CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL
and
OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT

* * *

TUESDAY, July 20, 2010

6:15 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 *
July 20, 2010

6:15 P.M.

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

2. **CLOSED SESSION**

(a) Conference with Labor Negotiator
Government Code Section 54957.6.
Instructions to City-designated negotiator: City Manager

(1) Employee Organization: Clayton Police Officers Association (CPOA)

Report Out from Closed Session: Mayor Stratford

7:00 P.M.

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

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

(a) Approve the minutes of the regular meeting of July 6, 2010. **(View Here)**

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

(c) Adopt a Resolution ordering the annual levy of a Special Tax within the High Street Permanent Road Division (Fund 217) for FY 2010-2011. **(View Here)**

(d) Adopt a Resolution ordering the annual levy of a Special Tax within the Oak Street Permanent Road Division (Fund 218) for FY 2010-2011. ***(View Here)***

(e) Adopt a Resolution authorizing the levy of annual assessments for the Lydia Lane Sewer Assessment District in FY 2010-2011. ***(View Here)***

(f) Adopt a Resolution authorizing the levy of annual assessments for the Oak Street Sewer Assessment District in FY 2010-2011. ***(View Here)***

(g) Award of contract to Data Ticket, Inc. (Newport Beach, CA) for its processing and administration of fines, bail and forfeiture thereof on Clayton Police Department issued parking citations. **(View Here)**

(h) Re-authorize the award of contract to Blackbaud Financial Edge in the amount of $28,092.00 for new financial system software for the City Finance Department, and approve the additional allocation of $5,735.75 from the FY 2010-11 Capital Equipment Replacement Fund (CERF) to fund software and computer hardware. **(View Here)**

(i) Award of contract to Diablo Ford (Pittsburg, CA) in the amount of $23,029.91 for the purchase of a 2011 Ford Crown Victoria "Police Interceptor" as a replacement patrol vehicle for the Clayton Police Department. **(View Here)**

(j) Approve an Authority Certificate Resolution to update the City's brokerage account information on file with Financial Northeastern Securities, Inc. **(View Here)**

5. <u>RECOGNITIONS AND PRESENTATIONS</u> – None.

6. <u>REPORTS</u>

(a) Planning Commission – Vice Chairman Dan Richardson.
(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. <u>PUBLIC COMMENT ON NON-AGENDA ITEMS</u>

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. <u>PUBLIC HEARINGS</u>

a) Public Hearing on the proposed levy of annual assessments on real property in the Street Lighting Assessment District for FY 2010-2011, pursuant to Streets and Highways Code 18070 and CA Government Code 54954.6. **(View Here)**
(City Engineer)

<u>Staff recommendations:</u> **1)** Receive the Engineer's Report; **2)** Open the Public Hearing and receive public testimony; **3)** Close the Public Hearing; **4)** Adopt the Resolution setting the annual street lighting real property assessments for FY 2010-2011.

9. ACTION ITEMS

a) Second Reading and Adoption of Ordinance No. 428 amending the *Clayton Municipal Code* for the purpose of extending from June 30, 2010 through June 30, 2013 the On-Site Parking Waiver Provision in the Town Center area and amending the requirement for an associated building permit within one (1) year of project approval to within two (2) years of project approval. **(View Here)**
(Community Development Director)

Staff recommendation: **1.** Receive the Staff report; **2.** Receive public comments; **3.** Adopt a motion to have the City Clerk read Ordinance No. 428 by title and number only and waive further reading; and **4.** Following the City Clerk's reading, a motion to adopt Ordinance No. 428.

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

11. ADJOURNMENT– the next regularly scheduled meeting is Tuesday, August 3, 2010.

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* OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT *

July 20, 2010

1. CALL TO ORDER AND ROLL CALL – Chairman Geller.

2. PUBLIC COMMENTS

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

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

3. CONSENT CALENDAR

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

(a) Approve the Oakhurst Geologic Hazard Abatement District Board minutes for its regular meeting of June 15, 2010. **(View Here)**

4. PUBLIC HEARINGS

(a) Public Hearing on the Geologic Hazard Abatement District (GHAD) proposed real property assessments for Fiscal Year 2010-2011. **(View Here)**
(District Manager)

Staff recommendations: **1)** Receive the District Manager's report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** Adopt the Resolution approving the District's levy of real property assessments for FY 2010-2011.

5. ACTION ITEMS – None.

6. BOARD ITEMS – limited to requests and directives for future meetings.

7. ADJOURNMENT – the next meeting of the GHAD Board of Directors will be scheduled as needed.

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 7|20|10

Agenda Item: 4a

TUESDAY, July 6, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano, and Pierce. Staff present: City Manager Gary Napper, City Attorney Dan Adams, City Engineer Rick Angrisani, Finance Manager Merry Pelletier, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – None.

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

4. **CONSENT CALENDAR-**

Mayor Stratford requested Item 4(i) be pulled for a separate discussion.

Councilmember Medrano asked for discussion on item 4(h) to clarify the difference between the need for a full Environmental Impact Report (EIR) and a Mitigated Negative Declaration for the Clayton Community Church project.

The Community Development Director stated the project is 42,000 sq/ft of development area and the scale and complexity of the project are factors in assessing the level of environmental review required. He stated the project proposes amendments to the General Plan, the Town Center Specific Plan, and other Ordinances. He stated specific issues warranting a full environmental impact report include the project is substantially under parked, cultural resources may be impacted because of the proposed removal of the Pioneer Inn building, and changes to land use associated with the proposed amendments.

Shawn Robinson, Pastor, Clayton Community Church stated he had a meeting today with the Community Development Director, asked similar questions, and believes that while costly, the EIR requirement is fair and will address the issues raised.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve the Consent Calendar with the exception of Item 4(i) (Passed; 5-0 vote).

(a) Approved the minutes of the special meeting of June 29, 2010.

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

(c) Adopted Resolution 20-2010authorizing the levy of annual assessments for the Middle School Community Facilities District (1990-1R, Series 1997; Fund No. 420) for the 2010-2011 Tax Year.

(d) Adopted Resolution 21-2010 authorizing the levy of annual assessments for the Clayton Station Community Facilities District (1990-2R; Fund No. 421) for the 2010-2011 Tax Year.

(e) Adopted Resolution 22-2010 authorizing the levy of annual assessments for CFD 2007-1 (Landscape Maintenance District; Fund No. 210) in FY 2010-2011.

(f) Adopted Resolution 23-2010 authorizing the levy of annual assessments for CFD 2006-1 (Downtown Park O & M; Fund No. 211) in FY 2010-2011.

(g) Adopted Resolution 24-2010 approving Addendum No. 2 to the Memorandum of Agreement (MOA) with the Undesignated Miscellaneous City Employees Unit concerning terms and conditions of employment in Fiscal Year 2010-2011.

(h) Approved the award of contract in the amount of $133,500 to LSA Associates, Inc. (Berkeley, CA) for preparation of an Environmental Impact Report (EIR) on the Clayton Community Church's development/redevelopment project on Main Street, Clayton Town Center.

(j) Adopted Resolution 25-2010 approving and authorizing the City Manager to execute a Contra Costa Clean Water Program Agreement (2010-2025) related to the National Pollutant Discharge Elimination System (NPDES) Program requirements.

(i) The Finance Manager presented the staff report and stated the City is using financial software that is DOS based and outdated. The recommended package could grow with the City. The City of Clayton is considering Blackbaud because the platform is the same as Fundware and the information will transfer more easily to the new format. She stated the conversion process is the most costly and time consuming and it is built into the price with Blackbaud.

Mayor Stratford asked what was included in the price from Blackbaud and what modules it included. The Finance Manager stated the modules quoted include project grants, accounts payable and general ledger for 2 users. She stated the Business License software can even be downloaded into the program.

Mayor Stratford asked if there was a budget module available. The Finance Manager responded there was a module available.

Councilmember Geller asked why the price only included 3 years of information being converted to the new system. The Finance Manager responded 3 years is adequate and there is little that would need to be looked at which is older and there are still hard copies available.

Councilmember Pierce asked if it made sense to add the other modules while there is training and support. The Finance Manager responded she was being conservative and was only replacing the existing software not looking to add new modules.

The Council asked the Finance Manager to add the fixed asset and budget modules.

It was moved by Councilmember Medrano, seconded by to approve the award of contract to Blackbaud Financial Edge in the amount of $22,200.00 from the Capital Equipment Replacement Fund (CERF) for the purchase of new financial management software for the City Finance Department with the addition of the fixed asset and budget reporting modules (Passed; 5-0 vote).

Mayor Stratford asked Robert Ikenberry to come forward to ask his question regarding Item 4 (i).

Robert Ikenberry asked who would pay for the EIR for the Clayton Community Church project. The Community Development Director stated the City selects and administers the work of the consultant but the applicant pays the full cost for the work to be done. The City Manager added this is the standard way for cities to handle the preparation of an EIR attributed to a private development project.

5. RECOGNITIONS AND PRESENTATIONS

(a) Report on operational status of the Central Contra Costa Transit Authority (CCCTA)

Gregg Manning, Clayton Board Member, reported the CCCTA has eight new hybrid low emission buses on roads throughout the county. He stated the budget this year was difficult and items such as marketing were drastically cut. He stated the busses are running and people are riding.

Councilmember Shuey asked why smaller busses aren't used for less populated routes. Mr. Manning responded there are different maintenance issues with different sized buses.

Mayor Stratford thanked Mr. Manning for his service on the CCCTA as Clayton's representative.

(b) Mayor Stratford recognized and thanked Sandra Johnson and Dan Richardson for their work on this year's 4th of July Parade Committee, and presented a plaque to each in appreciation.

Sandra Johnson stated the 4th of July Parade is a team effort and it went smoothly.

Dan Richardson stated the Parade was fun and thanked the volunteers and the community for coming together to pull the event off.

6. REPORTS

(a) Planning Commission – No report.

(c) The City Manger thanked Sandy Johnson and Dan Richardson for their hard work on the 4th of July Committee. He reminded the community, there is a new operator at the gym for recreation programs. All Out Sports League (AOSL) is offering new enhanced sports and enrichment programs. He stated on July 23rd AOSL is hosting an open house at the Clayton Community Gym from 7pm-9pm.

(d) City Council

Councilmember Geller stated the Concerts in The Grove are bringing in approximately $800 per event in donations and the ultimate goal is to collect $10,000 for next year's concerts.

Councilmember Pierce attended the Mayors' Conference and the Concert in The Grove. She thanked Allied Waste Services and Jim Webb for their sponsorship of the 4th of July Parade and the 60 volunteers who helped the day of the event.

Mayor Stratford attended the Mayors' Conference.

(e) Other – None.

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

8. PUBLIC HEARINGS

(a) 1. Public Hearing for consideration of the "Creekside Terrace" Mixed Use Project proposed for development of a two-story building comprised of 7,200 sq. ft. of retail commercial space on the ground floor and seven (7) residential units on the 2nd floor on under-utilized City-owned real properties located at 1005 & 1007 Oak Street in the Clayton Town Center (APNs 119-050-008, 009 & 034);

and

2. Introduction and First Reading of Ordinance No. 428 amending the *Clayton Municipal Code* for the purpose of extending from June 30, 2010 through June 30, 2013 the On-Site Parking Waiver Provision in the Town Center area and amending the requirement for a building permit within one (1) year of project approval to within two (2) years of project approval.

The Community Development Director presented the staff report and stated the Planning Commission had recommended approval of the project. He stated the project before the Council addresses consideration of a Development Plan and the sub-division of the property with a vesting Tentative Map. He stated the ground floor retail space is 4 separate areas and the 2nd floor included 7 residential units which could be sold or rented. He stated the Mitigated Negative Declaration is also before the Council with recommended mitigation measures. He stated the project was planned in 2007-2008 and assumed use of a Parking Waiver provision in the Town Center Specific Plan area. Staff and the Planning Commission are recommending that a companion Zoning Ordinance amendment be approved to extend that limited on-site parking waiver provision through June 30, 2013.

Bob Staehle, applicant design representative, stated the project has a western theme conceptualized in January 2008. He stated the approvals tonight include the design, vesting Tentative Map, and special encroachments for the use of the unimproved roadways of Center Street and a portion of High Street. He stated the building is at street level and citizens will be able to walk right into the retail space satisfying grade and ADA requirements. He stated the idea is there will be two different property associations handling the retail and residential spaces, and a third to handle interests common to both of those interests.

Mr. Staehle stated the stormwater control system is located on the vesting Tentative Map and will allow for the drainage and filtration of the stormwater run-off in accordance with state (C3) stormwater regulations. He also stated the landscaping on the project site will have drought tolerant landscape materials in correspondence with the new water conservation requirements.

Mr. Staehle described the garage parking area for the residential units and stated two vehicles would be available to be parked inside the garage with the lift system, and one guest parking space on the driveway pad in front of each of the seven garages.

Mr. Staehle noted the FEMA requirements for the flood prevention and signage are all addressed in the project application.

Councilmember Geller asked if the garage doors were going to be solid. Mr. Staehle responded they would have more of a carriage look with windows allowing for natural light in the actual development, as suggested by staff.

Nick Pappani, Consultant, Raney Planning and Management was retained by the City to prepare the environmental review documents. Mr. Pappani stated he prepared the original environmental study which was modified based public comments and concerns. He stated the project mitigation measures include stormwater drainage design. He responded to a letter from Mr. Glenn Miller point by point. He confirmed the issues raised were already addressed during the public review period and are addressed in Appendix F of the Mitigated Negative Declaration. He stated all identified impacts have been reduced to less than significant levels with recommended mitigation measures recommended in the environmental document.

Mayor Stratford opened the Public Hearing at 8:50 p.m.

Troy Bristol, Save Mt. Diablo, stated the organization feels strongly that this is a great project, especially with the conservation easement and creek restoration measures that have been included.

No other comments were received.

Mayor Stratford closed the Public Hearing at 8:53 p.m.

Mayor Stratford thanked the Community Development Director, the Planning Commission, and Mr. Staehle for working diligently on this project.

1. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 26-2010 approving the Project's Initial Environmental Study/Mitigated Negative Declaration (IES/MND; ENV 01-08) (Passed; 5-0 vote).**

2. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 27-2010 approving the Development Plan for the "Creekside Terrace" Mixed Use Project (DP 01-08) (Passed; 5-0 vote).**

3. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 28-2010 approving a Vesting Tentative Map (MAP 02-09) for the "Creekside Terrace" Mixed Use Project (Passed; 5-0 vote).**

4. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 428 (ZOA 01-10) by title and number only and waive further reading (Passed; 5-0 vote).**

   The City Clerk read Ordinance No. 428 by title and number only.

5. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve Ordinance No. 428 for Introduction (Passed; 5-0 vote).**

9. ACTION ITEMS

(a) Consideration of the neighborhood streets for inclusion in the City's 2010 Neighborhood Street Pavement Rehabilitation Project (CIP No. 10409; $842,000) and allocation of additional restricted-use funds ($165,000) to repave certain streets in the Oakhurst Development area.

The City Engineer presented the staff report and stated the City of Clayton's roads are rated at a Pavement Condition Index (PCI) score of 76, unchanged since 2007, and ranked 5th in the county. He stated to reach optimum PCI the City would need to spend $5.3 million on roads in the next few years. He outlined the options for the repavement and recommended the City Council start with the lowest PCI scored streets, those disturbed by sewer construction projects, and 8 streets in the Oakhurst Development. He stated the repavement cost for the Oakhurst streets could come from money dedicated from a lawsuit settlement. He stated he expects to go to bid in August on the project.

The City Manager stated this project would address some of the worst residential streets in town which is of importance to the residents who live on those streets

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve the staff recommended neighborhood streets for inclusion in the Project following lowest-rated Pavement Condition Index (PCI), approve the allocations of $55,000 from the Oakhurst Assessment District bond refund account and $110,000 from the Presley lawsuit settlement proceeds ($165,000 total) to CIP No. 10409, and instruct staff to advertise the project for bid (Passed; 5-0 vote).

(b) Introduction and discussion of establishing a "Do The Right Thing" (character development) program in partnership with the Mt. Diablo Unified School District's elementary, middle and high schools serving students of the City of Clayton.

Mayor Stratford outlined his idea for the establishment of a community wide "Do The Right Thing" program. He stated a group of residents, school administrators, Police Department staff, Candace Bass, CBCA officers, and others have been meeting to discuss the types of traits the community could benefit from focusing on. The traits the groups chose to look at are: responsibility, respect, kindness, self-discipline, integrity, and courage. He stated the idea was to select traits that regardless of background make up a good citizen. He stated the City could support this program by placing banners on the entryway signs, have the City Council and candidates exemplify good character traits, have City staff evaluated based on the traits, put the logo on the trunks of the police cars, and get the Police Department involved during its regular patrol enforcement. He stated the City Council could also recognize individuals who exemplify good traits.

Vice Mayor Shuey stated he liked the idea of recognizing individuals. He stated he would like to see the CBCA and the schools do most of the outreach.

Councilmember Pierce stated she likes the idea and stated many adults could also benefit from good character reinforcement. She stated that in regard to evaluating City staff she would want to run that by the City Manager. She stated she liked the idea of a visual symbol and would like to see the logo on the Police cars. She is concerned about the banners and is afraid they might not be overlooked. She stated it is a good concept that needs finalization.

Councilmember Medrano stated he like the concept and agrees the City should support the program but likes the idea of CBCA and the schools doing most of the work. He stated the City should take more of a supportive role and it should be led by others.

The City Manager stated the motto could also be placed on City Maintenance vehicles, and any banners could be placed in other locations such as the library.

The Council took a 5 minute break at 9:33 p.m. and resumed the meeting at 9:38 p.m.

Councilmember Geller stated it is a great idea but he would rather see the banners in front of the library or other public buildings.

The Mayor asked if anyone in the audience had questions.

Robert Ikenberry stated he came to this meeting prepared to be skeptical of this proposal but stated the idea is something everyone can be supportive of because the character traits are important to the community. He also stated he liked the idea of recognizing people exemplifying the traits.

The City Manager stated City involvement in the initial phases seems high but that it would be run by another group of people eventually.

The Council suggested Mayor Stratford go back to his committee and finalize the program, get CBCA's buy in, and bring it back for adoption.

10. COUNCIL ITEMS- None.

11. ADJOURNMENT– On call by Mayor Stratford the meeting adjourned at 9:47 p.m.

Respectfully submitted,

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Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

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Hank Stratford, Mayor

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

Agenda Date: 07/20/10

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: JULY 20, 2010

SUBJECT: OBLIGATION SUMMARY

RECOMMENDATION Approve the following obligations.

