,000.00
	Obligation.....: 17048				
	Obligation.....: 17048				
A101-7417-09.0.0-000 - Janitorial Service			*** Account total ***		1,000.00
A101-7419-01.0.0-000 - Other Professional Services					
	17064 CC Meeting 4/20/10	1467	LarryLogic Productions		
		1	CC Meeting 4/20/10	Inv	315.00
	Obligation.....: 17064				
	Obligation.....: 17064				
A101-7419-01.0.0-000 - Other Professional Services			*** Account total ***		315.00
A101-7419-05.0.0-000 - Other Professional Services					
	17070 3rd Qtr Fees	1651	ICMA Retirement Corporation		
		1	ICMA 3rd Qtr Fees	Inv	125.00
	Obligation.....: 17070				
	Obligation.....: 17070				
A101-7419-05.0.0-000 - Other Professional Services			*** Account total ***		125.00

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7419-06.0.0-000 - Other Professional Services					
	17065 Crossing Guard 3/28-4/10/10	1538	All City Management Services,		
		1	3/28/10-4/10/10	Inv	232.50
	Obligation.....: 17065				
	Obligation.....: 17065				
A101-7419-06.0.0-000 - Other Professional Services			*** Account total ***		232.50
A101-7423-07.0.0-000 - Library Aide					
	17049 3rd Qtr Library costs	898	CCC Library		
		1	Library Student Asst 3rd Qtr	Inv	1,065.97
	Obligation.....: 17049				
	Obligation.....: 17049				
A101-7423-07.0.0-000 - Library Aide			*** Account total ***		1,065.97
A101-7425-06.0.0-000 - Crime Lab					
	17068 Lab fees 3/1-3/28/10	641	CCC Office of the Sheriff-Coro		
		1	Lab tests 3/1-3/25/10	Inv	1,606.00
	Obligation.....: 17068				
	Obligation.....: 17068				
	17069 Blood withdrawl svc Jan-Mar10	641	CCC Office of the Sheriff-Coro		
		1	8 blood withdrawls	Inv	558.64
	Obligation.....: 17069				
	Obligation.....: 17069				
A101-7425-06.0.0-000 - Crime Lab			*** Account total ***		2,164.64
A201-7335-00.0.0-000 - Gas & Electricity					
	17051 2/24-4/20/10	113	PG&E		
		2	Clayton Traffic Signal	Inv	32.93
	Obligation.....: 17051				
	Obligation.....: 17051				
	17063 4/10 Gas & Electricity	113	PG&E		
		10	Traffic Signals	Inv	423.22
	Obligation.....: 17063				
		11	Arterial St Lights	Inv	2,808.96
	Obligation.....: 17063				
	Obligation.....: 17063				
A201-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		3,265.11

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A201-7412-00.0.0-000 - Engineering/Inspection Service				
17062 4/10-4/23/10	116	PERMCO, Inc.		
	2	Permco 9152 4/10-4/23/10	Inv	122.00
Obligation.....: 17062				
	3	Permco9161 Speed Surveys	Inv	427.00
Obligation.....: 17062				
Obligation.....: 17062				
A201-7412-00.0.0-000 - Engineering/Inspection Service		*** Account total ***		549.00
A201-7520-00.0.0-118 - 2010 Arterial Overlay -PreARRA				
17062 4/10-4/23/10	116	PERMCO, Inc.		
	4	Permco9159 4/10-4/23/10	Inv	355.82
Obligation.....: 17062				
Obligation.....: 17062				
A201-7520-00.0.0-118 - 2010 Arterial Overlay -PreARRA		*** Account total ***		355.82
A210-7335-00.0.0-000 - Gas & Electricity				
17051 2/24-4/20/10	113	PG&E		
	1	Master OH Irrigation	Inv	394.24
Obligation.....: 17051				
Obligation.....: 17051				
17063 4/10 Gas & Electricity	113	PG&E		
	6	Monument Lights	Inv	210.64
Obligation.....: 17063				
	7	Oakhurst Pump Fountain	Inv	463.60
Obligation.....: 17063				
	8	Outdoor Hights	Inv	13.38
Obligation.....: 17063				
	9	Irrigation controllers	Inv	65.09
Obligation.....: 17063				
Obligation.....: 17063				
A210-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		1,146.95
A210-7419-00.0.0-000 - Other Professional Services				
17053 Cardinet Trail Oak Tree	358	Waraner Brothers		
	1	Cardinet Trail Oak TreeRemoval	Inv	1,050.00
Obligation.....: 17053				
Obligation.....: 17053				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A210-7419-00.0.0-000 - Other Professional Services			*** Continued ***		
	17055 Sycamore Trees Oakhurst Dr	358	Waraner Brothers		
		1	Sycamore Trees Oakhurst Dr	Inv	6,000.00
	Obligation.....: 17055				
	Obligation.....: 17055				
	17059 April waterfall Mtn	2266	Rock N Waterfall Co		
		1	April Waterfall Mtn	Inv	650.00
	Obligation.....: 17059				
	Obligation.....: 17059				
A210-7419-00.0.0-000 - Other Professional Services			*** Account total ***		7,700.00
A211-7417-00.0.0-000 - Janitorial Services					
	17048 April Svc	468	J & R Floor Services		
		5	April 2010	Inv	1,000.00
	Obligation.....: 17048				
	Obligation.....: 17048				
A211-7417-00.0.0-000 - Janitorial Services			*** Account total ***		1,000.00
A212-7412-00.0.0-000 - Engineering/Inspection Service					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		5	Permco9163- Lawsuit related	Inv	823.85
	Obligation.....: 17062				
	Obligation.....: 17062				
A212-7412-00.0.0-000 - Engineering/Inspection Service			*** Account total ***		823.85
A214-7335-00.0.0-000 - Gas & Electricity					
	17063 4/10 Gas & Electricity	113	PG&E		
		12	St Lights Residential	Inv	8,426.89
	Obligation.....: 17063				
	Obligation.....: 17063				
A214-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		8,426.89
A230-7246-00.0.0-000 - Benefit Insurance					
	17074 May Dental	540	Health Care Dental Trust		
		6	11th Officer Dental May 2010	Inv	127.83
	Obligation.....: 17074				
	Obligation.....: 17074				
	17075 May Health Premium	1316	CalPERS Health		
		5	11th Officer Health Premiums	Inv	1,384.66
	Obligation.....: 17075				

