CITY OF CLAYTON

Founded 1857... Incorporated 1964

AGENDA

REGULAR MEETINGS

* * *

CLAYTON CITY COUNCIL
and
CLAYTON REDEVELOPMENT AGENCY

* * *

TUESDAY, February 15, 2011

7:00 p.m.

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

Mayor: David T. Shuey
Vice Mayor: Howard Geller

Council Members
Joseph A. Medrano
Julie K. Pierce
Hank Stratford

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

* CITY COUNCIL *
February 15, 2011

7:00 P.M.

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

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.

3. **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 special meeting of January 31, 2011, and the special and regular meetings of February 1, 2011. (View Here)

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

(c) Re-appoint Charles Evans to the Contra Costa Transportation Authority Citizens Advisory Committee (CAC) with a term ending February 2015. (View Here)

(d) Approve Mayoral notification to the Contra Costa County Auditor-Controller that the City, under protest, intends for its Redevelopment Agency to remit directly the State-imposed seizure of local tax increment revenues (property taxes) in the amount of $404,961 for FY 2010-2011 to aid State Budget deficits. (View Here)

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificate of Recognition to Mitchell R. D'Angina in appreciation for his Eagle Scout Project of two wood benches along the Peacock Flats Trail (Clayton Road). (View Here)

5. **REPORTS**

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

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

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

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

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS** – None.

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

10. **ADJOURNMENT**– the next regularly scheduled City Council meeting is March 1, 2011.

# # # # #

* CLAYTON REDEVELOPMENT AGENCY *

February 15, 2011

1. CALL TO ORDER AND ROLL CALL – Chairperson Pierce.

2. PUBLIC COMMENT ON NON-AGENDA ITEMS

Citizens may address the Redevelopment Agency on items within the Board's jurisdiction, (which are not on the agenda) by completing a speaker card available on the Lobby table and submitting it to the Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called by the Chair, 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. 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 minutes of the regular meeting of February 1, 2011. (View Here)

(b) Approve and authorize the Executive Director to purchase an affordable housing program home located at 268 Stranahan Circle (Ryan & Jennifer Ruff, owners) in the amount of $369,035.84 and to market and resell the single family residence as Low Income Affordable Housing to a qualified household. (View Here)

4. PUBLIC HEARINGS – None.

5. ACTION ITEMS

(a) Consider an award of contract to Raney Planning & Management in the amount of $37,350 for planning consultant services to assist in the preparation of various Municipal Code and Zoning amendments to implement portions of the City's certified Housing Element (2009-2014) that facilitates the production of 50 multi-family affordable housing units in the City, allocate $37,350 from the Agency's Low-Moderate Income Housing reserve and amend its FY 2010-11 Budget accordingly, and encumber an additional $120,000 from same Agency reserve for the anticipated environmental review work necessary to enact the subsequent land use re-designations. (View Here)
(Community Development Director)

Staff recommendation: Following the staff report and receipt of public comments, it is recommended the Board, by motion, approve the contract with Raney Planning & Management, appropriate $37,350 from the Low-Moderate Income (LMI) Housing reserve for this purpose and amend the FY 2010-11 Agency Budget accordingly, and encumber an additional $120,000 from the same LMI reserve for the subsequent phase of environmental review studies to implement the Housing Element land use re-designations.

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

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

MINUTES
OF THE
SPECIAL MEETING OF THE
CLAYTON CITY COUNCIL

Agenda Date: 2-15-11

Agenda Item: 3a

January 31, 2010

1. **CALL TO ORDER & ROLL CALL** - The special meeting was called to order at 6:30 p.m. by Vice Mayor Geller at the Contra Costa Transportation Authority's (CCTA) Board Room, Suite 100, 2999 Oak Road, Walnut Creek, CA. Council Members present: Vice Mayor Geller, Council Members Medrano, Pierce, and Stratford. Council Members absent: Mayor Shuey. Staff present: City Manager Gary Napper and Community Development Director David Woltering.

2. **PUBLIC COMMENTS** – None.

3. **PRESENTATION**

(a) Overview of SB 375
CCTA Chairperson Cindy Silva (City of Walnut Creek) introduced the subject matter for the meeting and allowed self-introductions by the CCTA Board and members of various regional agency staff. CCTA Deputy Executive Director – Planning, Martin Engelmann provided an overview on the basic requirements of the SB 375 state legislation which requires the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) to develop a Sustainable Communities Strategy (SCS) for inclusion in the 2013 Regional Transportation Plan. Doug Kimsey, Director of Planning for MTC, provided further comments concerning the implementation and discussion of the SCS "Vision Scenario" and its relationship to the reduction of Green House Gas (GHG) emissions. The creation of a SCS document will necessitate local government involvement, participation and acceptance. A video and PowerPoint presentation accompanied the overview.

(b) Implementing and Responding to SB 375 at the Local Level
Mr. Englemann presented a summary of current efforts to develop the Contra Costa portion of the SCS for the Bay Area, including use of the information developed through Contra Costa's earlier "Shaping Our Future" process that gives our area an advance footprint on ways to address the requirements of SB 375. Discussion also included the roles and responsibilities for local public officials, how SB 375 affects the Regional Housing Needs Allocation (RHNA), development of Priority Development Areas (PDA) and expected challenges. The Director of Planning for ABAG, Ken Kirkey, also provided comments and replies to questions concerning the implementation process.

(c) Engagement Strategy for SB 375
CCTA Representative Julie Pierce (City of Clayton) provided comments and perspectives regarding how members of the public, local jurisdictions and CCTA can work most effectively with MTC and ABAG on the joint development of the SCS. Ms. Pierce noted a draft SCS vision should be released by March 2011 and she emphasized it is only a "Draft" but critique and local input must start by offering some meaningful template to engage the process.

(d) <u>Question and Answer Period</u>

A brief question and answer period ensued between public members and local government officials in attendance. CCTA Representative David Durant (City of Pleasant Hill) noted the SCS ought to not only concentrate on strategic housing locations to reduce GHG emissions but also the economic side of the strategic equation, namely the creation of jobs centers as well to reduce work commutes.

No action was taken by the Clayton City Council. Information study session only.

4. <u>ADJOURNMENT</u> – on call by Vice Mayor Geller the meeting adjourned at 8:15 p.m.

Respectfully submitted,

____

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

____

Howard Geller, Vice Mayor

MINUTES
OF THE
SPECIAL MEETING OF THE
CLAYTON CITY COUNCIL

February 1, 2010

1. **CALL TO ORDER & ROLL CALL** – the special meeting was called to order at 5:05 p.m. by Mayor Shuey in the 3rd Floor Conference Room, Clayton City Hall, 6000 Heritage Trail, Clayton, CA. Council Members present: Mayor Shuey, Vice Mayor Geller, Councilmembers Medrano, Pierce, and Stratford. Staff present: City Manager Gary Napper and City Clerk Laci Jackson.

2. **CLOSED SESSION** – None.

3. **PUBLIC COMMENTS** – None.

4. **ACTION ITEM**

(a) ***Discussion and establishment of Council-Manager Goals and Objectives for Calendar Year 2011.***

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

- Explore a Business Improvement District (BID) for the Town Center area.
- Research costs to upgrade HVAC systems for the Library, City Hall, and the pumps on the Clayton Fountain.
- Research a Clayton Facebook account to advertise City events.
- Survive the State budget crisis and possible Redevelopment Agency take-aways.
- Consider more LED lights on the arterial streets; look for grant opportunities.
- Explore a coffee shop and used book sales area at the Clayton Community Library, including options for additional space.
- Resurrect and pursue sport lights at field 1 and artificial turf at the Clayton Community Park.
- Replace the state curtains at Endeavor Hall.

4. **ADJOURN** – on call by Mayor Shuey the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, February 1, 2011

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

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.

3. **CONSENT CALENDAR**- Mayor Shuey pulled Item 3(c) for discussion. He stated he is not comfortable sending this Resolution. He stated the cities might have to endure more pain as part of the process and a necessary evil to help solve the state budget deficit..

   Councilmember Medrano stated this is not about the effects on other cities or helping the state; it hurts Clayton and impacts the City. He stated the Resolution is about the negative impact on the Clayton.

   Mayor Shuey stated the redevelopment money will be going back to the schools and he doesn't think there have been any alternatives presented for the budget crisis.

   Councilmember Medrano stated voters passed Prop 22 and the Governor's budget proposal goes against the voters' action.

   Councilmember Pierce stated this is something that does impact Clayton and it is not a fix to the State budget. She also stated the schools already receive 55% of the State general fund budget.

   Vice Mayor Geller and Councilmember Stratford agreed with the statements by Councilmembers Medrano and Pierce.

It was moved by Vice Mayor Geller seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 4-1 vote, Noes- Shuey).

(a) Approved the minutes of the regular meeting of January 18, 2011.

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

(c) Adopted Resolution 01-2011 in opposition to California Governor Brown's budgetary proposal to abruptly terminate and abolish redevelopment agencies in California.

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Presentation of the Trails and Landscaping Committee's Annual Report for FY 09-10.

   Jake Pauline, Chairman of the Trails and Landscaping Committee, read the message from the past Chair of the Committee and thanked City Maintenance staff, volunteers, Adopt-a-Trail sponsors, and committee members for their work on the Annual Report and to the Landscape District.

Councilmember Medrano noted the CBCA did donate money for the Adopt-a-Trail program. Mr. Pauline stated the committee would update their report to reflect that information.

Mayor Shuey stated the committee is doing a wonderful job and reminded everyone the meetings are open to the public.

Councilmember Stratford stated the programs are working well and soon the committee will have enough money from donations to start making improvements to the trails.

5. REPORTS

(a) Planning Commission – No meeting held to report.

(b) Trails and Landscaping Committee – Jake Pauline reported on the Committee's meeting of January 24th. He stated the Committee elected a new Chair, Jake Pauline, and a new Vice Chair, Kelly Marshall. He stated the Adopt-a-Trail program has garnered one new and two continuing sponsorships and they are working on a story for the Clayton Pioneer. He stated the Committee approved the Annual Report for acceptance by the City Council and made a recommendation for replanting and hardscape on Clayton Road from the Library to Center Street and around the Clayton Fountain. He stated the Clayton Fountain is a priority project needs to be done in house. He stated the Committee discussed changing terms for the Committee members to better correspond with the preparation of the Annual Report; they are suggesting a term commencing on a bi-annual calendar year. He reminded everyone the Clayton Cleans Up will be held on April 16th.

(c) The City Manager provided an update on the City's recent re-pavement project, which included od Marsh Creek Road as well as residential streets. He stated the City Engineer is working with and specialist and the contractor because the residential areas are showing thinning of the asphalt and problem areas, therefore the project has not been finalized and the retention has not been released. CBCA members and City staff met to discuss the Daffodil Hill landscaping. CBCA has worked on a new landscape plan and the Maintenance staff met with a CBCA landscape architect to come to common ground on the types of plants to be planted. He noted Daffodil Hill is not in the Landscape District.

The City Manager stated there are serious concerns on redevelopment agencies because the Governor's proposal will not solve the state budget problems. He stated this proposal goes against the voters' action of Prop. 22. He stated the latest speech by the Governor indicated agencies money would allowed for existing debt service, but he did not mention contractual obligations this time.

(d) City Council

Councilmember Pierce attended the League of California Cities Policy Task Force meeting in Sacramento. She stated some of the information provided at that meeting indicated that every $1 of redevelopment agency money invested generates $12 of private investment. She attended a Transportation Authority meeting and an ABAG meeting where she was appointed to the Housing Methodology Committee. Lastly, she attended the CBCA meeting and an anniversary celebration for ABAG and MTC.

Vice Mayor Geller attended the Transpac meeting on SB 375 and the Daffodil Hill landscape design meeting.

Councilmember Stratford attended the Transpac meeting and a Do the Right Thing Committee meeting.

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

Mayor Shuey met with Toll Brothers, new owners of the Diablo Pointe project, and stated it looks like they will begin construction this year. He stated he has been working with the school district on an easement for the Community Park parking lot expansion project and the School Board President has indicated the easement will be granted.

(e) Other – None.

6. PUBLIC COMMENTS

7. PUBLIC HEARINGS

(a) Public Hearing on the Initial Environmental Study/Mitigated Negative Declaration (IES/MND), Mitigation Monitoring Program, and Capital Improvement Project for a proposed City-initiated expansion of the existing off-street public parking lot at Clayton Community Park to add approximately 100 new parking spaces along a paved driveway parallel with Marsh Creek Road (ENV 05-10; CDD 03-10).

The Community Development Director stated the project will add 100 new parking spaces to the Community Park parking lot. He stated the plan calls for extending the parking to the middle school and connecting the lot with Gym Court as an exit point onto Marsh Creek Road. He stated the City has a 40 year agreement to use the gymnasium, parking lot, and access to that roadway but needs an easement to cover a small portion of the additional paved area near the driveway. He stated the City has prepared an alternative plan in case the School District does not approve the easement, but the option of the easement is preferred. He stated the landscape plan provides landscaping to ensure the undercarriages of the vehicles will be screened from Clayton Road and the landscaping will be drought tolerant and water conserving. He stated there will be a new monument sign 4 feet high and a 42 inch high fence along the eastern and western edges of the parking lot.

Nick Pappani, Rainey Planning and Management stated the Initial Environmental Impact study was routed for public review and comments were taken until December 22nd. The report was mailed to property owners within 300 feet of the site. There were 5 comment letters received and responded to. He stated given the proposed project there were only four impact categories reviewed (air quality, biological resources, cultural resources, and geographical and soils).