RUN DATE	OBLIGATION NUMBERS	TOTALS
07/14/10	17318 – 17373	$858,276.01

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

Attachments:
Invoice Distribution Report 07/14/10 (12 pages)

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-1303-00.0.0-000 - Accounts Receivable					
	17333 Rfd SWP J +Cash Bnd 6/10	2654	Crosno Construction Inc		
		2	OH Rec SWP J 6/10	Inv	-395.59
A101-1303-00.0.0-000 - Accounts Receivable			*** Account total ***		-395.59
A101-2206-00.0.0-000 - PERS Liability					
	17362 Retirement PPE 7/11/10	201	CalPERS		
		7	PD Survivor Benefit 7/11/10	Inv	10.23
A101-2206-00.0.0-000 - PERS Liability			*** Account total ***		10.23
A101-5602-00.0.0-000 - Park Use Fee					
	17366 Refund Cnx Ball Fld 7/2/10	1615	Clayton Community Church		
		1	Refund Cnx Ball Fld 7/2/10	Inv	216.00
A101-5602-00.0.0-000 - Park Use Fee			*** Account total ***		216.00
A101-5791-00.0.0-000 - Overhead cost recovery					
	17333 Rfd SWP J +Cash Bnd 6/10	2654	Crosno Construction Inc		
		3	OH Rec SWP J 6/10	Inv	6.09
	17364 Refund SWP 05-10 Dep 7/10	2657	Jacqui Schaefer		
		3	OH Rec SWP 05-10 7/10	Inv	-12.45
	17365 Refund SWP 19-09 Dep 7/10	2656	Jennifer & John Mourelatos		
		2	OH Rec SWP 19-09 7/10	Inv	-31.12
A101-5791-00.0.0-000 - Overhead cost recovery			*** Account total ***		-37.48
A101-7220-01.0.0-000 - PERS Retirement					
	17362 Retirement PPE 7/11/10	201	CalPERS		
		1	Legislative 7/11/10	Inv	413.99
A101-7220-01.0.0-000 - PERS Retirement			*** Account total ***		413.99
A101-7220-02.0.0-000 - PERS Retirement					
	17362 Retirement PPE 7/11/10	201	CalPERS		
		2	Admin 7/11/10	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					
	17362 Retirement PPE 7/11/10	201	CalPERS		
		3	PW 7/11/10	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					
	17362 Retirement PPE 7/11/10	201	CalPERS		
		4	Planning 7/11/10	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					
	17362 Retirement PPE 7/11/10	201	CalPERS		
		5	Police 7/11/10	Inv	16,479.60
A101-7220-06.0.0-000 - PERS Retirement			*** Account total ***		16,479.60
A101-7311-03.0.0-000 - General Supplies					
	17347 PW Misc Charges 6/10	2349	US Bank Corp Pymt System		
		2	PW Gen Sup 6/10	Inv	348.73
A101-7311-03.0.0-000 - General Supplies			*** Account total ***		348.73

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7311-06.0.0-000 - General Supplies					
17348	PD Misc Charges 6/10	2349	US Bank Corp Pymt System		
		3	PD Keys 6/10	Inv	15.57
A101-7311-06.0.0-000 - General Supplies			*** Account total ***		15.57
A101-7312-05.0.0-000 - Office Supplies/Expense					
17346	Adm: Misc Chg 6/10	2349	US Bank Corp Pymt System		
		1	Adm Off & Misc Sup 6/10	Inv	209.18
A101-7312-05.0.0-000 - Office Supplies/Expense			*** Account total ***		209.18
A101-7312-06.0.0-000 - Office Supplies/Expense					
17348	PD Misc Charges 6/10	2349	US Bank Corp Pymt System		
		4	PD Office Supp 6/10	Inv	570.84
A101-7312-06.0.0-000 - Office Supplies/Expense			*** Account total ***		570.84
A101-7314-05.0.0-000 - Postage					
17352	Adm Postage Added 7/8/10	2100	Neopost (add postage)		
		1	Adm Postage Added 7/8/10	Inv	300.00
A101-7314-05.0.0-000 - Postage			*** Account total ***		300.00
A101-7314-06.0.0-000 - Postage					
17348	PD Misc Charges 6/10	2349	US Bank Corp Pymt System		
		5	PD Postage 6/10	Inv	54.76
A101-7314-06.0.0-000 - Postage			*** Account total ***		54.76
A101-7329-03.0.0-000 - Park Supplies					
17347	PW Misc Charges 6/10	2349	US Bank Corp Pymt System		
		7	PW Landscape Supp 6/10	Inv	3.81
A101-7329-03.0.0-000 - Park Supplies			*** Account total ***		3.81
A101-7329-09.0.0-000 - Park Supplies					
17335	PW Landscape Supp 6/10	2070	John Deere Landscapes Inc		
		2	PW Landscape Supp 6/10	Inv	445.50
A101-7329-09.0.0-000 - Park Supplies			*** Account total ***		445.50
A101-7331-03.0.0-000 - Rentals/Leases					
17370	PW Argon Lease 6/10-12/10	1647	Airgas		
		1	PW Argon Lease 6/10-12/10	Inv	62.58
A101-7331-03.0.0-000 - Rentals/Leases			*** Account total ***		62.58
A101-7331-05.0.0-000 - Rentals/Leases					
17325	Admin Copier Copies 6/10	2371	Konica Minolta Bus Sol-Copies		
		1	Adm Copier Copies 6/10	Inv	346.76
A101-7331-05.0.0-000 - Rentals/Leases			*** Account total ***		346.76
A101-7332-02.0.0-000 - Telecommunications					
17322	PW & Adm Cell Phones 6/10	2110	Sprint Comm (PW & ADM)		
		2	Adm Cell Phones 6/10	Inv	107.98
17344	Local Phone Svc 6/10B	1243	AT&T/ CalNet 2		
		2	CH Local Phone 6/10B	Inv	214.39

Account	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7332-02.0.0-000 - Telecommunications				*** Continued ***		
	17345	Long Distance 6/10	1779	Access One		
			1	City Hall Svc 6/10	Inv	4.25
A101-7332-02.0.0-000 - Telecommunications				*** Account total ***		326.62
A101-7332-03.0.0-000 - Telephone						
	17322	PW & Adm Cell Phones 6/10	2110	Sprint Comm (PW & ADM)		
			1	PW Cell Phones 6/10	Inv	232.79
	17345	Long Distance 6/10	1779	Access One		
			2	PW Svc 6/10	Inv	4.18
A101-7332-03.0.0-000 - Telephone				*** Account total ***		236.97
A101-7332-04.0.0-000 - Telephone						
	17345	Long Distance 6/10	1779	Access One		
			3	Planning Svc 6/10	Inv	13.86
A101-7332-04.0.0-000 - Telephone				*** Account total ***		13.86
A101-7332-06.0.0-000 - Telephone						
	17324	PD Cell Phones 6/10	1223	Sprint Comm (PD)		
			1	PD Cell Phones 6/10	Inv	301.96
	17345	Long Distance 6/10	1779	Access One		
			5	Police Dept Svc 6/10	Inv	19.69
	17348	PD Misc Charges 6/10	2349	US Bank Corp Pymt System		
			7	PD Cell Phone Supp 6/10	Inv	34.66
	17357	PD Command Trl Sat Phn 7/10	2460	Globalstar LLC		
			1	PD Command Trl Sat Phn 7/10	Inv	27.18
A101-7332-06.0.0-000 - Telephone				*** Account total ***		383.49
A101-7332-07.0.0-000 - Telephone						
	17344	Local Phone Svc 6/10B	1243	AT&T/ CalNet 2		
			4	Library Local Phone 6/10B	Inv	157.75
	17345	Long Distance 6/10	1779	Access One		
			4	Library Svc 6/10	Inv	1.31
A101-7332-07.0.0-000 - Telephone				*** Account total ***		159.06
A101-7335-03.0.0-000 - Gas & Electricity						
	17342	Service 6/10	113	PG&E		
			1	PW Bldg Svc 6/10	Inv	26.27
			6	1007 Oak St 6/10	Inv	8.87
A101-7335-03.0.0-000 - Gas & Electricity				*** Account total ***		35.14
A101-7338-03.0.0-000 - Water Services						
	17341	City Water Usage 6/10	67	Contra Costa Water Dist.		
			1	City Hall 5-6/10	Inv	331.54
			2	PW Bldg 5-6/10	Inv	779.62
			7	El Molino Park 5-6/10	Inv	356.08
			8	Stranahan Park 5-6/10	Inv	736.49
			10	Oak Street Svc 5-6/10	Inv	86.19
	17351	City Water Usage 7/10	67	Contra Costa Water Dist.		
			1	City Hall 7/10	Inv	40.98
			2	PW Bldg 7/10	Inv	96.36
			7	El Molino Park 7/10	Inv	44.01

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7338-03.0.0-000 - Water Services			*** Continued ***		
		8	Stranahan Park 7/10	Inv	91.03
A101-7338-03.0.0-000 - Water Services			*** Account total ***		2,562.30
A101-7338-07.0.0-000 - Water Services					
17341	City Water Usage 6/10	67	Contra Costa Water Dist.		
		3	Library 5-6/10	Inv	235.85
17351	City Water Usage 7/10	67	Contra Costa Water Dist.		
		3	Library 7/10	Inv	29.15
A101-7338-07.0.0-000 - Water Services			*** Account total ***		265.00
A101-7338-09.0.0-000 - Water Services					
17341	City Water Usage 6/10	67	Contra Costa Water Dist.		
		5	Community Park 5-6/10	Inv	16,938.30
17351	City Water Usage 7/10	67	Contra Costa Water Dist.		
		5	Community Park 7/10	Inv	2,093.50
A101-7338-09.0.0-000 - Water Services			*** Account total ***		19,031.80
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance					
17347	PW Misc Charges 6/10	2349	US Bank Corp Pymt System		
		3	PW Library Lighting 6/10	Inv	14.73
A101-7341-07.0.0-000 - Buildings/Grounds Maintenance			*** Account total ***		14.73
A101-7343-03.0.0-000 - Vehicle Maintenance					
17347	PW Misc Charges 6/10	2349	US Bank Corp Pymt System		
		6	PW Veh Mtn 6/10	Inv	607.81
A101-7343-03.0.0-000 - Vehicle Maintenance			*** Account total ***		607.81
A101-7343-06.0.0-000 - Vehicle Maintenance					
17339	PD Motorcycle Handlebar 6/10	1531	Audio Headset Systems		
		1	PD Motorcycle Handlebar 6/10	Inv	235.86
17348	PD Misc Charges 6/10	2349	US Bank Corp Pymt System		
		8	PD Flat, Car Wsh, MC 6/10	Inv	171.96
17354	PD Vehicle Maintenance 7/10	42	City of Concord		
		1	PD Vehicle Mtn 7/10	Inv	326.99
A101-7343-06.0.0-000 - Vehicle Maintenance			*** Account total ***		734.81
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies					
17347	PW Misc Charges 6/10	2349	US Bank Corp Pymt System		
		1	PW Gas 6/10	Inv	311.17
A101-7344-03.0.0-000 - Vehicles: Gas, Oil & Supplies			*** Account total ***		311.17
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies					
17348	PD Misc Charges 6/10	2349	US Bank Corp Pymt System		
		1	PD Gas 6/10	Inv	2,608.56
A101-7344-06.0.0-000 - Vehicles: Gas, Oil & Supplies			*** Account total ***		2,608.56
A101-7346-07.0.0-000 - HVAC Mtn & Repairs					
17321	Library EMS 4/10	1265	ACCO Engineered Systems		
		1	Library EMS 4/10	Inv	205.00
A101-7346-07.0.0-000 - HVAC Mtn & Repairs			*** Account total ***		205.00

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7373-06.0.0-000 - Education & Training					
17348	PD Misc Charges 6/10	2349	US Bank Corp Pymt System		
		2	PD Training 6/10	Inv	281.65
A101-7373-06.0.0-000 - Education & Training			*** Account total ***		281.65
A101-7385-04.0.0-000 - TRANSPAC Fees					
17363	TRANSPAC FY 10-11	52	City of Pleasant Hill		
		1	TRANSPAC FY 10-11	Inv	20,343.00
A101-7385-04.0.0-000 - TRANSPAC Fees			*** Account total ***		20,343.00
A101-7411-08.0.0-000 - Professional Services Retainer					
17340	Eng Svc 6/26-6/30/10	116	PERMCO, Inc.		
		1	Eng Svc 6/26-6/30/10	Inv	583.61
17350	Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
		1	Eng Svc 7/1-7/9/10	Inv	1,167.21
A101-7411-08.0.0-000 - Professional Services Retainer			*** Account total ***		1,750.82
A101-7414-02.0.0-000 - Audit					
17371	Audit - Progress Billing 6/30/	2633	Cropper Accountancy Corp		
		1	Audit - Progress Billing 6/10	Inv	5,000.00
A101-7414-02.0.0-000 - Audit			*** Account total ***		5,000.00
A101-7415-02.0.0-000 - Computer Services					
17361	Computer Svc 7/10	1905	Undercover Computers		
		1	Adm Computer Svc 7/10	Inv	225.00
A101-7415-02.0.0-000 - Computer Services			*** Account total ***		225.00
A101-7417-03.0.0-000 - Janitorial Service					
17330	Janitorial Services for 6/10	468	J & R Floor Services		
		3	City Hall 6/10	Inv	449.99
A101-7417-03.0.0-000 - Janitorial Service			*** Account total ***		449.99
A101-7417-06.0.0-000 - Janitorial Service					
17330	Janitorial Services for 6/10	468	J & R Floor Services		
		5	PD 6/10	Inv	225.00
A101-7417-06.0.0-000 - Janitorial Service			*** Account total ***		225.00
A101-7417-07.0.0-000 - Janitorial Service					
17330	Janitorial Services for 6/10	468	J & R Floor Services		
		2	Library 6/10	Inv	2,175.00
A101-7417-07.0.0-000 - Janitorial Service			*** Account total ***		2,175.00
A101-7417-09.0.0-000 - Janitorial Service					
17330	Janitorial Services for 6/10	468	J & R Floor Services		
		1	Comm Pk Svc 6/10	Inv	1,000.00
A101-7417-09.0.0-000 - Janitorial Service			*** Account total ***		1,000.00
A101-7419-01.0.0-000 - Other Professional Services					
17353	Video City Council Mtg 7/6/10	1467	LarryLogic Productions		
		1	Video CC Mtg 7/6/10	Inv	337.50
A101-7419-01.0.0-000 - Other Professional Services			*** Account total ***		337.50

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A101-7419-05.0.0-000 - Other Professional Services					
	17319 LMI 278 Stran C Purchase 7/9/1	2653	Placer Title Company		
		2	WT Fee 7/9/10	Paid	25.00
	17323 FSA Acct Admin 6/10	2500	Employee Benefit Specialists,		
		1	FSA Acct Admin 6/10	Inv	100.00
	17358 401A Plan-Fees 7-9/10	1651	ICMA Retirement Corporation		
		1	401A Plan Fees 7-9/10	Inv	125.00
A101-7419-05.0.0-000 - Other Professional Services			*** Account total ***		250.00
A101-7419-06.0.0-000 - Other Professional Services					
	17331 PD Live Scan 6/10	42	City of Concord		
		1	PD Live Scan 6/10	Inv	51.00
	17338 PD CIC Share 6/10	1480	CCC Employment & Human Service		
		1	PD CIC Share 6/10	Inv	500.00
	17348 PD Misc Charges 6/10	2349	US Bank Corp Pymt System		
		6	PD Backgrnd Ck 6/10	Inv	9.95
A101-7419-06.0.0-000 - Other Professional Services			*** Account total ***		560.95
A101-7424-06.0.0-000 - Dispatch Services					
	17355 PD Dispatch Svcs 7/10	42	City of Concord		
		1	PD Dispatch Svcs 7/10	Inv	13,173.00
A101-7424-06.0.0-000 - Dispatch Services			*** Account total ***		13,173.00
A101-7430-08.0.0-000 - Well Monitoring Fee					
	17346 Adm: Misc Chg 6/10	2349	US Bank Corp Pymt System		
		3	Well Monitoring 5/10	Inv	1,546.50
A101-7430-08.0.0-000 - Well Monitoring Fee			*** Account total ***		1,546.50
A201-7327-00.0.0-000 - Street Maintenance Supplies					
	17368 PW Signs 7/10	17	Bay Area Barricade Serv.		
		1	PW Signs 7/10	Inv	365.00
A201-7327-00.0.0-000 - Street Maintenance Supplies			*** Account total ***		365.00
A201-7335-00.0.0-000 - Gas & Electricity					
	17343 Svc: Irrig & Signal 6/10	113	PG&E		
		2	Clayton Traffic Sgn 6/10	Inv	34.86
A201-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		34.86
A210-7311-00.0.0-000 - General Supplies					
	17335 PW Landscape Supp 6/10	2070	John Deere Landscapes Inc		
		1	PW Landscape Supp 6/10	Inv	1,039.49
	17347 PW Misc Charges 6/10	2349	US Bank Corp Pymt System		
		4	PW Misc Supplies 6/10	Inv	427.12
	17369 PW Controller 7/10	2070	John Deere Landscapes Inc		
		1	PW Controller 7/10	Inv	1,553.74
A210-7311-00.0.0-000 - General Supplies			*** Account total ***		3,020.35
A210-7335-00.0.0-000 - Gas & Electricity					
	17342 Service 6/10	113	PG&E		
		4	Irrigation Svc 6/10	Inv	138.74

Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A210-7335-00.0.0-000 - Gas & Electricity		*** Continued ***		
17343 Svc: Irrig & Signal 6/10	113	PG&E		
	1	OH Irrigation 6/10	Inv	575.77
A210-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		714.51
A210-7338-00.0.0-000 - Water Services				
17341 City Water Usage 6/10	67	Contra Costa Water Dist.		
	6	El Molino Park 5-6/10	Inv	89.02
	11	City Irrigation 5-6/10	Inv	2,424.55
17351 City Water Usage 7/10	67	Contra Costa Water Dist.		
	6	El Molino Park 7/10	Inv	11.00
	9	Oak St Svc 7/10	Inv	10.65
	11	City Irrigation 7/10	Inv	299.66
A210-7338-00.0.0-000 - Water Services		*** Account total ***		2,834.88
A210-7342-00.0.0-000 - Machinery/Equip Maintenance				
17334 PW Equip Maint 6/10	62	Concord Garden Equipment		
	2	PW Equip Maint 6/10	Inv	2,019.63
17337 PW Tractor Repair 6/10	1535	Moore Tractor Co.		
	1	PW Tractor Repair 6/10	Inv	138.95
A210-7342-00.0.0-000 - Machinery/Equip Maintenance		*** Account total ***		2,158.58
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies				
17347 PW Misc Charges 6/10	2349	US Bank Corp Pymt System		
	5	PW Lndscp Fuel 6/10	Inv	1,333.12
A210-7344-00.0.0-000 - Vehicle Gas, Oil, and Supplies		*** Account total ***		1,333.12
A210-7419-00.0.0-000 - Other Professional Services				
17336 Fire Abatement 6/10	358	Waraner Brothers		
	1	Fire Abatement 6/10	Inv	30,385.00
17359 OH Waterfall Mtn 7/10	2266	Rock N Waterfall Co		
	1	OH Waterfall Mtn 7/10	Inv	650.00
A210-7419-00.0.0-000 - Other Professional Services		*** Account total ***		31,035.00
A211-7311-00.0.0-000 - General Supplies				
17346 Adm: Misc Chg 6/10	2349	US Bank Corp Pymt System		
	2	Grove Pk Bench Plaq 6/10	Inv	30.27
A211-7311-00.0.0-000 - General Supplies		*** Account total ***		30.27
A211-7335-00.0.0-000 - Gas & Electricity				
17342 Service 6/10	113	PG&E		
	3	Grove Park Svc 6/10	Inv	61.51
A211-7335-00.0.0-000 - Gas & Electricity		*** Account total ***		61.51
A211-7338-00.0.0-000 - Water Services				
17341 City Water Usage 6/10	67	Contra Costa Water Dist.		
	12	Grove Svc 5-6/10	Inv	342.59
17351 City Water Usage 7/10	67	Contra Costa Water Dist.		
	10	Grove Park 7/10	Inv	42.34
A211-7338-00.0.0-000 - Water Services		*** Account total ***		384.93

Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A211-7342-00.0.0-000 - Machinery/Equipt Maintenance					
17334	PW Equip Maint 6/10	62	Concord Garden Equipment		
		1	PW Equip Maint 6/10	Inv	450.00
A211-7342-00.0.0-000 - Machinery/Equipt Maintenance			*** Account total ***		450.00
A211-7417-00.0.0-000 - Janitorial Services					
17330	Janitorial Services for 6/10	468	J & R Floor Services		
		6	Grove Park Janitorial 6/10	Inv	1,000.00
A211-7417-00.0.0-000 - Janitorial Services			*** Account total ***		1,000.00
A212-7413-00.0.0-000 - Legal Services					
17320	GHAD Legal Svc 6/10	159	Turner, Huguet & Adams		
		2	GHAD Legal Svc 6/10	Inv	2,386.50
A212-7413-00.0.0-000 - Legal Services			*** Account total ***		2,386.50
A214-7311-00.0.0-000 - General Supplies					
17347	PW Misc Charges 6/10	2349	US Bank Corp Pymt System		
		8	PW St Lt Supplies 6/10	Inv	23.10
A214-7311-00.0.0-000 - General Supplies			*** Account total ***		23.10
A216-7409-00.0.0-000 - Street Sweeping					
17329	Street Sweeping 6/10	1459	Clean Street		
		1	Street Sweeping 6/30	Inv	3,500.00
A216-7409-00.0.0-000 - Street Sweeping			*** Account total ***		3,500.00
A216-7419-00.0.0-000 - Other Professional Services					
17327	PW Wash Rack Mtn 6/10	2604	Sprayer Sales Co		
		1	PW Wash Rack Mtn 6/10	Inv	225.00
17328	PW Wash Rack Mtn 5/10	2604	Sprayer Sales Co		
		1	PW Wash Rack Mtn 5/10	Inv	225.00
A216-7419-00.0.0-000 - Other Professional Services			*** Account total ***		450.00
A230-7220-00.0.0-813 - PERS Retirement-COPS					
17362	Retirement PPE 7/11/10	201	CalPERS		
		6	PD Grant 7/11/10	Inv	1,316.52
A230-7220-00.0.0-813 - PERS Retirement-COPS			*** Account total ***		1,316.52
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant					
17356	PD Router Maintenance 7/10	42	City of Concord		
		1	PD Router Maint 7/10	Inv	112.00
A230-7485-00.0.0-000 - Capital Equipment-Cleep Grant			*** Account total ***		112.00
A301-7520-00.0.0-003 - Concerts in the Grove Park					
17346	Adm: Misc Chg 6/10	2349	US Bank Corp Pymt System		
		4	Concert Supp 6/10	Inv	52.64
A301-7520-00.0.0-003 - Concerts in the Grove Park			*** Account total ***		52.64
A302-1250-00.0.0-000 - Investment in L-M Housing					
17319	LMI 278 Stran C Purchase 7/9/1	2653	Placer Title Company		
		1	LMI 278 Stran Purchase 7/9/10	Paid	287,827.72
A302-1250-00.0.0-000 - Investment in L-M Housing			*** Account total ***		287,827.72

Account	Obligat'n Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A303-7520-00.0.0-117 - Pavement Rehab 2010-11(10409)					
	17340 Eng Svc 6/26-6/30/10	116	PERMCO, Inc.		
		2	Eng Svc #9216 6/10	Inv	932.64
	17350 Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
		3	Eng Svc #9216	Inv	1,865.29
A303-7520-00.0.0-117 - Pavement Rehab 2010-11(10409)			*** Account total ***		2,797.93
A401-1212-00.0.0-000 - Cash with Fiscal Agent1999RDA					
	17360 RDA 99 Debt Svc Fees 8/10	16	US Bank Ops Ctr ATTN: TFM		
		3	RDA 99 Debt Svc 8/10	Inv	-684.69
A401-1212-00.0.0-000 - Cash with Fiscal Agent1999RDA			*** Account total ***		-684.69
A401-7419-00.0.0-000 - Other Professional Services					
	17360 RDA 99 Debt Svc Fees 8/10	16	US Bank Ops Ctr ATTN: TFM		
		4	WT Fee 8/1/10	Inv	25.00
A401-7419-00.0.0-000 - Other Professional Services			*** Account total ***		25.00
A401-7611-00.0.0-000 - Principal Payment					
	17360 RDA 99 Debt Svc Fees 8/10	16	US Bank Ops Ctr ATTN: TFM		
		1	RDA 99 Debt Svc 8/10	Inv	255,000.00
A401-7611-00.0.0-000 - Principal Payment			*** Account total ***		255,000.00
A401-7612-00.0.0-000 - Interest Payment					
	17360 RDA 99 Debt Svc Fees 8/10	16	US Bank Ops Ctr ATTN: TFM		
		2	RDA 99 Debt Svc 8/10	Inv	133,307.50
A401-7612-00.0.0-000 - Interest Payment			*** Account total ***		133,307.50
A401-7613-00.0.0-000 - Paying Agent Fees					
	17373 RDA 99 Fscl Agt Fees 10-11	1989	US Bank		
		1	RDA 99 Fscl Agt Fees 10-11	Inv	2,625.00
A401-7613-00.0.0-000 - Paying Agent Fees			*** Account total ***		2,625.00
A422-7613-00.0.0-000 - Paying Agent Fees					
	17372 CFA 07 Fscl Agt Fees 10-11	1989	US Bank		
		1	CFA 07 Fscl Agt Fees 10-11	Inv	2,200.00
A422-7613-00.0.0-000 - Paying Agent Fees			*** Account total ***		2,200.00
A501-7311-00.0.0-000 - General Supplies					
	17346 Adm: Misc Chg 6/10	2349	US Bank Corp Pymt System		
		5	Walk N Lunch 6/10	Inv	29.80
A501-7311-00.0.0-000 - General Supplies			*** Account total ***		29.80
A601-2731-00.0.0-565 - Crosno Const-CCWD Drain Dep					
	17333 Rfd SWP J +Cash Bnd 6/10	2654	Crosno Construction Inc		
		1	Rfd SWP J +Cash Bnd 6/10	Inv	5,000.00
A601-2731-00.0.0-565 - Crosno Const-CCWD Drain Dep			*** Account total ***		5,000.00
A601-2731-00.0.0-576 - Schaefer Pool Demo Deposit					
	17364 Refund SWP 05-10 Dep 7/10	2657	Jacqui Schaefer		
		1	Refund SWP 05-10 Dep 7/10	Inv	500.00
A601-2731-00.0.0-576 - Schaefer Pool Demo Deposit			*** Account total ***		500.00

Account	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2731-00.0.0-579 - Donnelly EP 2893 Deposit						
	17332	Refund EP 2893 Dep 6/10	2655	Sean & Stacie Donnelly		
			1	Refund EP 2893 Dep 6/10	Inv	500.00
A601-2731-00.0.0-579 - Donnelly EP 2893 Deposit				*** Account total ***		500.00
A601-2739-00.0.0-000 - Clayton Community Library Foun						
	17326	Library Volunteer 6/10	1160	Arlene H. Kikkawa-Nielsen		
			1	Library Volunteer 6/10	Inv	820.00
	17349	Library Volunteer 7/10	1160	Arlene H. Kikkawa-Nielsen		
			1	Library Volunteer 7/10	Inv	820.00
A601-2739-00.0.0-000 - Clayton Community Library Foun				*** Account total ***		1,640.00
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep						
	17333	Rfd SWP J +Cash Bnd 6/10	2654	Crosno Construction Inc		
			4	Rfd SWP J +Cash Bnd 6/10	Inv	4,903.24
A601-2740-00.0.0-565 - Crosno Const-CCWD Drain Dep				*** Account total ***		4,903.24
A601-2740-00.0.0-566 - Creekside Terrace Planning Svc						
	17318	Crkside Terr NOD, CEQA + Fees	483	CCC Clerk Recorder's Office		
			1	CEQA MND Fee 7/10	Paid	2,010.25
			2	Crkside Terr Process Fees 7/10	Paid	50.00
A601-2740-00.0.0-566 - Creekside Terrace Planning Svc				*** Account total ***		2,060.25
A601-2744-00.0.0-516 - Guttry SWP 21-09						
	17350	Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
			4	Eng Svc #9215	Inv	20.75
A601-2744-00.0.0-516 - Guttry SWP 21-09				*** Account total ***		20.75
A601-2744-00.0.0-518 - Weisendanger SWP						
	17350	Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
			2	Eng Svc #9215	Inv	20.75
A601-2744-00.0.0-518 - Weisendanger SWP				*** Account total ***		20.75
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08						
	17350	Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
			5	Eng Svc #9215	Inv	20.75
A601-2744-00.0.0-537 - Steven Woerner SWP 28-08				*** Account total ***		20.75
A601-2744-00.0.0-562 - J. Mourelatos SWP 19-09						
	17350	Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
			6	Eng Svc #9215	Inv	20.75
	17365	Refund SWP 19-09 Dep 7/10	2656	Jennifer & John Mourelatos		
			1	Refund SWP 19-09 Dep 7/10	Inv	1,792.50
A601-2744-00.0.0-562 - J. Mourelatos SWP 19-09				*** Account total ***		1,813.25
A601-2744-00.0.0-569 - Omeara SWP 01-10						
	17350	Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
			7	Eng Svc #9215	Inv	20.75
A601-2744-00.0.0-569 - Omeara SWP 01-10				*** Account total ***		20.75

Obligat'n Description		Vendor/ Line Nbr	Name/ Description	Stage	Amount
A601-2744-00.0.0-575 - Evans&Son Masonry SWP 04-10					
	17350 Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
		8	Eng Svc #9215	Inv	20.75
A601-2744-00.0.0-575 - Evans&Son Masonry SWP 04-10			*** Account total ***		20.75
A601-2744-00.0.0-576 - Schaefer SWP 05-10					
	17350 Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
		9	Eng Svc #9215	Inv	41.50
	17364 Refund SWP 05-10 Dep 7/10	2657	Jacqui Schaefer		
		2	Refund SWP 05-10 Dep 7/10	Inv	1,917.00
A601-2744-00.0.0-576 - Schaefer SWP 05-10			*** Account total ***		1,958.50
A601-2744-00.0.0-578 - Neves SWP 08-10 Dep					
	17350 Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
		10	Eng Svc #9215	Inv	41.50
A601-2744-00.0.0-578 - Neves SWP 08-10 Dep			*** Account total ***		41.50
A601-2744-00.0.0-580 - Majestic Pool SWP 06-10 Dep					
	17350 Eng Svc 7/1-7/9/10	116	PERMCO, Inc.		
		11	Eng Svc #9215	Inv	41.50
A601-2744-00.0.0-580 - Majestic Pool SWP 06-10 Dep			*** Account total ***		41.50
A601-2750-00.0.0-000 - Community Gym Donations					
	17346 Adm: Misc Chg 6/10	2349	US Bank Corp Pymt System		
		6	Sports Equip for Gym 6/10	Inv	3,030.53
A601-2750-00.0.0-000 - Community Gym Donations			*** Account total ***		3,030.53
A702-2730-00.0.0-002 - Endeavor Hall Cash Deposits					
	17367 Refund EH 7/4/10 Less Fees	1204	Clayton Valley/Concord Sunrise		
		1	Refund EH 7/4/10 Less Fees	Inv	500.00
A702-2730-00.0.0-002 - Endeavor Hall Cash Deposits			*** Account total ***		500.00
A702-5607-00.0.0-000 - Revenue					
	17367 Refund EH 7/4/10 Less Fees	1204	Clayton Valley/Concord Sunrise		
		2	Refund EH 7/4/10 Less Fees	Inv	-100.00
A702-5607-00.0.0-000 - Revenue			*** Account total ***		-100.00
A702-7335-00.0.0-000 - Gas & Electricity					
	17342 Service 6/10	113	PG&E		
		2	EH Svc 6/10	Inv	241.57
A702-7335-00.0.0-000 - Gas & Electricity			*** Account total ***		241.57
A702-7338-00.0.0-000 - Water Services					
	17341 City Water Usage 6/10	67	Contra Costa Water Dist.		
		4	End Hall 5-6/10	Inv	132.07
	17351 City Water Usage 7/10	67	Contra Costa Water Dist.		
		4	End Hall 7/10	Inv	16.32
A702-7338-00.0.0-000 - Water Services			*** Account total ***		148.39
A702-7417-00.0.0-000 - Janitorial Service					
	17330 Janitorial Services for 6/10	468	J & R Floor Services		
		4	End Hall 6/10	Inv	180.00
A702-7417-00.0.0-000 - Janitorial Service			*** Account total ***		180.00

	Obligat'n	Description	Vendor/ Line Nbr	Name/ Description	Stage	Amount
* Report total *				*** Total ***		858,276.01

Agenda Date: 7/20/10
Agenda Item: 4c

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: JULY 20, 2010

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR FY 2010-11

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The High Street Permanent Road Division was formed in 1999 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the High Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the bridge.

The City agreed to fund half the cost of the bridge and the remainder was to be paid by the property within the Division. The Redevelopment Agency funded the reconstruction of the bridge and repayment was spread over 30 years with a 6% interest rate. In addition, the annual levy includes an amount of $60 per parcel dedicated to future bridge maintenance. The City has absorbed all of the administrative costs. Through the end of FY 2009-10 (nine years), we have collected $44,770 towards the construction costs (including interest) and $3,300.00 for future maintenance.

In the Resolution it is noted there are several different levies. These amounts were based on a formula negotiated with the property owners when the Division was formed.

The first assessment for the repayment of the bridge construction costs was levied in FY 1999/00 and the final assessment for construction costs will be levied in FY 2028/29. It should be noted that the portion of the assessment for maintenance will continue thereafter.

FISCAL IMPACT

The annual assessment will produce $4,370.00 in FY 2010-11. If this Resolution is not approved, money owed to the RDA by the property owners will not be repaid and funds will not be available for future bridge maintenance.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax on the parcels located within the High Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

RESOLUTION NO.

A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2010-11 WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE, ARTICLE 3, SECTION 1173, et. seq.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by passage of Resolution 34-98, the City Council ordered the formation of the High Street Permanent Road Division for the purpose of reconstructing and maintaining the High Street Bridge over Mitchell Creek; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge; and

WHEREAS, the City Council called for an election on February 26, 1999 to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, said special tax approved must be re-levied each fiscal year;

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

1. The City Council hereby orders the levy of special taxes for FY 2010-11 on those parcels within the High Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Current Owner	Reconstruction	Maintenance	Total
119-050-036	Frank	$545.00	$60.00	$605.00
119-050-008	City of Clayton	$2,071.00	$60.00	$2,131.00
119-040-023	Morgan	$545.00	$60.00	$605.00
119-040-024	Davis	$364.00	$60.00	$424.00
119-040-021	Utley	$545.00	$60.00	$605.00

3. Said special taxes shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20th day of July 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 July 20, 2010.

____
Laci J. Jackson, City Clerk

Agenda Date: 7/20/10
Agenda Item: 4d

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: JULY 20, 2010

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR FY 2010-11

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Permanent Road Division was formed in 2000 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the Oak Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the private portion of Oak Street.

The Redevelopment Agency funded the reconstruction of the bridge and repayment was spread over 20 years with a 7% interest rate. In addition, the annual levy has included an amount of $350 per parcel dedicated to future road maintenance and $92.01 per parcel for City administrative fees (10% of the levy for bridge construction and maintenance). Through the end of FY 2009-10, we have collected $48,092.96 ($43,329.96 in annual assessments plus $4,763.00 from Reuben Gonzalez in 2005/06 to pay off his bridge assessment) for construction (deposited in RDA construction fund), $16,800 for maintenance (deposited in a separate fund), and $6,012.84 for administration (deposited in City General Fund).

Due to the repaving of Oak Street after construction of the sewer line, we revised the maintenance schedule to provide for slurry seal treatments at 10 and 20 years after formation (2010 and 2020, respectively), along with an overlay at 30 years (2030). This revised schedule reduced the required maintenance levy to $200.00 per parcel per year. Based upon this annual rate, we should have collected $1,400 per parcel over the last seven years. Using the original annual rate, we actually collected $2,100 per parcel, $700 per parcel more than is now projected to be needed. Therefore, we are eliminating the maintenance portion of the levy for the next year (until fiscal year 2011-12) in order to bring the maintenance fund to its proper level. Since the 2010 Pavement Rehabilitation Project does not include any slurry seal work, we will delay the scheduled slurry seal treatment of Oak Street until next year's pavement rehabilitation project.

In the Resolution, it is noted that six parcels have a levy of $627.14, one parcel has no levy, and two have levies of $313.58. The original Division included 8 parcels, all levied equally. Since that time, one parcel was subsequently subdivided (Caspar) and that levy was reapportioned equally between the two lots. In addition, Mr. Gonzalez paid off his bridge assessment in FY 2005/06 and, without any maintenance costs, will have no assessment for the next year.

The first assessment for the repayment of the bridge construction costs was levied in FY 2000/01 and the final assessment for construction costs will be levied in FY 2019/20. It should be noted that the portion of the assessment for maintenance and City administration will continue thereafter.

FISCAL IMPACT

If this Resolution is not approved, money owed to the RDA by the property owners will not be repaid. The annual assessment for this fiscal year will produce a total of $4,390.00.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax on the parcels located within the Oak Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.}

RESOLUTION NO.

A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2010-11 WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE, ARTICLE 3, SECTION 1173, et. seq.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by passage of Resolution 66-99, the City Council ordered the formation of the Oak Street Permanent Road Division for the purpose of reconstructing and maintaining the Oak Street Bridge over Mitchell Creek and maintaining the private portion of Oak Street; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge and road; and

WHEREAS, the City Council called for an election on May 1, 2000, to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, the special tax approved must be re-levied each fiscal year;

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

1. The Council hereby orders the levy of special taxes for FY 2010-11 on those parcels within the Oak Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek and the maintenance of the private portion of Oak Street.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Owner	Construction	Maintenance	City Admin.	Total
119-040-027	Law	$570.13	$0.00	$57.01	$627.14
119-040-028	Schwitters	$570.13	$0.00	$57.01	$627.14
119-040-029	Gonzalez	$0.00	$0.00	$0.00	$0.00
119-040-030	Ludlow	$570.13	$0.00	$57.01	$627.14
119-040-031	Mrozwski	$570.13	$0.00	$57.01	$627.14
119-040-032	Hemstalk	$570.13	$0.00	$57.01	$627.14
119-040-033	Webb	$570.13	$0.00	$57.01	$627.14
119-040-036	Caspar	$285.07	$0.00	$28.51	$313.58
119-040-037	Caspar	$285.07	$0.00	$28.51	$313.58

3. The special taxes shall be levied and collected by the County of Contra Costa, California along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular meeting of said Council held on July 20, 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 July 20, 2010.

Laci J. Jackson, City Clerk

Agenda Date: 7/20/10
Agenda Item: 4e

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: JULY 20, 2010

SUBJECT: CONSIDERATION OF A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT FOR FY 2010-11

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Lydia Lane Sewer Assessment District was formed to undertake the installation of sanitary sewers and laterals in the Lydia Lane and Verna Way area south of Clayton Road.

The City issued and sold bonds to provide the funding for the formation of the district and the construction of the sewers. The bonds are to be repaid by the property owners through assessments levied each year and collected by the County with their property taxes. Along with principal and interest costs, the assessments also include an administrative fee of $150.00 per parcel to cover the City's overhead costs.

The first assessment was levied in FY 2002/03 and the final assessment will be levied in FY 2031/32.

The attached resolution confirms the proposed assessments for fiscal year 2010-11.

FISCAL IMPACT

The annual assessments will yield approximately $19,000 for the Lydia Lane Sewer Assessment District for FY 2010-11. If this Resolution is not approved, the City would have to pursue separate action against each assessed property owners to collect the monies due or default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Lydia Lane Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO.

A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR FY 2010-11 WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF MUNICIPAL SANITARY SEWERS.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by passage of Resolution 36-2002, the City Council ordered the formation of the Lydia Lane Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued and sold bonds in the amount of $228,332.00 to fund the construction of municipal sanitary sewers in the Lydia Lane Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levying and inclusion of an annual assessment, for principal, interest and administrative costs, on each real property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2010-11 are shown on Exhibit A attached hereto;

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

1. The City Council hereby orders the levy of assessments for FY 2010-11 on those parcels within the Lydia Lane Sewer Assessment District for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.