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
	Obligation.....: 17075				
A230-7246-00.0.0-000 - Benefit Insurance			*** Account total ***		1,512.49
A301-7520-00.0.0-003 - Concerts in the Grove Park					
	17054 Grove Concerts license fee 201	2410	ASCAP		
		1	ASCAP license 5/1/10-4/30/11	Inv	305.00
	Obligation.....: 17054				
	Obligation.....: 17054				
A301-7520-00.0.0-003 - Concerts in the Grove Park			*** Account total ***		305.00
A303-7520-00.0.0-115 - Comm Park Lights & Turf Proj					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		6	Permco 9160- 4/10-4/23/10	Inv	412.25
	Obligation.....: 17062				
	Obligation.....: 17062				
A303-7520-00.0.0-115 - Comm Park Lights & Turf Proj			*** Account total ***		412.25
A601-2740-00.0.0-083 - Cost Recov Dep-Silver Oak Esta					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		7	Permco 9157 4/10-4/23/10	Inv	750.00
	Obligation.....: 17062				
	Obligation.....: 17062				
A601-2740-00.0.0-083 - Cost Recov Dep-Silver Oak Esta			*** Account total ***		750.00
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		8	Permco9153 4/10-4/23/10	Inv	394.25
	Obligation.....: 17062				
	Obligation.....: 17062				
A601-2740-00.0.0-096 - Cost Recov Dep PG&E Minor EP			*** Account total ***		394.25
A601-2740-00.0.0-097 - Cost Recov Dep - CCWD Minor EP					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		9	Permco 9154 4/10-4/23/10	Inv	62.25
	Obligation.....: 17062				
	Obligation.....: 17062				
A601-2740-00.0.0-097 - Cost Recov Dep - CCWD Minor EP			*** Account total ***		62.25
A601-2740-00.0.0-139 - Community Svc Reimbursement					
	17072 Property Damage CR#10-01768	654	Delta Fence Company, Inc.		

	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2740-00.0.0-139 - Community Svc Reimbursement					
		1	CR10-01768 Chain link fence	Inv	1,450.00
	Obligation.....: 17072				
	Obligation.....: 17072				
A601-2740-00.0.0-139 - Community Svc Reimbursement			*** Account total ***		1,450.00
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		10	Permco 9158 4/10-4/23/10	Inv	394.25
	Obligation.....: 17062				
	Obligation.....: 17062				
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep			*** Account total ***		394.25
A601-2740-00.0.0-572 - Conoco Phillips SW "L"- EP2883					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		11	Permco 9162 4/10-4/23/10	Inv	228.25
	Obligation.....: 17062				
	Obligation.....: 17062				
A601-2740-00.0.0-572 - Conoco Phillips SW "L"- EP2883			*** Account total ***		228.25
A601-2743-00.0.0-566 - Creekside Terrace Permco					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		12	Permco 9156-4/10-4/23/10	Inv	450.00
	Obligation.....: 17062				
	Obligation.....: 17062				
A601-2743-00.0.0-566 - Creekside Terrace Permco			*** Account total ***		450.00
A601-2744-00.0.0-516 - Guttry SWP 21-09					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		13	Permco 9155 4/10-4/23/10	Inv	20.75
	Obligation.....: 17062				
	Obligation.....: 17062				
A601-2744-00.0.0-516 - Guttry SWP 21-09			*** Account total ***		20.75
A601-2744-00.0.0-518 - Weisendanger SWP					
	17062 4/10-4/23/10	116	PERMCO, Inc.		
		14	Permco 9155 4/10-4/23/10	Inv	20.75
	Obligation.....: 17062				
	Obligation.....: 17062				
A601-2744-00.0.0-518 - Weisendanger SWP			*** Account total ***		20.75