The Community Development Director stated the Measure WW funds of $492,883 are the basic funding source, and there are no adverse environmental impacts. Staff recommends approval of the project.

Councilmember Stratford asked what kind of lighting would be used? The Community Development Director stated the Planning Commission suggested LED lights be part of the parking lot lighting.

Councilmember Pierce asked if the landscaping would cover more than the undercarriages of the parked vehicles? The Community Development Director stated as the landscaping matures it will screen most of the parking lot.

Councilmember Pierce stated the potential to have this parking lot serve as a one way access to Gym Court during pick up and drop off times will make circulation better for parents and safer for children. The City Manager stated the queuing of parents vehicles and the one way access is an operational issue to work out with the middle school at a later date.

Councilmember Geller asked if it was possible to re-use some of the removed landscaping in the other areas of town. The Community Development Director stated the cluster of oak trees as you enter Gym Court are going to be protected and preserved if possible, but the remainder of the overgrown shrubs and pyracantha is not suitable elsewhere.

The City Manager stated this project will save money on water and maintenance in this area, which is funded by the General Fund.

Mayor Shuey asked about the fencing on the eastern edge of the parking lot. He suggested more exit points for the fencing to allow retrieval of soccer balls and baseballs. The City Engineers stated the area between the parking lot and fence is a stormwater detention area and there is a grade/elevation change behind the fence. He stated the reason for the fence was to provide protection of that storm water swale.

Councilmember Stratford asked if the trail path near the road would remain in place? The Community Development Director stated the path would remain in place.

Mayor Shuey opened the Public Hearing at 8:18 p.m. No public comments were received. Mayor Shuey closed the Public Hearing at 8:19 p.m.

It was moved by Councilmember Pierce, seconded by Councilmember Stratford to approve Resolution 02-2011 (Passed; 5-0 vote).

8. ACTION ITEMS

(a) Presentation of City's Audited Financial Statement for Fiscal Year 2009-2010 prepared by Cropper Accountancy, Certified Public Accountants.

John Cropper presented the audited financials and stated the City is sound and has a good yet small number of staff. He reviewed the balance sheet accounts.

Councilmember Stratford asked for clarification on the adjustment to the balance sheet. Mr. Cropper stated the change had to occur to reclassify Redevelopment Agency investments in the Stranahan affordable homes booked as assets with corresponding deferred revenue anticipated in the future.

The Finance Manager stated the prior auditors had her change the original transaction from an expense to an investment in Low to Moderate Income Housing.

Mr. Cropper stated there were no material weaknesses found in the audit and the City is in good shape.

Councilmember Medrano questioned the OPEB (Other Post Employment Benefits) liability of $400,257. Mr. Cropper stated it is not recorded on the books; it is a number the actuarial comes up with that must be disclosed (per GASB 45). The City's unfunded

Actuarial Accrued Liability (UAAL) is showing the difference of annual OPEB cost and the employer's contributions to a plan.

Mayor Shuey asked if the end result of the audit was good. Mr. Cropper stated the City received a clean "unqualified opinion" which is the best.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Vice Mayor Geller to approve the FY 2009-2010 Audited Financial Statement as submitted by the independent auditor (Passed; 5-0 vote).

(b) Consideration of a City Recognition Program to honor Clayton's unsung heroes.

Mayor Shuey stated his vision was to have people from the community recognized for doing altruistically good things. He asked to form an adhoc sub-committee to decide on a 1-page nomination process and specifics for the program.

By consensus Mayor Shuey and Councilmember Stratford are the new Council Ad-Hoc Committee which will come up with guidelines for this program and bring it back to the City Council for approval.

9. **COUNCIL ITEMS** – None.

10. **RECESS THE MEETING** – Mayor Shuey recessed the meeting at 9:07 p.m.

11. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Shuey reconvened the meeting at 9:10 p.m.

12. **CLOSED SESSION**- Mayor Shuey stated on January 31, 2011 at 5:01 p.m., the City Manager received a letter from Mt. Diablo Unified School District contending that the City had failed to remit certain payments to the Mt. Diablo Unified School District regarding the Gymnasium Use Agreement stating "if Clayton fails to remit payment we will consider them (Clayton) in breach of the (Gymnasium Use) Agreement and act accordingly." By its terms the letter requires the City's response within two weeks. As such our response is due before the next City Council meeting.

Government Code Section 54954.2(b) allows for the addition of an item on a Regular Meeting Agenda upon a determination by two-thirds of the Council Members present that there is a need for an immediate action that did not come to the City's attention prior to the publication of the Agenda. The Agenda was published on Friday, January 28, 2011. Based upon the letter from Mt. Diablo Unified School District, staff has recommended the Council determine that there is a need to take immediate action based upon the aforementioned letter which requires a response within two weeks and therefore before the next Council Meeting.

Mayor Shuey stated he would entertain the following motions:

1. That there is a need for immediate action that did not come to the City's attention until after the Agenda for this Regular Meeting was posted.

2. That the following matter be placed on the Agenda for the February 1, 2011 meeting under Closed Session Council Item 12.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9 (one case).

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to add Item 12(b) to the Closed Session agenda (Passed; 5-0 vote). On call by Mayor Shuey the Council adjourned into Closed Session at 9:10 p.m.

(a) *Government Code Section 54956.9 (c)*, Conference with Legal Counsel Consider Initiation of Litigation (1 case).

(b) *Government Code Section 54956.9 (b)*, Conference with Legal Council- Anticipated Litigation (1 case).

Report out from Closed Session: Mayor Shuey reported the Council gave direction to legal counsel.

13. ADJOURNMENT– On call by Mayor Shuey the meeting adjourned at 9:40 p.m. in memory of Jerry Evans, former VFW post commander.

Respectfully submitted,

____
Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

____
David T. Shuey, Mayor

CITY OF CLAYTON
Founded 1857 . Incorporated 1964

Agenda Date: 2/15/11

Agenda Item: 3b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: FEBRUARY 15, 2011

SUBJECT: INVOICE SUMMARY

RECOMMENDATION	**Approve the following Invoices.**	
2/7/11	Cash Requirements Report	$1,908.00
2/10/11	Cash Requirements Report	$205,096.56

Attachments:
Cash Requirements Report, dated 2/7/11 (1 page)
Cash Requirements Report, dated 2/10/11 (5 pages)

City of Clayton
Cash Requirements Report
CC Meeting 2/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Mt. Diablo Unified School Dist.								
Mt. Diablo Unified School Dist.	2/7/2011	2/7/2011		Janitorial Expense 7/22/10-12/20/10	$1,908.00	$0.00		$1,908.00
				Totals for Mt. Diablo Unified School Dist.:	*$1,908.00*	*$0.00*		*$1,908.00*
				GRAND TOTALS:	**$1,908.00**	**$0.00**		**$1,908.00**

City of Clayton
Cash Requirements Report
CC Meeting 2/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
All City Management Services, Inc.								
All City Management Services, Inc.	2/9/2011	1/17/2011	21646	Crossing Guard WE 1/15/11	$465.00	$0.00		$465.00
				Totals for All City Management Services, Inc.:	*$465.00*	*$0.00*		*$465.00*
BAE Urban Economics Inc								
BAE Urban Economics Inc	2/9/2011	2/4/2011	1712-Jan11	CChurch Impacts Study 2/11	$3,511.10	$0.00		$3,511.10
				Totals for BAE Urban Economics Inc:	*$3,511.10*	*$0.00*		*$3,511.10*
Boething Treeland Farms, Inc.								
Boething Treeland Farms, Inc.	2/9/2011	1/27/2011	LV062478	PW Landscape Material 1/11	$3,440.29	$0.00		$3,440.29
Boething Treeland Farms, Inc.	2/9/2011	1/18/2011	LV062264	PW Landscape Material 1/11	$2,578.31	$0.00		$2,578.31
				Totals for Boething Treeland Farms, Inc.:	*$6,018.60*	*$0.00*		*$6,018.60*
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	2/9/2011	1/24/2011	790972	Admin Copier Copies 1/11	$134.70	$0.00		$134.70
				Totals for Caltronics Business Systems, Inc:	*$134.70*	*$0.00*		*$134.70*
CCC Sheriff - Forensic Svc Division								
CCC Sheriff - Forensic Svc Division	2/9/2011	1/19/2011	CLPD-410	PD Blood WD Svc 10-12/10	$488.81	$0.00		$488.81
CCC Sheriff - Forensic Svc Division	2/9/2011	1/18/2011	CLPD-1012	PD Forensic Services 1/11	$300.00	$0.00		$300.00
				Totals for CCC Sheriff - Forensic Svc Division:	*$788.81*	*$0.00*		*$788.81*
City of Concord								
City of Concord	2/9/2011	1/7/2011	23357	PD Rounter Service 1/11	$112.00	$0.00		$112.00
				Totals for City of Concord:	*$112.00*	*$0.00*		*$112.00*
Concord Garden Equipment								
Concord Garden Equipment	2/9/2011	1/19/2011	404057 & 404469	PW Equipment Maintenance 1/11	$323.65	$0.00		$323.65
				Totals for Concord Garden Equipment:	*$323.65*	*$0.00*		*$323.65*
Contra Costa Topsoil								
Contra Costa Topsoil	2/9/2011	1/18/2011	91222	PW Cedar Material 1/11	$1,660.60	$0.00		$1,660.60
Contra Costa Topsoil	2/9/2011	1/21/2011	91243	PW Topsoil Mix Material 1/11	$721.05	$0.00		$721.05
				Totals for Contra Costa Topsoil:	*$2,381.65*	*$0.00*		*$2,381.65*
CR Fireline Inc								
CR Fireline Inc	2/9/2011	1/28/2011	86956-958	Library Semi-Annual Fire Alarm Test 1/11	$300.00	$0.00		$300.00
				Totals for CR Fireline Inc:	*$300.00*	*$0.00*		*$300.00*
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	2/9/2011	2/6/2011	8694548	Adm Copier Lease 2/11	$435.67	$0.00		$435.67
				Totals for De Lage Landen Financial Services, Inc.:	*$435.67*	*$0.00*		*$435.67*
Dyna Systems								
Dyna Systems	2/9/2011	1/8/2011	20430150	PW General Suppllies 1/11	$122.13	$0.00		$122.13

City of Clayton
Cash Requirements Report
CC Meeting 2/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
				Totals for Dyna Systems:	*$122.13*	*$0.00*		*$122.13*
Emergency Vehicle Solutions, Inc								
Emergency Vehicle Solutions, Inc	2/9/2011	11/19/2010	9195	PD New Vehicle Supplies 11/10	$7,228.69	$0.00		$7,228.69
				Totals for Emergency Vehicle Solutions, Inc:	*$7,228.69*	*$0.00*		*$7,228.69*
Employee Benefit Specialists, Inc								
Employee Benefit Specialists, Inc	2/9/2011	1/31/2011	51676-IN	FSA Admin Fees 1/11	$100.00	$0.00		$100.00
				Totals for Employee Benefit Specialists, Inc:	*$100.00*	*$0.00*		*$100.00*
Fast Signs								
Fast Signs	2/9/2011	1/20/2011	PH73744	PD Car Detail 1/11	$21.85	$0.00		$21.85
				Totals for Fast Signs:	*$21.85*	*$0.00*		*$21.85*
Globalstar LLC								
Globalstar LLC	2/9/2011	12/16/2010	2723643	PD Command Trailer 12/10	$26.83	$0.00		$26.83
				Totals for Globalstar LLC:	*$26.83*	*$0.00*		*$26.83*
Graybar Electric Co, Inc								
Graybar Electric Co, Inc	2/9/2011	1/12/2011	951899116	PW Lighting Supplies 1/11	$277.50	$0.00		$277.50
				Totals for Graybar Electric Co, Inc:	*$277.50*	*$0.00*		*$277.50*
Hammons Supply Company								
Hammons Supply Company	2/9/2011	1/14/2011	64334	Library & CH Janitorial Supplies 1/11	$549.05	$0.00		$549.05
				Totals for Hammons Supply Company:	*$549.05*	*$0.00*		*$549.05*
J & R Floor Services								
J & R Floor Services	2/9/2011	2/1/2011	2/11	Janitorial Services 1/11	$4,940.00	$0.00		$4,940.00
				Totals for J & R Floor Services:	*$4,940.00*	*$0.00*		*$4,940.00*
John Deere Landscapes Inc								
John Deere Landscapes Inc	2/9/2011	1/14/2011	56728475	PW Landscape Supplies 1/11	$178.68	$0.00		$178.68
John Deere Landscapes Inc	2/9/2011	1/28/2011	56792107	PW Landscape Supplies 1/11	$289.62	$0.00		$289.62
John Deere Landscapes Inc	2/9/2011	2/2/2011	56812453	PW Landscape Supplies 2/11	$3,101.02	$0.00		$3,101.02
John Deere Landscapes Inc	2/9/2011	2/2/2011	56815516	PW Landscape Supplies 2/11	$314.38	$0.00		$314.38
				Totals for John Deere Landscapes Inc:	*$3,883.70*	*$0.00*		*$3,883.70*
LarryLogic Productions								
LarryLogic Productions	2/9/2011	2/2/2011	1115	City Council Meetin Video 2/1/11	$315.00	$0.00		$315.00
				Totals for LarryLogic Productions:	*$315.00*	*$0.00*		*$315.00*
M.R. Christensen Construction Inc.								
M.R. Christensen Construction Inc.	2/9/2011	1/24/2011	1020-01City	Repair of City St Lt Conduit/Wire 1/11	$3,809.00	$0.00		$3,809.00
				Totals for M.R. Christensen Construction Inc.:	*$3,809.00*	*$0.00*		*$3,809.00*
Marken Mechanical Services Inc								

