



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, March 15, 2011

6:15 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 ***

March 15, 2011

6:15 P.M.

1. **CALL TO ORDER AND ROLL CALL** – Mayor Shuey.
2. **CLOSED SESSION**
 - (a) *Government Code Section 54957.6., Conference with Labor Negotiator*
Instructions to City-designated negotiator: City Manager
Employee Organization: Clayton Police Officers Association (CPOA)

Report Out from Closed Session: Mayor Shuey.

7:00 P.M.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.
4. **CONSENT CALENDAR**

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

 - (a) Approve the minutes of the regular meeting of March 1, 2011. ([View Here](#))
 - (b) Approve Financial Demands and Obligations of the City. ([View Here](#))
 - (c) Adopt a Resolution approving the terms of purchase and authorizing payment for and acceptance of an easement deed from the Mt. Diablo Unified School District for construction and use of a public driveway and appurtenant drainage facilities adjacent to the Diablo View Middle School and Clayton Community Gymnasium in association with the Clayton Community Park parking lot expansion project (CIP No. 10413). ([View Here](#))
 - (d) Adopt a Resolution modifying the terms of appointed office for Trails and Landscaping Committee members to end on calendar year basis rather than the current fiscal year term. ([View Here](#))

- (e) Adopt a Resolution establishing the City's 2011-2012 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention). ([View Here](#))
- (f) Adopt a Resolution authorizing the City of Clayton to access state and local summary criminal history information for City employment purposes and adopting a City Employment Fingerprint Policy. ([View Here](#))
- (g) Adopt a Resolution approving a First Amended Joint Litigation Agreement, a Second Fee Sharing Resolution, and a Legal Services Agreement for the City to join other Contra Costa County cities and special districts in retaining the special legal services of Benjamin P. Fay of Jarvis, Fay, Doporto & Gibson, LLP, to challenge a plan by the Contra Costa County Auditor-Controller on the allocation of refunded property taxes to Chevron Corporation for its refinery located in the city of Richmond, CA. ([View Here](#))
- (h) Accept the Annual Report to be filed with the State of California Housing and Community Development (HCD) on City Housing Element progress. ([View Here](#))

5. RECOGNITIONS AND PRESENTATIONS

- (a) Remarks by County Supervisor Karen Mitchoff (4th District, Contra Costa County).

6. REPORTS

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

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Second Reading and Adoption of Ordinance No. 431 that amends certain chapters of the *Clayton Municipal Code* to bring the City's Building, Electrical, Plumbing, Mechanical and Residential Codes into compliance with the 2010 Editions of the respective California Construction Codes (aka the CA Green Building Standards Codes, or CALGreen). ZOA 01-11 ([View Here](#))
(Community Development Director)

Staff recommendations: **1).** Receive the staff report; **2).** Receive public comments; **3).** Approve a motion to have the City Clerk read Ordinance No. 431 by title and number only and waive further reading; **4).** Approve a motion to adopt Ordinance No. 431.

- (b) Consideration of the City's Annual Report regarding the collection and disposition of development impact mitigation fees for FY 2009-2010, in compliance with the *CA Government Code* (AB 1600). ([View Here](#))
(Assistant to the City Manager)

Staff recommendation: Adopt the Resolution with findings there is a reasonable relationship between current needs for the development impact mitigation fees and the purposes for which they were originally levied and collected.

- (c) Request for modification to the Mayor's appointment of the City's Alternate Representative to Central Contra Costa Transit Authority (CCCTA or "County Connection"). ([View Here](#))
(Vice Mayor Geller)

Staff recommendation: Consider the request and provide alternative appointment.

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

11. **ADJOURNMENT**– the next regularly scheduled City Council meeting is April 5, 2011.

#

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

TUESDAY, March 1, 2011

Agenda Date: 3-15-11

Agenda Item: 4a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 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, Assistant City Attorney Maury Huguet, Community Development Director David Woltering, City Engineer Rick Agrisani, and City Clerk Laci Jackson.
2. **CLOSED SESSION-** Mayor Shuey announced the following purposes for Closed Session and then adjourned into Closed Session at 6:00 p.m.
 - (a) 1). *Government Code Section 54956.9 (a)*
Conference with Legal Counsel
Pending Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County.
 - 2). *Government Code Section 54956.9 (a)*
Conference with Legal Counsel
Pending Litigation: *City of Clayton and Oakhurst Geologic Hazard Abatement District v. Municipal Pooling Authority of Northern California*, Case No. MSC10-03626, Superior Court of CA, Contra Costa County

Report out of Closed Session: 7:33 p.m. Mayor Shuey reported the Council received a report and gave direction to legal counsel on Item 2(a)1. and would be returning to closed session for Item 2(a)2. at the conclusion of the City Council meeting.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.
4. **CONSENT CALENDAR-** It was moved by Councilmember Pierce seconded by Councilmember Stratford to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Information Only
 - 1). Notification of City Manager-approved Special Rate Adjustment of 0.41% to the trash-only solid waste collection rates in Clayton due to a new Board of Supervisors' imposed "County Road Fee" at the Keller Canyon Landfill.
 - (b) Approved the minutes of the regular meeting of February 15, 2011.
 - (c) Approved Financial Demands and Obligations of the City.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Mayor Shuey presented Lauren Gehring with a plaque in appreciation for her 6 years of municipal service to the City as a Police Services Aide and Police Explorer.

Lauren thanked the City for the experiences she had in Clayton, her fondness for the employees and organization, and stated she accepted a full-time position as a Community Services Officer with the City of Walnut Creek's Police Department.

- (b) Mayor Shuey presented a Proclamation declaring March 2011 as "American Red Cross Month" to Emily Hopkins of the American Red Cross Leadership Council.

5. REPORTS

- (a) Planning Commission – Commissioner Tuija Catalano reported on the February 22nd meeting of the Planning Commission. The Commission discussed two study session items. First they discussed the Temporary Use Permit (TUP) allowances for number of events per year by administrative issuance, and some minor code amendments regarding the TUP process. The Commission also discussed the progress of the Housing Element implementation. Lastly, she stated Friday March 4th was Junior Achievement day at Mt. Diablo Elementary School and volunteers are still needed.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager/staff- No report.
- (d) City Council

Councilmember Pierce attended the CCTA board meeting, an ABAG Admin. retreat, and Housing Methodology Committee meeting.

Vice Mayor Geller attended the Budget Sub-Committee meeting and was a judge at the Clayton Club Saloon's annual Chili cook-off.

Councilmember Stratford attended the Budget Sub-Committee meeting.

Councilmember Medrano has been working with the School District on various issues.

Mayor Shuey stated he has been working with the School District to try to find a resolution for the Easement at the middle school and the Clayton Community Gym issues.

- (e) Other – None.

6. PUBLIC COMMENTS – None.

7. PUBLIC HEARINGS

- (a) Consider the Introduction and First Reading of Ordinance No. 431 that amends certain chapters of the *Clayton Municipal Code* to bring the City's Building, Electrical, Plumbing and Mechanical Codes into compliance with the 2010 Editions of the respective California Construction Codes (aka the CA Green Building Standards Codes, or CALGreen). ZOA 01-11

The Community Development Director presented the staff report and stated the code was updated at the state and county level and includes changes to the construction, building, electrical, plumbing and mechanical codes and adds new green building codes. He stated the County adopted these codes on February 15th and since they provide building services for the City it is necessary to approve this Ordinance for consistency.

Mayor Shuey opened the Public Hearing at 7:47 p.m., no comments were received, and closed the Public Hearing at 7:48 p.m.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to have the City Clerk read Ordinance No. 431 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 431 by title and number only.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to approve Ordinance No. 431 for Introduction (Passed; 5-0 vote).

8. ACTION ITEMS

- (a) Presentation of the Mid-Year City Budget status report for Fiscal Year 2010-2011.

The Finance Manager presented the staff report and stated the City adopted its budget on June 29th and it included a revenue and expenditure program that provided a balanced budget. She stated the City Council took action on September 7th to increase the encumbrances to finish projects from the previous year. She stated the City has done well at holding expenses down and she stated she is projecting a positive revenue of \$4,416 for the General Fund at the end of the year (+0.1%). Staff and the Council Budget Sub-committee recommended no mid-year adjustments.

Vice Mayor Geller commended staff for being frugal and the Finance Manager for being so well prepared for the Budget Sub-Committee meeting.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Vice Mayor Geller to accept the Mid-Year Budget Report for FY 2010-2011 (Passed; 5-0 vote).

9. COUNCIL ITEMS – None.

- 10. CLOSED SESSION**- Mayor Shuey announced the following purpose for Closed Session and then adjourned into Closed Session at 7:54 p.m.

2). Government Code Section 54956.9 (a)

Conference with Legal Counsel

Pending Litigation: *City of Clayton and Oakhurst Geologic Hazard Abatement District v. Municipal Pooling Authority of Northern California*, Case No. MSC10-03626, Superior Court of CA, Contra Costa County

Report out of Closed Session: 8:24 p.m. Mayor Shuey reported the Council received a report and gave direction to legal counsel.

- 10. ADJOURNMENT**– On call by Mayor Shuey the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Agenda Date: 3/15/11

Agenda Item: 4D

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: MARCH 15, 2011

SUBJECT: INVOICE SUMMARY

RECOMMENDATION

Approve the following Invoices.

3/8/11	Cash Requirements Report	\$300.00
3/11/11	Cash Requirements Report	\$92,183.13

Attachments:

Cash Requirements Report, dated 3/8/11 (1 page)

Cash Requirements Report, dated 3/11/11 (4 pages)

City of Clayton
Cash Requirements Report
CC Meeting 3/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Neopost (add postage)	2/16/2011	2/16/2011	2/16/11	Postage Added 2/16/11	\$300.00	\$0.00		\$300.00
Neopost (add postage)				Totals for Neopost (add postage):	\$300.00	\$0.00		\$300.00
				GRAND TOTALS:	\$300.00	\$0.00		\$300.00

City of Clayton

Cash Requirements Report

CC Meeting 3/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Access One								
Access One	3/9/2011	3/2/2011	1126847	Long Distance Phone Svc 2/11	\$43.67	\$0.00		\$43.67
				Totals for Access One:	\$43.67	\$0.00		\$43.67
Arlene H. Kikkawa-Nielsen								
Arlene H. Kikkawa-Nielsen	3/9/2011	3/8/2011	3/11	Library Volunteer Coord 3/11	\$820.00	\$0.00		\$820.00
				Totals for Arlene H. Kikkawa-Nielsen:	\$820.00	\$0.00		\$820.00
AT&T/ CalNet 2								
AT&T/ CalNet 2	3/9/2011	2/22/2011	2/11B	Telephone Service 2/11B	\$1,315.06	\$0.00		\$1,315.06
				Totals for AT&T/ CalNet 2:	\$1,315.06	\$0.00		\$1,315.06
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	3/9/2011	3/3/2011	0268318-IN	PW Signs & wattle 3/11	\$832.99	\$0.00		\$832.99
Bay Area Barricade Serv.	3/9/2011	3/3/2011	0268319-IN	PW Paint & safety glasses 3/11	\$91.50	\$0.00		\$91.50
				Totals for Bay Area Barricade Serv.:	\$924.49	\$0.00		\$924.49
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	3/9/2011	2/6/2011	3863126	PW Landscape Worker Job Ad 2/11	\$569.96	\$0.00		\$569.96
Bay Area News Group East Bay (CCT)	3/9/2011	2/19/2011	3878777	CDD PH Notice 2/11	\$123.40	\$0.00		\$123.40
				Totals for Bay Area News Group East Bay (CCT):	\$693.36	\$0.00		\$693.36
CalPERS Retirement								
CalPERS Retirement	3/9/2011	3/9/2011	PPE 3/6/11	Retirement for PPE 3/6/11	\$20,841.44	\$0.00		\$20,841.44
				Totals for CalPERS Retirement:	\$20,841.44	\$0.00		\$20,841.44
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	3/9/2011	2/16/2011	804835	Adm Copier Copies 2/11	\$191.55	\$0.00		\$191.55
				Totals for Caltronics Business Systems, Inc:	\$191.55	\$0.00		\$191.55
CCC Clerk Elections Division								
CCC Clerk Elections Division	3/9/2011	3/1/2011	961	General Election 11/10	\$6,330.43	\$0.00		\$6,330.43
				Totals for CCC Clerk Elections Division:	\$6,330.43	\$0.00		\$6,330.43
City of Concord								
City of Concord	3/9/2011	2/25/2011	23824	PD Vehicle Maintenance 2/11	\$2,228.99	\$0.00		\$2,228.99
				Totals for City of Concord:	\$2,228.99	\$0.00		\$2,228.99
Clean Street								
Clean Street	3/9/2011	2/28/2011	63064	Street Sweeping 2/11	\$3,500.00	\$0.00		\$3,500.00
				Totals for Clean Street:	\$3,500.00	\$0.00		\$3,500.00
Contra Costa Television								
Contra Costa Television	3/11/2011	12/6/2010	1757 - 1759	Clayton TV Channel Share 2010	\$10,464.03	\$0.00		\$10,464.03
				Totals for Contra Costa Television:	\$10,464.03	\$0.00		\$10,464.03

City of Clayton

Cash Requirements Report

CC Meeting 3/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Contra Costa Topsoil								
Contra Costa Topsoil	3/9/2011	2/24/2011	91512	PW Landscape Topsoil Mix 2/11	\$2,381.65	\$0.00		\$2,381.65
				<i>Totals for Contra Costa Topsoil:</i>	<u>\$2,381.65</u>	<u>\$0.00</u>		<u>\$2,381.65</u>
CR Fireline Inc								
CR Fireline Inc	3/9/2011	2/25/2011	87259-61	CH, EH, Library Fire Sprinkler Qrt Insp 2/11	\$330.00	\$0.00		\$330.00
				<i>Totals for CR Fireline Inc:</i>	<u>\$330.00</u>	<u>\$0.00</u>		<u>\$330.00</u>
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	3/9/2011	3/6/2011	8906509	Admin Copier Lease 3/11	\$435.67	\$0.00		\$435.67
				<i>Totals for De Lage Landen Financial Services, Inc.:</i>	<u>\$435.67</u>	<u>\$0.00</u>		<u>\$435.67</u>
Employee Benefit Specialists, Inc								
Employee Benefit Specialists, Inc	3/9/2011	2/28/2011	51926-IN	FSA Admin Fees 2/11	\$100.00	\$0.00		\$100.00
				<i>Totals for Employee Benefit Specialists, Inc:</i>	<u>\$100.00</u>	<u>\$0.00</u>		<u>\$100.00</u>
Globalstar LLC								
Globalstar LLC	3/9/2011	2/16/2011	2843163	PD Sat Phone 2/11	\$27.07	\$0.00		\$27.07
				<i>Totals for Globalstar LLC:</i>	<u>\$27.07</u>	<u>\$0.00</u>		<u>\$27.07</u>
HUB Inter of CA Ins Svc								
HUB Inter of CA Ins Svc	3/9/2011	3/3/2011	2/11	Special Event Insurance 2/11	\$252.04	\$0.00		\$252.04
				<i>Totals for HUB Inter of CA Ins Svc:</i>	<u>\$252.04</u>	<u>\$0.00</u>		<u>\$252.04</u>
J & R Floor Services								
J & R Floor Services	3/9/2011	3/1/2011	3/1/11	Janitorial Services 2/11	\$4,909.99	\$0.00		\$4,909.99
				<i>Totals for J & R Floor Services:</i>	<u>\$4,909.99</u>	<u>\$0.00</u>		<u>\$4,909.99</u>
Joyce Kelly								
Joyce Kelly	3/9/2011	3/1/2011	EH 2/26/11	Refund EH 2/26/11 Deposit	\$500.00	\$0.00		\$500.00
				<i>Totals for Joyce Kelly:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Kim Buck								
Kim Buck	3/9/2011	3/1/2011	EH 2/12/11	Refund EH 2/12/11 Deposit	\$500.00	\$0.00		\$500.00
				<i>Totals for Kim Buck:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
LarryLogic Productions								
LarryLogic Productions	3/9/2011	3/2/2011	1123	City Council Video 3/1/11	\$315.00	\$0.00		\$315.00
				<i>Totals for LarryLogic Productions:</i>	<u>\$315.00</u>	<u>\$0.00</u>		<u>\$315.00</u>
Neopost Leasing								
Neopost Leasing	3/9/2011	2/24/2011	N2308667	Adm Postage Machine Lease 4/11	\$223.64	\$0.00		\$223.64
				<i>Totals for Neopost Leasing:</i>	<u>\$223.64</u>	<u>\$0.00</u>		<u>\$223.64</u>
Pacific Telemanagement Svc								

City of Clayton

Cash Requirements Report

CC Meeting 3/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Pacific Telemanagement Svc	3/9/2011	2/24/2011	255605	Outside Phone Booth 3/11	\$73.00	\$0.00		\$73.00
				Totals for Pacific Telemanagement Svc:	\$73.00	\$0.00		\$73.00
PERMCO, Inc.								
PERMCO, Inc.	3/9/2011	3/7/2011	9374	Retainer - Gen Svc 2/19-3/4/11	\$2,372.25	\$0.00		\$2,372.25
PERMCO, Inc.	3/9/2011	3/7/2011	9375	PG&E Minor EPs	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	3/9/2011	3/7/2011	9376	CCWD Minor EPs	\$249.00	\$0.00		\$249.00
PERMCO, Inc.	3/9/2011	3/7/2011	9378	Silver Oaks Estates-Meet with applicants	\$225.00	\$0.00		\$225.00
PERMCO, Inc.	3/9/2011	3/7/2011	9379	CCP Lot & Con Std	\$8,272.01	\$0.00		\$8,272.01
PERMCO, Inc.	3/9/2011	3/7/2011	9380	2010 Pavement Rehab	\$38.13	\$0.00		\$38.13
PERMCO, Inc.	3/9/2011	3/7/2011	9381	Diablo Estates Review SPR	\$150.00	\$0.00		\$150.00
PERMCO, Inc.	3/9/2011	3/7/2011	9382	Diablo Estates Plan Check	\$375.00	\$0.00		\$375.00
PERMCO, Inc.	3/9/2011	3/7/2011	9383	OH GHAD Lawsuit Related	\$408.63	\$0.00		\$408.63
PERMCO, Inc.	3/9/2011	3/7/2011	9384	SW Inspections - General	\$1,220.00	\$0.00		\$1,220.00
PERMCO, Inc.	3/9/2011	3/7/2011	9377A	Weisdanger SWP Insp	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	3/9/2011	3/7/2011	9377B	O'Meara SWP Insp	\$41.50	\$0.00		\$41.50
				Totals for PERMCO, Inc.:	\$13,434.52	\$0.00		\$13,434.52
PG&E								
PG&E	3/9/2011	2/23/2011	Individual Inv 2 11	Service 2/11	\$481.48	\$0.00		\$481.48
PG&E	3/9/2011	2/17/2011	Mst 119... 2/11	Service 2/11	\$441.02	\$0.00		\$441.02
PG&E	3/9/2011	2/24/2011	Mst #121... 2/11	Service 2/11	\$1,781.25	\$0.00		\$1,781.25
PG&E	3/9/2011	2/16/2011	Mst #729... 2/11	Service 2/11	\$16,188.70	\$0.00		\$16,188.70
				Totals for PG&E:	\$18,892.45	\$0.00		\$18,892.45
Rex Lock & Safe, Inc.								
Rex Lock & Safe, Inc.	3/9/2011	2/25/2011	94861	New Keys for Community Gym 2/11	\$197.82	\$0.00		\$197.82
				Totals for Rex Lock & Safe, Inc.:	\$197.82	\$0.00		\$197.82
Riso Products of Sacramento								
Riso Products of Sacramento	3/9/2011	2/18/2011	69838	PD Copier 3/11	\$95.07	\$0.00		\$95.07
				Totals for Riso Products of Sacramento:	\$95.07	\$0.00		\$95.07
Rock N Waterfall Co								
Rock N Waterfall Co	3/9/2011	3/1/2011	490	OH Waterfall Maintenance 3/11	\$650.00	\$0.00		\$650.00
				Totals for Rock N Waterfall Co:	\$650.00	\$0.00		\$650.00
Sprint Comm (PD)								
Sprint Comm (PD)	3/9/2011	3/1/2011	111	PD Cell Phone Service 2/11	\$294.19	\$0.00		\$294.19
				Totals for Sprint Comm (PD):	\$294.19	\$0.00		\$294.19
Thales Consulting Inc								
Thales Consulting Inc	3/9/2011	3/2/2011	461	Fixed Assets for FE 3/11	\$237.50	\$0.00		\$237.50
				Totals for Thales Consulting Inc:	\$237.50	\$0.00		\$237.50