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08				
17062 4/10-4/23/10	116	PERMCO, Inc.		
	15	Permco 9155 4/10-4/23/10	Inv	20.75
Obligation.....: 17062				
Obligation.....: 17062				
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08		*** Account total ***		20.75
A601-2744-00.0.0-563 - Jonathan, Tim SWP 20-09				
17062 4/10-4/23/10	116	PERMCO, Inc.		
	16	Permco 9155 4/10-4/23/10	Inv	20.75
Obligation.....: 17062				
Obligation.....: 17062				
A601-2744-00.0.0-563 - Jonathan, Tim SWP 20-09		*** Account total ***		20.75
A601-2744-00.0.0-569 - Omeara SWP 01-10				
17062 4/10-4/23/10	116	PERMCO, Inc.		
	17	Permco 9155 4/10-4/23/10	Inv	20.75
Obligation.....: 17062				
Obligation.....: 17062				
A601-2744-00.0.0-569 - Omeara SWP 01-10		*** Account total ***		20.75
A701-7310-00.0.0-000 - Supplies & Equipment				
17071 Gym Materials/Supplies Jan-Mar Gym Utilities Jan-Mar 2010	512	Mt. Diablo Unified School Dist		
	2	Gym Jan-Mar 2010	Inv	657.61
Obligation.....: 17071				
Obligation.....: 17071				
A701-7310-00.0.0-000 - Supplies & Equipment		*** Account total ***		657.61
A701-7335-00.0.0-000 - Gas & Electricity				
17071 Gym Materials/Supplies Jan-Mar Gym Utilities Jan-Mar 2010	512	Mt. Diablo Unified School Dist		
	1	Gym Jan-Mar 2010	Inv	4,727.04
Obligation.....: 17071				
Obligation.....: 17071				
A701-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		4,727.04
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance				
17056 Dishwasher Chemicals	1595	ECOLAB		
	1	Dishwasher Chemicals	Inv	518.73
Obligation.....: 17056				
Obligation.....: 17056				

	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A702-7341-00.0.0-000 - Buildings/Grounds Maintenance				*** Account total ***		518.73
A702-7346-00.0.0-000 - HVAC Mtn & Repairs						
	17057	Endeavor Hall Mtn Apr10	1265	ACCO Engineered Systems		
			1	Endeavor Hall Mtn 4/2/10	Inv	290.00
	Obligation.....: 17057					
	Obligation.....: 17057					
A702-7346-00.0.0-000 - HVAC Mtn & Repairs				*** Account total ***		290.00
A702-7417-00.0.0-000 - Janitorial Service						
	17048	April Svc	468	J & R Floor Services		
			6	4/2-4/19/10 svc	Inv	180.00
	Obligation.....: 17048					
			7	Kitchen extensive cleaning4/10	Inv	270.00
	Obligation.....: 17048					
	Obligation.....: 17048					
A702-7417-00.0.0-000 - Janitorial Service				*** Account total ***		450.00
* Report total *				*** Total ***		86,200.64

Agenda Date: 5-4-10
Agenda Item: 4c

CITY OF CLAYTON
Founded 1857 Incorporated 1964

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: MAY 4, 2010

SUBJECT: RESOLUTION DIRECTING THE FILING OF AN ANNUAL REPORT FOR THE CLAYTON STREET LIGHTING DISTRICT (FUND NO. 214)

RECOMMENDATION

Adopt the attached resolution.

BACKGROUND

The laws governing the City's existing Street Light Maintenance District (Fund No. 214), established in 1979, require the filing of an Annual Report by the Engineer of Work in order to establish and levy benefit assessment fees in each fiscal year. For the purpose of continuing to levy such an assessment in FY 2010-2011, the process must initiated by the Council officially calling for such an annual report. This District covers the annual operations and maintenance of the street lights and poles in our various residential neighborhoods.

After enactment of this resolution, the next step will be for the Engineer of Work to submit, and the City Council to accept, the Engineer's Report for this District. Following that submittal will be public hearings required prior to setting next year's assessments in sufficient time to be collected via the property tax bills issued by the County in 2010-2011.

This resolution does not commit the Council to any action but is just the first administrative step required by the Street Lighting Act of 1919.

FISCAL IMPACT

None.

Attachment: Resolution [1 pg.]

RESOLUTION NO. - 2010

A RESOLUTION DIRECTING THE FILING OF AN ANNUAL REPORT FOR THE CLAYTON STREET LIGHTING DISTRICT (PURSUANT TO THE STREET LIGHTING ACT OF 1919).

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by Resolution No. 11-79, adopted May 2, 1979, the Clayton City Council converted Street Lighting District No. 1 to a benefit assessment district and confirmed an assessment for fiscal year 1979-80, pursuant to the Street Lighting Act of 1919; and

WHEREAS, the said Street Lighting Act of 1919 requires that the City Council direct the Engineer of Work to prepare an Annual Report prior to the levying of an assessment;

NOW THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. The City Engineer, designated by this Council as the Engineer of Work for the Clayton Street Lighting District, is hereby directed to file an Annual Report in accordance with the provisions of the Street Lighting Act of 1919.

2. This resolution is adopted pursuant to Section 18090 of the Streets and Highways Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 4th day of May 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

THE CITY COUNCIL OF CLAYTON, CA

____
HANK STRATFORD, Mayor

____
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 May 4, 2010.

____
Laci J. Jackson, City Clerk

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 5-4-10

Agenda Item: 4d

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

DATE: May 4, 2010

SUBJECT: INVESTMENT PORTFOLIO REPORT THIRD QUARTER FY 2009-2010

RECOMMENDATION:

Accept the Investment Portfolio Report for the Third Quarter Fiscal Year 2009-10 ending March 31, 2010.