City of Clayton
Cash Requirements Report
CC Meeting 2/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Marken Mechanical Services Inc	2/9/2011	12/14/2010	410-1148-11	CH HVAC Maintenance 11/10	$332.50	$0.00		$332.50
Marken Mechanical Services Inc	2/9/2011	1/19/2011	111-13447	Library HVAC Repair 1/11	$1,074.32	$0.00		$1,074.32
Marken Mechanical Services Inc	2/9/2011	1/19/2011	111-13399	Library HVAC Repair 1/11	$2,345.88	$0.00		$2,345.88
				Totals for Marken Mechanical Services Inc:	*$3,752.70*	*$0.00*		*$3,752.70*
MD Electric Company								
MD Electric Company	2/9/2011	2/4/2011	2/11	Library Hand Dryers 2/11	$1,600.00	$0.00		$1,600.00
				Totals for MD Electric Company:	*$1,600.00*	*$0.00*		*$1,600.00*
Municipal Pooling Authority								
Municipal Pooling Authority	2/9/2011	1/28/2011	C1103	Crime Premium 2011-12	$400.00	$0.00		$400.00
				Totals for Municipal Pooling Authority:	*$400.00*	*$0.00*		*$400.00*
Neopost (add postage)								
Neopost (add postage)	2/9/2011	2/3/2011	2/3/11	Adm Postage Added 2/3/11	$300.00	$0.00		$300.00
				Totals for Neopost (add postage):	*$300.00*	*$0.00*		*$300.00*
Neopost Leasing								
Neopost Leasing	2/9/2011	1/27/2011	N2239059	Adm Postage Machine Lease 3/11	$234.73	$0.00		$234.73
				Totals for Neopost Leasing:	*$234.73*	*$0.00*		*$234.73*
P & D Appliance Svc Cnt, Inc.								
P & D Appliance Svc Cnt, Inc.	2/9/2011	1/31/2011	4098-IN	EH Oven Repair 1/11	$932.49	$0.00		$932.49
				Totals for P & D Appliance Svc Cnt, Inc.:	*$932.49*	*$0.00*		*$932.49*
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	2/9/2011	1/26/2011	249455	Outside Phone Booth 2/11	$73.00	$0.00		$73.00
				Totals for Pacific Telemanagement Svc:	*$73.00*	*$0.00*		*$73.00*
Paramount Elevator Corp.								
Paramount Elevator Corp.	2/9/2011	1/26/2011	147487	CH Elevator Repairs 1/11	$1,325.00	$0.00		$1,325.00
				Totals for Paramount Elevator Corp.:	*$1,325.00*	*$0.00*		*$1,325.00*
PERMCO, Inc.								
PERMCO, Inc.	2/9/2011	2/7/2011	9354		$2,530.75	$0.00		$2,530.75
PERMCO, Inc.	2/9/2011	2/7/2011	9360		$150.00	$0.00		$150.00
PERMCO, Inc.	2/9/2011	2/7/2011	9355		$41.50	$0.00		$41.50
PERMCO, Inc.	2/9/2011	2/7/2011	9358		$920.07	$0.00		$920.07
PERMCO, Inc.	2/9/2011	2/7/2011	9359		$2,020.63	$0.00		$2,020.63
PERMCO, Inc.	2/9/2011	2/7/2011	9357		$600.00	$0.00		$600.00
PERMCO, Inc.	2/9/2011	2/7/2011	9356		$41.50	$0.00		$41.50
PERMCO, Inc.	2/9/2011	2/7/2011	9356		$41.50	$0.00		$41.50
				Totals for PERMCO, Inc.:	*$6,345.95*	*$0.00*		*$6,345.95*
PG&E								

City of Clayton
Cash Requirements Report
CC Meeting 2/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PG&E	2/9/2011	1/25/2011	Mst #121...1/11	Sevice 1/11	$1,946.79	$0.00		$1,946.79
PG&E	2/9/2011	1/24/2011	Ind Inv 1/11	Sevice 1/11	$619.61	$0.00		$619.61
				Totals for PG&E:	*$2,566.40*	*$0.00*		*$2,566.40*
Riso Products of Sacramento								
Riso Products of Sacramento	2/9/2011	12/20/2010	66961	PD Copier 12/10	$95.07	$0.00		$95.07
Riso Products of Sacramento	2/9/2011	1/18/2011	68175	PD Copier 1/11	$95.07	$0.00		$95.07
				Totals for Riso Products of Sacramento:	*$190.14*	*$0.00*		*$190.14*
Rock N Waterfall Co								
Rock N Waterfall Co	2/9/2011	2/1/2011	452	OH Waterfull Maintenance 2/11	$650.00	$0.00		$650.00
				Totals for Rock N Waterfall Co:	*$650.00*	*$0.00*		*$650.00*
Sprayer Sales Co								
Sprayer Sales Co	2/9/2011	1/10/2011	10527	PW Wash Rack Maintenance 1/11	$225.00	$0.00		$225.00
				Totals for Sprayer Sales Co:	*$225.00*	*$0.00*		*$225.00*
Sprint Comm (PD)								
Sprint Comm (PD)	2/9/2011	1/29/2011	110 1/11	PD Cell Phone Service 1/11	$295.68	$0.00		$295.68
				Totals for Sprint Comm (PD):	*$295.68*	*$0.00*		*$295.68*
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	2/9/2011	1/29/2011	105 1/11	PW & Adm Cell Phone Service 1/11	$270.59	$0.00		$270.59
				Totals for Sprint Comm (PW & ADM):	*$270.59*	*$0.00*		*$270.59*
Stericycle Inc								
Stericycle Inc	2/9/2011	2/1/2011	3001248148	PD Haz Material Removal 2-4/11	$166.83	$0.00		$166.83
				Totals for Stericycle Inc:	*$166.83*	*$0.00*		*$166.83*
Turner, Huguet & Adams								
Turner, Huguet & Adams	2/9/2011	1/31/2011	2275	RDA Legal Services 1/11	$222.00	$0.00		$222.00
Turner, Huguet & Adams	2/9/2011	1/31/2011	2276	OH Litigation Legal Services 1/11	$444.00	$0.00		$444.00
				Totals for Turner, Huguet & Adams:	*$666.00*	*$0.00*		*$666.00*
US Bank Corp Pymt System								
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	Plaque & Frames	$72.61	$0.00		$72.61
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	Meeting Supplies	$176.38	$0.00		$176.38
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	ICMA Dues	$1,400.00	$0.00		$1,400.00
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	Konica Lease	$214.07	$0.00		$214.07
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	Neopost Lease	$232.88	$0.00		$232.88
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	Outstanding Empl Award	$181.44	$0.00		$181.44
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	Well Monitoring 11/10	$1,546.50	$0.00		$1,546.50
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	Ad for LMI 268 Stran	$350.00	$0.00		$350.00
US Bank Corp Pymt System	2/10/2011	12/22/2010	ADM 12/10	1st Night Supplies	$91.32	$0.00		$91.32
US Bank Corp Pymt System	2/10/2011	12/22/2010	PW 12/10	Misc Supplies 12/10	$391.15	$0.00		$391.15

City of Clayton
Cash Requirements Report
CC Meeting 2/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
US Bank Corp Pymt System	2/10/2011	12/22/2010	PW 12/10	Library Supplies 12/10	$107.69	$0.00		$107.69
US Bank Corp Pymt System	2/10/2011	12/22/2010	PW 12/10	Truck Tires 12/10	$696.37	$0.00		$696.37
US Bank Corp Pymt System	2/10/2011	12/22/2010	PW 12/10	Vehicle Gas 12/10	$549.15	$0.00		$549.15
US Bank Corp Pymt System	2/10/2011	12/22/2010	PW 12/10	PAPA & CA Dept Pesticide Renewals 12/10	$256.01	$0.00		$256.01
US Bank Corp Pymt System	2/10/2011	12/22/2010	PW 12/10	Misc Landscape Supplies 12/10	$415.94	$0.00		$415.94
US Bank Corp Pymt System	2/10/2011	12/22/2010	PW 12/10	Landscape Fuel 12/10	$1,299.47	$0.00		$1,299.47
US Bank Corp Pymt System	2/10/2011	12/22/2010	PW 12/10	St Lt Lamps & supplies	$107.76	$0.00		$107.76
US Bank Corp Pymt System	2/10/2011	12/22/2010	PD 12/10	Office supplies, keys 12/10	$53.03	$0.00		$53.03
US Bank Corp Pymt System	2/10/2011	12/22/2010	PD 12/10	Postage 12/10	$5.54	$0.00		$5.54
US Bank Corp Pymt System	2/10/2011	12/22/2010	PD 12/10	CAPE Membership 12/10	$45.00	$0.00		$45.00
US Bank Corp Pymt System	2/10/2011	12/22/2010	PD 12/10	Vehicle Maint 12/10	$45.47	$0.00		$45.47
US Bank Corp Pymt System	2/10/2011	12/22/2010	PD 12/10	Vehcile Gas 12/10	$2,610.99	$0.00		$2,610.99
US Bank Corp Pymt System	2/10/2011	12/22/2010	PD 12/10	PD Employee Recog 12/10	$269.47	$0.00		$269.47
US Bank Corp Pymt System	2/10/2011	12/22/2010	PD 12/10	PD Training - Food 12/10	$129.55	$0.00		$129.55
US Bank Corp Pymt System	2/10/2011	12/22/2010	PD 12/10	Web Address Renewal 12/10	$47.88	$0.00		$47.88
				Totals for US Bank Corp Pymt System:	*$11,295.67*	*$0.00*		*$11,295.67*
US Bank Ops Ctr ATTN: TFM								
US Bank Ops Ctr ATTN: TFM	2/9/2011	1/28/2011	95442900 3/11	CFD 90-1 Debt Service 3/11	$137,570.99	$0.00		$137,570.99
				Totals for US Bank Ops Ctr ATTN: TFM:	*$137,570.99*	*$0.00*		*$137,570.99*
West Group Payment Center								
West Group Payment Center	2/9/2011	12/27/2010	6070271894	PD Penal Code 2011	$178.96	$0.00		$178.96
				Totals for West Group Payment Center:	*$178.96*	*$0.00*		*$178.96*
Western Exterminator								
Western Exterminator	2/9/2011	1/31/2011	540804	Extermination Services 1/11	$311.50	$0.00		$311.50
				Totals for Western Exterminator:	*$311.50*	*$0.00*		*$311.50*
				GRAND TOTALS:	**$205,096.56**	**$0.00**		**$205,096.56**

CITY OF CLAYTON
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Agenda Date: 2-15-11

Agenda Item: 3c

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY CLERK

DATE: February 15, 2011

SUBJECT: Council Reappointment of Charles Evans to the Contra Costa County Transportation Authority Citizen Advisory Committee (CCTA)

RECOMMENDATION

By minute motion reappoint Charles Evans to the serve as the City of Clayton representative on the Contra Costa Transportation Authority (CCTA) Citizen Advisory Committee for a 4 year term expiring February 2015.

BACKGROUND

The term of office for the CCTA Citizen Advisory Committee representative, Charles Evans, is up for renewal. Mr. Evans has served in this position for many years and would like to be reappointed.

FISCAL IMPACT

None.

CONCLUSION

Reappoint Mr. Evans to serve on the CCTA's Citizen Advisory Committee for a 4-year term ending February 2015.

Attachment: CAC bylaws (4 pages)

CONTRA COSTA TRANSPORTATION AUTHORITY

CITIZENS ADVISORY COMMITTEE (CAC)

BYLAWS

November 29, 2006

1.0 NAME AND AUTHORIZATION

The name of this organization shall be the Citizens Advisory Committee (CAC). The CAC was authorized and established pursuant to Ordinance 88-01 as amended.

2.0 PURPOSE

2.1. The purpose of the CAC is to provide citizen perspective, participation and involvement in Authority policy development and implementation.

2.2. Subject to the direction and concurrence of the Board of Directors of the Contra Costa Transportation Authority (the Authority), the CAC may engage in related activities as appropriate to the discharge of its responsibilities, and bring matters of public concern to the attention of the Authority. The CAC shall identify and educate themselves on transportation issues of regional, countywide, and local concern. The CAC shall report to the Authority on those issues deemed of importance to the CAC. The Authority may also assign issues to the CAC for its review, comment and recommendation.

2.3. The CAC shall provide recommendations to the Authority regarding matters of interest and concern to the community.

3.0 MEMBERSHIP

3.1. Each of the cities, towns, and the County of Contra Costa shall appoint one member to the CAC. In addition, three (3) members shall be appointed by the Authority as "at large" members. Members shall be selected to reflect community and business organizations and interests within Contra Costa County. Members shall not serve in a representative capacity with respect to their appointing authorities or any specific organization.

3.2. At the discretion of the respective appointing body, CAC members are subject to recall at anytime.

3.3. Members shall be appointed for four (4) year terms. There shall be no limit on the number of consecutive terms which a member may serve. To assure continuity, membership terms should be staggered and should overlap.

3.4. The CAC shall encourage prompt filling of vacancies.

3.5. Except as noted in Section 8.0 below, CAC members serve without any compensation.

4.0 OFFICERS

4.1. The Officers of the CAC shall be a Chair and a Vice-Chair. Their duties shall be as follows:

4.1.1. Chair: Presides over CAC meetings; develops the monthly meeting agenda; appoints subcommittees and subcommittee chairs; and reports the CAC's actions and decisions to the Authority as appropriate.

4.1.2. Vice-Chair: Presides over the CAC meetings in the absence of the Chair; conducts the other duties of the Chair in his/her absence.