2. The annual assessment for each parcel in each assessment district shall be as shown on Exhibit A attached hereto.

3. The assessments shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20^{th} day of July 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 July 20, 2010.

____

Laci J. Jackson, City Clerk

EXHIBIT A

ANNUAL ASSESSMENT AMOUNTS FOR FY 2010-11
FOR THE LYDIA LANE SEWER ASSESSMENT DISTRICT

Lydia Lane Sewer Assessment District	
Parcel ID (APN)	Amount
120-042-005	$1,003.22
120-042-006	$1,003.22
120-043-007	$1,003.22
120-043-009	$1,003.22
120-051-007	$1,248.90
120-051-008	$1,248.90
120-051-010	$1,248.90
120-052-003	$1,248.90
120-052-004	$1,248.90
120-052-005	$1,248.90
120-052-006	$1,248.90
120-052-009	$1,248.90
120-052-011	$1,248.90
120-052-015	$1,248.90
120-052-016	$1,248.90
120-052-017	$1,248.90
Total Assessment	$18,999.68

Agenda Date: 7/20/10
Agenda Item: 4f

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: JULY 20, 2010

SUBJECT: CONSIDERATION OF A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT FOR FY 2010-11

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Sewer Assessment District was formed to undertake the installation of sanitary sewers and laterals in their respective neighborhoods.

The City issued and sold bonds to provide the funding for the formation of the district and the construction of the sewers. The bonds are to be repaid by the property owners through assessments levied each year and collected by the County with their property taxes. Along with principal and interest costs, the assessments also include an administrative fee of $150.00 per parcel to cover the City's overhead costs.

The first assessment was levied in FY 2003/04 and the final assessment will be levied in FY 2026/27.

The attached resolution confirms the proposed assessments for fiscal year 2010-11.

FISCAL IMPACT

The annual assessments will yield approximately $13,000 for the Oak Street Sewer Assessment District for FY 2010-11. If this Resolution is not approved, the City would have to pursue separate action against each of the assessed property owners for collection or default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Oak Street Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO.

A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR FY 2010-11 WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF MUNICIPAL SANITARY SEWERS.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by passage of Resolution 62-2002, the City Council ordered the formation of the Oak Street Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued and sold bonds in the amount of $187,000.00 to fund the construction of municipal sanitary sewers in the Oak Street Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levying and inclusion of an annual assessment, for principal, interest and administrative costs, on each property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2010-11 are shown on Exhibit A attached hereto;

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

1. The Council hereby orders the levy of assessments for FY 2010-11 on those parcels within the Oak Street Sewer Assessment Districts for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.

2. The annual assessment for each parcel in each assessment district shall be as shown on Exhibit A attached hereto.

3. The assessments shall be levied and collected by the County along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on July 20, 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 Clayton, California at a regular public meeting thereof held on July 20, 2010.

____
Laci J. Jackson, City Clerk

EXHIBIT A

ANNUAL ASSESSMENT AMOUNTS FOR FY 2010-11 FOR THE OAK STREET SEWER ASSESSMENT DISTRICT

Oak Street Sewer Assessment District	
Parcel ID (APN)	Amount
119-040-021	$1,181.82
119-040-023	$1,181.82
119-040-024	$1,181.82
119-040-027	$1,181.82
119-040-028	$1,181.82
119-040-030	$1,181.82
119-040-032	$1,181.82
119-040-033	$1,181.82
119-040-036	$1,181.82
119-040-037	$1,181.82
119-050-036	$1,181.82
Total Assessment	$13,000.02

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 7/20/10

Agenda Item: 4g

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF DAN LAWRENCE

DATE: July 20, 2010

SUBJECT: RESOLUTION AUTHORIZING AN AGREEMENT WITH DATA TICKET, INC. TO PROVIDE PARKING CITATION MANAGEMENT SERVICES FOR THE CITY OF CLAYTON

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution approving an agreement with Data Ticket, Inc. to provide parking citation management services for the City of Clayton to start by September 1, 2010, and authorizing the City Manager to sign the agreement on behalf of the City of Clayton.

BACKGROUND

Since April 1993, the County's Office of Revenue Collection (ORC) has provided parking citation processing and management services for the City of Clayton. ORC provided all necessary actions related to local parking enforcement. These activities included the following: 1) received parking fines from all parking violators via the U.S. Mail; 2) paid all State required collections; 3) maintained a record of all citation transactions; 4) notified Department of Motor Vehicles (DMV) when violators did not pay the authorized penalty; 5) and, after withholding their processing fee, ORC sent the balance of fine collections to the City.

On June 2, 2010, the City received a letter from the Director of ORC informing the City that the County's Office of Revenue Collection would cease operations on December 29, 2010, including their Parking Citation Unit. The letter further advised that the Citation Unit would continue to process parking citations and submit DMV holds until August 31, 2010. As a result, all ORC clients, including the City of Clayton, must find an alternate way to process parking citation activity before the end of August 2010.

The County's Board of Supervisors decision to close the Office of Revenue Collection and the Contra Costa County Citation Processing Unit is one strategy the County Budget Office will use to balance the County's FY 2010-2011 budget.

ALTERNATIVE OUTSOURCING

In order to find a suitable company to process Clayton parking citations, staff contacted several local police agencies to determine their strategy for parking citation processing. The primary challenge that staff had to consider was the low volume of Clayton parking violations compared to agencies that produce larger volumes of parking citations. In addition, Clayton's parking enforcement system is an all manual paper system. Virtually all of the companies that process parking citations specialize in processing state-of-the-art automated parking citations and do not offer manual parking citation services. However, staff learned of a company, called Data Ticket, Inc., which Concord PD has an agreement with to manage their parking citations. This company offers both manual and automated citation processing and management services. Staff contacted Concord PD and spoke with an employee about their agreement with Data Ticket. The Concord PD employee advised staff they were extremely pleased with the service that Data Ticket provides Concord and recommended that Clayton PD consider contracting with Data Ticket for Clayton PD's parking citation processing needs.

As a result, staff contacted a representative of Data Ticket to determine the company's suitability to manage Clayton's parking citation program. Data Ticket, Inc. is a California Corporation that provides parking citation management services for over 200 Cities, Counties, Universities, Districts and other Public entities nationwide. Data Ticket was incorporated in Newport Beach California in 1989 and employees 40 full-time individuals.

A Data Ticket representative indicated the company has the capability to provide manual parking citation management services for the City of Clayton. They would be able to offer virtually the same level of parking citation management services and activities that ORC provided, except at a lower rate. ORC charged the City $2.65 per citation. Data Ticket currently charges only $.93 per citation. Data Ticket does have other additional charges for extra services, such as appeals, etc. However, Clayton police staff would not contract for extra services or appeals that police staff are able to perform in house. For example, police department personnel conducted all first level review appeals when we contracted with ORC. Data Ticket will set up an impound account for the purposes of collecting all parking fines that violators mail into Data Ticket. Data Ticket will then distribute all required State of California collections to the State and after collecting their processing fee of $.93 per citation will provide the City with the remaining balance of collected parking fines monthly.

Data Ticket provided staff with a copy of their generic contract, which has been utilized by the other public entities that contract with them for processing and management of parking citations. The City Attorney reviewed the contract and recommended several minor revisions which have been made and accepted by Data Ticket. A copy of the proposed contract with Data Ticket is attached as Attachment B.

By adopting the Resolution the City Council authorizes the City Manager to execute the attached contract with Data Ticket. Staff will then be required to modify our current supply of "Notice to Appear" forms, commonly referred as a parking citation. Until new parking citations can be printed, Data Ticket will provide mailing and instruction labels to cover over ORC's old address and violator instructions. In this way, staff can utilize our current parking citations. Staff will order new parking citations when the old modified ORC parking citations are depleted.

In order to replace the lost services provided by ORC, and based on the information described above, staff recommends contracting with Data Ticket to process and manage Clayton's manual parking citation program.

FISCAL IMPACT

Staff estimates the City will realize an increase of $430 in parking fine revenue because Data Ticket will charge $.93 (or $1.72 less than ORC charged ($2.65) the City in the past. The PD averages approximately 250 parking citations per year (250x$1.72=$430).

Attachment A: Resolution No. - 2010 [2 pp.]
Attachment B: Proposed contract with Data Ticket [11 pp.].

RESOLUTION NO. - 2010

A RESOLUTION APPROVING AN AGREEMENT WITH DATA TICKET, INC. TO PROVIDE PARKING CITATION MANAGEMENT SERVICES FOR THE CITY OF CLAYTON

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City of Clayton entered into an agreement dated April 1, 1993, with Contra Costa County's Office of Revenue Collection (ORC), Citation Unit, in order to provide parking citation processing management; and

WHEREAS, said County Board of Supervisors decided to close its Office of Revenue Collection on December 29, 2010, as a means to balance the County's FY 2010-2011 budget; and

WHEREAS, the ORC Director sent a letter to all ORC clients, including the City of Clayton, advising that its parking citation processing operations would cease on August, 31, 2010; and

WHEREAS, the Clayton Police Department staff contacted several companies which specialize in processing parking citations to determine a company suitable to manage Clayton PD's parking citations as an alternative outsourcing to ORC; and

WHEREAS, the Chief of Police has determined that Data Ticket, Inc. a California based company, is able to provide manual parking citation management processing for the City of Clayton's Police Department, and does hereby recommend the City contract with Data Ticket, Inc., to provide its manual parking citation management services; and

WHEREAS, the terms under this agreement shall be five (5) years commencing with the date of the last signature on the agreement with Data Ticket, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby formally approve and adopt the Agreement with Data Ticket, Inc., a full and complete copy attached hereto, for its provision of manual parking citation management services for and in behalf of the City of Clayton Police Department; and

BE IT FURTHER RESOLVED the City Council of Clayton, California does hereby authorize and direct its City Manager to execute the Agreement with Data Ticket, Inc. by signing the agreement entitled "Scope of Service and Performance Renewal Agreement", for and in behalf of the City of Clayton.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20th day of July 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

____

Hank Stratford, Mayor

ATTEST:

____

Laci J. Jackson, City Clerk

SCOPE OF SERVICE AND PERFORMANCE RENEWAL AGREEMENT

DATA TICKET, INC.
4600 CAMPUS DRIVE, SUITE 200
NEWPORT BEACH, CALIFORNIA 92660
(hereinafter sometimes referred to as "COMPANY")

AND

CITY OF CLAYTON
6000 HERITAGE TRAIL
CLAYTON, CALIFORNIA 94517

(hereinafter sometimes referred to as "AGENCY"),

The Company intends to provide for the processing of fines, bail and forfeiture thereof, in connection with the issuance of citations for illegal parking pursuant to the laws of the California.

ARTICLE I - CITATION PROCESSING

1.1 Referral and Reconciliation: COMPANY shall receive and process parking citations which COMPANY shall receive from AGENCY. COMPANY will provide a reconciliation of the number of citations received from AGENCY.

1.2 Determination of Processable Citations: COMPANY shall screen the parking citations referred to it by AGENCY to determine if the citation is processable. If the citation is determined by COMPANY to be unprocessable (e.g., essential processing information is missing), COMPANY shall return the citation to AGENCY within seven (7) days of receipt, by COMPANY'S office, for clarification. COMPANY will be paid the contractual rate hereinafter provided, for citations properly returned to the AGENCY as unprocessable.

1.3 Collection and deposit of funds: A direct deposit system shall be employed for all funds received for payment of citations. The AGENCY shall have the choice of jointly owning a bank account with the COMPANY or directing the COMPANY to deposit into an AGENCY account. Deposits shall be made directly into the account by the COMPANY for the collecting AGENCY, with the exception of credit card payments made using VISA, MasterCard and Discover cards belonging to the COMPANY. These payments will be directly deposited into an account held by the COMPANY. Credit card

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payments are reconciled and remitted on a monthly basis to the AGENCY, but tracked on the citation management software on a daily basis. Citations paid by credit card are marked "paid" real-time immediately upon authorization, thus affording the citizen the opportunity to make payment at any time and have the payment recognized immediately.

1.4 Identification of Registered Vehicle Owners: COMPANY shall exert best efforts and attempt to obtain the name and address of the registered vehicle owner from the State Department of Motor Vehicles (DMV) for each vehicle for which a parking citation has been issued but payment for which has not been received within the required time period. COMPANY shall follow all procedures specified by the DMV, and be consistent with the Vehicle Code when identifying registered vehicle owners.

1.5 Verification of Ownership: COMPANY will take reasonable measures to identify and verify registered vehicle owners. Such measures will take into consideration factors such as issuance of new license plates; address changes; license plate transfers to other vehicles; name changes; and the validity of plates and registration during specific time periods applicable to individual cases.

1.6 Delinquency Notices: In accordance with State law, COMPANY will generate and mail (presorted, first-class postage) no sooner than allowable by law, a delinquency notice to all identified registered owners of vehicles who fail to pay their parking citation fines or to post bail in the required manner. The mailed notice will include all information required by the State Vehicle Code, including, but not limited to, the following:

A. The parking citation issuance date and number;
B. The consequences of nonpayment (i.e., a hold on the vehicle registration and the imposition of penalties, towing, etc.)
C. The amount of fines and fees due and payable;
D. Affidavit of Non-Ownership.

1.7 Registration Holds: The COMPANY will provide the system and procedures and will interface with the State Department of Motor Vehicles to place a hold on vehicle registration having unpaid parking fines and fees due against those vehicles in accordance with the Vehicle Code and any other applicable State and local laws. The notification will be given within a reasonable period of time after issuance of a delinquency notice. The period of time will not exceed the time limits provided by state and local law.

1.8 Removal of Registration Holds: COMPANY will provide the system and procedures and will interface with the State Department of Motor Vehicles to remove registration holds when a registered vehicle owner satisfies the entire amount of parking citation fines, penalties, and fees due against the vehicle and establishes such payment to the satisfaction of COMPANY.

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1.9 Contested Citations: In the event a registered vehicle owner disputes the liability for the outstanding parking citation, COMPANY will advise the registered vehicle owner of his/her right to request an appeal according to the laws in the state of citation issue. All contested citations will be forwarded to the appeals administrator or AGENCY within the prescribed time period so that the matter can be adjudicated.

1.10 Appeals: If requested by AGENCY, the COMPANY will schedule and conduct appeals in accordance with state law, to respond to parking violators wishing to contest their citations. The COMPANY will provide a toll-free number for contestants to call, correspond with contestants and notify them of decisions; maintain records of dispositions and appeal paperwork and refer all paperwork to Court if required. The COMPANY shall not be responsible for the AGENCY'S failure to provide correct or timely infraction information. The AGENCY shall be responsible to pay any court filing fees due, if appeals are sent to Court and earlier decisions are overturned by the Court.

1.11 Citations Disposed of by Hearing/Court: The COMPANY may be required, as a result of court action, to reduce or cancel, on an individual basis, parking citations which have been referred to it. COMPANY shall be paid the contractual rate hereinafter provided for processing the citation regardless of the outcome of court action. COMPANY will maintain records indicating any reduction or cancellations of parking citations as a result of hearing/ court action. Parking citations that are dismissed as a result of hearing/court action will have the dismissal processed by the COMPANY promptly after receipt from the Hearing/Court.

1.12 Suspension of Processing: COMPANY will suspend processing on any citation referred to it for processing upon written notice to do so by an authorized officer of the AGENCY. COMPANY will promptly return any citation or facsimile properly requested by the AGENCY. COMPANY will maintain records indicating any suspension of citation as a result of AGENCY'S request. COMPANY shall be paid the contractual rate hereinafter provided for processing the citations suspended by the AGENCY.

1.13 Payments by U.S. Mail: It is the citizen's responsibility to ensure that payments are received on or before the date due. The date received by the COMPANY will be the criteria to establish any delinquent fees due.

1.14 Parking Citation System Master File Update: COMPANY will regularly, on a daily basis, update the parking citation database with new citations, payments, reductions, cancellations, dismissals and any other pertinent data.

ARTICLE II - PAYMENT PROCESSING

2.1 Disposition Processing: COMPANY will maintain all citation dispositions for a

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minimum of two (2) years. Closed citations will remain on-line for at least one (1) year, for research and statistical purposes.

2.2 Payments Processing: COMPANY shall process citation payments within twenty-four (24) hours of receipt. Payments shall be immediately posted in one (1) of three (3) following categories:

"Regular Payments" are citations with the correct bail, paid on or before the due date. (This includes payments properly complying with prior Notices-of-Intent).

"Partial Payments" are citations paid for less than the amount of bail due. A notice or additional correspondence may advise defendant of late charges and/or incorrect bail.

"Court/Hearing Requests" are all requests for administrative/court hearings by defendants. These requests are sorted so that bail submitted is immediately posted, and if needed the original citations are retrieved.

2.3 Miscellaneous Letters Processing: COMPANY will receive and review all miscellaneous correspondence. These are generally letters requesting meter checks, refunds, voids, or otherwise setting forth complaints. These letters will be researched by COMPANY for proper follow-up either by AGENCY or by COMPANY.

2.4 Batching Procedures: COMPANY shall maintain an effective method of internal control procedures. Such procedures shall involve reconciliation of all payments received using generally accepted accounting principles. After proper reconciliation, deposit slips shall be prepared for and deposits made at the appropriate bank, including an itemized listing of all batch numbers included in the deposit. The batch of citation payment documentation shall then be stored in a file room, for a period of two (2) years.

2.5 Cash Payments: COMPANY shall maintain an effective method of handling cash payments. All cash received through the mail, shall be logged in a cash journal. Thereafter, effective internal control procedures shall be implemented to reconcile such payments, using generally accepted accounting principles.

2.6 Deposits: All deposits shall be made daily, subject to regular banking hours. Deposits shall be itemized and detailed information will be captured regarding submitted funds. Deposit slips shall be prepared in triplicate. If a joint account between COMPANY and AGENCY is opened, all deposits shall be directly deposited and COMPANY shall perform all reconciliation and check generation along with monthly invoicing. If only the AGENCY'S designated bank account is used, COMPANY will deposit directly into the designated account, but will have no authorization to perform any other duties. Monthly invoicing will be generated by the parking management system and AGENCY will be responsible to reconcile the account and cut all checks. In that case, AGENCY will supply deposit slips and endorsement stamp to COMPANY

2.7 Revenue Report: A monthly revenue report will list all revenues received during a

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given month. This report will also provide information regarding the AGENCY'S responsibility for any taxes on collected funds.

ARTICLE III – WEB SITE

3.1 Citation Management Web Site: The COMPANY offers a web site for AGENCY review and interface of its database, including all citations and information relating to changes in status.

3.2 Citizen Web Site Access: When the AGENCY has web site access, the citizens who receive citations will be able to access the web site to review their individual citations, pay on-line and appeal on-line.

3.3 Web Site Interaction: The web site may be "view only" or "interactive," for the AGENCY depending on requirements of the AGENCY.

3.4 Web Site Reports: Web site reports are available to the AGENCY on a daily 24/7 schedule and export into Excel for easy flexible reporting.

3.5 Web Site Cost: User ID's and passwords will be assigned to the AGENCY at no cost

ARTICLE IV – ADDITIONAL SERVICES

4.1 CVC 40215: Services provided include accepting, scheduling, reviewing and hearing of first and second level administrative appeals, interfacing and providing backup for Court appearances and notifying AGENCY contestants by phone and in writing of decisions. The AGENCY shall be responsible to pay the $25.00 Court filing fee if the review and administrative hearing decisions are overturned by the Court.

4. 2 Other Collections: COMPANY shall retain a percent of payments collected on delinquent citations which have been processed in accordance with the current Agreement, and meet the following criteria:

A. Delinquent citations; those for which the California State Department of Motor Vehicles have been placed on a registration hold and/or dropped from the registration hold due to a transfer of ownership or non-renewal of registration or a registration hold has not been placed, but the normal daily processing cycle is complete.