BACKGROUND

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

FISCAL IMPACT

With the third quarter of the fiscal year completed, interest earnings for the General Fund are now at 111% of the '09-10 Budget for a total of $82,897. A one time prior period adjustment of $19,713 helped increase the interest earnings for this quarter. Average annual interest yield for the past 3 months was 3.05% compared to 3.17% in the prior period however the interest yield has dropped 13.6% compared to a year ago when the rate was 3.67% City interest earnings through the third quarter totaled $423,628 compared to $472,937 a year ago. Over 29.82% of the current investment portfolio is invested in Local Agency Investment Funds (LAIF) a decrease of 8.01% compared to the prior quarter. Since LAIF interest rates continue to decline a greater portion of our investments have been moved to Certificates of Deposit (CD) yielding much higher rates of return. The LAIF quarterly apportionment rate for March was .56% a decrease from .60% in the prior quarter. Our Certificates of Deposit total 70.18% of our portfolio an increase of 11.84% from the prior quarter. Only .002% of our portfolio is temporarily held in a cash money market fund. (These funds are due to maturing investments or interest allocations that have not been reinvested at this time). At this same time last year, 41.7% of our investments were in LAIF with a rate of 1.91%

interest. The LAIF interest rate has declined over the past twenty seven months from 4.96% in December 2007 to our current .56% rate marking a devastating decline of 89%. This decline has decreased our rate of return substantially. The market value of the total investment portfolio as of March 31, 2010 was $17,937,790 compared to $16,026,342 in March 2009. Our investment portfolio carrying value of $17,539,133 is 398,657 less than current market value showing the strength of our investments in a declining economy. This is an increase of $86,869 over the last quarter report.

CONCLUSION

As interest rates continue to decline our interest revenues have been negatively impacted. LAIF interest rates have continued to decline to .56% in March. This rate is the lowest rate on record since 1977. Market yields for 3 year CD's have drastically decreased from a high of 5.7% in March 2008 to a low of 2.0% in March 2010. As interest rates have declined especially over the short term, we have seen rates increase over the long term (60 months) however due to the lower rates staff has been investing in 3 year or less investments. We have been diligent to diversify our portfolio with investments immediately available in LAIF and cash (30%) and then staggered less than one year (9%), two years (20%) three years (22%) 4 years (13%) and 5 years (6%). By staggering our investment portfolio in this manner the impact of rate changes will be lessened.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments:
City of Clayton Investment Portfolio Third Quarter Fiscal Year 2009-2010 Report
(January 1, 2010 – March 31, 2010)