4.2. Election of Officers shall be made as follows:

4.2.1. Chair: The Chair's term of office shall be for one calendar year. The Chair shall be elected each year at the last meeting of the calendar year by a majority of the CAC members present and voting, and shall serve until replaced by a newly-elected chair. If the term of appointment of the Chair expires before the year is out, and that member does not seek or accept reappointment, the Vice-Chair will serve as Chair until the following January.

4.2.2. Vice-Chair: This officer shall be elected by a majority of the CAC members present and voting at the last meeting of the calendar year. The term of office shall be for one year. If the term of appointment of the Vice-Chair expires before the year is out and that member does not seek or accept reappointment, the Committee will hold an election for a Vice-Chair to serve out the remainder of the term.

5.0 MEETINGS

5.1. The regular meetings of the CAC are generally scheduled for the fourth Wednesday of each month at 6:30 p.m. in the Authority offices at 3478 Buskirk Avenue, Suite 100, Pleasant Hill, California 94523.

5.2. The CAC meetings and subcommittee meetings are subject to the Brown Act.

5.3. A quorum is defined as a majority of currently appointed members.

5.4. Any member who is absent for four (4) of any twelve (12) regularly scheduled consecutive meetings shall be subject to termination. Any resulting vacancy shall be filled for a new four-year period. There are no provisions for alternates to serve as substitutes for CAC members who are unable to attend a CAC meeting.

5.5. The rules contained within the current edition of Robert's Rules of Order (Newly Revised) shall govern the CAC in all cases to which they are applicable and in which they are not inconsistent with these bylaws, the Authority's Administrative Code, the Authority's Office Procedures Guide, and any special rules of order the CAC may adopt.

6.0 SUBCOMMITTEES

6.1. The Chair may establish Subcommittees and Ad Hoc Committees as necessary.

6.2. Each subcommittee shall consist of at least three (3) CAC members appointed by the CAC Chair and reappointed annually.

6.3. A Growth Management Compliance Checklist Review Subcommittee may be created, and its members appointed from the CAC membership by the CAC Chairperson with the concurrence of the full CAC. The subcommittee, if constituted, shall be charged with responsibility for reviewing and making recommendations to the Authority and any appropriate standing committee of the Authority with respect to Growth Management Checklists which have been submitted to the Authority by the Cities and the County in accordance with requirements of Ordinance 88-01 as amended and the applicable sales tax expenditure plan.

6.3.1. Normally, the subcommittee's recommendations will be forwarded to the full CAC for review and recommendation for approval. In the interest of meeting timetables, however, the report and recommendations of the Growth Management Compliance Checklist Review subcommittee may be submitted directly by the Checklist Review subcommittee to the Authority and/or any appropriate Authority standing committee. In such event, the report and recommendation need not be reviewed or approved by the full membership of CAC.

6.3.2. When the full membership of the CAC reviews reports and recommendations made by the subcommittee, such review shall comply with the Authority timetable for review of the Checklists.

6.3.3. Questions or requests for additional information from a local jurisdiction shall be communicated from the CAC to local staff through Authority staff.

7.0 AMENDMENT OF BYLAWS

Amendment of these bylaws requires a two-thirds (2/3) vote of the CAC members present and voting at any regular meeting of the CAC, and subsequent approval by the full Authority Board.

8.0 REIMBURSEMENT OF TRAVEL EXPENSES

If authorized by the Authority, CAC members will be reimbursed for travel expenses incurred for transportation to and from regular and subcommittee meetings of the CAC. Such reimbursement shall be consistent with the Authority's Administrative Code and Office Procedures Guide. If applicable, payment will be issued quarterly based upon members' signed verification of mileage on a monthly Meeting Attendance Log.

9.0 COMMUNICATIONS AND REPORTING

9.1. The primary channel of communication for the CAC shall be through written and oral reports from the Chair of the CAC to the Authority or its standing committee.

9.2. Reports from the CAC to the Authority should reflect the consensus of the CAC. If consensus has not been achieved, the Chair shall convey to the Authority that the CAC position reflects a majority vote, and the Chair shall acknowledge and convey minority opinions.

9.3. CAC members are encouraged to report back to their appointing Councils or boards on at least an annual basis and more frequently if warranted.

10.0 CONFLICT OF INTEREST

10.1. There shall be no monetary gain by members of the CAC as a result of their membership and actions on the CAC.

10.2. CAC members shall recuse themselves from discussion and voting on issues in which they might have a financial interest or benefit.

CITY OF CLAYTON
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Agenda Date: 2-15-11

Agenda Item: 3d

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 15 FEBRUARY 2011

SUBJECT: REMITTANCE OF STATE – IMPOSED SHIFT OF REDEVELOPMENT FUNDS FY 2010-2011 SERAF NOTIFICIATION TO COUNTY AUDITOR-CONTROLLER

RECOMMENDATION

It is recommended, under protest of questionable legality with pending litigation, for the City Council to approve and authorize Mayor Shuey to inform the Contra Costa County Auditor-Controller in writing the Clayton Redevelopment Agency will, if necessary, remit its second mandated SERAF shift in the amount of $404,961 in local redevelopment tax increment revenues to the County on or before 10 May 2011, in compliance with state legislation enacted in 2009 (ABX4-26; FY 2009-10 State Budget action).

BACKGROUND

In the summer of 2009, the California State Legislature and then-Governor Arnold Schwarzenegger signed a State Budget that imposed yet a second attempt to divert (steal) local redevelopment agency revenues in an astounding amount of *$2.05 billion* statewide over a two-year period. The state's budgetary action, desperate and ill-advised, was further incredulous arriving on the heels of an unsuccessful state superior court ruling that determined the state's similar mandated shift in 2008 was unlawful (April 2009 ruling). The 2-year shift, called "Supplemental Educational Revenue Augmentation Funds (SERAF, or popularly known as "Son of ERAF") posed the following local takings from the Clayton Redevelopment Agency:

Year	$350 Million Take	$1.7 Billion Take	Total
2011	$ 404,961	----	
2010	----	$1,966,979	
			$2,371,940

The obligation of the Agency last fiscal year was so huge that it was 2.5 times more than the Agency's annual discretionary net revenues available in FY 2009-10. In order to comply with the state's directive, it became necessary for the Clayton Redevelopment Agency to internally borrow monies from the reserve of its Low-Moderate Income Housing Fund ($592,412) plus request a transfer back in the amount $1,374,567 from the City's Capital Improvement Project (CIP) No. 10400 – Downtown Economic Development Fund. The CIP account of the City only contains monies originating from the Agency's prior years' tax increment revenues to fulfill its purposes.

PROCESS FOR PAYMENT OF SERAF

By statute the California Director of Finance must notify each redevelopment agency and legislative body (city council) of the amount required of the redevelopment agency for transfer to SERAF. On 15 November 2011 the City received state notification the Clayton Redevelopment owes $404,961 for FY 2010-11. Further, the statute requires the legislative body (city council) to report to the county auditor-controller by 01 March 2011 how it will fund and remit the obligatory SERAF amount: by direct payment of the Agency, by the auditor-controller withholding the funds from agency's tax increment revenues, or by payment from another fund of the legislative body (e.g. general fund; or, "getting blood from the turnip"). Final SERAF payment is due on or before 10 May 2011.

As in the previous year's SERAF payment, it remains sensible for the Agency to fund and remit the payment directly to the county auditor-controller by the imposed deadline. The Clayton Redevelopment Agency always requests the county to disperse 100% of its local tax increment revenue due the Agency to permit the Agency to earn interest income on the full allocation. In this instance it is further prudent to delay as long as possible the Agency's SERAF payment to hopefully await a successful outcome of pending litigation regarding the state's authority to take these local monies.

SERAF LITIGATION

After former Governor Schwarzenegger signed AB 1389 into law in 2008, the California Redevelopment Association (CRA) and a consortium of local redevelopment agencies filed suit against the state, challenging the constitutionality of AB 1389 in Sacramento Superior Court. The CRA prevailed, prompting the state to file an appeal (May 2009). However, the state abandoned its appeal before the Third District Court of Appeal could sort out the constitutional question.

Unfazed and desperate to close chronic annual budget gaps, the State Legislature passed Assembly Bill X4-26 in 2009, thereby foisting the $2.05 billion 2-year theft of local revenues from statewide redevelopment agencies. The state was bolstered in its brazen action by the lower court's earlier ruling which arguably suggested state-imposed SERAF shifts could be lawful if they served students who live within an agency's project area or in redevelopment-funded housing by providing adequate revenue to schools located within redevelopment project areas. Not surprisingly, the CRA and several redevelopment agencies once again filed litigation contesting the constitutionality of ABX4-26 but were this time denied by the same Sacramento superior court. The CRA summarily filed an appeal in the Third District Court of Appeal to invalidate ABX4-26, thereby hoping to halt the upcoming second year

SERAF payment and compel the state's return of the initial $1.7 billion shift last year. While the CRA and statewide redevelopment agencies hope to have a decision before May 2011, there is no way to predict when a decision will be handed down by the court, whether it will be favorable and whether the losing party will appeal. Consequently, redevelopment agencies are best advised to prepare to remit the 10 May 2011 SERAF payment.

IMPACT OF PROPOSITION 22

In November 2010, voters in California overwhelmingly signaled their determination that the state must stop taking local revenues from local governments to patch its endless budget deficits each year. The successful passage of Proposition 22 has blunted state officials' repetitive schemes to partial operate each year on local monies, hence the partial retaliatory nature of Governor Brown's 2011 proposal to exterminate redevelopment agencies. Along those lines of protecting local revenues for local purposes, a question naturally arose whether Proposition 22's passage overturns the requirement to make the May 2011 SERAF payment.

Although Proposition 22 gave redevelopment agencies substantial protection from future state raids of tax increment revenues, it did not retroactively repeal the passage of ABX4-26 in 2009, which authored the $2.05 billion takeaway including the 2nd year remittance. Proposition 22 contains a retroactive provision that overturns any state actions to take local funds back to 20 October 2009 yet ABX4-26 was passed in July 2009. Therefore, Proposition 22 does not reverse or negate ABX4-26, nor does it refund the previous SERAF payments by redevelopment agencies. The course for that action is the pursuit of pending litigation by the CRA.

FISCAL IMPACT

The Clayton Redevelopment Agency, and by extension the City of Clayton and its community, will lose the opportunity to use $404,961 in redevelopment agency monies available this fiscal year for the purpose of improving economic health, development, cure blighted conditions and foster vitality in its business sectors and within the Project Area. The SERAF shift was budgeted in the approved Agency Budget for FY 2010-11 in anticipation of the second year remittance forced by the state-imposed ABX4-26, and will be the source of funds for this obligation.

By continuous actions of the State of California since 1991, the City of Clayton has now lost approximately $7.31 million in local property tax monies to the State of California to aid its chronic fiscal mismanagement.

Attachment: 1. November 2010 letter from CA Dept. of Finance [2 pp.]

ATTACHMENT -1-

DEPARTMENT OF FINANCE
OFFICE OF THE DIRECTOR

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

Received

NOV 15 2010

City of Clayton

November 12, 2010

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

Chapter 21, Statutes of 2009, requires redevelopment agencies to shift $350 million in property tax revenues to K-12 schools during the 2010-11 fiscal year via the Supplemental Educational Revenue Augmentation Funds (SERAF) that the Chapter created in each county. The Director of Finance is required to determine the amount each redevelopment agency shall transfer to the SERAF, and is further required to notify each redevelopment agency and legislative body of those amounts.

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

Each redevelopment agency must allocate the specified amount to the county auditor-controller for deposit into the SERAF on or before May 10, 2011. By March 1, 2011 the legislative body shall either report to the county auditor-controller how the redevelopment agency intends to fund its SERAF obligation, or report that the legislative body intends to fund the SERAF obligation on behalf of the redevelopment agency pursuant to Section 33692 of the Health and Safety Code (HSC).

If a redevelopment agency determines that it will not be able to allocate to the SERAF the full amount required, it may enter into an agreement with its legislative body by February 15, 2011, for the legislative body to fund either the full SERAF obligation, or a portion thereof. Alternatively, pursuant to HSC Section 33690 (c), a redevelopment agency that makes a finding that insufficient monies are available to fund its SERAF obligation may borrow from monies contained in its Low and Moderate Income Housing Fund. Redevelopment agencies also may borrow from the amount otherwise required to be remitted in 2010-11 to its Low and Moderate Income Housing Fund. All borrowed funds must be fully repaid by June 30, 2016.

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

ANA MATOSANTOS
Director

Attachment

	2010-11 Redevelopment Agency SERAF Shift Health and Safety Code Section 33690.5				
Redevelopment Agency Name	**2006-07 Tax Increment Net of Pass-Throughs**	**2006-07 Gross Tax Increment**	**175,000,000 on Net Tax Increment Based on Net Factor (0.0465534652)**	**175,000,000 on Net Tax Increment Based on Gross Factor (0.0369323105)**	**Total SERAF**
City of Clayton Redevelopment Agency	4,554,908	5,223,459	212,047	192,914	**404,961**

Received
NOV 15 2010
City of Clayton

MITCHELL R. D'ANGINA

EAGLE SCOUT PROJECT

TROOP 492, BOYS SCOUTS OF AMERICA

for

installation of two wood rest benches

along the Peacock Flats Trail

Clayton, CA

Agenda Date: 2-15-11

Agenda Item: 4a

MINUTES
OF THE
REGULAR MEETING

Agenda Date: 2-15-11

Agenda Item: 3a RDA

CLAYTON REDEVELOPMENT AGENCY

February 1, 2011

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 9:08 p.m. by Chairperson Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Chairperson Pierce, Vice Chair Geller, Boardmembers Medrano, Shuey, and Stratford. Staff present: Executive Director Napper, Secretary Jackson, and General Counsel Adams.