B. Citations with out-of-state license plates.

C. Any other problem or special citations that AGENCY so designates and refers to COMPANY under this Agreement.

4.3 Postal Rate Increase: The COMPANY will maintain auditable records to document the COMPANY'S actual postage costs associated with the mailing of delinquency notices for unpaid citations and for other mailings related to the processing of

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correspondence. If there is a postal increase, that increase will be invoiced effective on the date that the postal rate increase goes into effect.

ARTICLE V - GENERAL

5.1 Public Inquiries: The COMPANY will respond to reasonable inquiry by telephone or letter of a nonjudicial nature. Inquiries of a judicial nature will be referred to the AGENCY for determination, unless the COMPANY has been designated to handle appeals.

5.2 COMPANY Limitations: COMPANY will not take legal action or threaten legal action in any specific case without AGENCY'S prior approval.

5.3 Use of Approved Forms: AGENCY shall have the right to reasonable approval of all forms, delinquency notices, and correspondence sent by the COMPANY. These must conform to State and local law.

5.4 Books and Records: COMPANY will maintain adequate books or records for parking citations issued within the AGENCY'S jurisdiction and referred to COMPANY for processing. Such books or records, and related computer processing data, shall be available for reasonable inspection and audit by AGENCY at the COMPANY'S location at reasonable times upon adequate prior notice to COMPANY.

5.5 Ownership: All reports, information, and data, including but not limited to computer tapes or discs, files, and tapes furnished or prepared by the COMPANY, (collectively the "Materials"), are and shall remain exclusively the sole property of COMPANY, and the AGENCY shall acquire no right or title to said Materials. All computer software and systems, related automated and manual procedures, instructions, computer programs, and data storage media containing same, and written procedures performed hereunder (collectively the "System") are and shall remain exclusively the sole property of COMPANY, and the AGENCY shall acquire no right or title to said Systems.

5.6 Property of AGENCY: All documents, records and tapes supplied by AGENCY to COMPANY in performance of this contract are agreed to be and shall remain the sole property of AGENCY. COMPANY agrees to return same promptly to AGENCY no later than forty-five (45) days following notice to the COMPANY. The AGENCY shall make arrangements with COMPANY for the transmission of such data to the AGENCY upon payment to COMPANY of the cost of copy and delivery of such tape from COMPANY'S computer facilities to AGENCY'S designated point of delivery, plus any open invoices.

5.7 Confidentiality: In order to enable COMPANY to carry out its work hereunder, to some extent it will have to impart to the AGENCY'S employees information contained in the Materials and Systems (collectively the "CONFIDENTIAL DATA"). The AGENCY agrees that information contained in the data that was marked in writing as "CONFIDENTIAL", "PROPRIETARY" or similarly, so as to give notice of its confidential

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nature, when submitted to the AGENCY by COMPANY shall be retained by AGENCY in the strictest confidence and shall not be used or disclosed in any form except as required by law, lawful court order or in accordance with paragraph 5.8 hereinbelow. The PUBLIC AGENCY recognizes that irreparable harm could be occasioned to COMPANY by disclosure of CONFIDENTIAL DATA that is related to its business and that COMPANY may accordingly seek to protect such CONFIDENTIAL DATA by enjoining disclosure.

5.8 Consent For Disclosure: No report, information, data, files, or tapes furnished or prepared by COMPANY or its subcontractors, successors, officers, employees, servants, or agents shall be made available to any individual or organization without the prior written approval of AGENCY other than individuals or organizations that are necessary to properly effectuate the terms and conditions of this agreement. This Non-Disclosure obligation shall survive the Termination of this Agreement.

5.9 COMPANY Files: COMPANY shall maintain master files on parking citations referred to it for processing under the scope of services. Such files will contain records of payments, dispositions, and any other pertinent information required to provide a reasonable audit trail.

5.10 Storage for AGENCY:

A. COMPANY agrees to store original citations for the current year, plus two (2) years, at which time they will be returned to AGENCY or shredded. COMPANY will have such information available on system, CD or diskette for AGENCY'S review for a reasonable time period to permit AGENCY retrieval of such information. AGENCY relieves COMPANY of all liability costs associated with data released by AGENCY to any other person or entity using such data.

B. Subsequent to the termination of the contract, COMPANY will return all hard copies to the AGENCY or shred them. If requested, an electronic file, diskette or CD of all processed data will be available to the AGENCY.

ARTICLE VI - REPORTS

6.1 Periodic Reports: COMPANY will submit reports to AGENCY each month. The reports will provide activities relating to performance under this Scope of Services. Among the reports, which COMPANY will generate, are the following:

A. Report of Revenue Collected for Period

B. Report for Parking Citations Issued for Period

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C. A balanced summary report for issuing AGENCY providing the status of all parking citations at the beginning of the period, current period and at the end of the period.

D. A report for issuing Agency identifying registered vehicle owners with multiple outstanding parking citations.

E. A report for issuing Agency identifying the parking citations issued, location, and violation by officer.

6.2 Annual Reports: Annually, COMPANY shall comply with existing state laws.

ARTICLE VII – TERM OF CONTRACT AND COSTS

7.1 Terms and Renewals: This Agreement shall be for five (5) years commencing as of the last date of signature. Unless notice of termination is made in writing by either party to the other no less than ninety (90) days prior to the end of the scheduled term, this Agreement shall automatically renew for subsequent one (1) year periods. In conjunction with the automatic extension of the terms of this Agreement, COMPANY may give notice of reasonable price adjustments for its processing services. The AGENCY will have thirty (30) days to respond in writing to the purposed increase. Unless AGENCY gives notice in writing of its rejection of these price adjustments, the term shall be extended with these price adjustments as stated. If the AGENCY gives notice of its rejection of these price adjustments, unless there is a further written Agreement between the parties, the term of the Agreement shall not be extended and the Agreement shall terminate.

7.2 Cancellation: Upon a material breach or upon ninety (90) days written notice to the COMPANY, the AGENCY may cancel or terminate this Agreement with or without cause. The COMPANY shall have thirty (30) days to cure any material breach or defect set forth in the written termination notice provided by the AGENCY.

7.3 Exclusivity: AGENCY agrees to utilize only the services of the COMPANY during the term of the Agreement for the processing of the citations referred to above. AGENCY agrees during the term of the Agreement, to not directly or indirectly engage a competitor of the COMPANY for the performance of the services provided by the COMPANY under this Agreement.

7.4 Costs: Please see Cost Proposal, Exhibit A, for all associated costs.

ARTICLE VIII – CLAIMS AND ACTIONS

8.1 AGENCY Cooperation: in the event any claim or action is brought against COMPANY relating to COMPANY'S performance or services rendered under this Agreement, COMPANY shall notify the AGENCY, in writing, within five (5) days, of said claim or action.

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8.2 Hold Harmless: COMPANY and AGENCY agree to the following hold harmless clauses:

A. COMPANY agrees to indemnify, defend, and hold harmless the AGENCY and its officers and employees against all claims, demands, damages, costs, and liabilities arising out of, or in connection with the performance by COMPANY or AGENCY or any of their officers, employees or agency under this AGREEMENT, excepting only loss, injury or damage caused solely by the negligent acts or omissions of AGENCY or any of its officers or employees.
B. AGENCY agrees to indemnify, defend and hold harmless the COMPANY and its officers and employees against all claims, demands, damages, costs and liabilities for loss, injury or damage caused solely by the negligent acts or omissions of AGENCY or any of its officers or employees arising out of or in connection with the performance by the AGENCY or any of its officers or employees under this AGREEMENT.

ARTICLE IX – SUBCONTRACTORS AND ASSIGNMENTS

9.1 Subcontracting: COMPANY is authorized to engage subcontracts as permitted by law at COMPANY'S own expense, subcontracts shall be deemed agents of COMPANY.

9.2 Assignments: This contract may not be assigned without the prior written consent of the AGENCY. It is understood and acknowledged by the parties that the COMPANY is uniquely qualified to perform the services in this Agreement.

ARTICLE X - INDEPENDENT COMPANY

10.1 COMPANY'S Relationship: COMPANY'S relationship to the AGENCY in the performance of this Agreement is that of an independent COMPANY. Personnel performing services under this Agreement shall at all times be under COMPANY'S exclusive direction and control and shall be employees of COMPANY and not employees of the AGENCY. COMPANY shall pay all wages and salaries and shall not be responsible for all reports and obligations respecting them relating to social security, income tax withholding, unemployment compensation, worker's compensation, and similar matters. Neither COMPANY nor any officer, agent, or employee of COMPANY shall obtain any right to retirement benefits or other benefits which accrue to employees of AGENCY, and COMPANY hereby expressly waives any claim it might have to such rights.

ARTICLE XI– INSURANCE

11.1 Insurance Provisions: COMPANY shall provide and maintain at its own expense

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during the term of this Agreement, the following policy or policies of insurance covering its operations hereunder. Such insurance shall be provided by insurer(s) satisfactory to the AGENCY and certificates of such insurance and applicable endorsements shall be delivered to the AGENCY on or before the effective date of this Agreement. Such certificates and endorsements shall specifically identify this Agreement and shall state that the insurance will not be cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days written notice has been given to the AGENCY.

A) Comprehensive general liability insurance covering bodily and personal injury and property damage. Limits shall be in an amount of not less than two million ($2,000,000) dollars per occurrence. Such insurance policies shall name the AGENCY, its officers, agents and employees, individually and collectively, as additionally insured. Such coverage for additional insured shall apply as primary insurance and any other insurance or self-insured retention maintained by the AGENCY, its officers, agents and employees shall be excess only and not contributing with insurance provided under said policy.
B) Comprehensive automobile liability owned, non-owned and hired vehicles with not less than two million ($2,000,000) dollars combined single limit, per occurrence for property damage and for bodily injury or death of persons. Such insurance shall include the same additional-insured and cancellation notice provisions as specified above and may be combined with the comprehensive general liability coverage required above.
C) Throughout the period of the Agreement, COMPANY, at its sole cost, shall maintain in full force and effect a policy of worker's compensation insurance covering all of its employees as required by the labor code of the State of California.

ARTICLE XII – ENTIRE AGREEMENT

12.1 Integrated Agreement: This contract is intended by the parties as a final expression of their Agreement and also as a complete and exclusive statement of the terms thereof, any prior oral or written Agreement regarding the same subject matter notwithstanding. This Agreement may not be modified or terminated orally and no modification or any claim or waiver of any of the provisions shall be effective unless in writing and signed by both parties.

12.2 Law Applicable: This Agreement shall be construed in accordance with the Laws of the State of California.

12.3 Notice to Parties: Any notice required under this Agreement to be given to either party may be given by depositing in the United States mail, postage prepaid, first-class, addressed to the following:

AS TO THE AGENCY:

THE CITY OF CLAYTON

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6000 HERITAGE TRAIL
CLAYTON, CALIFORNIA 94517

AS TO THE COMPANY:

DATA TICKET, INC.
A California Corporation
4600 CAMPUS DRIVE, STE 200
NEWPORT BEACH, CALIFORNIA 92660

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the day and year last written below.

AGENCY: **THE CITY OF CLAYTON**	COMPANY: **DATA TICKET, INC.**
Signature: ______________________________	Signature: ______________________
Print Name: ____________________________	Print Name: _____________________
Title: ______________________________	Title: ______________________
Date: ______________________________	Date: ______________________

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CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date: 7/20/10

Agenda Item: 4h

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: JULY 20, 2010

SUBJECT: RE-AUTHORIZATION OF AWARD OF CONTRACT NEW FINANCIAL SYSTEM SOFTWARE AND COMPUTER HARDWARE

RECOMMENDATION

It is recommended the City Council by minute motion re-authorize the purchase of new financial system software and hardware for City operations by award of contract to Blackbaud Financial Edge for the total amount of $28,092.00 ($26,227.50 for software plus $1,864.50 for first year maintenance), authorize its City Manager to execute the contract purchase, and allocate an additional $5,735.70 from the Capital Equipment Replacement Fund (CERF) to cover the gap in approved Budget amount of $23,850 for the additional software and accompanying hardware systems.

BACKGROUND

The proposed numbers from the Council meeting of July 6, 2010 have been reworked to include other modules, software and enhanced hardware systems to manage the more powerful financial software.

Staff carefully looked at all the available Financial Edge modules and has concluded the following would best serve the City's current and expectant needs:

Modules Currently Used	Software	Implementation	Total Costs
General Ledger for 2 Users	$550.00		
Projects, Grants	$550.00		
Accounts Payable	$250.00	$10,100.00	
New Modules			
Cash Management for Bank Reconciliation	$1,650.00	$1,350.00	
Budget Management	$2,200.00	$900.00	
Fixed Assets	$2,450.00	$1800.00	
EFT Bundling for Accounts Payable	$825.00	$450.00	
Sub-totals:	$8,475.00	$14,600.00	$23,075.00

GL & AP Conversion of 3 Years' History	$2,500.00	
Training & 1 Year of Courses	$2,150.00	
TOTALS:	$4,650.00	$27,725.00
Vendor Discount (for purchase of multiple modules)		-1,497.50
Financial Software System purchase (one-time expense):		**$26,227.50**

HARDWARE SYSTEM UPGRADES

The operating software currently being used on the City Hall Administration staff computers and servers, which includes Finance's mini-server, is Windows XP platform. It has been recommended by our IT consultant that all of the Admin computers be updated to Windows 7 platform and the server to Windows 2008 Server. The FY 2010-11 approved Budget included an additional $900 to upgrade the existing mini-server operating the financial software applications. On further research it has been concluded further expense will be necessary to replace this hardware in order to manage the new financial software. Therefore, included is the request for two Finance Department computer updates, a new mini-server (hardware), and the SQL Express Software necessary to run Financial Edge on that server:

New Mini-Server and Operating Software Costs:	$1,788.42
Windows & SQL Express Software Cost:	$1,569.78
Hardware System:	$3,358.20

The final one-time expense for the new System: **$29,585.70**

ANNUAL SUPPORT SYSTEM EXPENSE

In addition to software and hardware acquisition, it is necessary for the City to purchase an annual maintenance package that covers software system support services and any software patches. That expense is considered an on-going obligation of City operations and is therefore funded out of the City's annual General Fund Budget.

The yearly maintenance for Blackbaud Financial Edge (plus its added modules from the prior Council meeting) versus the existing Fundware is an increase of only $117.26. This yearly maintenance is paid from the General Fund:

	Fundware	Financial Edge	Budgeted	Difference
Yearly Maintenance	$1,747.24	$1,864.50	$1,825.00	+$39.50

USER REFERENCES

Staff requested information from Blackbaud regarding other cities' conversions and results. Blackbaud's representative responded:

> "The City of Raytown, Missouri, is in the middle of converting over to Financial Edge…. In terms of [total] numbers, we currently have around 100 cities that are Fundware customers and are actively engaged with about 25-30. We hope to convert 10-15 by the end of the year and obviously all of them at some point…. that of the 1200 Fundware customers, 40% are government organizations, therefore, we have a vested interest to ensure our products address the needs of these organizations so we can keep them as customers."

FISCAL IMPACT

The adopted City Budget for FY 2010-11 authorized $23,050 for a Financial Software System upgrade and another $800 for an enhanced hardware system to manage the new financial software package. Further research into the details of this system, as noted above, requires a total one-time expense of $29,585.70, or $5,735.70 more than initially allocated from the CERF account. Therefore, approval of this software and associated hardware upgrade requires the additional appropriation of $5,735.70 from the CERF account, which action is requested in the Council's approval of this item.

The CERF account balance is $123,196.25 prior to this action; the available balance will be reduced to $117,460.55 with approval of this item.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Agenda Date: 7/20/10

Agenda Item: 4i

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

Approved:
Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: JULY 20, 2010

SUBJECT: APPROVE THE PURCHASE OF A NEW POLICE VEHICLE FROM DIABLO FORD TO REPLACE AN UNSERVICABLE POLICE VEHICLE

RECOMMENDATION

It is recommended the City Council, by minute motion, approve the competitive award of contract to Diablo Ford in the amount of $23,029.91 from the budgeted Capital Equipment Replacement Fund (CERF) for a replacement police patrol vehicle.

BACKGROUND

The City of Clayton's Police Department currently has a fleet of 7 patrol vehicles. In the past, the Police Department has replaced at least one unserviceable vehicle each year with a new police "Interceptor" vehicle which is specially designed to serve as a patrol vehicle. However, no new police vehicles were purchased last fiscal year.

On June 29, 2010, the City Council approved the City's FY 2010-2011 Budget which included funds to purchase a new patrol vehicle. The new vehicle will replace an unserviceable vehicle in the Police Department's fleet. The unserviceable vehicle, a 2003 Ford Crown Victoria (number 1724), has approximately 95,000 miles, a damaged engine and is not reliable for patrol duties.

DISCUSSION

In order to procure a new vehicle at the best (lowest) cost, staff contacted two auto fleet dealers who specialize in ordering and stocking a large inventory of Ford Crown Victoria "Police Interceptor" vehicles. The fleet dealers offer previously-bid State-approved contract prices for public agencies. Staff also asked a local vendor, Diablo Ford, to provide a bid for the described vehicle. The following is a list of the auto dealers who provided staff with vehicle prices:

- Wondries Fleet Group (Alhambra, California).
  2010 Interceptor MSRP $30,045, Sales price, $22,140 (***$24,040.00*** including sales tax) this vehicle is in stock.

- San Francisco Ford, Fleet Sales
  2011 Interceptor MSRP $30,750, Sales price, $21,122 (***$23,084.53*** including sales tax) this vehicle has to be ordered with a delivery date estimated to be 60 days.

- Diablo Ford, Pittsburg, CA
  2011 Interceptor MSRP $30,750, Sales Price, $21,072 ***($23,029.91*** including sales tax) this vehicle has to be ordered with a delivery date estimated to be 60 days.

The difference in price between the highest bidder and the lowest is $1,010.09. In addition, although the highest bidder has a 2010 Ford Crown Victoria in stock, this vehicle is not the 2011 Interceptor that has additional safety features for patrol service. Consequently it is not preferred as acceptable for our patrol duties. The lowest bidder, Diablo Ford, has no Interceptors in stock and will have to order the vehicle which will be the 2011 Ford Interceptor with a guarantee delivery time of 60 days. Staff believes the purchase of the police vehicle from the lowest bidder is beneficial to the City for two reasons: 1) cost savings for the City; and 2) a police vehicle better suited to patrol duties.

As a result, staff recommends approving the purchase of a new police vehicle from Diablo Ford at the lower cost to the City.

FISCAL IMPACT

Purchasing the vehicle from the lowest bidder will save the City ***$1,010.09*** ($24,040.00 - $23,029.91 = $1,010.09). Additional expenses will be incurred retrofitting the stock patrol vehicle to Clayton PD standards and specifications. The approved CERF budget for this purchase is a total of $37,000.

Attachment: None.

CITY OF CLAYTON
Founded 1857. Incorporated 1964

Agenda Date: 7/20/10

Agenda Item: 4j

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Merry Pelletier

DATE: July 20, 2010

SUBJECT: Authorization to update Financial Northeastern Securities, Inc. Brokerage Account Information

RECOMMENDATION

Approve the attached Authority Certificate Resolution authorizing the City to update its association or other non-corporate authority certificate and trading authorization for brokerage accounts with Financial Northeastern Securities, Inc.

BACKGROUND

The City currently utilizes Financial Northeastern Securities, Inc. for longer term investments. They have been providing investment services to our City since May, 2006. They are a full service broker/dealer incorporated on May 4, 1984. JP Morgan is the Clearing Corporation.