City of Clayton Investment Portfolio
January 1, 2010 - March 31, 2010

Investment Description		Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date		Market Value
Local Agency Investment Fund								
Account # 98-07-162								
TOTAL LAIF:	$	5,343,103.88	0.56%					5,349,425.26
Financial North Eastern CD's								
Flushing Savings Bank FSB	$	99,000.00	3.65%	3.64%	04/30/08	04/30/10	$	99,196.00
Select Bank (Grand Rapids, MI)	$	99,000.00	3.65%	3.60%	03/28/08	09/28/10	$	100,410.00
State Bk India New York	$	100,000.00	5.00%	4.88%	10/30/07	11/01/10	$	102,460.00
Enterprise National Bank Palm Beach	$	100,000.00	5.00%	4.88%	11/07/07	11/08/10	$	102,533.00
1st Financial Bank USA	$	98,000.00	4.74%	3.61%	12/17/08	12/17/10	$	100,245.00
Key Bank C/D	$	99,000.00	4.80%	4.65%	12/26/07	12/27/10	$	102,148.00
Washington Mutual Bank, Henderson	$	97,000.00	4.50%	4.40%	01/16/08	01/14/11	$	99,268.00
Union National Bank & Trust	$	100,000.00	3.00%	2.94%	01/22/09	01/22/11	$	101,990.00
Newbank	$	100,000.00	4.00%	3.86%	01/23/08	01/24/11	$	102,816.00
Washington Mutual Bank, Pk City	$	99,000.00	3.90%	3.81%	03/19/08	03/18/11	$	101,208.00
Bank of Nevada	$	99,000.00	3.75%	3.64%	03/26/08	03/28/11	$	101,868.00
Commerce National Bank, Geneva, MN	$	99,000.00	3.60%	3.50%	03/28/08	03/28/11	$	101,723.00
Community First Bank (Harrison, AR)	$	99,000.00	3.70%	3.59%	03/28/08	03/28/11	$	101,820.00
Paragon Commercial Bank, Raleigh NC	$	100,000.00	4.00%	3.87%	05/09/08	05/09/11	$	103,411.00
Peach St Bank (Gainesville)	$	99,000.00	4.00%	3.86%	06/06/08	06/06/11	$	102,541.00
Bank of Fairfield (Wash)	$	99,000.00	4.50%	4.31%	07/18/08	07/18/11	$	103,399.00
Bay Cities Bank, Tampa, FL	$	99,000.00	4.55%	4.34%	09/02/08	09/02/11	$	103,732.00
Nicolet Bank (Greenby, WI)	$	100,000.00	4.00%	3.84%	03/14/08	09/14/11	$	104,081.00
Business First Bank (Baton Rouge)	$	99,000.00	4.00%	3.84%	03/26/08	09/26/11	$	103,094.00
Banner Bank, Walla Walla, WA	$	98,000.00	2.65%	2.59%	04/08/09	10/11/11	$	100,129.00
Investors Community Bank (WI)	$	99,000.00	3.90%	3.75%	04/18/08	10/18/11	$	103,026.00
Carolina First Bank	$	98,000.00	2.60%	2.55%	04/22/09	04/24/11	$	100,050.00
First Guarantee Bank, Jacksonville	$	99,000.00	5.00%	4.71%	12/15/06	12/15/11	$	104,999.00
VIST Bank, Wiomissing, PA	$	99,000.00	3.40%	3.28%	12/29/08	12/29/11	$	102,669.00
City Bank Lynnwood Washington	$	100,000.00	3.00%	2.92%	12/31/08	12/30/11	$	102,720.00
Nexity Bank, Alabama	$	99,000.00	3.10%	3.01%	01/16/09	01/16/12	$	101,853.00
Wachovia Bank, Houston TX	$	97,000.00	4.50%	4.34%	01/16/08	01/17/12	$	100,607.00
BMW BK North Amer (Salt Lake)	$	99,000.00	4.00%	3.83%	03/19/08	03/19/12	$	103,506.00
BB&T Finl FSB Columbus, GA	$	100,000.00	3.00%	2.92%	03/18/09	03/19/12	$	102,639.00
Shore Bank (Chicago, IL)	$	100,000.00	3.00%	2.92%	03/19/09	03/19/12	$	102,648.00
Monona State Bank	$	99,000.00	3.80%	3.65%	03/28/08	03/28/12	$	103,147.00
National City Bank (Cleveland, OH)	$	99,000.00	4.00%	3.83%	03/31/08	04/02/12	$	103,525.00
Doral Bank (Catano, PR)	$	99,000.00	3.05%	2.97%	4/8/2009	04/09/12	$	101,703.00
Westernbank Puerto Rico, Mayaguez, PR	$	99,000.00	3.10%	3.01%	04/15/09	04/16/12	$	101,804.00
Franklin Templeton (SLC, Ut)	$	99,000.00	4.00%	3.82%	04/18/08	04/18/12	$	103,583.00
Saehan Bank, Los Angeles, CA	$	99,000.00	3.00%	2.92%	04/21/09	04/23/12	$	101,608.00
Minnwest Bank Metro (Rochester, MN)	$	98,000.00	2.85%	2.79%	04/29/09	04/30/12	$	100,279.00
R-G Premier Bank Puerto Rico	$	99,000.00	3.10%	3.01%	04/29/09	04/30/12	$	101,809.00
Eurobank, San Juan, PR	$	99,000.00	3.25%	3.15%	05/12/09	05/12/09	$	102,120.00
Hillcrest Bank, Overland Park, Kansas	$	99,000.00	3.00%	2.92%	04/30/09	05/30/12	$	101,611.00
Clayton Bank & Trust (TN)	$	99,000.00	4.65%	4.38%	07/09/08	07/09/12	$	105,188.00
Community First Bank (Corydon, IN)	$	99,000.00	3.00%	2.92%	01/15/09	07/16/12	$	101,588.00
Investors Bank (Wisconsin-42 Mo)	$	99,000.00	3.00%	2.93%	04/08/09	10/09/12	$	101,495.00
Pacific Cap Bank (Santa Barbara)	$	99,000.00	2.50%	2.47%	10/15/09	10/15/12	$	100,261.00
First Guarantee Bank & Trust Co.	$	99,000.00	2.25%	2.23%	10/21/09	10/19/12	$	99,892.00
First Peoples Bank (Port St. Lucie, FL)	$	99,000.00	2.90%	2.84%	04/24/09	04/24/12	$	101,218.00
1st Republic Bank Div of BofA	$	250,000.00	2.90%	2.83%	11/17/09	11/19/12	$	256,400.00
GE Money Bank (SLC, Ut)	$	99,000.00	4.15%	3.94%	12/18/08	12/18/12	$	104,293.00
GE Capital Financial, Inc (Holladay, Ut)	$	99,000.00	4.15%	3.94%	12/18/08	12/18/12	$	104,293.00
Fifth Third Bank	$	100,000.00	2.69%	2.33%	12/28/09	12/28/12	$	100,999.00
Wachovia Bank, Las Vegas NV	$	97,000.00	4.60%	4.41%	01/16/08	01/16/13	$	101,085.00
Private Bank of Buckhead (Atlanta, Georgia)	$	100,000.00	3.10%	3.03%	02/27/09	02/27/13	$	102,406.00
Westernbank Puerto Rico, Mayaguez, PR	$	99,000.00	2.15%	2.16%	03/17/10	03/15/13	$	98,663.00
RG Premier Bank PR, Hato Rey	$	99,000.00	2.10%	2.11%	03/17/10	03/18/13	$	98,505.00
Primesouth Bank (Alabama)	$	99,000.00	4.05%	3.86%	04/18/08	04/18/13	$	104,017.00
Signature Bank, Chicago, IL	$	98,000.00	3.00%	2.94%	04/23/09	04/23/13	$	99,944.00
Integrity First Bank	$	99,000.00	4.10%	3.90%	04/25/08	04/25/13	$	104,175.00
Goldman Sachs Bank (Salt Lake)	$	99,000.00	4.45%	4.19%	05/07/08	05/07/13	$	105,204.00
Republic Bank (Bountiful, UT)	$	99,000.00	3.15%	3.08%	05/11/09	05/13/13	$	101,396.00