2. **PUBLIC COMMENTS** – None.

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

(a) Approved the minutes of the regular meeting of December 21, 2010.

(b) Adopted Resolution 01-2011 approving an updated legal services contact with the Agency's existing special legal services counsel, Goldfarb & Lipman, LLP.

(c) Approved an adjustment to the Agency's Financial Statement for FY 2009-10.

4. **PUBLIC HEARINGS** - None

5. **ACTION ITEMS** – None.

6. **BOARD ITEMS** – None.

7. **CLOSED SESSION**- On call by Boardmember Pierce the Board moved into Closed Session at 9:10 p.m.

(a) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Property: 268 Stranahan Circle, Clayton, CA (APN 119-620-035-4).
Instructions to Agency negotiator (Executive Director) concerning terms and conditions.
Negotiating Party: Ryan and Jennifer Ruff.

Report out from Closed Session: Chairperson Pierce reported the Board gave direction to legal Counsel.

7. **ADJOURN** – on call by Chairperson Pierce the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

Julie K. Pierce, Chairperson

Agenda Date: 2-15-11
Agenda Item: 3b RDA

CITY OF CLAYTON
Founded 1857 · Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIRMAN AND BOARD MEMBERS

FROM: COMMUNITY DEVELOPMENT DIRECTOR

DATE: FEBRUARY 15, 2011

SUBJECT: PURCHASE 268 STRANAHAN CIRCLE (AFFORDABLE HOUSING PROGRAM)

RECOMMENDATION

By minute motion, authorize the Executive Director to purchase the property at 268 Stranahan Circle to retain that property in the Agency's Affordable Housing Program, for $369,035.84, subject to the agreed to Deal Points and Understandings in the attached letter from Community Development Director David Woltering to Ryan and Jennifer Ruff, dated February 4, 2011.

BACKGROUND

The Clayton Redevelopment Agency initially received a letter, dated October 4, 2010, from Ryan and Jennifer Ruff, in which they offered the sale ("First Notice of Intent to Transfer") of their residence at 268 Stranahan Circle to the Agency (see **Attached**). The Ruff's purchased this property from the Agency in November of 2006. Their reason for selling the property is to have the opportunity to purchase a larger, market-rate home in the City of Clayton at the presently reduced sales prices (as a result of slow economy) to accommodate their growing family (their third child was born in October of 2010). That motivation is an objective of the Agency's program, to foster initial affordable home ownership for eventual transition to market rate ownership. Such transition allows repetitive living opportunities for other eligible households.

At its November 2, 2010 regular meeting (Closed Session), the Agency Board decided to not accept the offer at that time, but, instead, to allow the property owners to offer ("for sale by owner") the sale of the property to eligible moderate-income households.

At that meeting, the Agency Board requested that staff assist with the marketing of the property and screening of eligible prospective buyers. Mr. and Mrs. Ruff placed a sign in front of their home offering it for sale; Agency staff prepared flyers describing the home for sale as well as application forms; a copy of the flyer and application form were placed on the City's website, flyers were sent out to individuals who had previously indicated an interest in participating in the City's Affordable Housing Program; Agency staff coordinated the placement of an ad in the Contra Costa Times offering the home for sale (this ad was paid for by the property owners); and, the property owners did additional networking to inform possible buyers of the availability of the home.

As described in the governing Resale Restriction Agreement Mr. and Mrs. Ruff entered into with the Clayton Redevelopment Agency when they purchased this property, property owners have 60 days to market the home to eligible affordable household income buyers if the Agency declines to purchase the property in response to the property owner's first offer of transfer. Thereafter, they can re-approach the Agency with a second offer to transfer the property to the Redevelopment Agency. At that point, the Agency must either respond by offering to purchase the property or allow the property owners to sell the home on the open market. If the owners sell the home on the open market, the owners must pay the Excess Proceeds plus the Agency's shared appreciation to the Agency, as provided in the Resale restriction Agreement. Consequently, there is no financial incentive for the owners to pursue that option. The Agency would lose a home that presently has a deed restriction requiring that the home be occupied by a moderate-income household. This would not be beneficial to the Agency/City, as the City has fewer moderate-income (32 additional needed through 2014) and low-income homes (35 additional needed through 2014) than desired, based on the assigned Regional Housing Needs Allocation (RHNA) numbers to the City by the Association of Bay Area Governments (ABAG).

The 60-day marketing period expired and Mr. and Mrs. Ruff submitted a "Second Notice of Intent to Transfer", dated January 6, 2011 **(see Attached)** to the Clayton Redevelopment Agency. Staff believes Mr. and Mrs. Ruff made a good faith effort to sell their home. Staff did not receive any moderate-income applications during the marketing period. Mr. and Mrs. Ruff have informed staff they have identified a specific market-rate home in Clayton they desire to purchase at this time.

The above-information was conveyed to the Agency Board at its meeting on February 1, 2011 under "Closed Session". The Board determined it wanted to retain the home within its Affordable Housing Program and, therefore, authorized Executive Director Gary Napper to initiate the process to purchase the home. It was clarified to the Board at the meeting by staff it was anticipated the home after purchase would then be offered for sale to a low-income household, given the prevailing market conditions and lack of interest experienced during the "marketing period" from moderate-income households.

Since the February 1, 2011 Board meeting, staff has prepared a letter (see **Attached)** to Mr. and Mrs. Ruff that describes the proposed "deal points and understandings" of the proposed purchase by the Redevelopment Agency of their residence at 268 Stanahan Circle.

DISCUSSION

There are affordable housing Redevelopment Agency funds that can be used to purchase the home and, then, re-sell it with a 45-year deed restriction to retain the subject home as an affordable housing unit. Given the depressed housing market, with market-rate homes being similarly priced to affordable homes in the moderate-income category, staff suggests this home be re-marketed to the low-income household category.

FISCAL IMPACT

The Agency will need to further subsidize this home to find an interested and eligible buyer by dropping its category to Low Income households. The additional subsidy to attract a qualified low-income household could be about $180,000.00. The affordability of the home would be secured for a 45-year period with a deed restriction that would run with the land.

Attachments:

1. "First Notice of Intent to Transfer (Sale) "letter from Ryan and Jennifer Ruff, dated October 4, 2010.
2. "Second Notice of Intent to Transfer (Sale)" letter from Ryan and Jennifer Ruff, dated January 6, 2011.
3. "Deal Points and Understanding" letter from Director David Woltering to Ryan and Jennifer Ruff, dated February 4, 2011.

comdev/affordable hsg/ruff/sr-cc.2.15.11

Attachment 1

Received
OCT 06 2010
City of Clayton

Date: 10/04/2010

To: The City of Clayton

Attn: Garry Napper / David Woltering

From: Ryan and Jennifer Ruff

Re: Sale of 268 Stranahan Circle

We purchased the property located at 268 Stranahan Circle from the City of Clayton on 11/21/2006 for $350,500 dollars. There are no capital gain improvements that need to be appraised. We will vacate the property upon the sale of the home. We are waiting for the City of Clayton's response before the property is placed on the market.

We have enjoyed the property and are very grateful to the City of Clayton for the opportunity that they have provided to our family. We have come to love this City and are in the process of looking at another home in Clayton in order to accommodate our growing family.

I am not sure what the HUD-1 form is so I attached the title paper work. Please contact me with any questions or missing information needed.

Thank You,

Ryan Ruff

925-325-8183

Attachment 2

Date: 01/06/11

To: City of Clayton (Gary Napper and David Woltering)

From: Ryan and Jennifer Ruff

Re: Transfer of property (268 Stranahan Circle)

Over the past two months we have been actively trying to market our home in hopes that we would find a buyer. We have continued our efforts to find a buyer for our home by:

Posting a For sale sign in our front yard

Sunday Newspaper Advertisement in the Contra Costa Times

Craigslist Advertisement

Face book networking

Posting it on City of Clayton website

Networking through friends and our work unions

At this time we would still like to offer the transfer of our residence (268 Stranahan Circle) back to the City of Clayton. We look forward to hearing from you soon.

Thank you,

Ryan Ruff

Ryan Ruff

Jennifer Ruff

Jennifer Ruff

RECEIVED

JAN - 7 2011

CLAYTON COMMUNITY DEVELOPMENT DEPT

Attachment 3

CITY OF CLAYTON
Founded 1857 · Incorporated 1964

COMMUNITY DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
DAVID T. SHUEY, *MAYOR*
HOWARD GELLER, *VICE MAYOR*
JOSEPH A. MEDRANO
JULIE K. PIERCE
HANK STRATFORD

February 4, 2011

Ryan and Jennifer Ruff
268 Stranahan Circle
Clayton, CA 94517

Re: Clayton Redevelopment Agency "Second Agency Response Notice" –
268 Stranahan Circle Notice of Transfer

Dear Mr. and Mrs. Ruff:

The City of Clayton Redevelopment Agency staff received your "Second Notice of Intended Transfer (Sale)", dated January 6, 2011, indicating your desire to sell your home at 268 Stranahan Circle to the Agency. Your home is included in the Clayton Redevelopment Agency's Affordable Housing Program and, accordingly, subject to the requirements of a Resale Restriction Agreement (Agreement) you entered into with the Redevelopment Agency on November 14, 2006. This Agreement was recorded with the County of Contra Costa on November 21, 2006.

It is understood that you have made a "good faith effort" to sell your home to an eligible moderate-income household since the Agency initially declined the purchase of your home at its regular November 2, 2010 meeting in response to your "First Notice of Intended Transfer", dated October 4, 2010. Unfortunately, there were no eligible applications submitted to purchase your home during that time period. Accordingly, as allowed (provided) in your Agreement with the Agency, you have submitted a "Second Notice of Intended Transfer" to the Redevelopment Agency.

Agency staff presented your "Second Notice of Intended Transfer" to the Redevelopment Agency Board at its regular meeting of February 1, 2011. The Agency Board indicated that it would be willing to re-purchase your home at this time and authorized Agency Executive Director Gary Napper and his staff to initiate the purchase process. Listed below are the key deal points and understandings of this possible re-purchase. Please review, sign, and return to me, David Woltering, Clayton Community Development Director, your acknowledgement and acceptance of these deal points and understandings by February 9, 2011. Assuming there is agreement on these points and understandings, staff anticipates presenting this information to the Agency Board at its meeting of February 15, 2011 to continue the process toward completing the re-purchase of your property by the Agency.

<u>Deal Points and Understandings for Possible Re-Purchase of Home at 268 Stranahan Circle</u>

1. Fair Market Value and original purchase price by the Clayton Redevelopment Agency was <u>$517,500</u>.
2. Purchase price in 2006 by Mr. and Mrs. Ruff was <u>$350,500</u>.
3. Sales price of the home at this time (February 2011) would be the Restricted Future Sales Price or Fair Market Value, whichever is less. The Restricted Future Sales Price is determined by multiplying your purchase price by the percentage increase in the median income factor for Contra Costa County in the State Official Income Limits. The median income factor increased from $83,800 in 2006 to $90,300 in 2010, a 7.8% increase. $350,500. x 1.078 = $377,839.00. This is a $27,339 increase over your discounted purchase price.
4. Acknowledging a $425,000 professional property appraisal received for nearby real property at 272 Stranahan Circle approximately 12 months ago, it is reasonable to assume the sales price for your home will be based on the Restricted Future Sales Price.
5. The breakdown of the shared appreciation for your property is the Owner is entitled to 67.8% and the Agency is entitled to 32.2%. Accordingly, you would be entitled to $18,535.84 (*adjusted for proportionate share of total escrow costs and responsibilities as stated below*) and the Agency would be entitled to $8,803.16 (*adjusted for proportionate share of total escrow costs and responsibilities as stated below*) of this "growth". Naturally, the Owner will retain all buy-down of private mortgage principal(s).
6. While the anticipated sales price would be $369,035.84; the Agency would be credited back $8,803.16, subject to referenced adjustments ($377,839.00 - $8,803.16 = $369,035.84).
7. No contingencies by seller have been indicated and it is assumed seller desires to vacate the premises and close escrow within 60 days.
8. There are escrow costs and responsibilities in this possible transaction as follows:
    - <u>Seller (Ruffs) would be responsible for the following</u>:
        - Payment of all County documentary transfer taxes;
        - Clear title to property;
        - Prorated payment of current year property taxes and assessments due;
        - One-half of the expenses of all usual and customary Escrow Fees;
        - Provide a twelve (12) month Home Warranty Policy that includes HVAC from the date of the close of escrow;
        - Provide a current Pest Report and repair all Section 1 damages identified in the report; and,
        - Repair (cure) any health and safety related deficiencies noted in the Buyer paid Home Inspection Report.

- Buyer (Agency) would be responsible for the following:
    - The cost of the Title Policy;
    - All recording fees;
    - Pay prorated portion of current year special assessment taxes only;
    - One-half of the expenses of all usual and customary Escrow Fees; and,
    - The cost of a Home Inspection Report.

Should you have any questions regarding the deal points and information listed above, please let me know. If we can reach agreement on these points and information by the morning of February 9, 2011, staff will be able to formally present your proposal to sell your home at 268 Stranahan Circle to the Redevelopment Agency at the Agency's February 15, 2011 meeting.