City of Clayton

Cash Requirements Report

CC Meeting 3/15/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Turner, Huguet & Adams								
Turner, Huguet & Adams	3/9/2011	2/28/2011	2324	GHAD Legal Services 2/11	\$888.00	\$0.00		\$888.00
Turner, Huguet & Adams	3/9/2011	2/28/2011	2323	RDA Legal Services 2/11	\$92.50	\$0.00		\$92.50
				<i>Totals for Turner, Huguet & Adams:</i>	<u>\$980.50</u>	<u>\$0.00</u>		<u>\$980.50</u>
				GRAND TOTALS:	\$92,183.13	\$0.00		\$92,183.13



Agenda Date: 3-15-11
Agenda Item: 4c

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: MARCH 15, 2011

SUBJECT: CONSIDERATION OF RESOLUTION ACCEPTING AN EASEMENT DEED FROM THE MT. DIABLO UNIFIED SCHOOL DISTRICT FOR A DRIVEWAY AND DRAINAGE FACILITIES APPURTENANT TO THE PROPOSED PARKING LOT EXPANSION AT THE CLAYTON COMMUNITY PARK.

RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The City is preparing plans for the construction of 100 new parking spaces at the Clayton Community Park between the existing lower parking lot and the northerly boundary of the park (near the driveway from Marsh Creek Road to the Clayton Community Gymnasium parking area adjacent to the Diablo View Middle School). In order to maximize the parking lot circulation efficiency and improve access for school drop off and pick up, the City proposed a connection to the existing driveway off Marsh Creek Road serving the gymnasium parking area.

Since construction of the expanded parking lot driveway connection and appurtenant drainage facilities would be located on a small portion of unused school property owned by the Mt. Diablo Unified School District (MDUSD), it was necessary to obtain an easement from MDUSD for the improvements. City staff prepared the necessary legal description and plat for the District's consideration. After some delay, the District's School Board of Trustees approved the granting of the easement at its March 8th meeting and executed their standard Easement Deed form.

In order to finalize this no-fee transaction, it is necessary for the City Council to accept the easement deed and authorize its recordation by the County Recorder.

FISCAL IMPACT

Except for the additional construction costs involved in completing the driveway connection (approximately 10% of the total construction costs, perhaps \$60,000 - \$75,000), there is no fiscal impact caused by the proposed easement acceptance. Failure to accept the easement would necessitate eliminating the driveway connection and adding a "hammerhead" turnaround at the northerly end of the proposed parking spaces. While not resulting in the loss of any parking spaces, the turning movements required by the revised design would be very inconvenient and possibly create a hazard to school children during drop-off and pick-up times.

The primary source of funds for this expanded parking lot project is the City's per capita grant allocation from the WW Bond Measure of the East Bay Regional Park District (\$492,883). It is likely the project will require additional funds to augment the actual construction cost, with or without the driveway connection, which source of funds will be determined when the City Council awards contract for the competitive bid public works project.

CONCLUSION

Staff believes the proposed driveway connection significantly improves the project and recommends approval of this Resolution accepting the Easement Deed for the construction of the driveway connection and appurtenant drainage facilities from MDUSD.

Attachments: Resolution
 Easement Deed

RESOLUTION NO. - 2011

**A RESOLUTION APPROVING THE TERMS OF PURCHASE AND AUTHORIZING
PAYMENT FOR AND ACCEPTANCE OF AN EASEMENT DEED FROM THE MT.
DIABLO UNIFIED SCHOOL DISTRICT FOR CONSTRUCTION AND USE OF A
DRIVEWAY AND APPURTENANT DRAINAGE FACILITIES IN CONNECTION
WITH THE COMMUNITY PARK PARKING LOT EXPANSION PROJECT
(APN 118-520-013)**

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

WHEREAS, the City is undertaking the Community Park Parking Lot Expansion Project (CIP NO. 10413), which consists of the construction of an additional 100 parking spaces at the north end of the existing lower parking lot in the Clayton Community Park adjacent to Diablo View Middle School (“DVMS”); and

WHEREAS, the existing lower parking lot is used by many parents for the drop-off and pick-up of DVMS students; and

WHEREAS, the connection of the additional parking spaces to the driveway serving the DVMS and the Clayton Community Gymnasium would significantly improve the vehicular circulation through the existing and proposed Clayton Community Park parking areas and provide safer pedestrian access to DVMS for students being picked up or dropped off; and

WHEREAS, the proposed connection would require the construction of driveway and drainage improvements on a narrow strip of unusable land owned by the Mt. Diablo Unified School District (“MDUSD”); and

WHEREAS, the MDUSD Board of Trustees (“Board”) has agreed to grant an easement to the City for the construction and maintenance of driveway and drainage improvements; and

WHEREAS, the MDUSD Superintendent has executed an Easement Deed on behalf of the Board for the proposed driveway and drainage improvements; and

WHEREAS, the City Engineer has recommended acceptance of said grant of easement;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California hereby accepts said Easement Deed from the Mt. Diablo Unified School District for the construction and maintenance of the proposed driveway and drainage improvements and directs the City Clerk to file the document in the Office of the Contra Costa County Recorder.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of March 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on March 15, 2011.

Laci J. Jackson, City Clerk

EXHIBIT C

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

[Public Agency]

[Address]

City of Clayton
6000 Heritage Trail
Clayton, CA 94517

SPACE ABOVE THIS LINE FOR RECORDERS' USE

APN: 118-520-013

District Site: Diablo View Middle School
300 Diablo View Lane
Clayton, CA 94517

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MT. DIABLO UNIFIED SCHOOL DISTRICT, a California public school district ("District"), hereby grants to The City of Clayton, [public agency] organized under the laws of the State of California ("Grantee"),

A non-exclusive easement for installation and operational purposes and incidents thereto under, upon, over and across the land in the City of Clayton, County of Contra Costa, State of California, described as follows:

See Exhibits "A," and "B" attached hereto and made a part hereof ("Easement"),

subject to the terms and conditions indicated below:

1. Grantee, at no expense to District, shall obtain from all agencies or authorities with jurisdiction any and all required permits, inspections, or similar approvals that may be required for any and all activities Grantee conducts on the Easement, including construction of roadway and drainage improvements.
2. Grantee, in the use, upkeep, and maintenance of the Easement, shall conform to all pertinent laws, ordinances, rules and regulations.
3. Grantee, at no expense to District, shall maintain in good and safe condition the Easement and the facilities and improvements installed by Grantee within the Easement. [Grantee shall notify the District Department of Maintenance at least twenty-four (24) hours in advance if maintenance activity necessitates access across District property.]
4. Grantee shall not sell, convey, assign, or transfer the Easement to any other entity or person, without the written consent of the District.

EXHIBIT C

5. District may terminate the Easement immediately upon written notice after any of the following events: any violation by Grantee of any law, rule, regulation or ordinance, including District rules and regulations that are pertinent to the construction, operation, maintenance and repair of the Easement. The Easement shall automatically and immediately terminate when and if Grantee no longer uses or maintains the Easement. Upon termination of the Easement, Grantee shall cease all use of the Easement and shall immediately reconvey the Easement to District by execution of a quitclaim deed to District.

6. To the fullest extent permitted by California law, Grantee shall defend, indemnify, and hold harmless District, its agents, representatives, officers, consultants, employees, trustees, and volunteers (indemnified parties) from any and all demands, losses, liabilities, claims, suits, and actions (claims) of any kind, nature, and description, including, but not limited to, attorneys' fees and costs, directly or indirectly arising from personal or bodily injuries, death, property damage, or otherwise arising out of, connected with, or resulting from the District's dedication of the Easement to Grantee, or from any activity, work, or thing done, permitted, or suffered by Grantee in conjunction with the Easement, except to the extent the claims are caused by the sole negligence or willful misconduct of the indemnified parties. District shall have the right to accept or reject any legal counsel that Grantee proposes to defend District.

Dated: March 8, 2011.

MT. DIABLO UNIFIED SCHOOL DISTRICT

By: [Signature]
Print Name: Steven W. Lawrence
Print Title: Superintendent

ACKNOWLEDGMENT

State of California
County of Contra Costa

On March 3, 2011 before me, Loreen E. Joseph, Notary Public
(insert name and title of the officer)

personally appeared Steven W. Lawrence
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature Loreen E. Joseph (Seal)

EXHIBIT A

Description of the Premises

EXHIBIT 'A'
LEGAL DESCRIPTION
"PUBLIC ACCESS & UTILITY EASEMENT"
APN: a portion of 118-520-013

All that real property situated in the City of Clayton, County of Contra Costa, State of California, described as follows:

A portion of Parcel B as shown on that certain map entitled "Parcel Map MS-376-92", filed in Book 162 of Parcel Maps, at Page 49, in the Office of the Recorder of Contra Costa County, more particularly described as follows:

Beginning at the southwesterly corner of Parcel B as shown on that certain map entitled "Parcel Map MS-376-92", filed August 17, 1993, in Book 162 of Parcel Maps, at Page 49, Contra Costa County Records, said point also being on the easterly right of way line of Marsh Creek Road; thence, leaving said right of way line and along the southerly line of said Parcel B, North 63°33'21" East, 103.00 feet; thence, leaving said southerly line, North 26°26'39" West, 23.00 feet; thence South 63°33'21" West, 102.64 feet, to a point on a non-tangent curve, concave to the east and having a radius of 1240.00 feet, a radial line to said point bears South 64°58'54" West, said point also being on the easterly right of way line of Marsh Creek Road; thence, southeasterly along said right of way line and said curve, through a central angle of 1°03'46", an arc length of 23.00 feet, to the Point of Beginning.

Containing 2,365.7 Square feet, more or less.

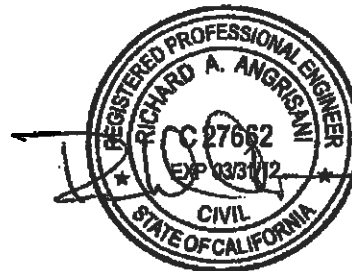


EXHIBIT B

Description and Drawing of Easement

EXHIBIT 'B'

N32°12'17"W
509.34'

L=66.28
R=302.00
 $\Delta=12^{\circ}34'27''$
Tan=33.27

N19°37'49"W
128.33'

PARCEL B

162 PM 49

M.D.U.S.D.

"DIABLO VIEW MIDDLE SCHOOL"

APN: 118-520-013

8.73 Ac.

N63°46'46"E
262.73'

N26°26'39"W
200.27'

PARCEL C

162 PM 49

CITY OF CLAYTON

"CLAYTON COMMUNITY PARK"

APN: 118-520-014

12.93 Ac.

SEE DETAIL
SHEET 2

PROPOSED 23'
ACCESS & UTILITY
EASEMENT

N03°40'32"W 108.12'
N00°09'13"E 89.69'

175.92'
N63°33'21"E

278.92'

L=184.81
R=1240.00
 $\Delta=8^{\circ}32'21''$

N34°37'13"W
123.29'

L=137.46
R=1240.00
 $\Delta=6^{\circ}21'06''$

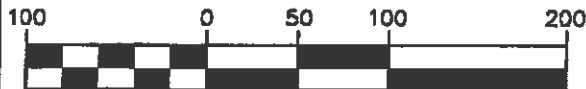
MARSH

CREEK

ROAD

NOTE:

ALL BEARINGS AND DISTANCES
NOTED ARE RECORD INFORMATION
TAKEN FROM 162 PM 49.



(IN FEET)
1 INCH = 100 FT.



ACCESS & UTILITY EASEMENT

DATE: 1/4/11

SCALE: 1" = 100'

APPROVED:

CITY ENGINEER

SHEET
1 OF 2

WED, JAN 12, 2011 08:42 A RBJR PLAT-EXHIBIT B SH1 1 OF 2 Z:\C0010448\DWG\PLAT & DESCRIPTION\ACCESS & UTILITY ESMT-GYM LANE.DWG

PARCEL B

162 PM 49

M.D.U.S.D.

"DIABLO VIEW MIDDLE SCHOOL"

APN: 118-520-013

8.73 Ac.

PROPOSED 23'
ACCESS & UTILITY
EASEMENT

EXISTING GYM DRIVEWAY

S 63°33'21" W

102.64'

S 64°58'54" W(R)

L=23.00'
R=1240.00'
Δ=1°03'46"

175.92'

278.92' (T)

103.00'

N 63°33'21" E

PARCEL B

162 PM 49

CITY OF CLAYTON

"CLAYTON COMMUNITY PARK"

APN: 118-520-014

12.93 Ac.

P.O.B.

MARSH

L=137.46'
R=1240.00'
Δ=6°21'06"

CREEK

L=184.81'
R=1240.00'
Δ=8°32'21"

ROAD

NOTE:

ALL BEARINGS AND DISTANCES
NOTED ARE RECORD INFORMATION
TAKEN FROM 162 PM 49.



(IN FEET)
1 INCH = 20 FT.



ACCESS & UTILITY EASEMENT

DATE: 1/4/11

SCALE: 1" = 20'

APPROVED:

CITY ENGINEER



**SHEET
2 OF 2**



Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

Agenda Date: 3-15-11

Agenda Item: 4d

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Assistant to the City Manager

DATE: March 15, 2011

SUBJECT: Consideration of Resolution to approve request from Trails and Landscaping Committee to modify the overlapping terms of office to end on December 31st.

RECOMMENDATION

Staff recommends the City Council receive public comments; adopt the attached Resolution No. __-2011, approving modification to the ending term of the Trails and Landscape Committee members to be the end of the calendar year, December 31.

BACKGROUND

In August 2007 the City Council adopted Resolution 38-2007, which established the Trails and Landscape Committee (Citizens oversight Committee for Measure B, Citywide Landscape District). The action of the City Council contained in the resolution established that each member would be for overlapping two year terms, ending in June 30th.

DISCUSSION

The Trails and Landscape Committee has been in existence for almost 4 years. Two of the TLC duties are the review and recommendation of the Landscape District Budget to the City Council (done in May) and the preparation and presentation of the Annual Report of the activity of the Landscape Maintenance District (done in August/September).

Since 2009 the TLC has had several new appointments. The new members start in July and are not a part of the budget review process. They are however expected to participate in the preparation of the Annual Report, which occurs starting in August/Sept. At their February meeting the TLC discussed the challenges and difficulties that appointments made mid- calendar year are given these two important tasks of the TLC. The timing of the appointments in July does not allow the member to become familiar with the budget and be able to readily and comfortably participate in the Annual Report research and preparation. The new TLC members noted that their appointment in July was not conducive to them understanding and helping in the Annual Report preparation and added to the longer time frame to complete. After discussion the TLC members

Subject: Resolution approving modification to the ending term of the Trails and Landscape Committee members to the end of the calendar year, December 31.

Date: March 15, 2011

Page 2 of 2

strongly felt that changing the term date to coincide with the calendar year would help them in completing their duties.

The TLC members unanimously recommended that the City Council approve a change to the terms so that they would end December 31st. All members were also in agreement to continue to the December 31st, should the City Council approve the request. The year would not be changed, so in essence each member would be serving 6 months longer in their current term.

City staff is in agreement that the change to term ending December 31st would be better as reasoned by the TLC members.

RECOMMENDATION

Adopt the attached Resolution No. __-2011, approving modification to the ending term of the Trails and Landscape Committee members to be the end of the calendar year, December 31.

Attachments:

1. Resolution No. __-2011
2. Current TLC Committee Roster
2. Resolution No. 38-2007
3. Resolution No. 08-2006

RESOLUTION NO. __-2011

**A RESOLUTION AMENDING THE ENDING DATE TO DECEMBER 31
OF THE TERM OF OFFICE FOR MEMBERS OF TRAILS AND LANDSCAPE
COMMITTEE (THE CITIZENS' OVERSIGHT COMMITTEE) TO THE
CITYWIDE LANDSCAPE MAINTENANCE DISTRICT (CFD 2007-1) AND
EXTENDING THE CURRENT MEMBERS TERM ACCORDINGLY**

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

WHEREAS, by resolution No. 08-2006 adopted on February 21, 2006, the Clayton City Council established and appointed a permanent citizens' advisory committee entitled "Trails and Landscaping Committee" for the 1997 Citywide Landscape Maintenance District (CFD 1997-1); and

WHEREAS, the City of Clayton, set forth in Resolution No 08-2006 that the terms of the TLC members shall be an overlapping two year term of office for each member, ending June 30th.