City of Clayton Investment Portfolio
January 1, 2010 - March 31, 2010

Investment Description		Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date		Market Value
M&T Bank(Oakfield NY)	$	99,000.00	4.41%	4.13%	05/27/08	05/27/13	$	105,655.00
Lehman Commercial Bank (UT)	$	100,000.00	5.00%	4.75%	06/30/08	07/01/13	$	105,222.00
Cole Taylor Bank (IL)	$	99,000.00	5.00%	4.62%	07/11/08	07/11/13	$	107,054.00
Flagstar Bank FSB Troy, MI	$	99,000.00	5.00%	4.61%	09/19/08	09/19/13	$	107,309.00
Midfirst Bank (Oklahoma City)	$	99,000.00	2.75%	2.73%	10/14/09	10/15/13	$	99,893.00
Worlds Foremost Bank Lincoln, NE	$	100,000.00	5.06%	4.62%	11/10/08	11/12/13	$	109,444.00
Sallie Mae Bank, Murray, UT	$	100,000.00	5.00%	4.60%	12/05/08	12/05/13	$	108,680.00
Discover Bank Greenwood DEL	$	100,000.00	4.16%	3.91%	12/18/08	12/18/13	$	106,410.00
Doral Bk Catano PR	$	100,000.00	2.75%	2.73%	02/03/10	02/03/14	$	100,691.00
Beacon Federal (Syracuse, NY)	$	99,000.00	3.20%	3.13%	04/15/09	04/15/14	$	101,196.00
Toyota Financial Savings Bank (Henderson, NV)	$	98,000.00	3.45%	3.34%	04/17/09	04/16/14	$	101,091.00
First Reliance Bank (Florence, SC)	$	99,000.00	3.25%	3.17%	04/17/09	04/17/14	$	101,378.00
First Bank of Highland Park (IL)	$	98,000.00	3.20%	3.12%	04/22/09	04/22/14	$	100,596.00
FSG Bank(Chattanooga, TN)	$	99,000.00	2.96%	3.03%	12/11/09	06/11/14	$	100,217.00
Summit Community Bank (Moorefield, WV)	$	100,000.00	3.20%	3.15%	08/19/09	08/19/14	$	101,751.00
Barclays Bank, Del	$	99,000.00	3.15%	3.11%	09/23/09	03/23/14	$	100,373.00
State Bk India Chicago, IL	$	99,000.00	3.00%	2.99%	02/26/10	12/26/14	$	99,293.00
Fifth Third Bank	$	99,000.00	3.64%	3.21%	12/28/09	12/28/12	$	101,934.00
Net credit balance	$	20,321.00					$	20,321.00
TOTAL Financial North Eastern	**$**	**7,798,321.00**					**$**	**8,053,508.00**
Multi-Bank Securities, Inc. CD's								
Wachovia Bk FSB, Houston, TX	$	98,000.00	4.30%	4.30%	02/29/08	03/07/13	$	101,797.50
TOTAL Multi-Bank Securities:	**$**	**98,000.00**					**$**	**101,797.50**
Morgan Stanley								
Cash Account	$	15,708.10					$	15,708.10
Bloomfield St Bank, IN	$	99,000.00	4.00%	3.97%	06/25/08	06/25/10	$	99,730.62
Commerce National Bk, Columbus, Ohio	$	99,000.00	4.50%	4.37%	01/10/08	01/10/11	$	101,835.36
American Chartered Bank	$	98,000.00	3.95%	3.83%	03/19/08	03/21/11	$	100,969.40
Crescent St Bank, North Carolina	$	99,000.00	3.75%	3.63%	04/23/08	04/22/11	$	102,016.53
Darby Bank, Vidalia, GA	$	98,000.00	3.90%	3.77%	04/23/08	04/25/11	$	101,154.62
Medallion Bank, Salt Lake City	$	98,000.00	3.90%	3.77%	04/25/08	04/25/11	$	101,154.62
M&I Marshall & Isley Bank	$	98,000.00	4.00%	3.86%	05/23/08	05/23/11	$	101,431.96
Merrick Bank, UT	$	97,000.00	4.30%	4.13%	06/20/08	06/20/11	$	100,892.61
Washington TR RI	$	97,000.00	4.50%	4.31%	07/09/08	07/11/11	$	101,271.88
First Bank, Puerto Rico	$	99,000.00	2.10%	1.73%	08/25/09	08/29/11	$	99,890.01
First Business BK, Madison, WI	$	98,000.00	4.10%	3.92%	05/16/08	11/16/11	$	102,376.68
Morgan Stanley Bank, SLC, UT	$	97,000.00	4.45%	4.23%	11/28/08	11/28/11	$	101,919.84
American Express Centurion, SLC, UT	$	98,000.00	3.75%	3.60%	12/24/08	12/27/11	$	101,909.22
Capmark Bank, Midvale, UT	$	98,000.00	3.00%	2.92%	01/28/09	01/30/12	$	100,643.06
First Business BK, Madison, WI	$	99,000.00	2.39%	2.03%	08/17/09	02/17/12	$	99,928.62
Alliance Bank, Syracuse, NY	$	98,000.00	4.05%	3.87%	03/24/08	03/21/12	$	102,554.06
BMW Bank of NA, SLC, UT	$	99,000.00	2.20%	2.17%	09/16/09	03/16/12	$	100,108.80
Byron Bank, Michigan	$	98,000.00	3.90%	3.73%	03/14/08	03/14/12	$	102,268.88
Capital One Bank, Glen Allen, VA	$	98,000.00	4.00%	3.82%	03/12/08	03/12/12	$	102,452.14
Hillcress Bank, Overland Pk, KS	$	150,000.00	2.70%	2.64%	07/15/09	04/16/12	$	153,054.00
Atlanta Business BK, GA	$	99,000.00	4.20%	3.99%	05/28/08	05/29/12	$	104,106.42
Centennial BK, Fountain Vy, CA	$	99,000.00	4.25%	4.03%	05/30/08	05/30/12	$	104,217.30
Cowlitz Bank,Longview, WA	$	98,000.00	3.05%	2.96%	05/08/09	05/08/12	$	100,679.32
CIT Bank, Salt Lake City, UT	$	147,000.00	2.95%	2.95%	07/01/09	07/02/12	$	147,000.00
Firstbank Puerto Rico Santurce PR	$	99,000.00	2.25%	2.22%	01/11/10	07/11/12	$	99,946.44
Queensborough Nat'l Bk, Louisville, GA	$	99,000.00	4.65%	4.37%	07/16/08	07/16/12	$	105,226.11
World Financial Network (Columbus, OH)	$	100,000.00	2.60%	2.60%	10/28/09	10/29/12	$	99,755.00
Enterprise Bk & TR, Clayton, MO	$	150,000.00	3.00%	2.93%	07/08/09	01/08/13	$	153,433.50
Mercantile Bank Mich Grand Rapids	$	99,000.00	2.00%	2.00%	02/17/10	02/19/13	$	98,933.67
Waccamaw Bank Whiteville NC	$	98,000.00	1.85%	1.85%	03/17/10	03/18/13	$	97,508.04
Ally Bank, Midvale Utah	$	98,000.00	3.20%	3.11%	04/03/09	04/03/13	$	100,527.42
Amcore Bk, Rockford, IL	$	97,000.00	4.25%	4.02%	04/25/08	04/25/13	$	102,476.62
American Cmnty BK, Woodstock	$	99,000.00	4.10%	3.89%	04/25/08	04/25/13	$	104,174.73
Broadway Bk, Chicago, IL	$	99,000.00	4.15%	3.93%	04/30/08	04/30/13	$	104,333.13
Capmark Bank, Midvale, UT	$	147,000.00	3.35%	3.25%	7/1/2009	7/1/2013	$	151,389.42
Pacific St Bank, Stockton, CA	$	99,000.00	3.20%	3.12%	04/22/09	10/22/13	$	101,393.82
American Express Bank, SLC, UT	$	97,000.00	4.75%	4.40%	12/24/08	12/24/13	$	104,588.31
Bank Little Rock, ARK	$	99,000.00	3.20%	3.12%	04/08/09	04/08/14	$	101,218.59