Sincerely,

David Woltering

David Woltering, AICP
Community Development Director

Owners' Signatures Agreeing to Above-listed Deal Points for Sale/Purchase of Home at 268 Stranahan Circle to Clayton Redevelopment Agency

Ryan J Ruff — 2/7/11

Ryan Jeffery Ruff — **Date**

Jennifer Ruff — 2/7/11

Jennifer Kathleen Ruff — **Date**

RECEIVED
FEB - 8 2011
CLAYTON COMMUNITY DEVELOPMENT DEPT

cc: Executive Director Gary A. Napper

comdev/affordable housing/ruff/268 Stranahan Circle – Second Agency Response Notice

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

Agenda Date: 2-15-11

Agenda Item: 5a RDA

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIR AND BOARD MEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR DW

DATE: FEBRUARY 15, 2011

SUBJECT: HOUSING ELEMENT 2009-2014 IMPLEMENTATION CONSULTING SERVICES AGREEMENT

RECOMMENDATION

It is recommended the Board of Directors authorize the Executive Director to enter into a Consulting Services Agreement with Raney Planning & Management, Inc. in the amount of $37,350.00 to assist with the implementation of various measures and programs in the City's locally adopted and State Housing and Community Development (HCD) conditionally certified 2009-2014 Housing Element; and, authorize an appropriation from the Low-Moderate Affordable Housing Fund reserve of the Clayton Redevelopment Agency (RDA) to fund the consultant's cost proposal (see **Attached**) as well as encumber an additional $120,000.00 from the same reserve for anticipated environmental and associated costs related to the required redesignation and reclassification of targeted private properties within Clayton to facilitate the construction of 50 multi-family, affordable housing units, as described in the City's Housing Element.

BACKGROUND

During the calendar years of 2009 and 2010, the City of Clayton prepared and updated its Housing Element, as required by State law. This Housing Element was adopted locally by the Clayton City Council on April 20, 2010 and certified by the State Housing and Community Development Department on July 15, 2010. This Housing Element sets forth the housing strategy for the City of Clayton to address the existing and future housing needs of the community for the period of 2009-2014 in accordance with all applicable statutory requirements. The City's Regional Housing Needs Allocation (RHNA), adopted in August of 2007 by the Association of Bay Area Governments (ABAG), established a housing production goal for its period (2007-2014) of 151 units with the following income distribution:

- 32.5 percent Very Low Income: 49 units
- 23.2 percent Low Income: 35 units
- 21.9 percent Moderate Income: 33 units
- 22.5 percent Above Moderate Income: 34 units

Approximately 22 of these units toward the overall production goal have been constructed to date. One of these units is in the Moderate Income category; the remaining 21 units are in the Above Moderate category.

The conditional certification of HCD presumes the City will make a good faith effort toward implementing the measures and programs listed in the *Goals and Policies* section of the Housing Element (see **Attached**). These measures involve preparing and processing for adoption various General Plan amendments and Zoning Ordinance amendments. This work will necessitate compliance with pertinent provisions of the California Environmental Quality Act (CEQA).

DISCUSSION

The measures and programs listed in the *Goals and Policies* section of the City's Housing Element include General Plan amendments and Zoning Ordinance amendments related to the following within Clayton: creating a high density residential land-use category of 15.1-20.0 units per acre (currently the highest standard residential density allowed in Clayton 10.1-15.0 units per acre); allow for emergency housing; allow for single-room occupancy housing; redesignate and rezone sufficient land to facilitate the construction of 50 multi-family affordable housing units within the City; etc.

Raney Planning & Management, Inc. has successfully performed planning and environmental contract work for the City of Clayton since 2004, working on Town Center Specific Plan Amendments, the Oak Center commercial project (Flora Square), and the Creekside Terrace commercial/residential mixed-use project. The firm's familiarity with the City and its processes is very helpful in avoiding a learning curve situation and help make needed progress moving forward with implementation of the various measures and programs outlined in their proposal and excerpted from the City's Housing Element *Goals and Policies* section. Additionally, Raney staff has demonstrated with its work an ability to work effectively with a broad-range of individuals and interests in this community. This attribute would certainly be important, given the scope of work that is to be undertaken.

CONCLUSION

Staff finds that Raney Planning & Management, Inc. has demonstrated capability to perform the work required to assist in implementing the described measures and programs in the City's Housing Element. Staff further finds that the purpose of the policy and code amendments is to facilitate the production of affordable housing units, including multi-family housing units, on properties within the Redevelopment Agency's approved Project Area. Therefore, it is appropriate and consistent with the Agency's goals and mission to fund this type of work effort given it is expressly related to the production of affordable housing. Accordingly, staff recommends that the Board authorize the Executive Director to enter into a Consulting Services Agreement with Raney Planning & Management, Inc. to perform the work described in its proposal (see **Attached**).

It should be noted this requested authorization does not include any environmental work related to the actual redesignation and reclassification of properties to facilitate the construction of 50 multi-family, affordable housing units in the community. Under this contract, Raney would be responsible for initial work only to identify the private properties to be re-designated and reclassified. At that point, scoping would occur to determine and refine the level of environmental review required. The City would likely distribute a request for proposals (RFPs) for that work, given that a full environmental impact report (EIR) is anticipated. The estimate to complete that EIR and associated work is approximately $120,000.00. Given the present uncertain fate of redevelopment agencies in the State of California, staff recommends the Board encumber the expectant $120,000.00 EIR expense from the same Low-Moderate Affordable Housing Fund reserve of the Clayton Redevelopment Agency (RDA) for the second phase of this affordable housing units facilitation requirement, with the same finding of consistency with the Agency's 5-Year Implementation Plan (2008-2013).

FISCAL IMPACT

The proposal from Raney Planning & Management, Inc. to assist with implementation of the City's 2009-2014 Housing Element is $37,350. It is proposed this cost would be paid for from the Low-Moderate Affordable Housing Fund reserve of the Clayton Redevelopment Agency (RDA). Additionally, staff is recommending that an additional $120,000.00 for anticipated environmental and associated costs for the required redesignation and reclassification of properties within Clayton be encumbered from the same reserve funding source to facilitate the production of 50 multi-family, affordable housing units, as described in the City's Housing Element.

Attachments:

1. Housing Element Implementation Proposal, dated February 9, 2011, prepared by Raney Planning & Management, Inc.
2. *Goals and Policies* excerpt from the adopted and certified City of Clayton 2009-2014 Housing Element.
3. Proposed Cost Estimate for a Project EIR.

Attachment 1

RANEY
PLANNING & MANAGEMENT, INC.

WWW.RANEYMANAGEMENT.COM

NORTHERN CALIFORNIA
1501 SPORTS DRIVE
SACRAMENTO, CA 95834
TEL: 916.372.6100 · FAX: 916.419.6108

SOUTHERN CALIFORNIA
2280 MARKET STREET, SUITE 220
RIVERSIDE, CA 92501
TEL: 951.328.0300 · FAX: 951.328.0401

February 9, 2011

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

Re: Housing Element Implementation Scope of Work

Dear Mr. Woltering:

On behalf of Raney Planning & Management, Inc. (Raney), I am pleased to submit the following proposal for various implementation measures outlined in the City of Clayton 2009-2014 Housing Element.

Project Understanding

The implementation of the Housing Element includes three components: an amendment to the General Plan, several amendments to the Zoning Ordinance, and a Rezone to High Density Residential in order to accommodate 50 additional units. These various implementation actions will be grouped into two segments and are detailed below.

I. Creation of a High Density designation, Zoning Ordinance Amendments clarifying definitions and permitted uses, and creating the Kirker Corridor Overlay Zone.

   A. General Plan Amendment to create a Multi-Family High Density designation allowing 15.1-20 dwelling units per acre.
   B. Zoning Ordinance Amendment to create a Multi-Family Residential High (M-R-H) designation allowing up to 20 dwelling units per acre.
   C. Zoning Ordinance Amendment to allow emergency shelter by right in a zoning designation (to be determined).
   D. Zoning Ordinance Amendment to add separate definitions for supporting and transitional housing and allowing supportive and transitional housing as a permitted use subject to the residential standards of the zoning district.
   E. Zoning Ordinance Amendment to allow SRO's in the Limited Commercial zone subject to a Conditional Use Permit.
   F. Zoning Ordinance Amendment to only allow single family homes in the Multi-Family residential zoning districts with a Conditional Use Permit.
   G. Zoning Ordinance Amendment to remove the number of persons per household limit.

H. Zoning Ordinance Amendment to create an overlay zone for the 5 acres identified as Kirker Corridor to allow SRO's with specific development standards.
I. Zoning Ordinance Amendment to create an overlay zone for the 5 acres identified as Kirker Corridor to allow emergency shelters with specific development standards.

II. Rezone(s) to accommodate an additional 50 residential units.
A. Rezone a site to M-R-H in order to accommodate an additional 50 residential units. This involves revisiting opportunity sites, but could likely include rezoning 3.5 acres of the Easley Ranch.

Approach
The following outlines Raney's proposed approach to each of the three components of the implementation of the Housing Element.

I. Creation of High Density Residential Designations, Zoning Ordinance Text Amendments, and Kirker Corridor Overlay Zone
Raney will prepare the General Plan Text Amendment and Zoning Ordinance Text Amendment which provides the necessary language to create the High Density Residential designation. The City currently has a Residential Medium Density General Plan designation which allows up to 15 units per acre. The proposed designation will be Residential High Density which will allow up to 20 units per acre in accordance with requirements of HCD. The City currently does not have a Multi-Family designation in the Zoning Ordinance. Raney will create a Multi-Family High designation and all the associated development standards that need to be included. In addition, Raney will prepare the language for the Zoning Ordinance Amendments clarifying definitions and permitted uses as described above, as well as the Kirker Corridor Overlay Zone and the associated development standards for SROs and emergency shelters.

Raney will review the approved Housing Element, existing General Plan, and existing Zoning Ordinance in order to identify the best approach to implementation of the Housing Element policies. Raney will research other cities' approaches to similar issues to identify options for the City of Clayton. Raney will coordinate with staff on the approach and prepare the appropriate text for the General Plan and Zoning Ordinance to implement the policies.

Raney will prepare an Initial Environmental Study (see tasks below) to address the amendments prior to the public hearings. In addition, Raney will prepare the staff reports for use by City staff in holding the hearings for Planning Commission and City Council. Based on discussions with staff, Raney assumes that staff will present the amendments and attendance at public hearings will not be necessary. However, should staff determine that attendance would be helpful, Raney will be available to attend and charge on a time and materials basis.

Products:
- Review of the project information.
- Coordination with Staff.

- General Plan and Zoning Ordinance Text.
- Staff Reports to Planning Commission and City Council.

Preparation of the Initial Environmental Study
Raney will prepare the Initial Environmental Study (IES) for the proposed General Plan and Zoning Ordinance Amendments. Raney assumes that the amendments will be at a policy level that will not have direct physical impacts of the environment. The IES will note that any future projects consistent with the amended General Plan and Zoning Ordinance will require separate environmental review.

The preparation of the IES will include the following tasks:

- Prepare an administrative draft version of the IES for review by City of Clayton staff.
- Revise the Administrative Draft IES, based on comments provided by staff.
- Prepare a Mitigation Monitoring Program (MMP).
- Provide a written response to any comments received during the public review period of the IES.

Products:
- One electronic copy of the Administrative Draft IES to the City of Clayton.
- Twenty copies of the final version of the IES and one electronic file in PDF format to the City of Clayton.
- Delivery of Notice of Completion and fifteen copies of the IES to the State Clearinghouse.
- One electronic copy of the Administrative Draft MMP to the City of Clayton.
- One copy of the MMP and one electronic file in PDF format to the City of Clayton.
- Preparation of the Notice of Intent to Adopt a Negative Declaration.
- Responses to comments received from public review of the Initial Study, if any.
- Errata sheet detailing any changes to the Initial Study text based on the public comments received, as necessary.
- Preparation of Notice of Determination.

II. Rezone to Accommodate 50 additional Units

The Housing Element outlines the need for 50 additional units within the City of Clayton. Implementing this policy requires a General Plan Amendment and Rezone of a site or sites to the new High Density Residential designation created as part of the first task described above. Raney will revisit the opportunity sites identified as part of the Housing Element preparation; however, it is likely that the site identified in the Housing Element at Easley Ranch will be the appropriate location.

Rezoning a 3.5 acre portion of the Easley Ranch will be a highly controversial process. Raney will facilitate community outreach meetings that revisit the other opportunity sites as well as the Easley Ranch site. Raney will coordinate with City staff on the number and content of each community meeting, but assumes approximately four meetings. Unlike the two other tasks described above, on this rezone, Raney will take the lead and play an active role in the process. Raney will, however, coordinate extensively with staff to ensure the outcome meets the needs of the City.

Preliminarily, Raney has the following suggestions for the format of the meetings. The first meetings will be with stakeholders. The stakeholders include property owners and others who may have a stake in the outcome. Raney anticipates two meetings with the stakeholders. The second type of meeting will be with a committee of decision-makers. This could include members of the Planning Commission and City Council with members of the public invited to attend. These workshops would include a discussion of the Housing Element laws as well as the purpose and outcome of the stakeholder meetings. The first such workshop could even include a discussion of the creation of the High Density Residential zone and some of the Ordinance Amendments to help set the stage for the need for the rezone. Raney anticipates two meetings of this committee.

Following the community meetings, Raney will prepare the necessary staff reports, including ordinances for the rezone site. Raney will also attend and present at the Planning Commission and City Council hearings on the proposed rezone.

Raney suggests the environmental document be scoped at the conclusion of the public outreach process in order to ensure the issues raised by the community are addressed. Given the controversial nature of the rezone, Raney would anticipate the preparation of an EIR as part of the rezone process. An EIR could include technical studies to address traffic, air quality, and noise, as well as other issues which might arise during the public outreach. Should the project outreach result in a non-controversial project with project impacts that can be mitigated to a less-than-significant level, consideration could be given to the preparation of a Negative Declaration.