WHEREAS, the Trails and Landscape Committee members have been operational for almost four years and have experienced practical timing issues with their terms ending on June 30th; and

WHEREAS, at their January 24, 2011 meeting the Trails and Landscape Committee members discussed options to better allow newly appointed members to participate in their tasks especially the Landscape Budget Review of the Landscape District and the preparation and presentation of the Annual Report for the Landscape District; and

WHEREAS, at their January 24, 2011 meeting the Trails and Landscape Committee members unanimously recommended that the City Council modify the terms so that each members term of office would coincide with the end of the calendar year, December 31st; and

WHEREAS, each currently appointed TLC member is willing to extend their current service by six months to Dec 31st; and

WHEREAS, the City Council considered the request of the TLC members at their public meeting of March 15, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby amend Resolution No 38-2007 such that all terms of office for the Trails and Landscape Committee shall end on December 31st, all terms shall continue to have overlapping two year term of office for each of the positions.

BE IT FURTHER RESOLVED, that the City Council of Clayton, California, does hereby extend the term of office to each of the current TLC members so that their term shall end in December 31st for the time period for which they are presently appointed.

Adopted by the City Council of the City of Clayton, California at a regular meeting of thereof held on March 15, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David T. Shuey, Mayor

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on March 15, 2011.

Laci J. Jackson, City Clerk

Reso tlc member term change

COMMITTEE ROSTER

Rev. 7/21/10

TRAILS AND LANDSCAPING COMMITTEE

Robert Erich
1044 Pebble Beach Drive
Clayton, CA 94517
(925) 946-0371
email: erichlaw@mac.com
(term: June 2009 - 2011)

Lorraine Mole
1080 Mitchell Canyon Rd.
Clayton, CA 94517
(925) 672-4137 (business): (415) 995-5196
email: lmole@hansonbridgett.com
(term: June 2009 - June 2011)

Virginia Siegel (Chair)
1074 Mitchell Canyon Road
Clayton, CA 94517
(c) (925) 525-9855 (business): (925) 689-6700
email: Virginia@onsitehealthandsafety.com
(term: June 2009- June 2011)

Kelly Marshall
617 W. Myrick Court
Clayton, CA 94517
(925) 524-0864 (business): (925) 914-0327
email: kmgardendesign@att.net
(term: June 2010 – June 2012)

Jake Pauline
5833 Verna Way East
Clayton, CA 94517
(925) 672-6808 (business): (925) 777-3440
email: Jake@blackdiamondelectric.com
(term: June 2010 – June 2012)

Bob Steiner
4701 Morgan Territory Road
Clayton, CA 94517
(925) 672-4642 (business): (925) 672-5854
email: rws32@earthlink.com
(term: June 2010- June 2012)

CITY PERSONNEL

Gary Napper, City Manager
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7300
email: gnapper@ci.clayton.ca.us

Laura Hoffmeister, Assistant to the City Manager
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7308
email: lhoffmeister@ci.clayton.ca.us

Laci Jackson, City Clerk
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7304
email: ljackson@ci.clayton.ca.us

Hank Stratford, Vice Mayor (Council Liaison)
140 Mt. Etna Drive
Clayton, CA 94517
(925) 672-9200; (cell) 925.683-1301
email: hank_stratford@yahoo.com

John Johnston, Maintenance Supervisor
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7326
jjohnston@ci.clayton.ca.us

Mark Janney, Maintenance Supervisor
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7327
email: mjanney@ci.clayton.ca.us

RESOLUTION NO. 38- 2007

**A RESOLUTION APPOINTING THE ELEVEN MEMBER TRAILS
AND LANDSCAPING COMMITTEE TO SERVE AS THE CITIZENS'
OVERSIGHT COMMITTEE TO THE CITYWIDE LANDSCAPE
MAINTENANCE DISTRICT (CFD 2007-1)**

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

WHEREAS, by Resolution No. 08-2006 adopted on 21 February 2006, the Clayton City Council established and appointed a permanent citizens' advisory committee entitled "Trails and Landscaping Committee" for the 1997 Citywide Landscape Maintenance District (CFD 1997-1); and

WHEREAS, said citizens committee met regularly during 2006 and into 2007 reviewing matters related to priorities, public outreach, maintenance standards, citizen complaints, and related operations of the Landscape Maintenance District and did recommend to the City Council a ballot measure for replacement of the expiring 1997 District; and

WHEREAS, the proposed local ballot measure (Measure "B") was subsequently placed before the Clayton electorate at a special municipal election held on 05 June 2007 for voter consideration of a replacement Citywide Landscape Maintenance District (CFD 2007-1) for a period of ten (10) years (July 2007 through June 2017); and

WHEREAS, city voters overwhelmingly approved Measure "B" by an 83% affirmative vote and provisions of the replacement Citywide Landscape Maintenance District (CFD 2007-1) specify a citizens' oversight committee shall be constituted by the Clayton City Council to advise the City Council and staff concerning budget, priorities and proper level of landscape care and maintenance for the District; and

WHEREAS, following the successful passage of Measure "B" in June 2007, four (4) members of the existing Trails and Landscaping Committee opted to either allow their term of appointed office to expire on 30 June 2007 or to end their lengthy participation on the citizens advisory committee; and

WHEREAS, it is necessary for the Clayton City Council to formally and officially appoint the remaining eleven (11) members of the Trails and Landscaping Committee as the incumbent citizens' oversight committee for the Citywide Landscape Maintenance District (CFD 2007-1) and to establish terms of office thereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby appoint the existing Trails and Landscaping Committee comprised of up to eleven (11) citizen members as the citizens oversight committee for the Citywide Landscape Maintenance District (CFD 2007-1); and

BE IT FURTHER RESOLVED that the City Council does herewith confirm the appointment of the following citizens to the Trails and Landscaping Committee, to serve at the pleasure of the City Council without stipend or compensation, with an overlapping two (2) year term of office for each of the eleven (11) positions:

<u>Member</u>	<u>Term of Office Expires</u>
JoAnn Caspar	30 June 2008
Victor Geisler	30 June 2008
Jerry Kosel	30 June 2008
Kelly Marshall	30 June 2008
Jerry Zimmerman	30 June 2008
Candace Bass	30 June 2009
David Disend	30 June 2009
David Johnson	30 June 2009
Dan Richardson	30 June 2009
Virginia Siegel	30 June 2009
Bill Vineyard	30 June 2009

The Vice Mayor of the Clayton City Council shall continue to serve as the City Council's non-voting representative to the Committee in an ex-officio liaison capacity; and

BE IT FURTHER RESOLVED that all assigned duties and oversight responsibilities of the Trails and Landscaping Committee as outlined in City Resolution No. 08-2006 and in Measure B (CFD 2007-1) do hereby remain in full force and effect.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 7th day of August 2007 by the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce and Stratford.

NOES: None.

ABSTAIN: None.

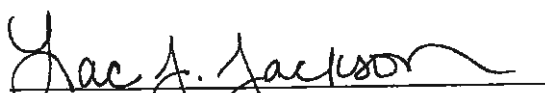
ABSENT: Councilmember Shuey.

THE CITY COUNCIL OF CLAYTON, CA



William R. Walcutt, Mayor

ATTEST:



Laci J. Jackson, City Clerk

RESOLUTION NO. 08-2006

**A RESOLUTION ESTABLISHING AND APPOINTING A PERMANENT
CITIZENS' ADVISORY COMMITTEE ENTITLED "TRAILS AND
LANDSCAPING COMMITTEE" FOR THE 1997 CITYWIDE
LANDSCAPE MAINTENANCE DISTRICT**

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

WHEREAS, in 1997 the voters of Clayton, California approved the formation of Community Facilities District 1997-1 to provide special parcel tax revenues for the maintenance of public roadway landscaping, open space and trail system improvements within the City of Clayton; and

WHEREAS, this District known as the "Citywide Landscape Maintenance District" was authorized by voters for a time period of ten (10) years to expire in 2007 unless otherwise approved or re-authorized by another affirmative vote of the local electorate; and

WHEREAS, in December 2003 the Clayton City Council created an ad-hoc citizens' advisory committee of fifteen (15) members for *"... the express purpose of developing and recommending to the City Council a strategic plan to guide the Citywide Landscape Maintenance District functions in the remaining four (4) years of its inaugural existence and to recommend modifications and/or options to sustain and enhance the District's operations presently and in preparation for voter reauthorization..."* of the District; and

WHEREAS, the Blue Ribbon Landscape Committee did subsequently tender a written Strategic Plan to the City Council in January 2005 that culminated in the submittal of Measure "M" to the local electorate on the November 2005 ballot for renewal of the District for an additional fifteen (15) years at an increased per parcel special tax rate; and

WHEREAS, city voters rejected Measure "M" in 2005 yet the Citywide Landscape Maintenance District remains in purpose until July 2007 and its operations and functions can still benefit from citizens' perspectives, critiques and input concerning its current standard of maintenance, improvement and reauthorization status; and

WHEREAS, with its assigned mission accomplished the ad-hoc Blue Ribbon Landscape Committee has now been disbanded the City Council in favor of establishing a permanent citizens' advisory committee to advise the City Council and City staff on matters related to the operation of the 1997 Citywide Landscape Maintenance District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby establish a permanent citizens advisory committee for the 1997 Citywide Landscape Maintenance District with a membership of up to fifteen (15) members appointed by the City Council and to be known as the "Trails and Landscaping Committee"; and

BE IT FURTHER RESOLVED that the Trails and Landscaping Committee will serve in an advisory capacity to the City Council on matters related to the operation and renewal of the 1997 Citywide Landscape Maintenance District to include, but not be limited to, the following assigned duties and responsibilities:

- a. Serve as the principal citizens' advisory group to the City Council and city manager pertaining to public roadway landscaping, trails system, the Clayton Fountain, and open space weed abatement services and infrastructure.
- b. Review and recommend policies and practices to the City Council and city manager concerning the care, maintenance, repair, replacement and improvement of the District's assets and infrastructures.
- c. Prepare a public Annual Report to the City Council regarding activities, maintenance and financial status of the District.
- d. Review and recommend an annual District Budget to the City Council prior to the commencement of each fiscal year (July – June).
- e. Assist the City and its staff in the development and recommendation to the City Council of landscaping and system improvements in the District.
- f. Consider and make recommendations to the City Council for the renewal or extension of the Citywide Landscape Maintenance District by the local electorate prior to the District's scheduled expiration in July 2007.
- g. Seek and consider citizen and business person input regarding the daily and future operations and maintenance practices of the District.
- h. Perform other such duties as may be assigned from time to time by the City Council; and

BE IT FURTHER RESOLVED that the City Council does herewith appoint the following individuals to the Trails and Landscaping Committee to serve at the pleasure of the City Council without stipend or compensation during the specified terms of office:

<u>Member</u>	<u>Term of Office Expires</u>
Candace Bass	30 June 2007
Ben Jay	30 June 2007
Howard Kaplan	30 June 2007
Linda Pinder	30 June 2007
Dan Richardson	30 June 2007
Bill Vineyard	30 June 2007
Memory Woodard	30 June 2007
JoAnn Caspar	30 June 2008
Jerry Kosel	30 June 2008
Ve'Laine Manion	30 June 2008
Sandra Watson	30 June 2008
Jerry Zimmerman	30 June 2008

The Vice Mayor of the Clayton City Council shall also serve as the City Council's representative to the Committee in an ex-officio liaison capacity; and

BE IT FURTHER RESOLVED that the City Manager is hereby instructed to provide staffing and support services appropriate to the Committee and to schedule regular Committee meetings as often as necessary to assist in and facilitate the Committee's deliberations and fulfillment of its assigned duties and responsibilities.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular meeting thereof held the 21st day of February 2006 by the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSTAIN: None.

ABSENT: None.

THE CITY COUNCIL OF CLAYTON, CA



DAVID T. SHUEY, Mayor

ATTEST:



Rhonda K. Basore, City Clerk



Agenda Date: 3-15-11

Agenda Item: 4e

Approved:


Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Assist. to the City Manager 

DATE: March 15, 2011

SUBJECT: Establishing 2011-2012 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution, Establishing the Rate Per Equivalent Run off Unit (ERU) for FY 2011-12 and requesting the Contra Costa County Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES) Program, maintaining the current ERU Rate at \$29.00 per single-family parcel.

BACKGROUND

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

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

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

As part of its permit conditions, Clayton is required to implement a comprehensive Stormwater Management Plan (SWMP). The SWMP includes public participation and inter-governmental coordination designed to reduce the discharge of pollutants into the storm drainage system to the maximum extent practicable through the required implementation of 500 plus Best Management Practices (about 400 pages in long with an annual checklist that is 100 pages in length), or BMP's as they are commonly referred. (For comparison in 1993 the first permit time frame there were 12 BMP's, about 5 pages in length; in 1997 there were 257 BMP's covering 40 pages; FY 03-04 amendments were added to our permit by the Regional Board, commonly referred to C-3 increased the permit requirements to about 300 BMP's, about 75 pages).

Staff is aware the cost of meeting the obligations of the MRP has exceeded our revenues received from the ERU. The shortfall has is currently being covered by the Stormwater Fund reserves. The reserve fund in 2008/09 had \$122,483, by the FY 10/11 end it is expected to have \$78,182. Over the last three years combined the city has expended about \$103,000 from the stormwater reserve to address new permit requirements. Sometime over the next three years it is expected that the reserve will no longer be available to cover the MRP costs. Although difficult to fully identify all future additional costs at this point, staff has identified the minimum estimated cost impacts by the new regulations to the City could outpace revenues by \$113,225 by, FY 2012-13, (some might be able to be covered by the remaining special fund reserve use) to over a quarter million dollars in year five, FY 2013-14. Again at this point it is unknown definitively what the additional cost impact will be; however we must at least levy the current ERU rate of \$29 per single family parcel (the same amount that we have levied since FY1999/2000). This is also the maximum amount that we are allowed to levy without a public vote to increase the amount or establish a second levy through a Prop. 218, or other voter approval. Because other members of the Contra Costa Clean Water Program have the same issues – costs exceeding available revenue available from the ERU rate - background work has begun to evaluate possible additional funding mechanisms. To date statistically valid survey work is being done to gauge public interest in an additional funding mechanism and evaluation of different potential future funding types. The City Managers along with the Clean Water Program managers have been engaged and are briefed on this work, and we expected to have some informational analysis later this year.

DISCUSSION

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

The new MRP added many new requirements including further reduction of the development, threshold of significance from the previous 10,000 sq. feet five (effective February 2006), to the 2,500 sq. feet which became effective February 2011. This threshold applies to public or private projects including widening of roads (including adding of turn lanes); parking lot expansions, additions of hardscape in medians; new sidewalk/asphalt path installation; bike lane additions and additions to existing developments, including single family homes. Other permit changes result in more staff time to review and modify environmental documents, mitigation, monitoring, reporting, development conditions, general plan and municipal ordinances. Compliance with these additional unfunded mandates has already, and

will continue to, increase staff time spent on NPDES program. Some, but not all, of these cost are recovered through deposit accounts. Most all of the MRP additional permit requirements relate to areas where developer permit fees can not be charged. They include mandatory maintenance items such as cleaning of trash along specific areas of creeks and quantification of the materials collected; creek water testing and monitoring throughout watershed areas; and enforcement action (issuance of citations) to individuals for pollution runoff. The new permit also requires all maintenance staff and city contractors that apply herbicides or pesticides to be certified in Integrated Pest Management Practices (IPM), and for cities to have local IMP management plans and/or ordinances.

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

Another significant development is the continuation of establishment of legislation via litigation. Certain third-party interest groups have repeatedly brought successful legal action against the EPA, State and Regional Agencies, the cities, county, and our Clean Water Program. These court actions increase costs for legal defense and add to the program requirements standards issued by the State, or as a result of judicial decisions. In addition if the MRP issued by the SF Regional Board is determined to be to burdensome the Group or the Region we have filed an appeal and have currently placed the appeal on a up to two year suspense. This will allow time to understand the actual costs and other implications of the MRP. Activating the appeal will require expenditure of legal costs, thus increasing overall group costs, and further reducing our return to source funds. Thereafter depending on the State decision there could be additional legal costs if the permit issuance is contested legally through the courts. The Environmental organizations have also filed an appeal with the State and placed it on two year suspense as well. The Environmental organizations intend to monitor the permit conditions effectiveness and our compliance and then will determine if appeal is needed. To minimize the potential future appeal and related legal costs the group program costs have included encumbrances of some group Program funds for this purpose. Recently State Appellate court action in southern California was not favorable to local cities argument that these types of permit costs exceeded their funding sources. The Court held that the Water Boards do not have any legal obligation and may not consider cost issues in the implementation of the Clean Water Act. This outcome is under consideration by the southern California cities for appeal to the State Supreme Court.

Overall the City's total costs are comprised of two components, one consisting of the pro rata share of group costs based upon population. The other is the management and maintenance activities undertaken by the City and its contracts with others for required activity implementation and monitoring and reporting. All program staff and permittees (cities and county) have been and continue to make strong efforts to control costs at the program level. However, funds for the new permit technical and legal work, revenue evaluation studies, potential election costs, implementation of the MRP (\$1,235,000 in new program costs), education and outreach, implementation of programs to address recent pollutants of concerns (mercury, PCB, etc.), and future TMDL's, trash, enforcement, have increased these State unfunded mandate costs.

The Group Clean Water Program Budget for FY 2011-12 is \$3.7 million, about \$1.2 million more than last year. Increased costs for 2011-12 are being addressed by carry over or encumbrances of this years

funds to help reduce or smooth out increases. With this approach the total budget for allocation costs to cities for FY 11-12 to be \$2.5 million, or about the same as last year. However future budget years it is expected to see Group Program increases to address the new permit requirements.

ASSESSMENT AND PROGRAM BUDGET

The City of Clayton's pro rata share of the Program's Costs of 1.03%, is apx. \$ 25, 517—an increase of \$2,465 over last year. There is extreme caution to note that there is still an enormous uncertainty, as there are still unknown future costs relative to the MRP approved by the SFRWQCB which has many new requirements with yet to be implemented and their future capital and ongoing costs determined.

It is currently estimated that gross revenues from our assessment would total approximately \$126,362. Of this \$25,517 is allocated to the Clean Water Program administration and group expenses; \$3,800 to the County Auditor for costs related to assessment collection; \$8,000 to the Sanitary District for commercial inspection, monitoring and municipal requested call out inspections; \$3,000 to the District for fiscal and assessment area management and \$5,500 for our state discharge permit fee. Thus, the remaining funds available to the City, for all other activities are approximately \$80,545 a decrease of \$2,500 over this fiscal year 2010-11 budget. Any costs necessary to implement the requirements which exceed the special revenue funds collected and the stormwater reserve fund or will have to be obtained through the City's General Fund revenues. Approximately fifty-five percent of the City's funds are directly spent on labor costs of maintenance activities required by the program, such as storm drain inspection and cleaning, creek clearing; responding to spill calls; the remaining is divided between equipment and materials; monitoring and inspection; and management and reporting. Management and reporting are this year and next year anticipated to be covered by up to \$78,182 from the City's Stormwater Fund reserves. Thereafter, if additional revenues are needed, due to state mandated permit requirements, the city would need to consider use of its General Fund, general fund reserves and/or additional new revenue mechanism (which might be done on a regional basis).