DISCUSSION

Investment institutions are required to have current authorization forms on account and approved by resolution. This resolution fulfills the requirements necessary to continue our investment activity with Financial Northeastern, Inc. and JP Morgan.

FISCAL IMPACT

There are no costs associated with updating this account.

CONCLUSION

Approval of the resolution is recommended to have current authority certificate and trading authorization account information on file with Financial Northeastern Securities.

Respectively submitted,

Merry Pelletier

Merry Pelletier
Finance Manager

Attachments:
Association or Other Non-Corporate Authority Certificate and Trading Authorization Resolution (2 pp)

Association or Other Non-Corporate Authority Certificate and Trading Authorization
For Brokerage Accounts
(For use by Non-Incorporated Entities Only)

- Complete all sections, sign and return.

Account Number(s)
130-10177-1-9-027

Account Title:
City of Clayton

Advisor (if applicable):
Theresa Carmagnola

I, Merry Pelletier, being the Finance Manager of City of Clayton, a noncorporation, and having its chief executive office or its only place of business at 6000 Heritage Trail, Clayton, CA 94517-1250 (the "Organization"), in the name and on behalf of the Organization, hereby:

(a) certify that the Organization is duly organized and validly existing and that the Organization is empowered by its organizational and governing documents to transact the business by those resolutions defined.

(b) represent, and warrant that I am a duly authorized representative of the Organization and am authorized to execute this Certificate on behalf of the Organization;

(c) certify that below is a true, complete and correct copy of the resolutions[1] (the "Resolutions") duly adopted by the City Council of the Organization as of ____________________, which resolutions have not been amended, modified, revoked or rescinded since their adoption to and including the date hereof;

RESOLVED, that the Organization is hereby authorized and directed to establish and maintain one or more accounts, including margin accounts[*] (if the Organization is authorized to open a margin account, the Organization has checked the box at the end of the Certificate), (each, an "Account"), and to engage in any of the transactions (including trading in commodities and/or commodity futures contracts, if the Organization is authorized to engage in such transactions and has checked the box at the end of the Certificate) hereinafter described, in each case, with or through J.P. Morgan Securities Inc., J.P. Morgan Clearing Corp., Bear, Stearns International Limited and/or any of their now or hereafter existing affiliated entities (collectively, "JP Morgan"), through an Account or otherwise, with JP Morgan acting as principal or agent in such transactions;

RESOLVED, that the Organization is hereby authorized and empowered to purchase (including on a forward or when-issued basis or on margin[*]) hold, finance, pledge, exercise, convert, tender, redeem, exchange, transfer, assign, sell (including on a short, when-issued or forward basis), enter into, write, issue, terminate, amend and otherwise deal and trade, singly or in combination, in the following: any and all forms of securities, evidences of interest, participation, or indebtedness, instruments of any issuer (whether publicly registered or exempt from registration) transactions and investments, including, but not limited to common or preferred stock, scrip, warrants and rights; bills, notes, bonds or debentures of any coupon, (including "zero coupon" or maturity; certificates of deposit, bank notes or deposit notes; commercial paper, money market instruments; listed and/or over-the-counter options, commodities, commodity futures, options on futures (including single stock futures contracts and other securities futures products), transactions in foreign currencies; limited partnership interests and other interests in hedge funds, buyout funds, real estate investment trusts, venture capital funds, private equity funds and private equity investment vehicles; whole mortgage loans, any and all interests and participations in mortgage loans, mortgage-backed and asset backed securities; any kind of derivative investment, including interest rate, currency, credit, equity or other swap transactions; repurchase and reverse* repurchase transactions, buy/forward sale transactions, dollar rolls, secured lending transactions and any instrument or interest generally regarded as an investment or hedge, secured or unsecured, or any transaction, that is similar to any of those described above (including an option with respect to any of them) (each of the foregoing, an "Activity");

RESOLVED, that each of the directors, officers, employees and agents of the Organization listed below ("each, an Authorized Person") is hereby individually authorized for and on behalf of the Organization by oral, written, electronic or other means to: (1) give to and receive from JP Morgan oral, written or electronic instructions, confirmations, notices or demands with respect to any Account, Activity or transaction; (2) bind the Organization to enter into and perform any transaction or agreement, amendment or modification thereof, relating to any Account, Activity or transaction involving the Organization; (3) lend or borrow money or securities and secure the repayment thereof with the property of the Organization; (4) pay in cash or by check or by credit or debit card or draft drawn upon the funds of the Organization any sums required to be paid in connection with any Account, Activity or transaction; (5) order the transfer of record of any securities, funds or other property to any name and to accept delivery of any securities, funds or other property; (6) direct the sale or exercise of any rights with respect to any securities or other property; (7) agree to any terms or conditions or execute or otherwise assent to any document or agreement affecting any Account, Activity or transaction; (8) endorse any securities or other property in order to pass title thereto (or any interest therein); (9) direct JP Morgan to surrender any securities or other property for the purpose of effecting any exchange or conversion thereof; (10) appoint any other person or persons to do any and all things which such director, officer, employee or agent of the Organization is hereby empowered to do; and (11) generally, take all such action as such director, officer, employee or agent of the Organization may deem necessary or desirable to implement or facilitate the trading activities described herein;

AUTHORIZED PERSONS

Name of Director, Officer, Employee of Organization or Agent	Title / Position	Specimen Signature
Merry Pelletier	Finance Manager	Merry Pelletier
Merle Hufford	City Treasurer	
Gary A. Napper	City Manager	

RESOLVED, that each of the Authorized Persons listed above is hereby individually authorized, for and on behalf of the Organization, to execute or otherwise assent to or enter into on behalf of the Organization all agreements, confirmations, releases, assignments, powers of attorney or other documents in connection with any Account, Activity or transaction, including without limitation, to execute and deliver instructions to JP Morgan to receive or deliver funds or securities, whether free or versus payment, or trade or non-trade related (including to any Authorized Persons);[**]

[1]Please ensure that the resolutions set forth in the certificate are identical to the resolutions adopted by the Organization.
[*] Unless representation (d) below provides to the contrary.
[**] Unless representation (e) below provides to the contrary.

RESOLVED, that not withstanding the foregoing resolutions, any person with actual or apparent authority is authorized and empowered by the Organization to undertake any Activity;

RESOLVED, that all actions previously taken by any director, officer, employee, Authorized Person or agent of the Organization in connection with or related to the matters set forth in or reasonably contemplated or implied by the foregoing resolutions be, and each of them hereby is, adopted, ratified, confirmed and approved in all respects as the acts and deeds of the Organization;

RESOLVED, that the Authorized Person is hereby authorized, empowered and directly to certify to JP Morgan, under the seal of this Organization, if any,

(a) a true copy of these resolutions;

(b) specimen signatures of each and every person by these resolutions empowered;

(c) a certificate (which, if required by JP Morgan, shall be supported by an opinion of the general counsel of the Organization, or other counsel satisfactory to JP Morgan) that this Organization is duly organized and validly existing, that its organizational and governing documents empower it to transact the business by these resolutions defined, and that no limitation has been imposed upon such powers by the organizational and governing documents or otherwise.

RESOLVED, that, JP Morgan may rely on the certifications, representations, warranties, and agreements contained in this Certificate until the close of business on the second business day after JP Morgan receives written notice of the modification or revocation thereof at its offices at One MetroTech Center North, Brooklyn, New York 11201-3859 marked to the attention of: (i) Global Clearing Services-New Accounts (if the Organization's account is maintained by the Global Clearing Services Department and the Organization engages in equities/prime brokerage), (ii) Fixed Income Clearing Services Managing Director (if the Organization's account is maintained by the Global Clearing Services Department and the Organization engages in fixed income trading) and (iii) Documentation Department (if the Organization's account is maintained by the Private Client Services Department or any other JP Morgan department) or any other address that has been provided by JP Morgan specifically for such purpose and in each case with a copy to the Organization's account executive or relationship manager(s) at JP Morgan, provided, that JP Morgan may rely on such certifications, representations, warranties, covenants and agreements with respect to any transaction entered into prior to the effectiveness of such modification or revocation;

RESOLVED, that, JP Morgan, their successors and assigns and their respective affiliates, directors, officers, agents and employees (the "Released Parties") are hereby released and forever discharged from, and against, any and all liabilities, responsibilities, obligations, claims, costs, damages, expenses (including attorneys' fees and expenses), penalties judgments or awards incurred or suffered by the Released Parties in connection with their reliance on this Certificate; the Organization acknowledges that the release and discharge set forth herein are in addition to, and in no way limit or restrict, any rights which any of the Released Parties may have under any other agreement(s) between the Organization and any of the Released Parties or under any federal or state statutes, laws, rules or regulations; and agree that this release and discharge shall survive the revocation of this Certificate with respect to transactions entered into prior to the effectiveness of such revocation;

RESOLVED, that, in the event of any change in the office or powers of persons hereby empowered, the Authorized Person (or designated successor), shall certify such change to JP Morgan in writing in the manner hereinabove provided, which notification, when received, shall be adequate both to terminate the powers of the persons theretofore authorized, and to empower the person thereby substituted;

(d) (i) represent and warrant that the Resolutions **[check the correct statement or cross out the incorrect statement]**

- ☐ authorize the Organization to engage in margin transactions credited or debited to an account at JP Morgan
- ☑ do not authorize the Organization to engage in margin transactions credited or debited to an account at JP Morgan; and

(ii) represent and warrant that the Resolutions **[check the correct statement or cross out the incorrect statement]**

- ☐ authorize the Organization to engage in transactions in any and all commodities, futures contracts, or options on commodities or futures contracts, on margin or otherwise.
- ☑ do not authorize the Organization to engage in transactions in any and all commodities, futures contracts, or options on commodities or futures contracts, on margin or otherwise.

(e) represent and warrant that the Resolutions **[check the correct statement or cross out the incorrect statement]**

- ☐ authorize each Authorized Person to order the trade and non-trade related free delivery of funds and securities to themselves and third parties.
- ☑ do not authorize each Authorized Person to order the trade and non-trade related free delivery of funds and securities to themselves and third parties.

(f) represent and warrant that the Organization **[check the correct statement or cross out the incorrect statement]**

- ☑ has more than one officer, director or employee
- ☐ (i) has only one officer, director and employee and that person is the sole beneficial owner of the Organization, and (ii) the Organization has provided evidence of such sole ownership to JP Morgan (attached hereto);

IN WITNESS WHEREOF the Organization, through the undersigned, has executed this Certificate as of the _____ day of __________, ______.

BY*: Merry Pelletier
Signature

[ORGANIZATION'S SEAL]

Merry Pelletier — Finance Manager
(Typed or Printed Name) (Title)

☐ Mark here if a seal has not been adopted by the Organization and is not required in the applicable jurisdiction.

** This Certificate must be executed by a person or entity duly authorized by the Organization to do so. The person executing this Certificate shall not be one of the persons authorized to act for the Organization pursuant to the Resolutions referred to in clause (b) above unless (i) the Organization has provided evidence that the Organization has only one officer, director or employee or (ii) the cross certification appearing below is completed.*

Cross Certification**

I, Gary A. Napper, the undersigned City Manager of the Organization hereby affirm and ratify each of the certifications, representations, warranties, covenants, and agreements contained in this Certificate.

IN WITNESS WHEREOF the Organization, through the undersigned, has executed this Certificate as of the _______ day of _____, ___.

By: ______________________________

***The Cross-Certification should be completed by a person authorized to act for the Organization pursuant to the Resolutions set forth in this Certificate.*

Agenda Date: 7/20/10
Agenda Item: 8a

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: JULY 20, 2010

SUBJECT: PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR THE OPERATION & MAINTENANCE OF STREET LIGHTS IN THE STREET LIGHTING ASSESSMENT DISTRICT, FY 2010-11

RECOMMENDATION

Open Public Hearing, receive public comments, close the Public Hearing and approve the attached Resolution.

BACKGROUND

The Engineer's Report approved at the City Council's May 18th meeting recommended leaving the proposed street light assessment amounts unchanged from last year's levies. The levy rate has remained the same amount since 1996. This annual levy pays for street lights located within residential neighborhoods.

As required by law, notices were mailed and a public meeting was held on June 15th to receive any comments from the public. None were forthcoming. Tonight, the City Council will hold the required public hearing, again to hear any comments or protests from the assessed property owners. Upon completion of public testimony, the City Council should close the public hearing and consider such comments prior to action on this Resolution.

FISCAL IMPACT

If this $125,458.76 annual assessment and Resolution are not approved, the Council must decide whether to fund all street lighting costs on our residential streets from another source, such as at-risk Gas Tax funds or the General Fund of the City, or turn off the street lights.

CONCLUSION

Staff recommends the City Council approve this Resolution confirming the levy of assessments within the Street Lighting Assessment District for FY 2010-11.

Attachments: Resolution confirming Assessments [4 pp.]
Engineer's Report

RESOLUTION NO.

A RESOLUTION DETERMINING LACK OF MAJORITY PROTEST AND CONFIRMING ASSESSMENT FOR OPERATION AND MAINTENANCE OF STREET LIGHTS IN THE STREET LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2010-11.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by adoption of Resolution No. xx-2010, the Clayton City Council approved the Engineer's Report on the proposed assessment levy for maintaining street lights during fiscal year 2010-11 in the Clayton Street Lighting Assessment District, and set a public meeting thereon for June 15, 2010, and a public hearing thereon for July 20, 2010, both to be held at the regular meeting place of the Clayton City Council; and

WHEREAS, notice of said meeting and said hearing and the adoption of Resolution No. xx-2010 was duly given as required by Section 54954.6 of the Government Code; and

WHEREAS, on June 15, 2010, and July 20, 2010, the City Council held the public meeting and public hearing, respectively, on the proposed assessment for the fiscal year 2010-11 and heard and considered all oral statements and written communications made and filed thereon by interested persons;

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

1. The Council hereby finds and determines that a majority protest does not exist, inasmuch as the protests received against the assessments do not represent property owners subject to more than fifty percent (50%) of the total annual assessment proposed for the District.

2. The City Council orders the levy of an assessment in the amounts shown on Exhibit A attached hereto per subdivision lot on each of the lots within the following subdivisions in the Street Lighting Assessment District and this Resolution shall constitute the levy and confirmation of such assessment for fiscal year 2010-11. The total subdivision lots so assessed are 3,458 and consist of each lot within the following subdivisions: #2556, #2572, #3434, #3576, #3659, #4011, #4012, #4013, #4014, #4015, #4016, #4017, #4018, #4019, #4240, #4343, #4403, #4449, #4451, #4499, #4504, #4515, #4543,

#4643, #4654, #4798, #4805, #4827, #4956, #5048, #5049, #5050, #5267, #5722, #6001, #6990, #7065, #7066, #7249, #7255, #7256, #7257, #7260, #7261, #7262, #7263, #7264, #7303, #7311, #7766, #7767, #7768, #7769, #7887, #8215, #8355, and #8358 as such maps appear of record in the Contra Costa County Recorder's Office.

3. The City will pay from the Special District Augmentation moneys, gas tax or other City funds, the cost of operation for some 166 street lights on arterial streets as described in the Engineer's Report. The herein mentioned assessment levy is to pay for the cost of operation for some 800 subdivision street lights along the interior streets within the above described subdivisions.

4. The City Clerk shall immediately file a certified copy of this resolution, together with any required diagrams and a list of lots so assessed, with both the Tax Collector and the Auditor of Contra Costa County, with the Assessment to thereafter be collected in the same manner as the property taxes are collected.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular public meeting thereof held on July 20, 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 public meeting held on July 20, 2010.

____

Laci J. Jackson, City Clerk

RESOLUTION NO.
EXHIBIT A

CITY OF CLAYTON								
STREETLIGHT ASSESSMENT DISTRICT FY 2010-11								
PROPOSED ASSESSMENTS								
Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total $
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	$43.54	$957.88
Cardinet Glen II	2572	30	SF	Y	1.00	30.00	$43.54	$1,306.20
Glen Almond	3434	23	SF	Y	1.00	23.00	$43.54	$1,001.42
Dana Hills I	3576	29	SF	Y	1.00	29.00	$43.54	$1,262.66
Mission Manor	3659	25	SF	Y	1.00	25.00	$43.54	$1,088.50
Dana Hills II	4011	55	SF	Y	1.00	55.00	$43.54	$2,394.70
Dana Hills III	4012	50	SF	Y	1.00	50.00	$43.54	$2,177.00
Dana Hills IV	4013	93	SF	Y	1.00	93.00	$43.54	$4,049.22
Dana Hills V	4014	50	SF	Y	1.00	50.00	$43.54	$2,177.00
Dana Hills VI	4015	30	SF	Y	1.00	30.00	$43.54	$1,306.20
Dana Hills VII	4016	65	SF	Y	1.00	65.00	$43.54	$2,830.10
Dana Hills VIII	4017	46	SF	Y	1.00	46.00	$43.54	$2,002.84
Dana Hills IX	4018	32	SF	Y	1.00	32.00	$43.54	$1,393.28
Dana Hills X	4019	52	SF	Y	1.00	52.00	$43.54	$2,264.08
Marsh Creek	4240	109	MF	N	0.25	27.25	$15.64	$1,704.76
Regency Woods I	4343	77	SF	Y	1.00	77.00	$43.54	$3,352.58
St. James Place	4403	16	SF	Y	1.00	16.00	$43.54	$696.64
Casey Glen	4449	24	SF	Y	1.00	24.00	$43.54	$1,044.96
Briarwood I	4451	19	SF	Y	1.00	19.00	$43.54	$827.26
Jeffry Ranch	4499	68	SF	Y	1.00	68.00	$43.54	$2,960.72
Dana Ridge	4504	86	MF	N	0.25	21.50	$15.64	$1,345.04
Clayton Greens	4515	78	SF	Y	1.00	78.00	$43.54	$3,396.12
Regency Woods II	4543	71	SF	Y	1.00	71.00	$43.54	$3,091.34
Regency Woods III	4643	37	SF	Y	1.00	37.00	$43.54	$1,610.98
Briarwood II	4654	40	SF	Y	1.00	40.00	$43.54	$1,741.60
Regency Woods IV	4798	145	SF	Y	1.00	145.00	$43.54	$6,313.30
Easley Estates I	4805	48	SF	Y	1.00	48.00	$43.54	$2,089.92
Silver Creek I	4827	26	SF	Y	1.00	26.00	$43.54	$1,132.04
Silver Creek II	4956	94	SF	Y	1.00	94.00	$43.54	$4,092.76
Easley Estates II	5048	51	SF	Y	1.00	51.00	$43.54	$2,220.54
Easley Estates III	5049	40	SF	Y	1.00	40.00	$43.54	$1,741.60

Easley Estates IV	5050	55	SF	Y	1.00	55.00	$43.54	$2,394.70
Douglas Court	5267	9	SF	Y	1.00	9.00	$43.54	$391.86
Regency Meadows	5722	96	SF	Y	1.00	96.00	$43.54	$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	$43.54	$2,830.10
Westwood	6001	4	MF	Y	0.50	2.00	$15.64	$62.56
Windmill Canyon I	6990	92	SF	Y	1.00	92.00	$43.54	$4,005.68
Black Diamond I	7065	108	Duet	N	0.50	54.00	$31.28	$3,378.24
Chaparral Springs I	7066	117	MF	N	0.25	29.25	$8.34	$975.78
Peacock Creek I	7249	69	SF	Y	1.00	69.00	$33.38	$2,303.22
Peacock Creek II	7255	72	SF	Y	1.00	72.00	$33.38	$2,403.36
Eagle Peak I	7256	70	SF	Y	1.00	70.00	$43.54	$3,047.80
Eagle Peak II	7257	60	SF	Y	1.00	60.00	$43.54	$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	$33.38	$2,503.50
Falcon Ridge II	7261	70	SF	Y	1.00	70.00	$43.54	$3,047.80
Windmill Canyon II	7262	99	SF	Y	1.00	99.00	$43.54	$4,310.46
Windmill Canyon III	7263	101	SF	Y	1.00	101.00	$43.54	$4,397.54
Windmill Canyon IV	7264	102	SF	Y	1.00	102.00	$33.38	$3,404.76
Chaparral Springs II	7303	52	MF	N	0.25	13.00	$8.34	$433.68
Black Diamond II	7311	118	Duet	N	0.50	59.00	$31.28	$3,691.04
Diablo Ridge I	7766	60	MF	N	0.25	15.00	$8.34	$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	$16.68	$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	$8.34	$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	$31.28	$1,720.40
Oak Hollow IIB	7769	53	SF	N	0.50	26.50	$31.28	$1,657.84
Stranahan	7887	54	SF	Y	1.00	54.00	$33.38	$1,802.52
Diablo Village	8215	33	SF	Y	1.00	33.00	$43.54	$1,436.82
Rachel Ranch	8355	8	SF	Y	1.00	8.00	$43.54	$348.32
Bridlewood	8358	19	SF	Y	1.00	19.00	$43.54	$827.26
TOTALS		3458				2896.5		$125,458.76

ENGINEER'S REPORT

DATE: **MAY 20, 2010**

TO: **CITY COUNCIL**

FROM: **CITY ENGINEER**

RE: **STREET LIGHT ASSESSMENT DISTRICT - FISCAL YEAR 2010-11**

This report has been prepared in accordance with the requirements of the Street Lighting Act of 1919 (Section 18091 of the Street and Highways Code).