Products:

- Review of the project information.
- Coordination with Staff.
- Facilitate up to Four Community Meetings.
- Staff Reports to Planning Commission and City Council.
- Attendance and presentations at Planning Commission and City Council.

Project Management

The preparation of the amendments to the General Plan and Zoning Ordinance, as well as the Kirker Corridor Overlay Zone will be overseen by Cindy Gnos, Raney Vice President. Ms. Gnos will be assisted by Tim Raney, President, Nick Pappani, Special Project Manager, and Associate staff as needed. Ms. Gnos will also participate in the Rezone to accommodate 50 units; however, the public outreach and facilitation will be conducted by Mr. Raney.

It should also be noted that Laurin Associates, a division of Raney, has been involved in the housing and community development field for nearly 30 years. Laurin has prepared numerous housing elements and has a relationship with HCD staff. Raney will consult with Laurin staff as needed during the preparation of the documents in order to ensure that the goals of HCD are accommodated appropriately.

Schedule

Raney will process the creation of the High Density Residential designation, clean-up Zoning Ordinance Amendments, and the Kirker Corridor Overlay Zone first. Raney anticipates that these amendments can be complete within six to nine months, but can be adjusted to meet the needs of the City of Clayton. The Rezone of the site could also take approximately six months in order to allow the community outreach. This schedule, however, can also be adjusted to meet the needs of the City.

Cost Estimate

The cost for completion of the Housing Element implementation is $37,350. These costs are based on the estimates of time for each task provided in the spreadsheet below.

	CITY OF CLAYTON HOUSING ELEMENT IMPLEMENTATION COST ESTIMATE					
		Tim Raney, AICP President	Cindy Gnos, AICP Vice President	Nick Pappani Special Projects Manager	Associate	Cost Per Task
Task I	Creation of High Density Residential Designations		8	4	18	$ 3,440
	Prepare Clean-up Zoning Ordinance Amendments		10	4	18	$ 3,760
	Prepare Kirker Corridor Overlay Zone		12	6	20	$ 4,530
	Prepare IES		6	14	40	$ 6,450
	Prepare Staff Reports		6	12	10	$ 3,480
	Subtotal					$ 21,660
Task II	Revisit Opportunity Sites	6	6	4		$ 2,640
	Facilitate Public Outreach	24	12		8	$ 7,200
	Prepare Staff Reports	2	4	12	10	$ 3,540
	Attend Hearings	12				$ 2,280
	Subtotal					$ 15,660
	Total Hours	44	64	56	106	
	Hourly Rate	$ 190	$ 160	$ 135	$ 90	
	Total Labor	$ 8,360	$ 10,240	$ 7,560	$ 9,540	$ 35,700
Expenses						
	Copying/Printing/Travel/Postage/Etc.					$ 1,500
	10% administrative fee					$ 150
	Total Expenses					$ 1,650
	Total Budget					**$ 37,350**

Raney's company philosophy is to serve as an extension of City staff and provide those services that help our clients to the greatest degree. Raney's has extensive experience in preparing environmental documents for the City of Clayton and is familiar with the regulations, requirements, and procedures of the City. Given our familiarity with the City and its processes, we believe that our firm has the knowledge and expertise to efficiently deliver high quality products to you and the City on time and within budget. Raney provides each client with the highest level of professionalism, while structuring tailor-made services for every project. It is our commitment to provide you with the highest quality and legally defensible document, to share our experience and expertise throughout the processing of projects, and to meet the proposed budget and schedule. If you have any questions regarding this schedule and cost estimate, please feel free to contact me. We are pleased to have the opportunity to submit our proposal for your consideration and look forward to a continued successful relationship with you and the City of Clayton.

Thank you,

Cindy Gnos

Cindy Gnos, AICP
Vice President
Raney Planning & Management, Inc.

GOALS AND POLICIES

ADEQUATE SITES AND NEW CONSTRUCTION

Goal I Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation.

Policy I.1. The City shall designate and zone sufficient land to accommodate Clayton's projected fair share housing allocation as determined by the Association of Bay Area Governments.

Implementation Measure (I.1.1) The City will promote the development of the Affordable Housing Opportunity sites identified in Table 42, Vacant Residential Land (i.e., High Street parcel (Site V-2) and Old Fire Station site (Site V-5)) by creating a General Plan Multi-family High Density designation to allow for 15.1 to 20 units per acre and create a new Zoning District Multi-Family Residential High (M-R-H) to allow up to 20 units per acre.

Based on the Vacant and Underutilized Residential Land Tables (Table 42 and 43, 44 and 45) the City has a shortfall of land available to extremely low-, very low-, and low-income households. The City needs enough land to accommodate 50 additional units on sites that allow for 20 units per acre. To address this shortfall, the City will rezone the following site within one year of adoption of the Housing Element.

- Redesignate a portion of Site U-6 (Easley Ranch, APN 119-080-009, 13.92 acres) from SF (LD) to the newly created MF (HD) and rezone to M-R-H (allows 20 units per acre) to meet the City's 50-unit RHNA shortfall. The City will rezone 3.5 acres of this site to accommodate at least 50 units without physical or environmental constraint. Single family and multifamily units will be allowed by right and would typically require a tentative map and site plan review approval.
- The City will also consider redesignating/rezoning Site P-2 (APN 119-021-013, .87 acres) and/or Site P-3 (APN 119-021-054, 1.16 acres), and/or Site P-4 (APN 119-021-055, .95 acres) (see Table 45) to add to the City's future RHNA needs. The redesignation/

rezoning of these sites is not needed to meet the City's 50-unit RHNA shortfall.

- If it is determined that rezoning any of the identified sites is not feasible, the City will identify another site or group of sites that will accommodate the City's 50-unit RHNA shortfall. The site(s) will accommodate at least 16 units per state law requirements and not have any physical or environmental constraints. This rezone will occur within one year of adoption of this Housing Element. Single family and multifamily units will be allowed by right and would typically require a tentative map and site plan review approval.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Rezone sites to meet the RHNA shortfall by March 2011.

Funding: General Fund, RDA funds

Policy I.2 The City shall actively support and participate in the development of extremely low-, very low-, low-, and moderate-income housing to meet Clayton's fair share housing allocation and Redevelopment Agency housing requirements. To this end, the City shall help facilitate the provision of affordable housing through the granting of regulatory concessions and available financial assistance.

Implementation Measure (I.2.1) For residential projects of two or more units, developers will be required to develop an Affordable Housing Plan that requires a certain percentage of units be built as affordable housing units to very low- and low-income households. The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Plan.

The Plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the Development Agreement or other primary land use entitlement.

The Affordable Housing Plan shall specify and include the following:

- The number of dwelling units that will be developed as affordable to very low-, low-, moderate-, and above moderate-income households (the City's desire would be that at least 5 percent of all project units be built as very low-income housing units and at least 5 percent of all project units be built as low-income housing units).

- The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the Plan for each individual project.

- Program options within project-specific Affordable Housing Plans may include, but are not limited to, the following:

  - Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.).

  - Land dedication (on-site and off-site).

  - Payment of in-lieu fees.

- The timing for completion of affordable housing obligations. For projects proposing to construct affordable housing units, the City generally supports construction of affordable dwellings concurrent with the construction of market-rate housing when feasible. For projects providing alternative contributions (land dedication, funds, etc.), timing of such contributions shall be identified in the Plan, with the expectation that the City will pursue construction of affordable units generally concurrent with construction of project market-rate housing.

- At the City Council's discretion, land or other contributions provided by developers as specified within project Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income.

- In order to ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to:

  - Density bonuses
  - Fee waivers or deferrals (as reasonably available)
  - Expedited processing/priority processing
  - Reduced parking standards
  - Technical assistance with accessing funding
  - Modifications to development standards (on a case-by-case basis)

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: This program will be implemented as projects of two or more units are processed through the Planning Department. The City will monitor the implementation of this program to ensure that it does not cause a constraint to the development of housing in the City of Clayton and will make necessary revisions to the program if necessary to avoid such a constraint.

Funding: General Fund, RDA funds

Implementation Measure (I.2.2) The Redevelopment Agency shall use its Low and Moderate Income Housing Fund to subsidize the construction of housing for very low-, low-, and moderate-income households on designated Affordable Housing Opportunity (AHO) sites in the Redevelopment project area (Table 42, Vacant Residential Land) to meet the City's fair share allocation within the current planning period of the Housing

Element. In the event the accumulated cash balance of the Redevelopment Agency housing set-aside fund is insufficient to adequately subsidize such projects, the City and the Redevelopment Agency shall, in consultation with project proponents, do one of the following as a means of providing adequate subsidy for the projects: (1) obtain conventional financing from area lenders; (2) participate in a bond issue with neighboring jurisdictions; or (3) issue bonds.

As part of this program the City will develop a marketing plan and research possible incentives aimed at promoting Redevelopment funds.

Responsibility: Redevelopment Agency; City Council; Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: RDA funds

Policy I.3 The City shall promote, wherever feasible, homeownership for low- and moderate-income households in Clayton.

Implementation Measure (I.3.1) The City will continue to allow manufactured houses, consistent with the requirements of state law.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: The Zoning Code was amended in December 2009 to meet state law requirements.

Funding: General Fund, RDA funds

Policy I.4 The City shall encourage the development of second dwelling units on new and existing single-family-zoned lots.

Implementation Measure (I.4.1) The City shall continue to promote the development of second dwelling units by publicizing information in the general application packet and posting information on the City's website.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Fund, RDA funds

Implementation Measure (I.4.2) The City shall develop a program using Redevelopment Agency set-aside funds to encourage the development of second dwelling units, including a review and possible reduction of development fees that might deter the development of such units.

Responsibility: City Council, Planning Commission, Community Development Department.

Time Frame: December 2012

Funding: RDA funds

Policy I.5 The City shall aggressively promote mixed-use or second-story residential units above commercial uses in the Town Center.

Implementation Measure (I.5.1) To encourage development of mixed-use projects in the Town Center, the City has adopted the Clayton Town Center Specific Plan which provides detailed policy direction, standards, and guidelines that encourage mixed-use development. In addition the City will continue to offer incentives such as density bonuses, actively recruit developers to undertake such projects, and where feasible provide subsidies using Redevelopment Agency set-aside funds.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Annually and upon receiving development inquiries for mixed-use development.

Funding: General Fund, RDA funds

Implementation Measure (I.5.2) The City will continue to promote the use of the Town Center Commercial District and the Town Center Specific Plan standards to promote mixed-use or second-story residential units. These standards allow for more flexibility in the development of mixed-use or second-story units. In addition, the City is finalizing a Development Handbook guide to facilitate the permitting process of mixed-use projects.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Fund, RDA funds

Regulatory Relief and Incentives

Goal II	To the extent feasible, remove governmental constraints for affordable and special needs housing.

Policy II.1 The City shall ensure that locations are available within the City to accommodate any future need for facilities to serve City residents in need of emergency shelter.

Implementation Measure (II.1.1) California Health and Safety Code (Section 50801) defines an emergency shelter as "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay."

Pursuant to Senate Bill 2, the City will amend the Zoning Ordinance to allow emergency shelters by right and only subject to the same development standards allowed in this Zone. This area is currently designated Kirker Corridor in the City's General Plan and classified as Planned Development (PD) in the City's Zoning Ordinance. This corridor is close to services and public transportation. The City will create an overlay zone with specific development standards for emergency shelters in this 5-acre area. In addition, the City will evaluate adopting development and managerial standards that will be consistent with Government Code Section 65583(a)(4). These standards may include such items as:

- Lighting
- On-site management
- Maximum number of beds or persons to be served nightly by the facility
- Off-street parking based on demonstrated need
- Security during hours that the emergency shelter is in operation

Responsibility: City Council, Planning Commission, Community Development Department.

Time Frame: March 2011. The City will create an overlay zone that will provide development standards for emergency shelters in the Kirker Corridor.

Funding: General Fund

Implementation Measure (II.1.2) Transitional and supportive housing provides temporary housing, often with supportive services, to formerly homeless persons for a period that is typically between six months and two years. The supportive services, such as job training, rehabilitation, and counseling, help individuals gain life skills necessary for independent living.

Pursuant to Senate Bill 2, the City must explicitly allow both supportive and transitional housing types in all residential zones. The City shall update its Zoning Code to include separate definitions of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: March 2011

Funding: General Fund

Implementation Measure (II.1.3) Assembly Bill 2634 requires the quantification and analysis of existing and projected housing needs of extremely low-income households and requires Housing Elements to identify zoning to encourage and facilitate supportive housing and single-room occupancy units (SROs).

The City shall update its Zoning Code to allow for the development of single-room occupancy units (a type of residential hotel offering one-room units for long-term occupancy by one or two people; SROs may have a kitchen or bath facilities (but not both) in the room) with a conditional use permit in the L-C (Limited Commercial) District and in the area that is currently designated Kirker Corridor. The Kirker Corridor is classified as PD (Planned Development) in the

City's Zoning Ordinance. This corridor is close to services and public transportation. The City will create an overlay zone with specific development standards to focus on this approximately 5-acre area. The conditions for these units will continue to be minimal and will only require review by the Planning Commission.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: April 2011. The City will allow for SROs in the L-C District or create an overlay zone that will provide development standards for SROs in the Kirker Corridor.

Funding: General Fund

Implementation Measure (II.1.4) To assist extremely low- income households, the City will prioritize funding and/or offer regulatory incentives for the development of housing types such as SROs which addresses the needs of the extremely low-income group.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Offer regulatory incentives for the development of housing for extremely low-income households as projects are submitted and the City will prioritize funding for extremely low-income households annually and as funds become available. The City will conduct an annual outreach to developers specializing in extremely low-income housing.