To continue the local revenue source necessary to fund the unfunded mandates by federal and State government regulations, the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to establish a storm water utility area for the City and to impose benefit assessments on all applicable parcels within the City of Clayton. This is the annual consideration to request the local assessment levy which provides funding to the Federal and State Clean Water program mandates which the City must undertake and participate in according to Federal and State law. **Staff recommends no increase to the rate for FY 2011-12; it will be the same as last eleven fiscal years, which is \$29.00 per ERU.**

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

Since we are not exceeding the current rate cap and not increasing the rate above that already levied the current language of Prop. 218 process does not apply. A single family detached dwelling is typically one ERU; homes on lots 20,000 sq. ft. or larger are allocated 1.7 ERU's; attached homes (e.g., townhomes

and duets) are 0.7 ERU. This formula is the same throughout all Contra Costa communities and all cities and the County funds their NPDES costs through the ERU assessments.

FISCAL IMPACT

Although a Federal and State Mandated program, cities do not receive any revenues from the Federal and State Government to offset or cover the mandated requirements. Consequently, the Stormwater Utility Rate and Assessment areas were established in 1993 by the County and the Cities to develop a funding source to cover the costs of the Federal and State mandates. The method in which these assessments are levied/collected within these areas are called Equivalent Runoff Units (ERU's). A single family home has an ERU rate of \$29 per year in Clayton.

The recommended assessment for FY 2011-12 is the same rate that is currently in place. Should the City not authorize the Flood Control District to establish and collect the annual assessments, the City would not receive the apx. \$126,362 generated by the annual assessment and mandated activities would need funding from another source, such as the General Fund. Given the high level of commitment of the General Fund to other City programs and projects, prior state "takes" of local funds, overall economic downturn, and potential impacts to the General Fund from yet to be known potential state budget impacts, these NPDES costs if paid for by the General Fund, would adversely impact other services and operations the City currently provides to the community.

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

CONCLUSION

To continue the revenue source required to fund the programs mandated activities the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to impose annual benefit assessments on all applicable parcels within the City of Clayton. The attached Resolution would maintain the current Stormwater Utility Rate assessment of \$29.00 per ERU for FY 2011-12.

Attachments:

- Proposed ERU Resolution for FY 2011-2012
- Clean Water Program Budget costs and cost sharing formula FY 2011-12

RESOLUTION NO. __-2011

A RESOLUTION ESTABLISHING THE RATE PER EQUIVILANT RUN-OFF UNIT (ERU) FOR FY 2011-2012 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

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

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

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

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

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

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

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

WHEREAS, the City of Clayton has been at its maximum \$29 per ERU rate since FY 1999-2000 (the last nine fiscal years) and the same rate is proposed for FY 2011-2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby determine that the rate to be assigned to a single ERU for FY 20011-2012 shall be set and assessed at \$29.00

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

Adopted by the City Council of the City of Clayton, California at a regular meeting of thereof held on March 15, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David T. Shuey, Mayor

Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on March 15, 2011.

Laci J. Jackson, City Clerk

Reso erurate11-12

**CONTRA COSTA CLEAN WATER PROGRAM
GROUP COSTS METHODOLOGY & ALLOCATION
FOR THE 2011/12 FISCAL YEAR**

City/County/State	January 1, 2009	January 1, 2010 ⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾	Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,061,325	1,073,055	1.11%		\$ 2,497,856
ANTIOCH	101,041	102,330	1.28%	9.54%	\$ 238,204
BRENTWOOD	51,950	52,492	1.04%	4.89%	\$ 122,191
CLAYTON	10,873	10,962	0.82%	1.02%	\$ 25,517 ←
CONCORD	124,703	125,864	0.93%	11.73%	\$ 292,986
DANVILLE	43,080	43,574	1.15%	4.06%	\$ 101,432
EL CERRITO	23,461	23,666	0.87%	2.21%	\$ 55,090
HERCULES	24,499	24,693	0.79%	2.30%	\$ 57,480
LAFAYETTE	24,106	24,342	0.98%	2.27%	\$ 56,663
MARTINEZ	36,378	36,663	0.78%	3.42%	\$ 85,344
MORAGA	16,216	16,332	0.72%	1.52%	\$ 38,018
OAKLEY	34,500	35,646	3.32%	3.32%	\$ 82,977
ORINDA	17,687	17,866	1.01%	1.66%	\$ 41,588
PINOLE	19,400	19,555	0.80%	1.82%	\$ 45,520
PITTSBURG	63,827	64,967	1.79%	6.05%	\$ 151,230
PLEASANT HILL	33,576	33,844	0.80%	3.15%	\$ 78,782
RICHMOND	104,602	105,630	0.98%	9.84%	\$ 245,885
SAN PABLO	31,834	32,131	0.93%	2.99%	\$ 74,795
SAN RAMON	63,230	64,860	2.58%	6.04%	\$ 150,981
WALNUT CREEK	65,915	66,584	1.01%	6.21%	\$ 154,994
UNINCORP. COUNTY	170,447	171,054	0.36%	15.94%	\$ 398,179
				100.00%	\$ 2,497,856

1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2010.

Figures are updated in May of each year.

2. Percentages based on prorata of population.

3. Budget Allocation amount is Utility Assessment amount which includes contingency.



Agenda Date: 3-15-11

Agenda Item: 4f

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY CLERK

DATE: March 15, 2011

SUBJECT: Adopt a Resolution authorizing the City of Clayton to access state and local criminal history information for employment purposes and approve a Fingerprinting Policy.

RECOMMENDATION

It is recommended the City Council adopt a Resolution authorizing the City of Clayton to access state and local criminal history information for employment purposes and adopt a Fingerprint Policy.

BACKGROUND

Penal Code section 11105(b)(11) authorizes a city to request criminal record information from the Department of Justice (DOJ) in order to assist in fulfilling employment, certification, or licensing duties, provided the records access is specifically authorized by the city council. In order to access these results the City Manager (as agency head) and City Clerk (as records custodian) will have to be re-fingerprinted with results submitted to the Department of Justice.

It is only through the submission of fingerprints to the Department of Justice (DOJ) that the true identity of an individual can be established. In a 1977 lawsuit (*Central Valley v. Younger*), the court ruled that only arrest entries resulting in conviction, and arrest entries that indicate active prosecution, may be provided for evaluation for employment, licensing, or certification purposes.

Whether full-time or temporary, City staff are representatives of the City and are held to a higher standard in the community. Staff wants to ensure that those being hired do not have arrests or convictions which may pose a risk to the City and/or the public it serves. Employees of the City of Clayton are expected to exemplify good moral turpitude as they are

in close proximity to the general public, minors, manage and handle taxpayers' funds and money, and are given access to public facilities. Therefore, it is in the interest of the general public's welfare and safety that city employees be of the highest standard of character and behavior. Further, staff can use the fingerprint results to confirm the information submitted by applicants on their employment application.

FISCAL IMPACT

The City of Concord can provide the Livescan fingerprinting service at a cost of \$73 per applicant which includes DOJ's charge of \$32 and \$41 rolling fee per scan.

CONCLUSION

Adopt the Resolution and the Fingerprint Policy.

Attachment: Resolution (1 page)
City Employment Fingerprint Policy (1 page)

RESOLUTION NO. XX- 2011

**A RESOLUTION AUTHORIZING THE CITY OF CLAYTON TO
ACCESS STATE AND LOCAL SUMMARY CRIMINAL HISTORY
INFORMATION FOR EMPLOYMENT PURPOSES AND
ADOPTING A CITY EMPLOYMENT FINGERPRINT POLICY**

THE CITY COUNCIL

City of Clayton, California

WHEREAS, Penal Code Section 11105(b)(11) and 13300(b)(11) expressly authorizes cities, counties, districts, and joint powers authorities to **access** state and local summary criminal history information for consideration of employment, licensing or certification purposes; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) stipulates there be a requirement of exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the obtained record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the City Council to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clayton, California, that specifically named City staff positions listed below are hereby authorized to **access** state summary criminal history information for consideration of employment (including volunteers and contract employees), licensing, or certification purposes and may not disseminate information to a private entity:

City Manager
City Clerk/ HR Manager

BE IT FURTHER RESOLVED that the City Council does hereby adopt a City Employment Fingerprint Policy, attached hereto as Exhibit A and incorporated herein as if fully set forth in this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 1st day of March 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

CITY EMPLOYMENT FINGERPRINT POLICY

Purpose

This policy requires all regular full-time, part-time, and temporary employees to be fingerprinted at the time of conditional employment offering. City employees are representatives of the City and are held to a higher standard in the community. The City desires to ensure that those being hired do not have arrests or convictions which may pose a risk to the City and/or the public it serves. Employees of the City of Clayton are expected to exemplify good moral turpitude as they are in close proximity to the general public, minors, manage and handle taxpayers' funds and money, and are given access to public facilities. Therefore, it is in the interest of the general public's welfare and safety that city employees be of the highest standard of character and behavior. Further, assigned staff can use the fingerprint results to confirm the information submitted by applicants on their employment application.

Responsibilities

The City Clerk shall arrange for fingerprinting of all new full-time, part-time, and temporary employees; in practice, the City of Clayton Police Department ensures fingerprinting is completed as legally required for all law enforcement sworn, civilian employees, and police volunteers.

Procedures

When the respective department manager has extended a conditional offer of City employment to an individual, whether a permanent temporary employee or volunteer, the manager shall make the fingerprint requirement known to the applicant. The department manager shall then make arrangements with the City Clerk/ HR Manager to arrange to have the individual fingerprinted.

Submittal of fingerprints to the Department of Justice using the Applicant Live Scan system is the preferred method of submitting fingerprints for prospective City of Clayton employees and volunteers. Employees and volunteers are required to complete an "applicant Submission Form" and show photo identification prior to being fingerprinted. The Applicant Live Scan system will transmit the demographic data on this form, along with the applicant's fingerprints, to the State of California Department of Justice via electronic submission.

Upon receiving notice from the Department of Justice of a criminal history report that appears to violate state law or city rules, the City Clerk/ HR Manager will provide the City Manager, as the ultimate City hiring authority, with a report accompanied by a recommendation regarding that individual's placement. If the candidate does not have a disqualifying criminal history, after consultation with the City Manager the City Clerk/ HR Manager will so advise the department manager that the individual satisfied the fingerprint condition of employment.

Recordkeeping

The City Clerk/ HR Manager shall maintain evidence of completion of fingerprinting in each employee's personnel file, for all regular and temporary employees. Volunteer individual fingerprint completion confirmation records shall be retained by the department to which the individual is assigned. Evidence of completion of fingerprinting shall be retained for the duration of the individual's assignment, plus two years.

The City Clerk/ HR Manager shall maintain Department of Justice criminal history reports for employees and volunteers in a strictly confidential manner consistent with applicable legal requirements.

Agenda Date: 3-15-11

RESOLUTION NO. – 2011

Agenda Item: 4g

A RESOLUTION APPROVING A FIRST AMENDED JOINT LITIGATION AGREEMENT, A SECOND FEE SHARING AGREEMENT, AND A LEGAL SERVICES AGREEMENT FOR THE CITY TO JOIN OTHER CONTRA COSTA COUNTY CITIES AND SPECIAL DISTRICTS TO CHALLENGE A PLAN BY THE CONTRA COSTACOUNTY AUDITOR-CONTROLLER TO CHARGE ALL TAXING ENTITIES IN THE COUNTY FOR A REFUND OF PROPERTY TAXES TO CHEVRON CORPORATION FOR ITS REFINERY LOCATED IN THE CITY OF RICHMOND

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

WHEREAS, on 19 November 2009 the Contra Costa Assessment Appeals Board awarded Chevron Corporation a reduction in the assessed value of its Richmond refinery for the 2004-05, 2005-06, and 2006-07 tax years, which resulted in Chevron Corporation being refunded \$17.9 million in previously-paid property taxes; and

WHEREAS, Chevron Corporation also has appeals pending before the Assessment Appeals Board for its tax assessments for the 2007-08, 2008-09, and 2009-10 tax years; and

WHEREAS, on 23 June 2010 the Auditor-Controller of Contra Costa County sent a memo to all of the taxing jurisdictions in the County informing them that he would be allocating the cost of this refund to Chevron Corporation amongst all taxing entities in the county, even though the vast majority of them, including the City of Clayton, did not receive property taxes derived from Chevron's refinery located in the city of Richmond, California; and

WHEREAS, on 17 May 2010 Chevron Corporation filed a lawsuit against Contra Costa County challenging the amount of the awarded refund, arguing the refund is too low and contending the amount of the refund should have been \$80 million instead of \$17.9 million; and

WHEREAS, the City of Clayton did not enjoy, receive or benefit from said taxes paid by Chevron Corporation during the tax years recently refunded, nor from the tax years presently under appeal by Chevron pending before the County Assessment Appeals Board, and is further threatened by the Auditor-Controller's refund allocation plan of taking unrelated City of Clayton property taxes associated with past and current appeals and the litigation filed by Chevron to refund even greater amounts of previously-paid property taxes; and

WHEREAS, eleven cities in Contra Costa County and three fire districts have already joined together to challenge the County Auditor-Controller's implemented and future plan to allocate the cost of Chevron's assessment refund(s) amongst all taxing entities in the county; and

WHEREAS, the City Council of Clayton, California desires to join with this group to intervene and potentially jointly litigate this refund allocation methodology implemented by the Contra Costa County Auditor-Controller.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby elect to join other cities and certain fire districts in the County of Contra Costa to challenge the plan by the Contra Costa County Auditor-Controller to allocate Chevron Corporation's \$17.9 million property tax refund for the tax years 2004-05, 2005-06, and 2006-07, and all future assessment appeals awarded to Chevron Corporation, amongst all taxing entities within this county; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize and direct its City Attorney to sign the First Amended Joint Litigation Agreement, attached hereto as Exhibit A,, the Second Fee Sharing Agreement, attached hereto as Exhibit B and the Legal Services Agreement, attached hereto as Exhibit C, each named attachment incorporated herein as if fully set forth in this Resolution, for and in behalf of the City of Clayton, California.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 15th day of March 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

FIRST AMENDED JOINT LITIGATION AGREEMENT

This Joint Litigation Agreement ("Agreement") is entered into between the cities of Antioch, Brentwood, Clayton, Concord, Lafayette, Martinez, Oakley, Pittsburg, Pleasant Hill, San Ramon, and Walnut Creek; the Town of Danville; the East Contra Costa Fire Protection District; the Rodeo Hercules Fire Protection District; and the San Ramon Valley Fire Protection District (collectively "Parties," individually "Party") by and through their respective counsel and the Special Counsel for all Parties, Benjamin P. Fay of Jarvis, Fay, Doporto & Gibson, LLP.

1. MUTUALITY OF INTEREST

The Parties share a mutuality of interest in a common and joint assertion of a challenge to the plan by the Auditor-Controller of Contra Costa County to allocate the cost of a refund to Chevron Corporation of property taxes collected on a refinery in the City of Richmond ("the Joint Claim"). While pursuing the Joint Claim, the Parties wish to be able to exchange privileged materials without waiving the confidentiality of those privileged materials. While the Parties recognize that they are joint clients of the Special Counsel, and therefore their communications with the Special Counsel, including communications with the firm of Jarvis, Fay, Doporto & Gibson, LLP, are protected under the attorney-client privilege, the purpose of this agreement is to ensure that communications between the Parties in furtherance of the Joint Claim are also protected. Maintaining the confidentiality of such communications is necessary for the accomplishment of the Joint Claim.

2. PRIVILEGED JOINT MATERIALS

(a) The privileged materials (collectively referred to as the "Joint Materials") consist of factual information, mental impressions, strategies, legal theories, memoranda, interview reports, technical reports, notes, and other information relevant to the Joint Claim that are transmitted from one Party to another after November 4, 2010, and which would otherwise be protected from discovery by either the attorney-client privilege or the attorney work-product doctrine if the materials had not been transmitted to another Party. The Parties agree that Joint Materials are protected by the common interest doctrine. It is anticipated that additional parties may join the Parties in the assertion of the Joint Claim, and when that occurs the Parties intend to add such new parties to this Agreement so they can be included in the confidentiality of the Joint Materials.

(b) The purpose of this Agreement is to ensure that the exchange of Joint Materials between Parties does not diminish in any way the confidentiality of those Joint Materials and does not constitute the waiver of any privilege.

(c) To the extent any Parties have already exchanged any Joint Materials, such Joint Materials are subject to the terms of this Agreement.

3. USE OF JOINT MATERIALS

(a) Any Joint Materials exchanged between Parties shall be used solely in connection with the prosecution of the Joint Claim.

(b) The Parties agree that they will only disclose Joint Materials among the Parties and their attorneys, consultants, and employees.

(c) A Party transmitting Joint Materials pursuant to this Agreement shall retain ownership and control of said Joint Materials. A Party receiving Joint Materials from another Party shall, upon demand of that other Party, return the originals and all copies (including electronic media thereof) to that Party. A Party shall not disclose Joint Materials transmitted from another Party to any third-person or entity without the prior written consent of the Party that transmitted those Joint Materials.

(d) The Parties shall make reasonable efforts to label or designate Joint Materials as privileged and confidential Joint Materials maintained pursuant to this Agreement.

(e) Nothing in this Agreement shall limit the right of any Party to use or disclose any of its own documents or information, or any documents or information obtained independently and not pursuant to this Agreement.

4. DEMAND FOR JOINT MATERIALS

(a) If a third party requests or demands, by subpoena or otherwise, any Joint Materials, counsel will immediately notify the counsel for the Party or Parties with rights in the materials.

(b) The third party seeking such Joint Materials will be informed that these materials are only on loan and that demand should be made on the appropriate Party.

(c) Each counsel will take all steps necessary to permit the assertion of all applicable rights and privileges with respect to Joint Materials and shall cooperate fully with counsel for the affected Party in any judicial proceeding related to disclosure of Joint Materials.

5. LIMITATIONS OF DUTIES

(a) The Parties are represented by their own attorneys in this matter. While the attorneys to this Agreement have a duty to preserve the confidences disclosed to them pursuant to the Agreement, each attorney will be acting only as the attorney for his or her respective client and will owe a duty of loyalty only to that client.

(b) Each Party, after full opportunity to discuss the matter with its counsel, waives any right to seek disqualification of counsel for any other Party to the Agreement based upon disclosure and/or receipt of Joint Materials or a conflict of interest by reason of participation or joint prosecution efforts under this Agreement.