City of Clayton Investment Portfolio
January 1, 2010 - March 31, 2010

Investment Description	Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date	Market Value
CIT Bank, Salt Lake City, UT	$ 98,000.00	3.40%	3.28%	4/1/2009	4/1/2014	$ 101,510.36
Broadway Bk, Chicago, IL	$ 150,000.00	3.70%	3.56%	07/10/09	7/10/2014	$ 155,878.50
TOTAL Morgan Stanley	**$ 4,201,708.10**					**$ 4,331,567.71**
RBC Wealth Management						
Cash Account	$ 0.14					$ 0.14
North Milwaukee Stk. Bank, WI	$ 98,000.00	3.50%	3.50%	12/18/08	12/23/11	$ 101,491.74
Total RBC Wealth Management	**$ 98,000.14**					**$ 101,491.88**

Investment Description	Carrying Value	Percentage of Portfolio	Average Yield to Maturity	Market Value
Local Agency Investment Funds	$ 5,343,103.88	29.82%	0.560%	$ 5,349,425.26
Financial Northeastern	$ 7,798,321.00	44.90%	3.499%	$ 8,053,508.00
Multi-Bank Securities	$ 98,000.00	0.52%	4.300%	$ 101,797.50
Morgan Stanley	$ 4,201,708.10	24.15%	3.397%	$ 4,331,567.71
RBC Dain Rauscher	$ 98,000.14	0.57%	3.500%	$ 101,491.88
Grand Total Investment Portfolio:	**$ 17,539,133.12**	**100%**		**$ 17,937,790.35**

2009-10 Budgeted Interest-General Fund	$ 75,000
2009-10 Budgeted interest Received-General Fund	$ 82,897
Percent of General Fund Budget Received	110.53%
2009-10 Average Annual Yield	3.05%
2009-10 Total Interest Income to date	$ 423,628

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

Merry Pelletier
Finance Manager

4-28-10
Date:

City Treasurer

4/29/10
Date:

Agenda Date: 5-4-10
Agenda Item: 9a

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: MAY 4, 2010

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE No. 427 INCREASING THE PRIMA FACIE SPEED LIMIT ON CLAYTON ROAD AND MARSH CREEK ROAD, BETWEEN OAKHURST DRIVE AND REGENCY DRIVE, FROM 40 MPH TO 45 MPH

RECOMMENDATION

Adopt Ordinance No. 427.

BACKGROUND

At the Council's last meeting, Staff presented engineering and traffic studies which indicated that, based upon the latest criteria specified by Caltrans, the speed limits on Clayton Road and Marsh Creek Road, between Oakhurst Drive and Regency Drive, need to be increased from 40 MPH to 45 MPH.