HISTORICAL REVIEW

Prior to 1979, the year the City formed the Street Light Assessment District, all subdivisions were annexed to the City's Lighting District #1. This district became a Special District, which made it eligible for a small portion of the property tax as well as Special Augmentation Funds for special districts.

When the Assessment District was formed, primarily to pay for street lighting in residential areas with street lights, the City ceased annexing new subdivisions to Lighting District #1. While the City continues to receive moneys on Lighting District #1 as Special Augmentation Funds, the amounts are expected to decrease. The expected income for FY 2010-11 is approximately $28,000.

All of the residential subdivisions with street lighting have now been annexed to the district and are being assessed annually.

When the Street Light Assessment District was formed, it was the City Council's policy that the residential street lighting be paid by the Assessment District and arterial street lighting by Lighting District #1.

PROPOSITION 218

In 2001, significant increases in electric charges from PG&E were anticipated and a large increase was proposed in the annual assessments. It was finally determined that any increases over the amounts being assessed when Proposition 218 was approved, were subject to the terms of Proposition 218. A ballot election was held and the proposed increases were rejected by almost 60% of the votes cast. Based upon that result, a public meeting and public hearing was held on the pre-218 assessments based upon the old majority protest procedures. Since there was not a majority protest, the pre-218 assessments were levied.

Due to the current fiscal climate, I again do not recommend that the City attempt another 218 election in order to increase the assessments.

DETERMINATION OF SPECIAL BENEFIT

For this district, being limited to street lighting, the finding of a special benefit is relatively simple. Those properties, occupied and located on a lighted public street, receive a special benefit relative to those properties located on unlit streets. This benefit may be described as additional protection for residents from criminal activity and, to a lesser extent, vehicular traffic. It should be noted that I am saying that the lights protect the pedestrians from vehicular traffic by increasing the pedestrians' ability to see and not the other way around.

There may be some who would argue that since pedestrians benefit from the additional protection and that some of the pedestrians may be other than the actual residents, a general benefit exists. However, I believe that the number of trips by non-residents would be minuscule compared to the residents' trips and impossible to reasonably quantify.

There are some publicly owned parcels (open space areas) that do have some frontage along lighted public streets. However, since these properties are not occupied, no benefit, either special or general, is received.

Therefore, I can only find that no "general" benefit exists.

DISTRICT IMPROVEMENTS

The district improvements consist of streetlights located on residential streets. The streetlights may be mounted on PG&E poles or on their own poles (either wood, metal or concrete).

ESTIMATED COSTS

Actual PG&E costs for FY 2009-10 will be approximately $98,000. Based upon expenditures to date, the City's labor, materials and overhead costs should be approximately $32,743.

We are projecting a modest increase in electrical costs over the current year's actual costs to $99,000 for the almost 800 streetlights covered by the assessment district. In addition, we are proposing that the maintenance and administrative budgets be set at $33,830.

METHOD OF ASSESSMENT

In detached, single family subdivisions with public streets, the special benefit received from street lights is equal to all the lots, regardless of size, and the assessment should, therefore, be equal for every lot and will be assigned an assessment unit of one.

In those subdivisions with private streets, but served or traversed by public, lit streets, the property owners already pay for a share of their private street lighting and the ratio of lots to the number of public lights is higher than those in subdivisions with all public streets. Therefore, in order to provide an equitable assessment, I have assigned assessment units of one-half to single family and duet subdivisions (Oak Hollow and Black Diamond) and one-quarter to multifamily subdivisions (Diablo Ridge, Chaparral Springs, Marsh Creek Villas).

See the chart on pages 4 and 5 for a complete breakdown on the assessment units.

UNEXPENDED FUNDS

The fund balance at the beginning of FY 2009/10 was approximately $130,426.

We estimate that the final costs for FY 2009/10 should be approximately $130,743 and the final income amount should be $127,959, resulting in a shortfall of $2,784. This shortfall will decrease the fund balance to $127,642 for the beginning of FY 2010/11.

This fund balance will cover the costs of the District until receipt of the first tax payment in December.

PER UNIT ALLOCATION

If we were able to spread the costs strictly by the number of assessment units in the District, we would have the following cost per assessment unit:

Estimated PG&E cost	$99,000.00
City Maintenance Costs	16,625.00
City Administrative Costs	10,000.00
Legal (ads, notice, etc.)	2,905.00
County Collection of Levy Fee	4,300.00
Total Budget	$132,830.00
Less Interest Income	(2,000.00)
Net Assessment Required	$130,830.00
Total Assessment Units	2896.5
Total Assessment Per Unit	$45.17

However, since we are unable to increase assessments beyond their current level without a ballot election, we recommend that the current assessments remain the same for FY 2010-11 (see table on pages 4 and 5). Based upon the current assessment levels, the District will receive approximately $125,458.76. Therefore, we must project a shortfall of approximately $5,371 in FY 2010-11 which will decrease the existing fund balance at the end of FY 2010-11 to $122,271.

ASSESSMENT HISTORY

Proposed FY 10-11	between $0 and $43.54
FY 09-10	between $0 and $43.54
FY 08-09	between $0 and $43.54
FY 07-08	between $0 and $43.54
FY 06-07	between $0 and $43.54
FY 05-06	between $0 and $43.54
FY 04-05	between $0 and $43.54
FY 03-04	between $0 and $43.54
FY 02-03	between $0 and $43.54
FY 01-02	between $0 and $43.54
FY 00-01	$34.34
FY 99-00	$33.38
FY 98-99	$33.38
FY 97-98	$33.38
FY 96-97	$43.54

CITY OF CLAYTON								
STREETLIGHT ASSESSMENT DISTRICT FY 2010-11								
PROPOSED ASSESSMENTS								
Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total $
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	$43.54	$957.88
Cardinet Glen II	2572	30	SF	Y	1.00	30.00	$43.54	$1,306.20
Glen Almond	3434	23	SF	Y	1.00	23.00	$43.54	$1,001.42
Dana Hills I	3576	29	SF	Y	1.00	29.00	$43.54	$1,262.66
Mission Manor	3659	25	SF	Y	1.00	25.00	$43.54	$1,088.50
Dana Hills II	4011	55	SF	Y	1.00	55.00	$43.54	$2,394.70
Dana Hills III	4012	50	SF	Y	1.00	50.00	$43.54	$2,177.00
Dana Hills IV	4013	93	SF	Y	1.00	93.00	$43.54	$4,049.22
Dana Hills V	4014	50	SF	Y	1.00	50.00	$43.54	$2,177.00
Dana Hills VI	4015	30	SF	Y	1.00	30.00	$43.54	$1,306.20
Dana Hills VII	4016	65	SF	Y	1.00	65.00	$43.54	$2,830.10
Dana Hills VIII	4017	46	SF	Y	1.00	46.00	$43.54	$2,002.84
Dana Hills IX	4018	32	SF	Y	1.00	32.00	$43.54	$1,393.28
Dana Hills X	4019	52	SF	Y	1.00	52.00	$43.54	$2,264.08
Marsh Creek	4240	109	MF	N	0.25	27.25	$15.64	$1,704.76
Regency Woods I	4343	77	SF	Y	1.00	77.00	$43.54	$3,352.58
St. James Place	4403	16	SF	Y	1.00	16.00	$43.54	$696.64
Casey Glen	4449	24	SF	Y	1.00	24.00	$43.54	$1,044.96
Briarwood I	4451	19	SF	Y	1.00	19.00	$43.54	$827.26
Jeffry Ranch	4499	68	SF	Y	1.00	68.00	$43.54	$2,960.72
Dana Ridge	4504	86	MF	N	0.25	21.50	$15.64	$1,345.04
Clayton Greens	4515	78	SF	Y	1.00	78.00	$43.54	$3,396.12
Regency Woods II	4543	71	SF	Y	1.00	71.00	$43.54	$3,091.34
Regency Woods III	4643	37	SF	Y	1.00	37.00	$43.54	$1,610.98
Briarwood II	4654	40	SF	Y	1.00	40.00	$43.54	$1,741.60
Regency Woods IV	4798	145	SF	Y	1.00	145.00	$43.54	$6,313.30
Easley Estates I	4805	48	SF	Y	1.00	48.00	$43.54	$2,089.92
Silver Creek I	4827	26	SF	Y	1.00	26.00	$43.54	$1,132.04
Silver Creek II	4956	94	SF	Y	1.00	94.00	$43.54	$4,092.76
Easley Estates II	5048	51	SF	Y	1.00	51.00	$43.54	$2,220.54
Easley Estates III	5049	40	SF	Y	1.00	40.00	$43.54	$1,741.60
Easley Estates IV	5050	55	SF	Y	1.00	55.00	$43.54	$2,394.70
Douglas Court	5267	9	SF	Y	1.00	9.00	$43.54	$391.86

Regency Meadows	5722	96	SF	Y	1.00	96.00	$43.54	$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	$43.54	$2,830.10
Westwood	6001	4	MF	Y	0.50	2.00	$15.64	$62.56
Windmill Canyon I	6990	92	SF	Y	1.00	92.00	$43.54	$4,005.68
Black Diamond I	7065	108	Duet	N	0.50	54.00	$31.28	$3,378.24
Chaparral Springs I	7066	117	MF	N	0.25	29.25	$8.34	$975.78
Peacock Creek I	7249	69	SF	Y	1.00	69.00	$33.38	$2,303.22
Peacock Creek II	7255	72	SF	Y	1.00	72.00	$33.38	$2,403.36
Eagle Peak I	7256	70	SF	Y	1.00	70.00	$43.54	$3,047.80
Eagle Peak II	7257	60	SF	Y	1.00	60.00	$43.54	$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	$33.38	$2,503.50
Falcon Ridge II	7261	70	SF	Y	1.00	70.00	$43.54	$3,047.80
Windmill Canyon II	7262	99	SF	Y	1.00	99.00	$43.54	$4,310.46
Windmill Canyon III	7263	101	SF	Y	1.00	101.00	$43.54	$4,397.54
Windmill Canyon IV	7264	102	SF	Y	1.00	102.00	$33.38	$3,404.76
Chaparral Springs II	7303	52	MF	N	0.25	13.00	$8.34	$433.68
Black Diamond II	7311	118	Duet	N	0.50	59.00	$31.28	$3,691.04
Diablo Ridge I	7766	60	MF	N	0.25	15.00	$8.34	$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	$16.68	$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	$8.34	$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	$31.28	$1,720.40
Oak Hollow IIB	7769	53	SF	N	0.50	26.50	$31.28	$1,657.84
Stranahan	7887	54	SF	Y	1.00	54.00	$33.38	$1,802.52
Diablo Village	8215	33	SF	Y	1.00	33.00	$43.54	$1,436.82
Rachel Ranch	8355	8	SF	Y	1.00	8.00	$43.54	$348.32
Bridlewood	8358	19	SF	Y	1.00	19.00	$43.54	$827.26
TOTALS		3458				2896.5		$125,458.76

Agenda Date: 7/20/10

Agenda Item: 9a

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:	
Gary A. Napper	
City Manager/Executive Director	

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, AICP, COMMUNITY DEVELOPMENT DIRECTOR

DATE: JULY 20, 2010

SUBJECT: ORDINANCE NO. 428 AMENDING THE *CLAYTON MUNICIPAL CODE* FOR THE PURPOSE OF EXTENDING FROM JUNE 30, 2010 THROUGH JUNE 30, 2013 THE ON-SITE PARKING WAIVER PROVISION IN THE TOWN CENTER AREA AND AMENDING THE REQUIREMENT FOR A BUILDING PERMIT WITHIN ONE (1) YEAR OF PROJECT APPROVAL TO WITHIN TWO YEARS OF PROJECT APPROVAL (ZOA 01-10)

RECOMMENDATION

The City Council approve Second Reading and Adoption of Ordinance No. 428 amending the *Clayton Municipal Code* for the purpose of extending from June 30, 2010 through June 30, 2013 the On-site Parking Waiver Provision in the Town Center area and amending the requirement for a building permit within one (1) year of project approval to within two (2) years of project approval.

PROJECT INFORMATION

Applicant/Location:	City of Clayton/Town Center Specific Plan Area
General Plan Designation:	Town Center Commercial
Town Center Specific Center Plan Designation:	Town Center Commercial
Zoning:	Planned Development (PD); Limited Commercial (L-C) Public
Public Notice:	On June 17, 2010, a public hearing notice was mailed to property owners within 300 feet of the site and posted on the project site.

BACKGROUND

The City Council considered and approved Introduction and First Reading of Ordinance. No. 428 at its July 6, 2010 meeting. As noted in the staff report and staff presentation at that meeting, a Parking Waiver provision had been adopted in June of 2007 for projects with specified land uses in the Clayton Town Center area. The intent was to allow substantially reduced on-site parking requirements as a development/redevelopment incentive for projects that included specified desired land uses. The list of specified land uses included retail and restaurant uses on ground floor and office and personal service uses on the second floor in the Town Center area.

The adopted language in the Parking Waiver provision adopted and reflected in Section 17.37.030.C of the Clayton Municipal Code (CMC) indicates this incentive is to expire on June 30, 2010. This amendment, i.e., Ordinance No. 428, before the Council extends to June 30, 2013 the Parking Waiver provision and changes the requirement for the Parking Waiver from obtaining a building permit within one year of project approval as stated in Section 17.37.030.C.3 of the CMC to within two years of project approval. Typically, with mapping and building permit requirements associated with Parking Waiver projects, a one year period for obtaining a building permit is not adequate.

In approving the Introduction and First Reading of Ordinance 428, the City Council accepted the recommendation and rationale of the Planning Commission and staff that development and redevelopment incentives continue to be desirable in the Town Center area. The slow economy generally since the original adoption of the Parking Waiver provision has resulted in minimal development in the Town center area; however, a parking waiver provision continues to be an important inducement for new development and redevelopment within the area.

Attachment: Ordinance No. 428

ORDINANCE NO. 428

AN ORDINANCE
AMENDING SECTION 17.37.030.C (WAIVER PERIOD) OF THE CLAYTON MUNICIPAL CODE FOR THE PURPOSE OF EXTENDING FROM JUNE 30, 2010 THROUGH JUNE 30, 2013 THE PARKING WAIVER PROVISION IN THE TOWN CENTER AREA AND AMENDING SECTION 17.37.030.C.3 FROM REQUIRING A BUILDING PERMIT WITHIN ONE (1) YEAR OF PROJECT APPROVAL TO WITHIN TWO (2) YEARS OF PROJECT APPROVAL
(ZOA 01-10)

THE CITY COUNCIL
City of Clayton, California

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

WHEREAS, Ordinance No. 408 was adopted by the Clayton City Council on June 26, 2007, which provided a waiver period to allow specified reductions for on-site parking for development projects satisfying certain stated criteria as an incentive for development and redevelopment to occur in Clayton's Town Center area; and

WHEREAS, the waiver period contained within Ordinance No. 408 and reflected in 17.37.030.C of the Clayton Municipal Code expires on June 10, 2010; and

WHEREAS, the Planning Commission held duly-noticed public hearings on May 25, 2010, and June 8, 2010 to consider various entitlements associated with the Creekside Mixed Use Project, including amendments to the Parking Waiver provision in the Clayton Municipal Code to extend the Parking Waiver allowance reflected in Section 17.37.030.C from June 30, 2010 to June 30, 2013 and change the requirement for the Parking Waiver from obtaining a building permit within one year of project approval as stated in Section 17.37.030.C.3 to within two years of project approval; and

WHEREAS, because only limited development has occurred in the Town Center area since the adoption of Ordinance No. 408, continuing to provide incentives to encourage general development and redevelopment in the Town Center area to projects which conform with the Clayton Town Center Specific Plan remains desirable; and

WHEREAS, the Planning Commission determined that a one year period for obtaining a building permit after project approval to obtain a parking waiver is restrictive when many projects involve related subdivision map approvals wherein an initial two year period is given for recording a Final Map; and, accordingly, the Planning Commission determined it appropriate to recommend amending Section 17.37.030.C.3 of the Clayton Municipal Code to require a building permit be issued within two years rather than one year after project approval as one of the stated criteria for using the Parking Waiver provision; and

WHEREAS, the Planning Commission, based on the information it received and considered has determined the proposed amendments to Sections 17.37.030.C and 17.37.030.C.3 of the Municipal Code would be in conformance with the General Plan; the public necessity, convenience, and general welfare would require adoption of the amendments; the adoption of the amendments would not result in a significant adverse environmental impact as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the adoption of the Town Center and Vicinity Planning Amendments IES/ND (ENV 01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines; and has found there was no evidence that the amendment will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

WHEREAS, on July 6, 2010, and July 20, 2010, the City Council held duly-noticed public hearings and gave due consideration to all testimony, comments, and documents received pertaining to the amendment to Sections 17.37.030.C and 17.37.030.C.3 of the Municipal Code; and

WHEREAS, at the duly noticed public hearings on July 6, 2010, and on July 20, 2010, the City Council received the recommendation of the Planning Commission, the related staff report and other documents and public testimony concerning the amendments and determined that the amendments would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of the amendment; the adoption of the amendments would not result in a significant adverse environmental impact as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the adoption of the Town Center and Vicinity Planning Amendments IES/ND (ENV 01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines; and has found there was no evidence that the amendment will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

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

SECTION 1. Sections 17.37.030.C and 17.37.030.C.3 of the Municipal Code are amended to read as follows:

17.37.030.C. "C. <u>Waiver Period</u>. In order to encourage development of retail, restaurant, office, and personal service uses in the Town Center before June 30, ~~2010~~ 2013, a waiver period extending through June 30, ~~2010~~ 2013 is established during which the number of off-street parking and loading spaces required for projects meeting all of the criteria listed in subsections 1-4 below is reduced in accordance with Schedule 17.37.030.D."

17.37.030.C.3. "3. A building permit (if required) for the project has been issued within ~~one (1)~~ two (2) years of project approval. Construction and a final building permit inspection are completed within one (1) year of the issuance of the building permit. These time periods may be extended once up to six (6) months by the Planning Commission upon a showing of good cause."

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

SECTION 3. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

SECTION 4. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Section 1 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on July 6, 2010.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on July 20, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

Hank Stratford, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

J. Daniel Adams, City Attorney

APPROVED BY ADMINISTRATION

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on July 6, 2010, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on July 20, 2010.