6. CONTINUANCE OF AGREEMENT

(a) The Agreement shall continue in effect notwithstanding any conclusion or resolution of the Joint Claim with respect to any Party to this Agreement or with respect to all Parties.

(b) Any Party is free to withdraw from the Agreement at any time upon giving express written notification to the other Parties. In addition, each Party has a duty to expressly withdraw when the Party believes a commonality of interest for joint prosecution of the Joint Claim no longer exists.

(c) Following the withdrawal of a Party, the Agreement shall no longer be operative as to subsequent communications between the Party or Parties which have withdrawn and the remaining Party or Parties. However, the withdrawing Party shall continue to protect all Joint Materials disclosed to the withdrawing Party prior to the Party's notification of withdrawal.

(d) Upon demand, a withdrawing Party shall immediately return any and all Joint Materials, including copies, received under this Agreement.

7. EXECUTION

This Agreement may be executed in counterparts by the Parties, and signatures may be transmitted electronically.

Dated: February __, 2011

CITY OF ANTIOCH

By: _____
Lynn Tracy Nerland, City Attorney

Dated: February __, 2011

CITY OF BRENTWOOD

By: _____
Damien Brower, City Attorney

Dated: February __, 2011

CITY OF CLAYTON

By _____
J. Daniel Adams, City Attorney

Dated: February __, 2011

CITY OF CONCORD

By _____
Craig Labadie, City Attorney

Dated: February __, 2011

CITY OF LAFAYETTE

By _____
Malathy Subramanian, City Attorney

Dated: February __, 2011

CITY OF MARTINEZ

By _____
Veronica A. F. Nebb, Sr. Assistant City Attorney

Dated: February __, 2011

CITY OF OAKLEY

By _____
Derek Cole, City Attorney

Dated: February __, 2011

CITY OF PLEASANT HILL

By _____
Debra Margolis, City Attorney

Dated: February __, 2011

CITY OF PITTSBURG

By _____
Ruthann Ziegler, City Attorney

Dated: February __, 2011

CITY OF SAN RAMON

By _____
Sheryl Schaffner, City Attorney

Dated: February __, 2011

CITY OF WALNUT CREEK

By _____
Margaret Kotzebue, Sr. Assistant City Attorney

Dated: February __, 2011

TOWN OF DANVILLE

By _____
Robert Ewing, City Attorney

Dated: February __, 2011

EAST CONTRA COSTA FIRE PROTECTION
DISTRICT

By _____
Jim Karpiak, General Counsel

Dated: February __, 2011

RODEO HERCULES FIRE PROTECTION
DISTRICT

By _____
William D. Ross, General Counsel

Dated: February __, 2011

SAN RAMON VALLEY FIRE PROTECTION
DISTRICT

By _____
William D. Ross, General Counsel

Dated: February __, 2011

JARVIS, FAY, DOPORTO & GIBSON, LLP

By _____
Benjamin P. Fay, Special Counsel to All Parties

SECOND FEE SHARING AGREEMENT

This Fee Sharing Agreement ("Agreement") is entered into between the cities of Antioch, Brentwood, Clayton, Concord, Lafayette, Martinez, Oakley, Pittsburg, Pleasant Hill, San Ramon, and Walnut Creek; the Town of Danville; the East Contra Costa Fire Protection District; the Rodeo Hercules Fire Protection District; and the San Ramon Valley Fire Protection District (collectively "Parties," individually "Party") by and through their respective counsel. Beginning February 15, 2011, this Agreement shall supersede the Fee Sharing Agreement entered into between the cities of Brentwood, Antioch, San Ramon, Concord, Walnut Creek, Martinez, and Oakley and the Town of Danville that went into effect on January 17, 2011.

Recitals

A. The Parties are jointly asserting a challenge to a plan by the Contra Costa County Auditor Controller to allocate the cost of a refund to Chevron Corporation of property taxes collected on a refinery in the City of Richmond. In order to pursue this challenge, the Parties have entered into a joint litigation agreement, and each of the Parties has retained the law firm of Jarvis, Fay, Doporto & Gibson, LLP ("Jarvis Fay") to represent it in this matter. The Parties wish to share the attorney's fees and costs billed by Jarvis Fay.

B. Attached to this Agreement as Exhibit A is a list of the amounts that the Contra Costa County Auditor Controller has stated it intends to charge each of the Parties for the cost of the property tax refund to Chevron.

Agreement

1. **Fee Sharing.** Beginning February 15, 2011, the Parties agree to apportion the fees and costs charged by Jarvis Fay in this matter on a pro rata basis, based upon the amount the Contra Costa County Auditor Controller has stated it intends to charge each of the Parties for the cost of the property tax refund to Chevron as stated in Exhibit A. Exhibit B to this Agreement states the percentage share of the Jarvis Fay bills that each Party agrees to pay while this Agreement is in effect.

2. **Withdrawal of a Party.** A Party may withdraw from this Agreement by providing written notice to all Parties to the Agreement of its intent to withdraw from the Agreement. The withdrawal shall be effective seven days after the date that all Parties have been served with such notice. Service shall be complete with deposit in the U.S. Mail. Alternatively, notice may be served electronically or by facsimile if receipt is confirmed by the recipient. A withdrawing Party shall remain responsible for paying the percentage of any fees and costs, as provided in section 1 and Exhibit B, billed by Jarvis Fay for work performed or costs incurred up to the effective date of the withdrawal. When a Party withdraws, Jarvis Fay shall revise Exhibits A and B to remove the withdrawing Party. Jarvis Fay shall send the revised Exhibits A and B to the attorneys for the remaining parties by U.S. Mail and by email. Each party shall have seven days from the date of mailing to object to the revised Exhibits A and B. If the email and U.S. Mail are sent on different days, then the seven days shall run from the later date. If no timely objections are received by Jarvis Fay, the revised Exhibits A and B shall automatically be

incorporated into this Agreement to replace the existing Exhibits A and B and shall be applied to any fees or costs billed by Jarvis Fay for work or costs incurred after the effective date of the withdrawal.

3. **Additional Parties.** It is anticipated that additional parties may join the Parties in this matter, and when that occurs, the Parties intend to add those additional parties to this Agreement so that they will share in the fees and costs charged by Jarvis Fay in this matter. When a new party joins this matter, Jarvis Fay shall revise Exhibits A and B to include the party. Jarvis Fay shall then send the revised Exhibits A and B to the attorneys of all of the Parties, including the attorney for the new party, by U.S. Mail and by email. Each Party shall have seven days from the date of mailing to object to the revised Exhibits A and B. If the email and U.S. Mail are sent on different days, then the seven days shall run from the later date. If no timely objections are received by Jarvis Fay, then the revised Exhibits A and B shall replace the existing Exhibits A and B to this Agreement, provided the new party signs an addendum to the Agreement agreeing to be bound by all of the terms of the Agreement, at which time the new party shall be deemed a Party to the Agreement as of the date specified in the addendum.

4. **Effective Date.** This agreement shall be effective February 15, 2011.

5. **Execution.** This Agreement may be executed in counterparts by the Parties, and signatures may be transmitted electronically.

Dated: _____, 2011

CITY OF ANTIOCH

By: _____
Lynn Tracy Nerland, City Attorney

Dated: _____, 2011

CITY OF BRENTWOOD

By: _____
Damien Brower, City Attorney

Dated: _____, 2011

CITY OF CLAYTON

By _____
J. Daniel Adams, City Attorney

Dated: _____, 2011

CITY OF CONCORD

By _____
Craig Labadie, City Attorney

Dated: _____, 2011

CITY OF LAFAYETTE

By _____
Malathy Subramanian, City Attorney

Dated: _____, 2011

CITY OF MARTINEZ

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Veronica A. F. Nebb, Sr. Assistant City Attorney

Dated: _____, 2011

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Derek Cole, City Attorney

Dated: _____, 2011

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Debra Margolis, City Attorney

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Dated: _____, 2011

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William D. Ross, General Counsel

Dated: _____, 2011

SAN RAMON VALLEY FIRE PROTECTION
DISTRICT

By _____
William D. Ross, General Counsel

Dated: _____, 2011

JARVIS, FAY, DOPORTO & GIBSON, LLP

By _____
Benjamin P. Fay, Special Counsel to All Parties

Exhibit A to Second Fee Sharing Agreement

The Contra Costa County Auditor Controller has stated that it intends to charge each of the Parties the following amounts for the cost of the property tax refund to Chevron:

City of Clayton	\$10,464.68
City of Oakley	\$24,289.90
City of Pleasant Hill	\$28,432.96
City of Lafayette	\$31,989.54
Rodeo-Hercules Fire Protection District	\$37,159.63
City of Martinez	\$60,372.77
Town of Danville	\$64,526.67
City of Pittsburg	\$93,251.80
City of Antioch	\$94,782.34
City of Brentwood	\$96,341.76
East Contra Costa Fire Protection District	\$98,053.90
City of Walnut Creek	\$106,332.97
City of San Ramon	\$109,684.78
City of Concord	\$123,876.17
San Ramon Valley Fire Protection District	\$458,906.43

Exhibit B to Second Fee Sharing Agreement

Each Party agrees to pay the following percentage of the Jarvis Fay bill:

City of Clayton	0.73%
City of Oakley	1.69%
City of Pleasant Hill	1.98%
City of Lafayette	2.22%
Rodeo Hercules Fire Protection District	2.58%
City of Martinez	4.20%
Town of Danville	4.49%
City of Pittsburg	6.48%
City of Antioch	6.59%
City of Brentwood	6.70%
East Contra Costa Fire Protection District	6.82%
City of Walnut Creek	7.39%
City of San Ramon	7.63%
City of Concord	8.61%
San Ramon Valley Fire Protection District	31.90%



492 Ninth Street, Suite 310 / Oakland, CA 94607

Main: 510-238-1400 / Fax: 510-238-1404 / www.jarvisfay.com

February 15, 2011

J. Daniel Adams
City Attorney, City of Clayton
Turner, Huguet & Adams
924 Main Street
Martinez, CA 94553

Re: Legal Services Agreement

Dear Mr. Adams:

Thank you for selecting Jarvis, Fay, Doporto & Gibson, LLP to serve as attorneys to represent and advise the City of Clayton ("City"). This letter sets forth our agreement concerning the legal services we will provide and our fee arrangements for those services. The effective date of this letter shall be February 15, 2011.

1. **Scope of Engagement.** We will provide legal services to the City regarding property tax allocation. We will, in particular, advise and represent the City regarding the plan by the Contra Costa County Auditor Controller to charge the City for part of the cost of providing a refund to Chevron Corporation for property taxes collected on Chevron's refinery in the City of Richmond. The scope of this engagement can be modified by a writing confirming our agreement to bring other specified matters within the scope of this letter.
2. **Fees and Personnel.** We shall bill the City for our work at \$300 per hour for partners/of counsel, \$250 per hour for associates, and \$125 per hour for paralegals/legal assistants. These rates represent the maximum we will charge for our work, but we may charge lesser rates or "no charge" some time, as a matter of billing judgment. Hourly rates are subject to reasonable annual adjustments.
3. **Disbursements and Expenses.** In addition to hourly fees, we may incur out-of-pocket expenses from outside vendors related to your representation, which we will pass on to the City. We do not bill for in-house copy or fax costs or other overhead.
4. **Billing and Payment Responsibilities.** We will send monthly statements that are due within 30 days of receipt. If any of our invoices becomes more than sixty (60) days past due, we shall have the option of adding interest to the amount due, at a rate of ten percent (10%) per year, accruing as of the date payment was originally due (i.e., 30 days after invoice date). If you have any questions about an invoice, please feel free to call or to email me at ben@jarvisfay.com.

Other public entities are expected to be joining the City in this matter, and the City and these other public entities intend to enter into a fee sharing agreement in which they will agree to share the attorney's fees and costs charged by us in this matter. For any work that is performed under this agreement while such a fee sharing agreement is in effect, it is agreed that we will jointly represent all of these public entities in this matter (as further documented in the Joint Litigation Agreement) and that the City will only be billed for that percentage of our bill that the City has agreed to pay under the fee sharing agreement.

5. Termination of Services. The City may terminate our services at any time with or without cause with seven days written notice. The seven-day notice is necessary to enable the other public entities that have joined the City in this matter to revise the fee sharing agreement and to adapt to the City's withdrawal. Seven days after receiving such notice, we will cease providing services. We will cooperate with you in the orderly transfer of all related files and records to the City's new counsel.

We may terminate our services at any time, with seven days written notice, and with either the City's consent or for good cause. Good cause exists if (a) any statement is not paid within 60 days of its date; (b) the City fails to meet any other obligation under this agreement and continues in that failure for 15 days after we send written notice to the City; (c) the City has misrepresented or failed to disclose material facts to us, refused to cooperate with us, refused to follow our advice on a material matter, or otherwise made our representation unreasonably difficult; or (d) any other circumstance exists in which ethical rules of the legal profession mandate or permit termination, including situations where a conflict of interest arises. If we terminate our services, the City agrees to execute a substitution of attorneys promptly and otherwise cooperate in effecting that termination. Termination of our services, whether by the City or by us, will not relieve the obligation to pay for services rendered and costs incurred before our services formally ceased.

6. Insurance. During the term of this engagement, this law firm shall maintain general liability and property damage insurance in the amount of \$2,000,000; professional errors and omissions insurance, in an amount of \$1,000,000 per occurrence; and \$3,000,000 aggregate, which insurance may not be canceled or reduced in required limits of liability unless at least ten days advance written notice be given to the City.

7. No Guarantee of Outcome. Any comments made by us about the potential outcome of this matter are expressions of opinion only and are not guarantees or promises about any outcome or results.

J. Daniel Adams
February 15, 2011
Page 3

8. **Entire Agreement; Full Understanding; Modifications in Writing.** This letter contains our entire agreement about our representation. Any modifications or additions to this letter agreement must be made in writing.

To accept this letter of engagement, please sign it below. Enclosed is an additional copy of this letter which the City should retain for its records. Thank you for allowing us the opportunity to serve as the City's lawyers.

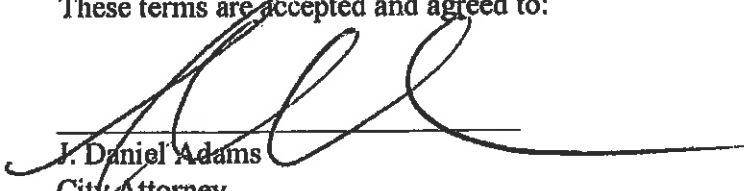
Very truly yours,

JARVIS, FAY, DOPORTO & GIBSON, LLP



Benjamin P. Fay

These terms are accepted and agreed to:



J. Daniel Adams
City Attorney
City of Clayton



Agenda Date: 3-15-11

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MARCH 15, 2011

SUBJECT: ANNUAL HOUSING ELEMENT PROGRESS REPORT

RECOMMENDATION

Accept by minute action the Annual Housing Element Progress Report (APR) for filing with the State of California Housing and Community Development Department (HCD), as required by Government Code Section 65400.

BACKGROUND

On April 20, 2010, the Clayton City Council adopted Resolution No. 12-2010, thereby approving its City of Clayton 2009-2014 Housing Element Update. This Housing Element was subsequently conditionally certified by HCD on July 15, 2010. Government Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's housing element, using forms and definitions adopted by HCD. The APRs for calendar year 2010 are due by April 1, 2011. Staff has completed the required forms (See **Attachment 1**) for City Council review and acceptance prior to filing with HCD.

The City's current Housing Element was certified recently; consequently, the implementation efforts to date are not extensive. Nevertheless, staff did note in the APR the adoption by the City Council of two ordinances in December of 2009 that pertain to this current Housing Element, one establishing a density bonus program in compliance with State law and the other allowing for specified manufactured housing in single-family residential zones. It was also noted that the City's Redevelopment Agency purchased and resold three single-family homes in the Stranahan Subdivision to low-income households, protecting those existing affordable units and then extending for 45 years the affordability restrictions on those homes. Council members and staff have continued to work at a regional level with various organizations including the Metropolitan Transportation Commission (MTC), the Association

of Bay Area Governments (ABAG), and the Contra Costa Transportation Authority (CCTA) on housing and related issues. Important programs being implemented have been the Sustainable Communities Strategy (SCS) as well as the Regional Housing Needs Allocation (RHNA) methodology committee with which Councilmember Julie Pierce is a member.

Another important aspect of the City's commitment to move forward with implementation of the described *Goals and Policies* in the City's Housing Element is the recent February 2011 authorization by the Clayton Redevelopment Agency for staff to hire Raney Planning & Management, Inc. to assist with implementation of many of the goals and policies stated within the current Housing Element. Staff referenced and attached a copy of the accepted proposal from Raney Planning & Management to the APR. Additionally, staff has attached a copy of the *Goals and Policies* excerpt (See **Attachment 2**) to this report.

Attachments:

1. *Housing Element Annual Progress Report (APR)* for 2010
2. *Goals and Policies* excerpt from the adopted/certified City of Clayton 2009-2014 Housing Element.