Since the California Vehicle Code requires that cities establish speed limits by a City Council-approved ordinance, the Council approved the introduction and first reading of Ordinance 427 which would modify the City's Municipal Code to reflect the change in the speed limits for these roadway sections.

Tonight's action is to call for a second reading and adoption of the proposed ordinance. If the City Council adopts the ordinance, the new speed limit will become effective in 30 days or whenever the new speed limit signs are posted, whichever comes later.

If the City Council does not adopt this ordinance, an unlawful speed trap will exist on these roadway segments which will, in turn, preclude any traffic speed enforcement by the Police Department.

FISCAL IMPACT

By not enacting the ordinance, the City would experience a very slight reduction in traffic fine income due to the inability to issue moving citations on these two roadways. Since traffic fine revenue is dependent on the number of cited violations, it is impossible to estimate the amount of income the City may realize in the future. It must be noted the overwhelming amount of a speeding ticket fine goes to other agencies and state-mandated purposes (e.g. court operations; court facilities construction) than to the issuing jurisdiction.

CONCLUSION

In order to be legally able to enforce the speed limits on these two roadways, the City must establish a defensible speed limit. Therefore, Staff recommends the adoption of Ordinance No. 427 reluctantly raising the speed limit on Clayton Road between Oakhurst Drive and Marsh Creek Road at Diablo View Middle School, and on Marsh Creek Road from Clayton Road at Diablo View Middle School to Regency Drive, from 40 MPH to 45 MPH.

Attachments: Ordinance No. 427

ORDINANCE NO. 427

AN ORDINANCE REVISING SECTIONS 10.20.040 B AND 10.20.050 A, DELETING SECTION 10.20.040 C IN ITS ENTIRETY AND ADDING SECTION 10.20.050 B OF CHAPTER 10.20 OF THE *CLAYTON MUNICIPAL CODE*, INCREASING PRIMA FACIA SPEED LIMIT TO FORTY-FIVE MILES PER HOUR FOR A PORTION OF CLAYTON ROAD BETWEEN OAKHURST DRIVE AND MARSH CREEK ROAD AND FOR A PORTION OF MARSH CREEK ROAD BETWEEN CLAYTON ROAD AND REGENCY DRIVE

THE CITY COUNCIL
City of Clayton, California

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

WHEREAS, California Vehicle Code Section 22357 authorizes a local authority to increase speed limits on city streets from the otherwise applicable prima facia speed limits, once it has been determined upon the basis of an engineering and traffic survey that the proposed new speed limits are reasonable and safe and will facilitate the orderly movement of traffic; and

WHEREAS, the City Engineer has prepared an engineering and traffic study of Clayton Road between Oakhurst Drive and Marsh Creek Road at Diablo View Middle School, and of Marsh Creek Road between Clayton Road at Diablo View Middle School and Regency Drive, and has recommended that the speed limit for such portions of Clayton Road and Marsh Creek Road be established at forty-five (45) miles per hour, the same currently being forty (40) miles per hour. Such recommendation has been concurred in by the Chief of Police; and

WHEREAS, the City Council, at its regular public meeting of April 20, 2010, reviewed and considered the engineering and traffic surveys conducted in March and April 2010, the recommendations of the City Engineer and Chief of Police, and heard from members of its public; and

WHEREAS, it is deemed necessary by the City Council to increase the speed limit from forty (40) to forty-five (45) miles per hour for those portions of Clayton Road and Marsh Creek Road as described above to be in accord with State laws and traffic regulations; and

WHEREAS, such action will allow Clayton police officers to legally cite and enforce speed limit violations, including by use of radar equipment; and

WHEREAS, it is necessary to amend Sections 10.20.040 B, and 10.20.050 A, delete Section 10.20.040 C, and add Section 10.20.050 B to the *Clayton Municipal Code* in order to establish the new speed limits as aforesaid.

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

SECTION 1. Section 10.20.040 C is hereby deleted and Section 10.20.040 B of Chapter 10.20 of Title 10 of the *Clayton Municipal Code* is hereby amended to hereafter read in its entirety as follows:

10.20.040 Forty miles per hour.

A. Oakhurst Drive between the westerly City limits and Clayton Road;
B. Clayton Road between the westerly City limits and Oakhurst Drive.

SECTION 2. Section 10.20.050 B is added and Section 10.20.050 A of Chapter 10.20 of Title 10 of the *Clayton Municipal Code* is hereby amended to hereafter read in its entirety as follows:

10.20.050 Forty-five miles per hour.

A. Marsh Creek Road between Clayton Road at Diablo View Middle School and the easterly City limits;
B. Clayton Road from Oakhurst Drive to Marsh Creek Road at Diablo View Middle School.

SECTION 3. The aforesaid new prima facia speed limit of forty-five (45) miles per hour shall be effective when appropriate signs giving notice thereof are erected upon said roadways along those portions of Clayton Road and Marsh Creek Road.

SECTION 4. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on April 20, 2010.

PASSED, APPROVED, ADOPTED AND ORDERED POSTED at a regular public meeting of the City Council of Clayton, California held on May 4, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Laci Jackson, City Clerk

* * * * *

APPROVED AS TO FORM:

Jonathon D. Adams, City Attorney

APPROVED AS TO ADMINISTRATION:

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of Clayton, California held April 20, 2010 and was duly passed, approved, adopted and ordered posted at a regular public meeting of said City Council held on May 4, 2010.

Laci Jackson, City Clerk