Laci J. Jackson, City Clerk

comdev\ZOA\2010\ 01-10.CC.Parking Waiver Extension.A

Agenda Date: 7/20/10

Agenda Item: 3a GHAD

MINUTES
REGULAR MEETING
OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

June 15, 2010

1. CALL TO ORDER AND ROLL CALL – the meeting was called to order by Chairman Geller at 8:45 p.m. Boardmembers present: Chairman Geller, Vice Chairman Shuey, Boardmembers Medrano, Pierce, Stratford. Staff present: City Manager Napper, General Counsel Adams, District Manager Rick Angrisani, and Secretary Jackson.

2. PUBLIC COMMENTS - None.

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

(a) Approved the Oakhurst Geologic Hazard Abatement District Board minutes for the regular meeting of December 1, 2009, March 16, 2010 and April 6, 2010.

4. PUBLIC HEARINGS – None.

5. ACTION ITEMS

(a) Presentation and consideration of the proposed Oakhurst Geologic Hazard Abatement District (GHAD) Budget for Fiscal Year 2010-2011.

The District Manager presented the budget and stated the Districts assessments generate $33,042.86 in revenue yearly but the District has a deficit due to increased price for general liability insurance premiums, litigation defense. He stated the reserves from the Presley settlement will be used to balance the budget shortfall.

No Public Comments were received.

It was moved by Chairman Geller, seconded by Vice Chairperson Shuey to adopt the amended Resolution 01-2010 approving the District's Budget for FY 2010-2011 and setting July 20, 2010 as the Public Hearing date on the proposed GHAD real property assessments for FY 2010-2011 (Passed; 5-0 vote).

6. BOARD ITEMS – None.

7. ADJOURN- on call by Chairman Geller the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Approved by Board of Directors
Geologic Hazard Abatement District

Howard Geller, Chairman

Agenda Date: 7/20/10
Agenda Item: 4a GHAD

CITY OF CLAYTON
Founded 1857 Incorporated 1964

GHAD STAFF REPORT

TO: HONORABLE CHAIRPERSON AND BOARDMEMBERS

FROM: RICK ANGRISANI, DISTRICT MANAGER

DATE: JULY 20, 2010

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING ASSESSMENTS FOR FY 2010-11

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The District's 2010-11 Budget, approved at the Board's June 15th meeting, recommended increasing assessments by the allowable 1.72% increase in the annual Consumer Price Index (CPI).

Tonight, the Board will hold the required public hearing, again to hear any comments or protests from its effected citizens. Upon completion of public testimony, the Board may close the public hearing and consider action on this Resolution.

FISCAL IMPACT

If this Resolution is not approved, the Oakhurst Geologic Hazard Abatement District (GHAD) will not be able to fund any maintenance or monitoring work in the coming year, as the District has no other source of revenues other than this $33,023.52 annual assessment paid by real property owners. Further, no increase in assessment revenues (beyond the allowable CPI increase) can occur without property owners' affirmative vote.

CONCLUSION

Based upon the above, staff recommends the Board approve this Resolution ordering improvements and confirming assessments within the GHAD for FY 2010-11.

Attachments: Resolution confirming Assessments [3 pp.]
Notice of Assessment mailed [2 pp.]
District Budget

RESOLUTION NO.

A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2010-11 WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE, ARTICLE 3, SECTION 1173, et. seq.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by passage of Resolution 34-98, the City Council ordered the formation of the High Street Permanent Road Division for the purpose of reconstructing and maintaining the High Street Bridge over Mitchell Creek; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge; and

WHEREAS, the City Council called for an election on February 26, 1999 to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, said special tax approved must be re-levied each fiscal year;

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

1. The City Council hereby orders the levy of special taxes for FY 2010-11 on those parcels within the High Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Current Owner	Reconstruction	Maintenance	Total
119-050-036	Frank	$545.00	$60.00	$605.00
119-050-008	City of Clayton	$2,071.00	$60.00	$2,131.00
119-040-023	Morgan	$545.00	$60.00	$605.00
119-040-024	Davis	$364.00	$60.00	$424.00
119-040-021	Utley	$545.00	$60.00	$605.00

3. Said special taxes shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20^{th} day of July 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 July 20, 2010.

Laci J. Jackson, City Clerk

NOTICE OF PUBLIC HEARING ON THE LEVYING OF ASSESSMENTS ON PROPERTY IN THE OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT PURSUANT TO PUBLIC RESOURCES CODE SECTION 26652.

KNOW ALL INTERESTED PARTIES BY THIS NOTICE THAT:

1. The District Manager did present on June 15, 2010, to the Board of Directors, his report dated June 15, 2010, indicating a total budget for FY 2010-11 of $32,372.00 and recommending the assessments shown on the attached table to pay for the obligations of the Oakhurst Geologic Hazard Abatement District ("District") during the 2010-11 fiscal year.

2. The Board of Directors accepted and approved the report on June 15, 2010, by adopting GHAD Resolution No. 01-2010, which set forth, among other things:

a. The Board's intent to levy and collect a per unit assessment in accordance with the recommendations of the District Manager as specified to pay for the obligations of said District during the 2010-11 fiscal year.
b. The date of Tuesday, July 20, 2010, at 7:00 p.m., at Hoyer Hall in the Clayton Community Library, situated at 6125 Clayton Road, Clayton, California, as the date, time and place for hearing protests against the levying of said assessments in the District for the cost of operating in fiscal year 2010-11.

3. The per unit assessments for the 2009-10 fiscal year were as shown on the attached table. The proposed per unit assessments, representing an increase of less than the latest annual increase in the San Francisco, All Items, All Urban Consumers Index (1.72%; April '09 – April '10) and therefore within the limits previously approved by ballot, do not constitute an increase in assessments.

4. A general description of the items to be maintained and operated in the District and paid for by the assessment is as follows: open space areas and geologic hazard mitigation devices and improvements.

5. All interested parties may obtain further particulars concerning the proposed per unit assessments in the District and a description and map of the boundaries of the District by referring to GHAD Resolution 01-2010, and the report of June 15, 2010, which are on file with the Secretary in the Clayton City Office. In addition, interested parties may contact the District Manager directly by phone at (925) 363-7433 or in person at 5375 Clayton Road, Concord, California, or view the reports at www.ci.clayton.ca.us.

NOW, THEREFORE, any and all persons having any interest in lands within the District liable to be assessed for the expenses of the district for fiscal year 2010-11, may appear at the public hearing, the time and place thereof being set forth above, and offer protest to said assessments, and any of said persons may also present any objections that they may have by written protest filed with the Secretary, Oakhurst Geologic Hazard Abatement District, City of Clayton, 6000 Heritage Trail, Clayton, California, 94517, at or before the time set for public hearing.

LACI J. JACKSON
Secretary
Oakhurst Geologic Hazard Abatement District

DATED: June 16, 2010

OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT
PROPOSED ANNUAL ASSESSMENTS
FISCAL YEAR 2010/11

GHAD AREA	SUBD. NAME	SUBD. #	# UNITS	TYPE	PROPOSED ASSESS.	2009-2010 ASSESS.	ANNUAL $ INCREASE
I	Windmill Canyon I	6990	92	6,000 sf	$18.20	$17.90	0.30
I	Black Diamond I	7065	108	Duets	$13.66	$13.42	0.24
I	Chaparral Springs I	7066	117	Multi-family	$9.12	$8.98	0.14
I	Chaparral Springs II	7303	52	Multi-family	$9.12	$8.98	0.14
I	Black Diamond II	7311	118	Duets	$13.66	$13.42	0.24
I	Oak Hollow IIA	7768	55	5,000 sf	$18.20	$17.90	0.30
I	Oak Hollow IIB	7769	53	5,000 sf	$18.20	$17.90	0.30
II	Eagle Peak I	7256	70	8,000 sf	$24.30	$23.90	0.40
II	Eagle Peak II	7257	60	8,000 sf	$24.30	$23.90	0.40
II	Falcon Ridge I	7260	75	8,000 sf	$24.30	$23.90	0.40
II	Falcon Ridge II	7261	70	8,000 sf	$24.30	$23.90	0.40
II	Windmill Canyon II	7262	99	6,000 sf	$24.30	$23.90	0.40
II	Windmill Canyon III	7263	101	6,000 sf	$24.30	$23.90	0.40
II	Windmill Canyon IV/Ironwood	7264	102	6,000 sf	$24.30	$23.90	0.40
II	Oak Hollow I	7766	35	5,000 sf	$24.30	$23.90	0.40
II	Diablo Ridge I	7766	60	Multi-family	$12.18	$11.98	0.20
II	Diablo Ridge II	7767	76	Multi-family	$12.18	$11.98	0.20
III	Peacock Creek I	7249	69	10,000 sf	$58.50	$57.52	0.98
III	Peacock Creek II	7255	72	10,000 sf	$58.50	$57.52	0.98

GHAD BUDGET REPORT

DATE: **JUNE 15, 2010**

TO: **BOARD OF DIRECTORS**

FROM: **RICK ANGRISANI, DISTRICT MANAGER**

RE: **FISCAL YEAR 2010-11**

BACKGROUND

In April 2000, the property owners within the Oakhurst Geologic Hazard Abatement District (GHAD) approved, by ballot, assessments to cover the routine maintenance and operations needs of the District. The ballot measure also allowed increases in the annual assessment not to exceed the CPI. These annual assessments are the only source of revenues to the District as it is solely funded by the private property owners within the District. Without real property owners' approval, the District cannot create or mandate additional revenues to fund hazard abatement or prevention services.

Settlement proceeds from the Presley lawsuit (2002) funded the initial investigation and monitoring of the slope below Kelok Way. The slope monitoring did confirm that some movement is occurring at a depth some 30 feet below the Golden Eagle Place cul-de-sac. Stabilization costs, estimated at several million dollars, far exceed the limited resources of the District. On several previous opportunities, property owners within the District soundly rejected by ballot any willingness to approve increases in the annual assessments.

Since early 2007, the District has also been monitoring the slope below Pebble Beach Drive near Inverness Way. The contract for this monitoring has been completed and the District does not have funds available to either continue or expand this work. Numerous lawsuits have been filed by affected private property owners against the builder (Lyon), the City and the GHAD. While there is little likelihood the GHAD will be found liable for any damages, legal defense costs have been a drain on the GHAD's limited resources. In addition, the potential exposure and defense costs for the property owner lawsuits have caused a significant surcharge in the City's and the District's liability insurance rates. In the past, the cost of the insurance was absorbed by the City's General Fund. However, the size of the surcharge, not to mention the budget difficulties all cities are now facing, has necessitated including this item in the District's budget.

The GHAD's fund balance (reserves) is expected to have a deficit of $2,650 at the end of FY 2009-10 and there will be approximately $219,341 in remaining funds from the Presley lawsuit settlement. We currently anticipate being able to fund the District's operations with the proposed assessments and to slightly reduce the fund deficit (by $652). It was, of course, intended that the remaining Presley lawsuit settlement funds be used to rehabilitate the street pavement in the Keller Ridge and Eagle Peak areas once the ongoing movement ceased. However, having no other reserves and no interest by the property owners in raising the annual assessments, the District has no choice but to use these funds to cover any of the District's funding shortfalls for as long as possible.

FY 2010-11 BUDGET

This Budget proposes to continue funding just the routine operations, along with the ongoing monitoring and legal defense costs, of the District through the allowable annual assessments. The year to year increase allowable per the most current CPI is 1.72% (April 2009 to April 2010, San Francisco, All Items, All Urban Consumers Index).

Following is the recommended budget for the GHAD for FY 2010-11:

EXPENSES

Postage	$700.00
Insurance Premium Surcharge (transfer to General Fund)	12,677.00
County Collections Charge	900.00
Engineering Services	5,000.00
Legal Services	7,000.00
Administration (transfer to General Fund)	6,000.00
TOTAL EXPENSES	**$32,372.00**

INCOME

Property Assessments	$33,023.52
Interest on Funds	0.00
TOTAL INCOME	**$33,023.52**
Excess Income to GHAD Fund Balance	$ 651.52

FY 2010-11 PROPERTY ASSESSMENTS

As stated above, the annual assessment will be the same as last year except for an increase consistent with the increase in the CPI. Exhibit A explains the methodology of the assessments and provides a summary of the proposed assessment for this year.

EXHIBIT A

OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT

METHOD OF ASSESSMENT

A geologic hazard abatement district is essentially a benefit assessment district. Therefore, the assessments must be apportioned to individual parcels according to the benefit received.

Based upon discussions with the City's consultant, Randy Leptien of Leptien, Cronin & Cooper, the various areas and types of development in Oakhurst require that the assessments be broken down by area as well as type of unit. The areas have been broken down to reflect, as much as possible, units with an equal amount of risk and benefit.

The total development has been divided into three areas for assessment:

Area 1	Lower 6000's, lower 5000's, Duets, and Townhouses
Area 2	Upper 6000's, upper 5000's, 8,000's, condominiums
Area 3	10000's

After reviewing the needs of each area and the benefits of the District to each area, we have assigned each area the following share of the District's costs (including reserves);

Area 1	25%
Area 2	50%
Area 3	25%

As will be noted, the number of units in each area is not considered a factor and the amount of assessment per unit will vary greatly from area to area. Since there are different types of housing mixed in Areas 1 and 2, we have assigned different assessment units to each type of housing as follows:

Single Family (regardless of size)	1.00
Duets	0.75
Multi-family	0.50

District Boundaries

As of FY 1999-00, the District was complete and consisted of 200 single family homes, 226 duets, and 169 townhouses in Area 1; 612 single family homes and 136 condos in Area 2; and 141 single family homes in Area 3.

Summary of Assessments

AREA I 2010-11 ASSESSMENT			Total =	$8,266.28		
Subarea	# Units	Type	Factor	Ass. Units	10/11 Asses	Total
Tr. 6990	92	sfd	1.00	92.00	$18.20	$1,674.40
Tr. 7065	108	duets	0.75	81.00	$13.66	$1,473.12
Tr. 7066	117	multifamily	0.50	58.50	$9.12	$1,067.04
Tr. 7303	52	multifamily	0.50	26.00	$9.12	$474.24
Tr. 7311	118	duets	0.75	88.50	$13.66	$1,611.88
Tr. 7768	55	sfd	1.00	55.00	$18.20	$1,001.00
Tr. 7769	53	sfd	1.00	53.00	$18.20	$964.60
Subtotals	595			454.00		$8,266.28
AREA II 2010-11 ASSESSMENT			Total =	$16,528.08		
Subarea	# Units	Type	Factor	Ass. Units	10/11 Asses	Total
Tr. 7256	70	sfd	1.00	70.00	$24.30	$1,701.00
Tr. 7257	60	sfd	1.00	60.00	$24.30	$1,458.00
Tr. 7260	75	sfd	1.00	75.00	$24.30	$1,822.50
Tr. 7261	70	sfd	1.00	70.00	$24.30	$1,701.00
Tr. 7262	99	sfd	1.00	99.00	$24.30	$2,405.70
Tr. 7263	101	sfd	1.00	101.00	$24.30	$2,454.30
Tr. 7264	102	sfd	1.00	102.00	$24.30	$2,478.60
Tr. 7766	35	sfd	1.00	35.00	$24.30	$850.50
Tr. 7766	60	multifamily	0.50	30.00	$12.18	$730.80
Tr. 7767	76	multifamily	0.50	38.00	$12.18	$925.68
Subtotals	748			680.00		$16,528.08
AREA III 2010-11 ASSESSMENT			Total =	$8,248.50		
Subarea	# Units	Type	Factor	Ass. Units	10/11 Asses	Total
Tr. 7249	69	sfd	1.00	69.00	$58.50	$4,036.50
Tr. 7255	72	sfd	1.00	72.00	$58.50	$4,212.00
Subtotals	141			141.00		$8,248.50
Grand Totals	1,484			1,275.00		$33,042.86

GHAD RESOLUTION NO. -2010

A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING ASSESSMENTS FOR FISCAL YEAR 2010-11

THE BOARD OF DIRECTORS
Oakhurst Geologic Hazard Abatement District
Clayton, California

WHEREAS, by adoption of Resolution No. 01-2010 the Board of Directors of the Oakhurst Geologic Hazard Abatement District (GHAD) approved the District's Budget, declared its intention to levy and collect assessments for fiscal year 2010-11, and set a public hearing thereon for July 20, 2010, at the regular meeting place of the Board of Directors; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 01-2010 was duly given as required by the provisions of Division 17, Chapter 6 of the Public Resources Code (Section 26650 et seq.); and

WHEREAS, all owners of property to be assessed within the District were given written notice by first class mail of the proposed assessments in accordance with Public Resources Code Section 26652; and

WHEREAS, on July 20, 2010, the Board of Directors held a public hearing on the proposed assessment for the fiscal year 2010-11 and heard and considered all oral statements and written communications made and filed thereon by interested persons;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. The Board of Directors hereby orders the improvements as set forth in the District's Budget, dated June 15, 2010, and confirms the assessments as recommended by the District Manager.
2. The GHAD consists of a portion of the City of Clayton as shown on the boundary map on file with the District's Secretary.
3. A benefit allocation has been determined by the District Manager, upon consultation with the firm of Leptien, Cronin and Cooper that establishes three areas and three categories of benefit. The Areas are as follows:

   Area 1 Lower 6000's, Duets, lower Townhouses

   Area 2 Upper 6000's and 8000's, upper Townhouses

   Area 3 10000's.

   The three categories are as follows:

   a. Single family homes, regardless of lot size, will be the basic unit of benefit, all lots in the same area to be charged equally.

   b. Duet parcels to be charged 75% of the basic unit due to increased density.

   c. Townhouse parcels to be charged 50% of the basic unit due to increased density.

   The actual assessments for each lot in the listed subdivisions shall be:

GHAD AREA	SUBD	# UNITS	TYPE	$ ASSESS PER LOT	TOTAL $
I	6990	92	sfd	$18.20	$1,674.40
I	7065	108	duets	$13.66	$1,473.12
I	7066	117	multi-family	$9.12	$1,067.04
I	7303	52	multi–family	$9.12	$474.24
I	7311	118	duets	$13.66	$1,611.88
I	7768	55	sfd	$18.20	$1,001.00
I	7769	53	sfd	$18.20	$964.60
II	7256	70	sfd	$24.30	$1,701.00
II	7257	60	sfd	$24.30	$1,458.00
II	7260	75	sfd	$24.30	$1,822.50
II	7261	70	sfd	$24.30	$1,701.00
II	7262	99	sfd	$24.30	$2,405.70
II	7263	101	sfd	$24.30	$2,454.30
II	7264	102	sfd	$24.30	$2,478.60
II	7766	35	sfd	$24.30	$850.50
II	7766	60	multi-family	$12.18	$730.80
II	7767	76	multi-family	$12.18	$925.68
III	7249	69	sfd	$58.50	$4,036.50
III	7255	72	sfd	$58.50	$4,212.00

4. The Board of Directors declares this Resolution to be, and the same shall constitute, the levy of an assessment for the fiscal year 2010-11 as hereinabove referred to.
5. The Board directs the Secretary immediately to have recorded a notice of assessment, as provided for in Section 3114 of the Street and Highways Code.
6. The Board also directs that the assessments are payable in the same manner as general taxes and hereby directs the Secretary to file the boundary map and assessment list, or certified copy thereof, together with a certified copy of this resolution, with the County Auditor.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Oakhurst Geologic Hazard Abatement District at a regular public meeting thereof held on 20th day of July 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE BOARD OF DIRECTORS OF GHAD

____
Howard Geller, Chairman

ATTEST:

____
Laci J. Jackson, Secretary

I hereby certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the Oakhurst Geologic Hazard Abatement District at a regular public meeting held on July 20, 2010.

____
Laci J. Jackson, Secretary