**Department of Housing and
Community Development**

ANNUAL HOUSING ELEMENT PROGRESS REPORT

City or County Name: City of Clayton

Mailing Address: 6000 Heritage Trail, Clayton, CA 94517

Contact Person: David Woltering, AICP Title: Community Development Director

Phone: 925-673-7343 FAX: 925-672-4917 E-mail: dwoltering@ci.clayton.ca.us

Reporting Period by Calendar Year: from 1/1/2010 to 12/31/2010

These forms and tables, (see sample – next page) must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1, of each year for the prior calendar year; submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

Department of Housing and Community Development
Division of Housing Policy Development
P.O. Box 952053
Sacramento, CA 94252-2053

-and-

Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

(CCR Title 25 §6202)

1/1/2010 - 12/31/2010

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Note: These fields are voluntary

Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Clayton
Reporting Period 1/1/2010 - 12/31/2010

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				3	The City of Clayton Redevelopment Agency purchased three at risk moderate-income single-family residential units and then resold them to three low-income category households with 45-year deed restrictions.
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	3	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of Infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate	1					1	1

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Clayton
Reporting Period 1/1/2010 - 12/31/2010

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2007	2008	2009	2010											Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9							
Very Low	Deed Restricted	0	0	0	0												49
	Non-deed restricted	0	0	0	0												
Low	Deed Restricted	0	0	0	0												35
	Non-deed restricted	0	0	0	0												
Moderate	Deed Restricted	0	0	0	0												32
	Non-deed restricted	1	0	0	0											1	
Above Moderate		34	11	0	1											21	13
Total RHNA by COG. Enter allocation number:		151															
Total Units ▶ ▶ ▶ ▶		10	11		1											22	129
Remaining Need for RHNA Period ▶																	

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Clayton
Reporting Period 1/1/2010 - 12/31/2010

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	Timeframe in H.E.	Status of Program Implementation
Name of Program	Objective		
Manufactured Housing	Allow manufactured housing in residential zones	Dec. 2009	Completed w/ adoption of Ord. 425 in Dec. 2009
Density Bonus	Allow Density Bonuses in accordance with State law	Dec. 2009	Completed w/ adoption of Ord. 426 in Dec. 2009
Affordable Housing Shortfall Accommodation	Rezone properties to facilitate addressing afford. Shortfall	Mar. 2011	In process - Consultant hired in Feb. 2011 (See Attached)
Affordable Housing Plan	Require affordable units as part of new res. dev. projects	Ongoing	Guidelines established
RDA shall use LMI funds to subsidize the construction of affordable housing units	Facilitate the development of affordable housing	Ongoing	City/Agency staff has met/s scheduled to meet with interested non-profit builders who might undertake these projects
Use RDA funds to encourage the development of second units	Facilitate the development of affordable housing	Dec. 2012	Not yet initiated
Encourage mixed-use projects in the town Center Specific Plan area	Facilitate the development of affordable housing	Ongoing	Creekside Terrace Mixed-use Project (7 res. Units and 7,200 sq ft) approved on July 6, 2010
Emergency Shelter	Facilitate emergency shelter(s) to serve city residents	Mar. 2011	In process - Consultant hired in Feb. 2011 (See Attached)
Transitional and Supportive Housing	Update Zoning Ord. to allow both types in all res. districts	Mar. 2011	In process - Consultant hired in Feb. 2011 (See Attached)
Single-room Occupancy Units	Update Zoning Ord. to allow w/ Conditional Use Permit SRCs	Mar. 2011	In process - Consultant hired in Feb. 2011 (See Attached)
Encourage Multi-Family development in Multi-Family Zoning Districts	Update Zoning Ord. to require a CUP for SF in a MF Zone	Dec. 2011	In process - Consultant hired in Feb. 2011 (See Attached)
Remove Number of Persons per Household Limit	Remove possible barrier to affordable housing	Oct. 2010	In process - Consultant hired in Feb. 2011 (See Attached)
Preserve Affordable Units "At Risk"	retain affordable housing	Annual	RDA purchased and resold three SF units in 2010, protecting and extending for 45 years low-income afford. covenants
Regional Planning	Facilitate the development of affordable housing	Ongoing	Ongoing Councilmembers, Appointed Officials, Staff participation with agencies including, MTC, ABAG, AND CCTA, re. housing

ANNUAL ELEMENT PROGRESS REPORT *Housing Element Implementation* (CCR Title 25 §6202)

Jurisdiction	City of Clayton
Reporting Period	1/1/2010 - 12/31/2010

General Comments:

The City of Clayton has made a substantial commitment to meaningful progress toward implementing its 2009-2014 Housing Element by contracting with the professional planning and consulting firm of Raney Planning & Management to provide specific services over the next 12-18 to implement a broad-range of programs and measures listed in the City's Housing Element Goals and Policies section. These services are referred to in Table C above and described in more detail in the firm's proposal, dated February 9, 2011, which was accepted by the City (see Attached). Raney Planning & Management is now under contract with the City to do this work. This work will be directed by the Clayton Community Development Director and will require a substantial commitment of his time. The Clayton Community Development Department has only the full time Director and a part time Assistant Planner. Accordingly, it is evident from the Raney scope of work this effort will constitute a substantial commitment to facilitate affordable housing within the City of Clayton. While this scope of work will be the focus of the City's effort in the area of affordable housing over the next 12-18 months, the City will continue to support the Diamond Terrace Development during the period in accordance with the terms of the related agreement in the amount of \$200,000.00 annually as Redevelopment Agency funds are available as well as continue its ongoing effort to satisfy other ongoing program requirements in the City's Housing Element. It should be noted that there are limiting factors with respect to staff resources and the availability of funding, particularly with the possible loss of Redevelopment Agency funding.



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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 Gros, 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,

A handwritten signature in cursive script that reads "Cindy Gnos".

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

HOUSING ELEMENT UPDATE

CITY OF CLAYTON

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



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 Gnoss, AICP Vice President	Nick Pappani Special Projects Manager	Associate
					Cost Per Task
Task I	Creation of High Density Residential Designations		8	4	18
	Prepare Clean-up Zoning Ordinance Amendments		10	4	18
	Prepare Kirker Corridor Overlay Zone		12	6	20
	Prepare IES		6	14	40
	Prepare Staff Reports		6	12	10
	Subtotal				\$ 21,660
Task II	Revisit Opportunity Sites	6	6	4	
	Facilitate Public Outreach	24	12		8
	Prepare Staff Reports	2	4	12	10
	Attend Hearings	12			
	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,

A handwritten signature in black ink that reads "Cindy Gnos". The signature is written in a cursive, flowing style.

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

David Woltering

From: Kristine Solseng [Kristine.Solseng@dcd.cccounty.us]
Sent: Thursday, January 13, 2011 1:58 PM
To: David Woltering
Subject: Fw: Receiving Housing Survey Data

David-

I actually did the on-line survey this morning. Here is copy of the email receipt the DOF send back for your records.

Thank you,
 Kristine

Kristine Solseng
 Senior GIS Planner
 Contra Costa County
 Department of Conservation and Development
 651 Pine St, 4th Floor - North Wing
 Martinez, CA 94553
 (925) 313-4371
 ksols@cd.cccounty.us

*** New Email address will be effective September 26th***
 new email: Kristine.Solseng@dcd.cccounty.us

"Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing."
 Arundhati Roy

----- Forwarded by Kristine Solseng/CD/CCC on 01/13/2011 01:56 PM -----

<HUS.AutoResponseMail@dof.ca.gov>

To Kristine.Solseng@dcd.cccounty.us

cc

01/13/2011 01:22 PM

Subject Receiving Housing Survey Data

Hi Kristine, The following Added / Updated Housing Units data for Clayton City of Contra Costa County has been received and saved into Housing Unit Survey system: Source Type: Final Inspections

	Single Detached Units	Single Attached Units	Mobile Homes	Two to Four Structures	Five Structures	Plus Units	Total Housing Units
Newly Constructed Units	1	0	0	0	0	0	1

Thanks, HUS Administrator Notice: This is an automatic-sent-response mail. You don't need to respond to it.

1/14/2011

- 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.

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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



Agenda Date: 3-15-11

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MARCH 15, 2011

SUBJECT: 2010 CALIFORNIA CONSTRUCTION CODES (ORDINANCE NO. 431)

RECOMMENDATION

It is recommended the City Council approve Second Reading and Adoption of Ordinance No. 431 (see **Attachment**) which amends Chapters 15.01 through 15.05 of the *Clayton Municipal Code* for the purpose of updating specified construction codes citywide.

BACKGROUND

At its March 1, 2011 meeting, the City Council approved Introduction and First Reading of Ordinance No. 431. The purpose of this ordinance is to update local construction codes to be in conformance with similar State and County codes.

The California Building Standards Commission has adopted and published the 2010 Building Standards Code, which is comprised of the 2010 California Building, Mechanical, Plumbing, Electrical, Residential, and Green Building Codes. These new 2010 California Construction Codes became effective statewide on January 1, 2011.

The Contra Costa County Department of Conservation and Development Building Inspection Division acts as the City's Building Department and enforces the governing construction codes within Clayton. It is necessary to update our local construction codes to be consistent with the pertinent State construction codes and to maintain consistency with the County's construction codes. On February 15, 2011, the Contra Costa County Board of Supervisors adopted Ordinance No. 2011-03, thereby updating from the 2007 version to the current 2010 version of California Construction Codes, with amendments, changes, modifications, and deletions, as allowed by law.

In accordance with the City's agreement with the County, the City is to update its construction codes to be consistent with the County's construction codes to facilitate accurate and timely plan checks, permit issuance, and related code enforcement activities. Proposed Ordinance No. 431 was prepared to achieve consistency with the California Construction Codes and the County's recent action in updating its construction codes. Accordingly, Ordinance No. 431 adopts the following replacement Chapters in the *Clayton Municipal Code*:

- General Provisions (**Chapter 15.01**)
- 2010 California Building Code with Amendments (**Chapter 15.02**)
- 2010 California Electrical Code with Amendments (**Chapter 15.03**)
- 2010 California Plumbing Code with Amendments (**Chapter 15.04**)
- 2010 California Mechanical Code with Amendments (**Chapter 15.05**)

Ordinance No. 431, like the County's recently adopted ordinance, amends certain State-wide codes in some respects to address certain local climatic, geologic or topographical conditions. These proposed amendments would amend the State-wide codes by increasing the minimum base shear in certain buildings to a level consistent with previous building codes. This ordinance will eliminate the use of unreinforced plain concrete where allowed by the State-wide codes. The ordinance would further amend the State-wide codes by requiring the installation of a smoke detector in existing flat buildings when a pitch roof is added on top of the existing roof and solid sheathing of the flat roof is not removed. These amendments are intended to better assure the health, welfare, and safety of the local population, given the local conditions described above.

Staff has determined the adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3). The adoption of the California building standards codes with local amendments will not have a significant effect on the environment.

FISCAL IMPACT

None.

Attachment: Ordinance No. 431

ORDINANCE NO. 431

**AN ORDINANCE AMENDING CHAPTERS 15.01, 15.02, 15.03, 15.04, AND 15.05 OF
THE CLAYTON MUNICIPAL CODE TO BRING THE CITY'S BUILDING,
ELECTRICAL, PLUMBING AND MECHANICAL CODES INTO COMPLIANCE
WITH THE 2010 EDITIONS OF THE RESPECTIVE CALIFORNIA CONSTRUCTION
CODES
(ZOA 01-11)**

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

**THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY ORDAIN AS
FOLLOWS:**

Section 1 Findings Purpose and Intent

This ordinance is adopted by the City Council of the City of Clayton ("City") to repeal the existing Chapters 15.01, 15.02, 15.03, 15.04 and 15.05 of the Clayton Municipal Code and adopt new Chapters 15.01, 15.02, 15.03, 15.04, and 15.05 in order to bring the City's Building, Electrical, Plumbing and Mechanical Codes into compliance with the respective 2010 California Construction Codes. This ordinance adopts the 2010 California Building Code, the 2010 California Residential Code, the 2010 California Green Building Standards Code, the 2010 California Electrical Code, the 2010 California Plumbing Code, and the 2010 California Mechanical Code, with changes, additions, and deletions. It is adopted to mirror the Codes of the County of Contra Costa County as required by the contract entered into between the City of Clayton and the County of Contra Costa wherein the County Building Inspection Department provides permitting and enforcement of these Codes for the City of Clayton. The ordinance is adopted based upon the matters set forth herein and the staff report which accompanies this ordinance and which is incorporated by reference herein.

Section 2 Amendment of Chapter 15.01 of the Clayton Municipal Code

Existing Chapter 15.01 of the Clayton Municipal Code is repealed and a new Chapter 15.01 entitled "General Provisions" is adopted to read in its entirety as set forth in Exhibit A attached hereto.

Section 3 Amendment of Chapter 15.02 of the Clayton Municipal Code

Existing Chapter 15.02 of the Clayton Municipal Code is repealed and a new Chapter 15.02 entitled the "2010 California Building Code with Amendments" is adopted to read in its entirety as set forth in Exhibit A attached hereto.

Section 4 Amendment of Chapter 15.03 of the Clayton Municipal Code

Existing Chapter 15.03 of the Clayton Municipal Code is repealed and a new Chapter 15.03 entitled the "2010 California Electrical Code with Amendments" is adopted to read in its entirety as set forth in Exhibit A attached hereto.

Section 5 **Amendment of Chapter 15.04 of the Clayton Municipal Code**

Existing Chapter 15.04 of the Clayton Municipal Code is repealed and a new Chapter 15.04 entitled the "2010 California Plumbing Code with Amendments" is adopted to read in its entirety as set forth in Exhibit A attached hereto.

Section 6 **Amendment of Chapter 15.05 of the Clayton Municipal Code**

Existing Chapter 15.05 of the Clayton Municipal Code is repealed and a new Chapter 15.05 entitled the "2010 California Mechanical Code with Amendments" is adopted to read in its entirety as set forth in Exhibit A attached hereto.

Section 7 **Action to Challenge This Ordinance**

Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after its effective date.

Section 8 **Conflicting Ordinances Repealed**

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

Section 9 **Severability**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Clayton City Council has declared that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase thereof be declared unconstitutional, invalid or ineffective.

Section 10 **Effective Date and Publication**

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 1st day of March, 2011.

Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, California

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

J. Daniel Adams, City Attorney

Gary A. Napper, City Manager

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

Laci J. Jackson, City Clerk

Exhibit A: Chapters 15.01, 15.02, 15.03, 15.04, 15.05 of Clayton Municipal Code

ZOA\2011\01-11.Ordinance

Chapter 15.01GENERAL PROVISIONSSections:

15.01.002	Application of general provisions.
15.01.020	Reference to officials in adopted codes.
15.01.101	Construction working hours.
15.01.202	Permits.
15.01.204	Fees.
15.01.206	State license required.
15.01.208	Misrepresentations in permit application.
15.01.210	Permit not approval of violations or determination of ownership.
15.01.211	Liability of City.
15.01.212	Expiration of permit.
15.01.214	Refunds.
15.01.402	Abatement procedure.
15.01.404	Stop work orders.
15.01.406	Entry on premises.
15.01.408	Correction notice.
15.01.410	Withhold permit.
15.01.412	Disconnection of utility service.
15.01.414	Power companies to notify City building official.
15.01.416	Enforcement of state law.
15.01.602	Reference to officials in adopted codes
15.01.604	General safety.
15.01.606	Liability of county.

15.01.002 Application of general provisions. These general provisions shall apply to all Chapters of this Title.

15.01.020 Reference to officials in adopted codes. Whenever reference is made in this Title or the codes adopted by reference in this title, to the “building inspector”, “inspector”, “electrical inspector”, “plumbing inspector”, “mechanical inspector”, “building official”, “Director of the Building Inspection Department”, “City building inspector” or “City building official”, it shall mean the Contra Costa County director of building inspection, county building official, building inspector, or any of his or her duly authorized deputies during such period when the County of Contra Costa is providing building inspection services for the City of Clayton an while such officials are acting as the City’s representatives in such matters. Furthermore, references to “state” shall mean the State of California, to “Housing Act” shall mean the Housing Act of this state, to “county building official, administrative authority, or fire chief” shall mean the director of building inspection of Contra Costa County, and to “county” shall mean the County of Contra Costa.

15.01.101 Construction working hours. All grading and excavation, construction, demolition, renovation, and other works of improvement within the City of Clayton and the on-site maintenance and servicing of construction equipment in the City shall occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Any such work beyond said hours and days is strictly prohibited unless previously specifically authorized in writing by the City Engineer or designee or by project conditions of approval. This provision shall not apply to homeowner home improvements. (Ord. 351, Sec. 2, 1999; Ord. 263, 1988)

15.01.202 Permits. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this title, or cause the same to be done, or install or connect any equipment regulated by this title, or perform any work regulated by this title, without first obtaining the necessary permits from the City building official.

15.01.204 Fees.

- (a) Fees shall be paid with the submission of an application for any permit required by this title. No application may be filed and accepted as complete until all required fees have been paid. Any permit issued without the payment of all required fees is invalid and of no force and effect. Permit fees and other fees will be in amounts set forth in fee schedules adopted by the City Council and the Contra Costa County Board of Supervisors.
- (b) A person who starts any work for which a permit is required under this title without first having obtained a permit shall, if later issued a permit for such work, pay double the permit fee. This provision does not apply to emergency work if the City building official determines that the emergency work was urgently necessary and that it was not practicable to obtain a permit before starting the work. In all such cases, a permit must be obtained as soon as it is practicable to do so, and if there is an unreasonable delay in obtaining the permit, a double fee shall be charged.

15.01.206 State license required.

- (a) No permit shall be issued to a person to do or cause to be done any work regulated by this title except to the holder of a valid, unexpired and unrevoked license in good standing, issued under Chapter 9, Division 3 of the California Business and Professions Code. Permits may be issued to persons and for work exempt from that statute, and as otherwise provided in this section.
- (b) Building permits. A building permit may be issued to a person holding a valid, unexpired, unrevoked California general contractor's license. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a building permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(c) Electrical permits.

(1) An electrical permit may be issued to a person holding a valid, unexpired, unrevoked California electrical contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, an electrical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(2) Instead of a separate permit for each building, structure, premises, installation or alteration, an annual electrical permit may be issued to any person regularly employing one or more electricians for electrical work in premises owned or occupied by the applicant for the permit. In the first 15 days of each calendar month, the holder of an annual permit shall report to the City building official on all electrical work done under the annual permit during the preceding month.

(d) Plumbing permits. A plumbing permit may be issued to a person holding a valid, unexpired, unrevoked California plumbing contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a plumbing permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(e) Mechanical permits. A permit for the erection, installation, moving alteration, repair or replacement of any heating or cooling equipment may be issued to a person holding a valid California warm air heating, ventilating, and air conditioning contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a mechanical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

15.01.208 Misrepresentations in permit application. No person shall make a false statement or misrepresentation in or in connection with an application for a permit under this title. Any permit issued under this title may be revoked or suspended at any time by the City building official for fraud, misrepresentation or false statement contained in an application for a permit, or for violation of this title in connection with work done under the permit.

15.01.210 Permit not approval of violations or determination of ownership. The issuance of a permit or approval of plans and specifications shall not be construed as a permit for an approval of any violation of this title or code or determination that the permittee is the owner of the subject property or otherwise authorized to do the work for which the permit has been issued. No permit presuming to give authority to violate or cancel the provisions of this title shall be valid except insofar as the work or use which it authorizes is lawful. The issuance of a permit based on plans and specifications shall not prevent the City building official from later requiring the correction of errors in the plans and specifications or from preventing building operations being carried on under the permit in violation of this title or other regulation of this City.

15.01.211 Liability of City. This title shall not be construed to impose on the City any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the City, or any official or employee of the City, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the City that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued or shall it be construed as permission or license to enter on, occupy or otherwise utilize private or non-city property without the express consent of the owner or agent in possession thereof.

15.01.212 Expiration of permit. Every permit issued by the City building official becomes void if the building or work authorized is not begun within 180 days from the permit's date, or if it is suspended or abandoned for 180 continuous calendar days without excuse satisfying the City building official as being beyond control and remedy by the permittee. Evidence of starting work shall consist of at least one required inspection within 180 days of the permit issuance date or the date the permit was suspended or the work was abandoned. Once a permit becomes void, a new permit shall be obtained before any work is commenced or recommenced, and a new permit fee shall be paid. Any permittee holding an unexpired permit may apply for a permit extension upon a showing of good and satisfactory reason acceptable to the City building official. If the permittee is unable to commence work within the time required by this section, the City building official may extend the time of the permit for a period not exceeding 180 days upon written request by the permittee. No permit shall be renewed more than once.