Funding: General Fund, RDA funds

Policy II.2 The City shall permit owner-occupied and rental multi-family residential use by right.

Implementation Measure (II.2.1) Most recent housing developments in Clayton have not been constructed to the maximum densities allowed by zoning. Market conditions, bank financing, and insurance requirements have favored the construction of single-family detached houses. Currently, the City's Zoning Code allows for the development of single-family homes in the Multiple Family Residential (M-R) District. To increase housing supply and obtain densities closer to those envisioned by zoning policies, the City will consider amending the Zoning Code to allow single-family homes in the Multiple Family Residential (M-R) District only with a conditional use permit so that these remaining sites can be used to accommodate multi-family housing.

Responsibility: City Council

Time Frame: Consider amending Zoning Code by December 2011.

Funding: General Fund

Policy II.3 The City shall encourage affordable housing by granting incentives (e.g., density bonus) to projects that provide affordable units.

Implementation Measure (II.3.1) The City will continue to allow density bonuses in accordance with the requirements of state density bonus law (SB 1818).

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Code was amended in December 2009 to meet state law requirements.

Funding: General Fund

Policy II.4 The City shall work to decrease the review and approval time for projects that provide affordable units and otherwise simplify the development review process for residential development.

Implementation Measure (II.4.1) The City shall continue to prioritize development applications to decrease the review and approval time for all development projects that include residential units affordable to extremely low-, very low-, and low-income households.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing

Funding: General Fund

Policy II.5 The City may reduce development and planning fees for projects that provide affordable units.

Implementation Measure (II.5.1) The City will consider reducing or waiving certain development fees for development projects that include residential units affordable to extremely low-, very low-, low-, and moderate-income households on a case-by-case basis.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: RDA funds, or as other funding sources become available

Policy II.6 The City shall provide flexible development standards for projects that provide affordable units.

Implementation Measure (II.6.1) The City shall provide flexible development standards (e.g., parking, landscaping, setbacks) and authorize regulatory concessions for development that includes residential units affordable to extremely low-, very low-, and low-income households.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: RDA funds, as funding becomes available.

Rental and Homeownership Assistance

Goal III	Increase housing opportunities for lower-income renters and first-time homebuyers.

Policy III.1 The City shall promote assistance to lower-income renters and first-time homebuyers by promoting programs available through Contra Costa County and the Contra Costa County Housing Authority.

Implementation Measure (III.1.1) The City refers interested persons to information regarding Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The

City also disseminates information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Funds will be used to post information.

Implementation Measure (III.1.2) The City shall develop and implement a down payment assistance program using Redevelopment Agency set-aside funds or California Housing Finance Agency funds for first-time homebuyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate program, new inclusionary units, or alone.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Consider developing a down payment assistance program by 2011.

Funding: RDA funds

Implementation Measure (III.1.3) The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: The City will apply annually upon notice of funding availabilities.

Funding: HOME funds

Implementation Measure (III.1.4) The City will continue to provide Redevelopment Agency set-aside funds for the continued affordability of the subsidized units at Diamond Terrace ($200,000 annually) through expiration in 2013.

Responsibility: Redevelopment Agency, Community Development Department

Time Frame: Ongoing, for the length of the affordability term of the project

Funding: RDA funds

Policy III.2 Preserve units "at risk" of losing affordability covenants.

Implementation Measure (III.2.1) The City will continue or undertake the following programs and activities during the five-year period of the Housing Element. The Community Development Department will implement these efforts. The efforts listed below represent a varied strategy to mitigate potential loss of "at-risk" units due to conversion to market-rate units. These local efforts utilize existing City and local resources. They include efforts to secure additional resources from the public and private sector should they become available.

Monitor owners of at-risk projects on an ongoing basis, at least every six months, in coordination with other public and private entities to determine their interest in selling, prepaying, terminating, or continuing participation in a subsidy program.

Maintain and annually update the inventory of at-risk projects through the use of existing databases (e.g., HUD, State HCD, and California Tax Credit Allocation Committee).

Take all necessary steps to ensure that a project remains in or is transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan with qualified entities upon notice, and assisting with financial resources or supporting funding applications.

Annually coordinate with HUD to monitor projects approved to convert to ensure that any required assistance (or assistance that the owner has agreed to provide) to displaced tenants is carried out in a timely manner. Ensure projects are monitored to see if they are subject to other state or local requirements regarding the provision of assistance to displaced tenants.

Annually monitor local investment in projects that have been acquired by nonprofit or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City's property rehabilitation standards.

Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. Annually contact property owners, gauge interest, and identify nonprofit partners and pursue funding and preservation strategy on a project-by-project basis.

Annually meet with stakeholders and housing interests to participate and support, through letters and meetings and technical assistance, with local legislators in federal, state, or local initiatives that address affordable housing preservation (e.g., support state or national legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities).

Use available financial resources to restructure federally assisted preservation projects, where feasible, in order to preserve and/or extend affordability.

Annually identify funding sources for at-risk preservation and acquisition rehabilitation and pursue these funding sources at the federal, state, or local level to preserve at-risk units on a project-by-project basis.

Responsibility: Community Development Department

Time Frame: Annually

Funding: General Fund

Equal Access

Goal IV Ensure equal housing opportunities for all persons in Clayton regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.

Policy IV.1 The City shall promote housing opportunities for all persons regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.

Implementation Measure (IV.1.1) The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.

Responsibility: Community Development Department

Time Frame: Biannually and ongoing, 2009–2014

Funding: General Fund

Implementation Measure (IV.1.2) The City shall amend the Zoning Ordinance to remove the maximum number of persons defined as part of a family. The current definition of family limits the number of unrelated individuals to 6 or fewer persons. Upon amending the definition in the Zoning Ordinance, the City will not restrict the number of unrelated individuals in a family.

Responsibility: Community Development Department

Time Frame: October 2010

Funding: General Fund

Policy IV.2 The City shall strive to increase public awareness and acceptance of affordable housing in the community.

Implementation Measure (IV.2.1) As affordable housing projects are processed through the Planning Department, the City will provide information on the project to the public through the City's public hearing process in the form of study sessions, public hearings, and public meetings.

Responsibility: City Council, Community Development Department

Time Frame: Ongoing, as projects are processed through the Planning Department

Funding: General Fund

Policy IV.3 The City shall provide disabled persons with reasonable accommodation with respect to zoning, permit processing, and building codes and shall support programs to modify existing units to better serve the needs of disabled persons.

Implementation Measure (IV.3.1) The City will adopt a written reasonable accommodation ordinance to provide exception in zoning and land use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying the following decision-making criteria:

- The request for reasonable accommodation will be used by an individual with a disability protected under fair housing laws.

- The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.

- The requested accommodation would not impose an undue financial or administrative burden on the City.

- The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program.

Additionally, the City will provide information to individuals with disabilities regarding reasonable accommodation policies, practices, and procedures based on the guidelines from the California Department of Housing and Community Development (HCD). This information will be available through postings and pamphlets at the City and on the City's website.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: October 2010

Funding: General Fund

Implementation Measure (IV.3.2) The City shall distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the State Fair Employment and Housing Commission.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Fund

Implementation Measure (IV.3.3) The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities.

Responsibility: Community Development Department

Time Frame: May 2011

Funding: General Fund

Energy Conservation

Goal V Encourage and maintain energy efficiency in new and existing housing.

Policy V.1 The City shall continue to promote energy conservation in the design of all new residential structures and shall promote incorporation of energy conservation and weatherization features in existing homes.

Implementation Measure (V.1.1) The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Fund

Implementation Measure (V.1.2) The City should develop design standards, concepts, or templates to provide to developers who are interested in creating energy self-sufficiency and generation projects.

Responsibility: Community Development Department

Time Frame: Create standards, concepts, or templates for energy efficiency and solar design by January 2012.

Funding: General Fund, RDA funds

Implementation Measure (V.1.3) The City will review and amend as appropriate the General Plan, Zoning Ordinance, and related policy and regulatory documents to improve energy conservation beyond Title 24. The City will consider establishing an incentivized Green Building Program, encourage energy-efficient retrofitting, and encourage the use of renewable energy in residential applications. Some of the incentives the City will consider when drafting this program will be:

- Providing eligible projects with building and plan check fee rebates (when financially feasible)
- Achieving third-party green building certification
- Exceeding 20 percent of Title 24 requirements
- Renewable energy systems
- Green roofs

Responsibility: Community Development Department

Time Frame: Review and amend regulatory controls by January 2012.

Funding: General Fund, RDA funds

Regional Planning

Goal VI Promote and participate in the resolution of housing, employment, and transportation issues on a regional basis in cooperation with all Contra Costa County jurisdictions.

Policy VI.1 The City shall actively support regional-based solutions to the housing, employment, and transportation issues initially within Contra Costa County and ultimately within the Bay Area.

Implementation Measure (VI.1.1) The City shall support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for the transferred units.

Responsibility: City Council

Time Frame: Ongoing, 2009–2014

Funding: General Fund

Implementation Measure (VI.1.2) The City shall continue to participate in programs in Contra Costa County (e.g., "Shaping Our Future" project and Contra Costa Affordable Housing Trust Fund) TRANSPAC (Transportation Partnership and Cooperation) is the Regional Transportation Planning Committee (RTPC) for Central Contra Costa and other regional planning efforts addressing housing, employment, and transportation issues.

Responsibility: City Council

Time Frame: Ongoing, 2009–2014

Funding: General Fund

Implementation Measure (VI.1.3) The City shall continue cooperation with the regional/countywide housing task force. The City shall use this task force as a means of gaining new policy and technical perspectives.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Fund

Implementation Measure (VI.1.4) The City shall continue to work with the Association of Bay Area Governments (ABAG) on their FOCUS program implementation. FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. Some of the strategies that FOCUS is promoting are listed below:

- Encourage infill and the efficient use of land capacity within existing communities;
- Provide for compact, complete, resource-efficient communities near existing or planned transit and other infrastructure;
- Provide opportunities for people to live near their jobs and work near their homes; and

- Encourage a mix of land uses with jobs, housing, retail, schools, parks, recreation, and services in proximity.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Fund

QUANTIFIED OBJECTIVES

Table 47 summarizes the quantified objectives for each implementation measure expected to contribute to the construction, rehabilitation, or conservation of units during the time frame of the Housing Element (2009–2014). These quantified objectives represent a reasonable expectation for the new housing units that will be developed and the households that will be assisted based on the policies and implementation measures outlined in this Housing Element and general market conditions. **Table 48** also indicates ABAG's net new construction need for Clayton by income group.

TABLE 48
SUMMARY OF QUANTIFIED OBJECTIVES

Objective Category/Program	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Clayton's ABAG Allocation for 2007–2014	24	25	35	33	34	151
Permit Development Activity (1/07 – 5/09)	0	0	0	1	20	21
Remaining Need	24	25	35	32	14	130
REHABILITATION		5[1]	5[1]			10[1]
CONSERVATION	20[2]					20[2]

[1] Estimate based on Owner-Occupied Housing Rehabilitation Program operated through Contra Costa County.
[2] The Kirker Court Apartments were made affordable through a combination of HUD funding programs 202 and 162, CDBG funding, and RDA funding sources. The units are renter-occupied and serve persons with disabilities. The complex consists of 20 units that are rented to extremely low-income households at a rental rate that is based on 30 percent of their monthly income.

PUBLIC PARTICIPATION

State law requires that "the local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element . . ." (Government Code Section 65583). In order to satisfy this requirement, the City conducted a series of community meetings and public hearings to receive community input

Attachment 3

PROPOSED COST ESTIMATE PROJECT EIR					
		Cindy Gnos, AICP Vice President	Rod Stinsion Division Manager	Associate	Cost Per Subtask
Task 1.1	Project Description	2	4	8	$ 1,540
Task 1.2	Prepare NOP (scoping meeting)	8	8	6	$ 2,820
Task 1.3	Prepare Initial Study	4	8	40	$ 5,240
Task 2.1	Prepare Administrative Draft EIR	8	12	24	$ 4,940
	Technical Sections				
Task 2.1.1	Introduction, Scope, and Summary of EIR	2	4	10	$ 1,720
Task 2.1.2	Environmental Analysis				
a	Land Use	6	8	32	$ 4,840
b	Transportation and Circulation	2	6	36	$ 4,310
c	Air Quality and GHG	2	8	24	$ 3,480
d	Noise	2	4	20	$ 2,620
e	Aesthetics	2	6	24	$ 3,230
	Other Sections				
Task 2.1.3	Statutorily Required Sections	2	4	12	$ 1,900
Task 2.1.4	Alternatives Analysis	6	8	24	$ 4,120
Task 2.2	Prepare Draft EIR	8	12	32	$ 5,660
Task 3.1	Prepare MMP	1	2	4	$ 770
Task 4.1	Prepare Administrative FEIR	10	30	70	$ 11,650
Task 4.2	Prepare FEIR	8	12	32	$ 5,660
Task 5.1	Project Management and Meetings	20	40		$ 8,200
	Total Hours	93	176	398	
	Hourly Rate	$ 160	$ 125	$ 90	
	Total EIR Labor	$ 14,880	$ 22,000	$ 35,820	$ 72,700
Sub-Consultant/Expenses					
	Copying/Printing				$ 10,000
	Misc (Travel/fax/phone)				$ 500
	Sub-Consultant Traffic				$ 20,000
	Sub-Consultant Air				$ 6,000
	Sub-Consultant Noise				$ 6,000
	10% Administrative Fee				$ 4,250
Total Budget					**$ 119,450**