15.01.214 Refunds. The City building official may authorize the refund of required permit fees as follows:

- (a) **Unused Building Permit.** On the voiding of a permit within 60 days after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen (15) dollars but not more than 80 percent of the permit fee paid. On the voiding of a permit during the period between sixty days and one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen (15) dollars or one-half the total amount paid for the permit, whichever is smaller. No refunds of plan check fees for issued permits shall be allowed. Any unused plumbing, electrical, or mechanical permit(s) taken in conjunction with a building permit are governed by the refund procedures in

subsection (b) of this section.

- (b) Unused plumbing, electrical, or mechanical permits. No refund of deposits for these permits (including subpermits issued in conjunction with building permits, and miscellaneous permits) shall be allowed, except that on the voiding of a permit within one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of ten (10) dollars.

15.01.402 Abatement procedure. Any condition existing in violation of this title is a public nuisance. The procedure for the abatement of any building or any other condition declared to be a public nuisance in violation of this title is the procedure specified in the Clayton Municipal Code as set forth in Chapter 8.08. As an alternative to this procedure, abatement may be performed pursuant to the procedure specified in Article 6 (Action and Proceedings) of Subchapter 1 (State Housing Law Regulations) of Chapter 1 of Division 1 of Title 25 (Housing and Community Development) of the California Code of Regulations (25 C.C.R., § 48 et seq.). That procedure is adopted by this reference as though fully set forth herein.

15.01.404 Stop work orders. Whenever any work is being done contrary to this title or any other law or regulation (including, but not limited to, the following: zoning, health, sanitation, grading, fire protection and safety, or flood control) relating to or affecting the work, the City building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing of the work; and these persons shall stop work immediately until authorized by the City building official to proceed with the work. The stop work order will state the reason for the order and the conditions under which the cited work may be permitted to resume. If the work continues after the issuance of a stop work order, each day the work continues is a separate code violation.

15.01.406 Entry on premises.

- (a) Whenever it is necessary to make an inspection to enforce the provisions of this title, or whenever the City building official has cause to believe that there exists in any building or upon any premises any violation of this title or any condition that makes the building or premises unsafe, unsanitary, dangerous or hazardous, the City building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the City building official by this code. If entry is refused, the City building official has recourse to every remedy provided by law to secure entry.
- (b) No person shall conceal any work until it is inspected and written approval to proceed is given. No person shall cover electrical work, or allow it to be covered, to prevent or hinder its inspection, or remove any notice not to cover placed by the City building officials.

15.01.408 Correction notice. If the City building official finds any work as out of compliance with this title, the building official will give written notice to the person

engaged in the work. Within 10 days after this notice, or within any reasonable further time that the City building official may prescribe, the person doing the work shall change or remove the work or equipment as the City building official may require to make it comply fully with this division.

15.01.410 Withhold permit. The City building official may, in his or her sound discretion, withhold the issuance or reinstatement of a permit for any structure on a parcel of land concerning either or both of which there exists any violation of law or regulation (including but not limited to the following: building, grading, zoning, fire protection and safety, health, sanitation, or flood control) relating to or affecting that permit. In determining whether a permit shall be issued, the City building official will also consider whether the existing violation constitutes an unlawful occupancy or a hazard to life or property. The City building official may require correction of a violation before issuing a permit, or as a condition of issuance within a stated period of time including any extensions granted for good cause shown. Failure to comply with such condition is a ground for revocation as provided by law.

15.01.412 Disconnection of utility service.

- (a) The City building official may shut off or disconnect any or all utility service to any structure or facility or to any electrical conductor or apparatus that is in violation of any state, City or county law or regulation relating thereto or that endangers the public health, safety or welfare, or the City building official may order this done.
- (b) If the City building official finds that the violation involves an immediate danger to person(s) or properties or to the public health, safety or welfare, the City building official may have the action taken as quickly as he or she deems necessitated by the danger; otherwise the City building official will give 10 days advance notice thereof by mail to the utility and to the owner as shown on the last assessment roll and by conspicuous posting on the property; and the City building official will post notice of the orders and the action taken, which no person shall remove, tamper with or disobey. The City building official will rescind or modify such action which it becomes proper to do so in view of the danger or violation.

15.01.414 Power companies to notify City building official.

- (a) Notice. Whenever in, on or about any building any person engaged in the distribution or sale of electrical energy or natural gas sets, resets, installs or reinstalls any meter for the measurement of electrical energy or natural gas, or connects or reconnects to, or supplies or services any installation of electrical equipment or natural gas, or change the nominal voltage of electrical supply or service to any installation of electrical equipment, or changes any electrical supply or service from two-wire to three-wire or vice versa, or from single-phase to polyphase or vice versa, or from direct current to alternating current or vice versa, that person shall within two (2) days thereafter, exclusive of Sundays and holidays, give written notice thereof to the City building official specifying the location and address of the installation affected.

- (b) **Thirty-Day Exception.** This notice need not be given for work expressly approved by the City building official within 30 days after inspection approval.
- (c) **Authorization Required.** No person engaged in the distribution or sale of electrical energy shall connect a distribution system, including windpower generators, or any live supply or service conductor(s) therefrom, to any electrical equipment in, on or about any building or cause or allow any energizing of such connections, including windpower or emergency/stand by electrical generation until the City building official inspects the electrical equipment and authorizes such connections. No gas utility provider engaged in the distribution or sale of natural gas shall connect a distribution system to any natural gas equipment in, on or about any building until the City building official inspects the natural gas installation and authorizes such connections.
- (d) **Permit required.** A permit shall be obtained from the City building official to restore electrical or gas service to any structure that has been without such service for 90 days or more. The City building official will notify the servicing utility that the electrical service equipment and associated wiring has been inspected and approved before electrical or gas service may be reinstated.
- (e) **Waiver.** The City building official may, at his or her discretion, temporarily or permanently waive any or all requirements of this article by giving written notice of such waiver to all persons involved. The City building official may likewise at any time revoke such waiver by similar notice.

15.01.416 Enforcement of state law. By authority of Section 18300 of the Health and Safety Code, the county assumes the responsibility for enforcement of Part 2.1 of Division 13 of the Health and Safety Code relating to mobilehomes and mobilehome parks, including regulations adopted thereunder and contained in Chapter 2 (Mobilehome Parks Act) of Division 1 of Title 25 of the California Code of Regulations (25 C.C.R. §§ 1000 et seq.) and to the extent allowed by such laws and regulations, may enforce by the remedies allowed under Division 14 of this code.

15.01.602 Reference to officials in adopted codes. In the codes adopted by reference in this title, references to “city” mean the City of Clayton; to “city council or mayor” mean the City Council and Mayor of Clayton; to “state” mean the state of California; and to “building official,” “chief building inspector,” “administrative authority,” or “authority enforcing this code” mean the director of building inspection referred to in Section 15.01.020.

15.01.604 General safety. All work shall be performed, and all equipment shall be constructed, installed, protected, operated, repaired, used and maintained, in accordance with the requirements of this division and in such manner as to be reasonably safe and free from risk of accident or injury to person or property. No person shall act contrary to this general regulation or neglect to act as required hereby.

15.01.606 Liability of county. This title shall not be construed to impose on the county any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the county, or any official or employee of the county, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the county that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued nor shall it be construed as permission or license to enter on, occupy or otherwise utilize private or noncounty property without the express consent of the owner or agent in possession thereof.

CHAPTER 15.02

2010 CALIFORNIA BUILDING CODE WITH AMENDMENTS

Sections:

- 15.02.001 Adoption.
- 15.02.002 Amendments (California Building Code).
- 15.02.003 Amendments (California Residential Code).

15.02.001 Adoption.

- (a) The building code of this City is the 2010 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the California Residential Code (California Code of Regulations, Title 24, Part 2.5), and the 2010 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), as amended by the changes, additions, and deletions set forth in this ordinance and Division 72 of the Contra Costa County Code.
- (b) The 2010 California Building Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code is adopted by this reference as though fully set forth in this ordinance.
- (c) The 2010 California Residential Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- (d) The 2010 California Green Building Standards Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- (e) At least one copy of this building code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (f) As of the effective date of this ordinance, the provisions of the building code are controlling and enforceable within the City.

15.02.002 Amendments. The 2010 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2010 California Building Code.

- (a) CBC Chapter 1 is amended by the provisions of Division 72 Section of this code and as follows:

- (1) Sections 103, 109, 112, 113, 114, and 116 of CBC Chapter are deleted.
- (2) Section 15.2 (Work Exempt from Permit) of CBC Chapter 1 is amended to provide that a building permit is not required for the following work:

Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or ground slope exceeding 1:2 or impounding class I, II, or III-liquids.

All other work listed in Section 105.2 of CBC Chapter 1 is also exempt from a permit.

- (3) Section 107.1 (Submittal Documents) of CBC Chapter 1 is amended by deleting the exception.
- (4) Section 107.2.1 (Information on Construction Documents) of CBC Chapter 1 is amended to read:

107.2.1 Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be sufficient clarity to indicate the location, nature and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the name and address of the owner and of the person who prepared the plans. Plans shall include a plot plan showing the location of the lot corners as established on the ground, the elevation of the top and toe of cuts and fills, and the location of the proposed building and of every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

Sections 107.2.2, 107.2.5, and 107.3 are not amended and remain in effect.

- (5) Section 110.1 (Inspections – General) is amended by adding the following to the end of the section:

At the time of first inspection by the City building official, property corners (including angle points) shall be identified with monuments in accordance with the legal description furnished with the application to build, sufficient to locate the proposed structure in relation to the lot lines, except that this requirement shall not apply to minor alterations or repairs to existing structures not affecting the exterior limits thereof, and construction of accessory buildings or structures of a building permit value of less than \$500. The plot plan required by Section 107.2.1 shall indicate the locations and

identification of all property corner monuments. Property corner monuments shall consist of one of the following:

- (A) Redwood hub not less than two inches square and twelve inches long;
- (B) Galvanized iron pipe not less than one inch in diameter and thirty inches long filled with concrete; or
- (C) Other material of sufficient durability, placed as not to be readily disturbed, acceptable to the City building official.

Monuments shall be driven flush with the ground and tagged as required by the Land Surveyor Act (Business and Professions Code section 8772).

- (b) Section 907.2.11.5.1 is added to Section 907.2.11.5 (Existing Group R-3 Occupancies) of CBC Chapter 9 (Fire Protection Systems), to read:

907.2.11.5.1 In existing flat roof buildings, the installation of a smoke detector that complies with Sections 907.2.10 shall be required when a pitch roof is added on top of the existing flat roof and the solid seating of the flat roof is not removed.

- (c) Section 1406.5 is added to Section 1406 (Combustible Materials on the Exterior Side of Exterior Walls) of CBC Chapter 14 (Exterior Walls), to read:

1406.5 Wood shakes or shingles. Wood shakes or shingles uses for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line of all sides, except for any sides of exterior walls facing the street.

- (d) Section 1615A.1.7 ASCE 7, Section 12.8.1.1 of CBC Chapter 1614A (Structural Design) is amended to read:

Section 1614A.1.7 ASCE 7, Section 12.8.1.1. Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows:

$$C_s = 0.044 S_{DS} I \geq 0.01 \quad (\text{Equation 12.8-5})$$

where S_{DS} is the 5 percent damped design spectral response acceleration parameter at short periods as defined in Section 11.4.4 and I is the importance factor in Section 11.5.1.

- (e) Section 1809.8 (Plain Concrete Footings) of CBC Chapter 18 (Soils and Foundations) is deleted.
- (f) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception No. 3.
- (g) Section 1908.1 of CBC Chapter 19 (Concrete) is amended to read:

1908.1 General. The text of ACI 318 shall be modified as indicated in Sections 1908.1.1 through 1908.11.

- (h) Section 1909 (Structural Plain Concrete) of CBC Chapter 19 (Concrete) is deleted.
- (i) Section 1910.1 of CBC Chapter 19 (Concrete) is amended by adding the following sentence to Section 1910.1:

Slabs shall have six inches by six inches by ten gauge wire mesh or equal at midheight.
- (j) Appendix C, Appendix F, and Appendix I of the CBC are incorporated into the City building code. Appendix B, Appendix D, Appendix E, Appendix G, Appendix H, Appendix J, Appendix K of the CBC are excluded from the City building Code.

15.02.002 Amendments. The 2010 California Residential Code (“CRC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2010 California Residential Code.

- (a) Sections R103, R108, R111, R112, R113, and R114 of the CRC Chapter 1 are deleted.
- (b) In Section R105.2 of CRC Chapter 1, subsection 3 of the paragraph exempting certain building work from the requirement to obtain a permit is amended to exempt the following retaining wall from the requirement to obtain a permit:
 - 3. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or ground slope exceeding 1:2 or impounding class I, II, or III-a liquids.
- (c) Section R403.1.3 of CRC Chapter 4 is amended to delete the exception.

- (d) Section R404.1.4.1 of CRC Chapter 4 is amended to read:

R404.1.4.1 Masonry foundation walls. In addition to the requirements of Table R404.1.1(1), plain masonry walls in buildings assigned to Seismic Design Category D₀, D₁, or D₂ shall comply with the seismic requirements of Section 1.17.4.4 of TMS 402, ACI 530, or ASCE 5.

- (e) Section R404.1.4.2 of CRC Chapter 4 is amended to read:

Section R404.1.4.2 Concrete foundation walls. Concrete foundation walls in buildings assigned Seismic Design Category D₀, D₁, or D₂ shall comply with ACI 318, ACI 332, or PCA 100.

CHAPTER 15.03

2010 CALIFORNIA ELECTRICAL CODE WITH AMENDMENTS

Sections:

15.03.002	Adoption.
15.03.202	General.
15.03.1002	Authorization.
15.03.404	Approved equipment.
15.03.406	Moved buildings.
15.03.408	Application of Chapters 2, 3, and 5, Division 1, Title 25, C.C.R.
15.03.602	City building official's approval required.
15.03.604	Unlawful reconnections.
15.03.606	Unlawful wiring, electric fences, warning.
15.03.608	Power from generators.
15.03.612	Public nuisance lighting.
15.03.614	Time of service.

15.03.002 Adoption.

- (a) The electrical code of this City is the 2010 California Electrical Code (California Code of Regulations, Title 24, Part 3, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2010 California Electrical Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code are adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this electrical code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the electrical code are controlling and enforceable within the City.

15.03.202 General. The 2010 California Electrical Code is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code.

15.03.1002 Authorization. The City building official is authorized to inspect all electrical equipment and work, including electrical equipment and work that is listed in CEC Section 90-2(B)(4) and CEC Section 90-2(B)(5) but is otherwise not covered by the CEC. When the City building official finds any electrical equipment to be dangerous or unsafe, the building official will so notify the person owning, using or operating it, who shall make the repairs or changes required to make the equipment safe, and complete this work within ten (10) days after notice or such further time as the City building official may set. Any electrical system deemed an immediate, imminent hazard to life and property shall be de-energized immediately by the owner, his representative or the City building official.

15.03.404 Approved equipment.

- (a) When obtainable, electrical equipment that an approved testing laboratory has examined, listed or labeled as conforming to applicable standards shall be used in preference to others.
- (b) Listing or labeling conforming to the Standards of the Underwriters' Laboratories, Ind., the United States Bureau of Standards, the United States Bureau of Mines, or other similar institutions of recognized standing shall be prima facie evidence of conformity with the requirements of this section. The maker's name, trademark, or other identification symbol shall be placed on all electrical equipment used or installed under this division.
- (c) Old or used electrical equipment shall not be used in any work under this Chapter without the specific approval of the City building official.

15.03.406 Moved buildings. Electrical systems that are part of buildings or structures moved into this jurisdiction shall comply with the provisions of this code for new buildings.

15.03.408 Application of Chapters 2, 3, and 5, Division 1, Title 25, C.C.R. Electrical work in mobilehome parks and campgrounds shall comply with Chapters 2, 3, and 5 of Division 1 of Title 25 of the California Code of Regulations.

15.03.602 City building official's approval required. No person shall connect a source of electrical energy, or supply electric service, to any electrical equipment for the installation of which a permit is required without first obtaining the City building official's written authorization.

15.03.604 Unlawful reconnections. No person shall connect a source of electrical energy, or supply electric service, to any electrical equipment which the City building official has disconnected or ordered disconnected until the building official authorizes in writing its reconnection and use. The City building official will notify the serving utility of the order to discontinue use.

15.03.606 Unlawful wiring, electric fences, warning.

- (a) Prohibition. Except as hereinafter provided, no person shall construct or maintain any spring gun, or any electric wiring device, designated or intended to injure and/or shock animals or persons, or any contrivance or apparatus for such purpose.
- (b) Livestock Exception. Persons principally engaged in the business of handling livestock as a primary means of production or income may electrify fences to control or confine livestock upon complying with all the following requirements:
 - (1) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.
 - (2) Any electrical fence to which the public may have access, except cross fences to confine and control livestock, shall be posted with a warning notice containing the following or similar wording: "DANGER. ELECTRIC FENCE," or "DANGER. HIGH VOLTAGE." This notice shall be posted along any such main fence at intervals of not more than 200 feet and in letters at least two inches high.

15.03.608 Power from generators.

- (a) All occupancies that have commercially supplied electricity shall connect to the commercial supplier.
- (b) Any occupancy that has commercially supplied electricity shall not use a permanent or temporary generator(s), provided that a generator(s) may be used for commercial purposes when authorized by the City building official.

15.03.612 Public nuisance lighting. Lighting fixtures shall be so installed, controlled or directed that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property.

15.03.614 Time of service.

- (a) On alteration jobs requiring a change of service, the service shall be changed and inspected at the frame or rough wiring state.
- (b) On swimming pool jobs requiring a change of service, the service shall be changed and completed prior to the approval for pouring or cementing of the pool or steel inspection of the pool cavity.

CHAPTER 15.04

2010 CALIFORNIA PLUMBING CODE WITH AMENDMENTS

Sections:

- 15.04.002 Adoption.
- 15.04.202 General.
- 15.04.270 Gas Shut-Off Devices

15.04.002 Adoption.

- (a) The plumbing code of this City is the 2010 California Plumbing Code (California Code of Regulations, Title 24, Part 5, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2010 California Plumbing Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this plumbing code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the plumbing code are controlling and enforceable within the City.

15.04.202 General. The 2010 California Plumbing Code is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code.

15.04.270 Gas Shut-Off Devices

A. Definitions. For the purpose of this section certain terms shall be defined as follows:

- 1. "Downstream of Gas Utility Meter" shall refer to all customers owned gas piping.
- 2. "Residential Building" shall mean any single family dwelling, duplex, multifamily dwelling, apartment building, condominium building, townhouse building, lodging house, congregate residence, hotel, or motel
- 3. "Excess Flow Gas-Shut-Off Device" shall mean those valves or devices that are not actuated by motion, but are activated by significant gas leaks or overpressure surges, which can occur when pipes rupture inside the structure. The design of the device shall provide a proven method to provide automatically for expedient and safe gas shutoff in an emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner. The device shall be certified by the State

Architect or the operational and functional design of the device shall meet or exceed the device certified by the Office of the State Architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the State Architect may be made by one of the following: the Independent Laboratory of the International Association of Plumbing and Mechanical Officials (IAPMO), or other recognized listing and testing agency.

4. "Seismic Gas-Shut-Off Device" shall mean a system consisting of a Seismic sensing means and actuating means designed to actuate automatically a companion gas shut off means installed in a gas piping system in order to shut off the gas downstream of the location of the gas shutoff means in the event of a severe seismic disturbance. The system may consist of separable components or may incorporate all functions in a single body. The device shall be certified by the State Architect and the operational and functional design of the device shall meet or exceed the device certified by the Office of the State Architect. The determination of whether the operational and functional design of the device is at least Equal to the device certified by the State Architect may be made by one of the following: the Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), or other recognized listing and testing agency.
5. "Upstream of Gas Utility Meter" shall refer to all gas piping installed by the utility up to and including the meter and the utilities bypass tee at the connection to the customer owned piping.
6. "Gas Shut-Off Device" shall refer to either a Seismic Gas Shut-Off Device or Excess Flow Gas-Shut-Off Device.
7. "Building Inspection Department" shall mean the Contra Costa County Building Inspection Department while the county is providing permitting and enforcement services under this Plumbing Code of Clayton.

B. Scope.

1. The following devices shall be installed at the following locations in the buildings specified in subsection 2.
 - (a) An approved seismic gas shut-off device (motion sensitive) or an approved excess flow gas shut-off device (non-motion sensitive) shall be installed downstream of the gas utility meter at the beginning of each rigid gas piping system that serves any of the buildings specified in subsection 2.; and
 - (b) An approved excess flow gas shut-off device (non-motion sensitive) shall be installed at each connection of a gas appliance to a gas line within any of the buildings specified in subsection 2.
2. The devices specified in subsection 1. shall be installed in the following buildings and structures:
 - (a) In any new building construction (commercial, industrial or residential) containing fuel gas piping for which a building permit is first issued on or after the effective date of this ordinance.
 - (b) In any existing residential building that is altered or added to; and

- (1) The building has fuel gas piping supplying the existing building or the addition to the building; and
 - (2) A building permit for the work is first issued on or after the effective date of this ordinance; and
 - (3) The value of the alteration/addition is either:
 - (i) More than \$5,000 where fuel gas piping is involved in the alteration or addition. Alterations or additions to individual condominium or apartment units shall require an approved gas shut-off device to be installed for all gas piping serving the building and a device at each connection of a gas appliance to a gas line in each individual unit that is being altered or added to; or
 - (ii) More than \$50,000 where fuel gas piping is not involved in the alteration or addition. Alterations or additions to individual condominium or apartment units shall require an approved gas shut-off device to be installed for all gas piping serving the building and a device at each connection of a gas appliance to a gas line in each individual unit that is being altered or added to.
- (c) In any existing commercial or industrial building that is altered or added to; and
- (1) The building has fuel gas piping supplying the existing building or the addition to the building; and
 - (2) A building permit for the work is first issued on or after the effective date of this ordinance; and
 - (3) The value of the alteration/addition is either:
 - (i) More than \$5,000 where fuel gas piping is involved in the alteration or addition. Alterations or additions to individual units or tenant spaces shall require an approved gas shut-off device to be installed for all gas piping serving the building and a device at each connection of a gas appliance to a gas line in each individual unit that is being altered or added to; or
 - (ii) More than \$50,000 where fuel gas piping is not involved in the alteration or addition. Alterations or additions to individual units or tenant spaces shall require an approved gas shut-off device to be installed for all gas piping serving the building and a device at each connection of a gas appliance to a gas line in each individual unit that is being altered or added to.

C. Exceptions.

- 1. Gas-shut-off devices are not required to be installed downstream of the

gas utility meter where gas shut-off devices have been installed by the gas utility or a contractor authorized by the gas utility upstream of the gas utility meter and downstream of the meter service regulator and the installations are in accordance with this ordinance and with the manufacturer's specifications.

2. Gas shut-off devices installed on a building before the effective date of this ordinance are exempt from the requirements of this section provided they remain installed on the building or structure and are maintained for the life of the building or structure.
3. Gas shut-off devices installed on a gas distribution system owned or operated by a public utility are not be subject to the requirements of this chapter (Health & Safety Code § 19201(b)).
4. This chapter does not apply to mechanical or process equipment used in manufacturing.
5. This ordinance does not apply to gas shut-off devices installed with gas lines (Health & Safety Code § 19204).

D. General Requirements. Gas-Shut-Off Devices installed inhere in compliance with this ordinance or voluntarily, with a permit issued on or after the effective date of this ordinance, shall comply with all of the following requirements:

1. Be installed by a contractor licensed in the appropriate classification by the State of California and in accordance with the manufacturer's instructions.
 2. In the case of Seismic Gas-Shut-Off Devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the Building Inspector Department determines that the seismic gas shutoff device (motion sensitive) has been tested and listed for an alternate method of installation.
 3. In the case of Seismic Gas-Shut-Off Devices (motion sensitive) only, be certified by the State Architect and be listed by an approved listing and testing Agency such as IAS, IAMPO< UL or the office of the State Architect. In the case of Excess Flow Gas-Shut-Off Devices only, be certified by the State Architect or be listed by an approved listing and testing agency such as IAS, IAMPO, UL or the office of the State Architect.
 4. Have a thirty (30) year warranty, which warrants that the valve or device is free from defects, and will continue to operate properly for thirty (30) years from the date of installation.
 5. Where Gas-Shut-Off Devices are installed Voluntarily or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.
- E. List of Approved Valves and Devices. The Building Inspection Department shall maintain a list of all Seismic Gas-Shut-Off Devices (motion sensitive) and Excess Flow Gas-Shut-Off Devices (non-motion sensitive) which meet or exceed the requirements of devices certified by the Office of the State Architect for installation in the State of California

and which comply with the standards and criteria set forth in Health and Safety Code section 19180 et seq, including quality and design regulation for earthquake actuated automatic gas shutoff systems (see 24 Cal. Code Regs. Ch. 12-16-1).

CHAPTER 15.05

2010 CALIFORNIA MECHANICAL CODE WITH AMENDMENTS

Sections:

15.05.002 Adoption.

15.05.002 Adoption.

- (a) The mechanical code of this City is the 2010 California Mechanical Code (California Code of Regulations, Title 24, Part 4 [based on the 2006 Uniform Mechanical Code]), as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2010 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this mechanical code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the mechanical code are controlling and enforceable within the City.

ZOA\2008\01-08-Ordinance – Exhibit – Draft 2



Approved:

Gary A. Napper
City Manager/Executive Director

Agenda Date: 3-15-11

Agenda Item: 9b

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Assistant to the City Manager 
Merry Pelletier, Finance Manager 

DATE: March 15, 2011

SUBJECT: Review of the City's Annual Report on Developer Fees for FY 2009-10 in compliance with the reporting requirements of Section 66006 of the State Government Code (AB 1600)

RECOMMENDATION

Staff recommends the City Council receive public comments; adopt the attached Resolution No. __-2011, finding that there is a reasonable relationship between current needs for the fees and the purposes for which they were originally collected.

BACKGROUND

In 1989, Section 66000 et seq. of the Government Code became effective. When passed in 1987, this section was known as AB1600. When the Legislature passed AB1600, it added a new chapter to the Government Code on fees for development projects. The chapter sets forth a number of requirements that local agencies must follow if they are to exact fees from developers to defray the cost of construction of public facilities related to development projects. Section 66006 mandates the reporting requirements on fees that the local agency must adhere to each fiscal year.

Through the General Plan, the City of Clayton has established the nexus between the development and the capital improvements necessary to mitigate the effects of the development and approved fees to fund the mitigation measures. Further implementation of the fees is established in the Clayton Municipal Code sections related to each fee type.

DISCUSSION

Section 66006 (b)(1) of the Government Code requires each local agency to make public a report on developer fees within 180 days after the last day of each fiscal year. Section 66006 (2) also requires each local agency to review the report at a public meeting not earlier than 15 days after the information is made available to the public. The City of Clayton presented its year-end audited financial statement and closing reports on February 1, 2011.

The AB 1600 consists of a brief description of the fee type in the account or fund, the amount of the fee, the beginning and ending balance of the account or fund, the amount of fees collected and the interest earned. If there are funds in the accounts then there is also a requirement to make a finding that there is a reasonable relationship between current needs for and the purposes for which they were originally collected.

Development Impact Fees are due at different time in the stage of a development project. Some of the fees are due at time of final map, or building permit issuance; others not until final occupancy. There was no development impact fees collected during FY 09/10 as there was no development activity. The only revenue activity on the funds this past fiscal year was from interest earnings. Two more recent development projects (Oak Creek Canyon and Diablo Pointe) have not progressed this past year due to the economy. Diablo Pointe has just recently re-initiated entitlement processing under new developer. It is expected that fees collected for this project would occur in FY 10/11 and FY 11/12 depending on fee type and project development timing. There is not expected to be any activity progress on Diablo Pointe for FY 10/11.

There are funds in some accounts from previous year's development fee collection. These developer fees are Childcare Facilities; Parkland Dedication; Offsite Arterial improvement; Fire Protection; and Community Facilities. The Marsh Creek Road Sewer Fees, and the Police Mitigation Fees are not subject to AB 1600 report but included for tracking purposes. The summary of the balances of the various fees are listed on Attachment 2. Attachment 3 shows the outstanding Capital Improvement Program projects for which these funds are necessary. Details of the fund history are shown in Attachment 4 with detailed expenditure and revenue reports for each fee the City collected provided in Attachment 5. The City Development Impact fee schedule identifying the formula amount and when the fee is collected is shown on Attachment 6.

There are eight reporting requirements on fees that the local agency must adhere to each fiscal year:

1. Create separate capital facilities funds or accounts for each improvement funded with impact fees (Government Code Section 66006(a)).
2. Remit all interest income earned by the fees to the same fund; interest income must be spent solely on the purpose for which the fee was originally collected (Section 66006(a)).
3. Within 180 days after the close of each fiscal year, prepare a public report concerning each impact fee fund. Such report must include the fund's beginning and ending balance for the fiscal year, amount of fees and interest deposited into the fund for the fiscal year, and a description of each expenditure from the fund for that year, including identification of the improvement being funded (Section 66006(b)).
4. Review the report at a public meeting not less than 15 days after the report is released to the public (Section 66006(b)(2)).
5. If fees remain unexpended or uncommitted five years after being collected, the local agency is to make a finding that there remains a reasonable relationship between the current need for the fees and the purposes for which they were originally collected (Section 66001(d)).

6. Refund to current owner of lots or units developed projects any fees, with accrued interest, for which continued need cannot be demonstrated (Section 66001(e)).
7. A local agency must not co-mingle fees with any other revenue, except for temporary investment purposes (Section 66006(a)).
8. A local agency may not spend impact fees for maintenance or operation of improvements funded with impact fees (Section 65913.8).

In addition to the above reporting requirements of Section 66000 of the Government Code, local agencies can not use the fees subject to AB 1600 (developer impact fees) for the maintenance or operation of an improvement, only for public capital facility improvements. This restriction is a requirement of Section 65913.8 of the Government Code, and the City's developer fees are consistent with the definitions of "development project" and "local agency" used in Section 66000 of the Government Code. The annual report reflects the use of all impact fees for capital facility improvements. [The Marsh Creek Road Sewer Fees, and the Police Mitigation Fees are not subject to AB 1600 requirements as they are established as specific project mitigation fees per the projects Environmental Analysis].

The City is in full compliance with seven of the eight reporting requirements. The City is in partial compliance with No. 5 above, which requires expenditures or commitment of funds within five years of their collection. Compliance is obtained by adopting a resolution that makes a finding that there remains a reasonable relationship between the current need for the fees and the purpose for which they were originally proposed.

Of the aforementioned five reportable developer fees, four currently comply with the provision of AB1600 that funds be expended within five years of their collection - Park Dedication, Community Facilities, Fire Protection Development; the Off-site Arterial fund; only the Child Care fund balance is more than 5 years old.

Child Care Facilities: At the end of FY 09/10 there was \$36,962 available. Oakhurst development did not pay into these funds as it was established after Oakhurst was approved. Thus the small fund balance and long periods needed to achieve sufficient resources to utilize as intended. These funds are available to reimburse the RDA for its \$981,750 contribution to the Gym or to be used for the after-school care equipment and services or programming. Given the large RDA amount, and that the city is not expected to grow much, the funds would be better used to assist in capital assets that assist in the development of the Middle School Gym after-school childcare needs. In prior years during the 1990's some funds were provided to the Contra Costa Child Care Council for material needs of programs and to provide outreach to Clayton residents as to home and other child care opportunities and programs. There is a need to continue this impact fee in order to collect sufficient funds to address future new capital needs, and/or to reimburse the RDA. In FY 09/10 there were not funds collected only \$1417 in interest earnings. Future funds will be collected from Oak Creek Canyon and Diablo Pointe when those projects are completed (occupancy permit). Given the economy it is not expected that only Diablo Pointe will progress in the next couple of fiscal years to where the funds would be received.

Parkland Dedication: The Park funds have a FY 09/10 ending balance of only \$58,416. During the 09/10 year \$55,885 in revenue was transferred from the remaining Clayton Oakhurst

Assessment District to reimburse some of the costs expended by this fund for the Clayton Community Park Upgrades (CIP#10407). The only other activity was the interest earnings of \$2,239. Diablo Pointe had already paid its required fees into this fund. These funds are collected when a development project files its final map. The only anticipated revenue from approved development projects would be Oak Creek Canyon when it files its final map (this would only be a total of \$15,414). However, per recent State Legislation (AB 333) tentative maps were automatically extended, the developer has now until January 2012 to file a final map. The City Council already has identified future improvements in the CIP to which park funds would be needed and used, including Keller House. These projects costs combined are estimated at least \$3.3 million, thus a need exists to continue this impact fee.

Offsite Arterial: On June 30, 2010, the Offsite Arterial funds had a balance of \$142,881.70. These funds can only be used for non maintenance capital projects on arterial roads which are Oakhurst Blvd., Marsh Creek Road, Pine Hollow Road, and Clayton Road. There were not any funds collected in FY 09/10, the only account revenue was from \$5,476 in interest earnings. The current balance is due to the collection in prior fiscal years from four projects (Mitchell Creek Pl, Longs, Flora Square, and Village Market. Future funds will be collected from Oak Creek Canyon and Diablo Pointe when those projects are completed. Given the economy it is not expected that only Diablo Pointe will progress in the next couple of fiscal years to where the funds would be. None of these collected funds are more than 5 years old. These fees will be used for projects in the CIP such as traffic signal on eastern Marsh Creek Road, Pine Hollow Road Upgrades etc. which cost, estimated at \$1.5 million, exceed current available funds and thus more time is needed in order to collect sufficient funds. Other funding is expected to come from other sources such as Measure C/J State (Caltrans), federal, and other sources. In general, the City does not have control over the funding process of other agencies. However, the City must have adequate funds on hand to leverage and provide matching funds as required when the other funds do become available to the City, and to maintain a competitive position to obtain the funds thus a need exists to continue this impact fee.

Fire Protection: In 1999/2000, the City's RDA provided a loan of \$350,000 in added funding for the new District's Clayton Fire Station. All Fire Mitigation funds to that time were also directed to this project. The RDA contribution has not been fully repaid from the mitigation fees. In FY 05/06 the balance was \$42,908 and these funds were transferred to reimburse the RDA loan, since the funds were 5 years old to that point. A second reimbursement transfer to the RDA loan was made in FY 09/10 of the funds balance of \$11,854. The RDA loan balance is now at \$307,091. Future funds collected will be transferred to reimburse the RDA for its loan, thus a need exists to continue this impact fee.

Community Facilities: This fund is currently at \$5,551. These funds are limited for improvements to City owned facilities (buildings and associated grounds). These and future funds are to be for future new capital projects such as the Keller House renovation, Endeavor Hall, Library, City Hall, Library, or Corporation Yard improvements or upgrades, which combined total exceeds \$1.7 million. Therefore there is a demonstrated need to continue this impact fee. During FY 09/10 the only revenue activity was \$213 in interest earnings.

Marsh Creek Road Sewer: In FY 04/05 the City established a Marsh Creek Road Sewer Impact fund for tracking purposes. This fund was initially loaned \$60,000 from the City General Fund to advance a master Sewer Plan for the Marsh Creek Road Specific Plan area. To date there has been spent \$62,281 associated with studies to determine a future development impact fee, which

would include reimbursement of this loan eventually to the General Fund. There were no expenses except for interest earnings owed, due to negative balance, of \$87 during FY 09/10.

Police Service Mitigation Fee: The City has in certain newer development projects through the CEQA process, identified impacts to Police Services and developed a mitigation measure to provide funding to reduce the identified impact. During FY 09/10 there was not any fees collected as there was no project activity requiring payment of this fee. The only activity was the interest earning of \$1,012. As of FY 09/10 with interest earnings the balance is \$26,412. The fees are individual project determined through the CEQA process and not subject to AB 1600 reporting requirements but are included for tracking purposes only, similar to Marsh Creek Road Sewer fund. The only other project completed and paid that was subject to this fee was Pine Hollow Estates. Future funds will be collected from Oak Creek Canyon and Diablo Pointe when those projects are completed. Given the economy it is not expected that only Diablo Pointe will progress in the next couple of fiscal years to where the funds would be received.

Open Space (active/passive) In Lieu Contribution Fee: In 2007 the City adopted a new ordinance provision, [Section 17.28.100C. (a),(b)] allowing an option for Planned Development zoned projects, in lieu of providing the on site open space (active and/or passive), a financial contribution could be provided. The funds collected for the active requirement can be used for acquisition and/or maintenance of active recreation areas in the City's park system. The passive portion can be used for maintenance of the City's trail system. The option for consideration of a developer request in lieu fee payment lies with the City. There is no set amount as it is determined on a case by case basis using criteria in the ordinance and is not subject to AB 1600 reporting requirements but is included for tracking purposes only. In FY 06/07 the City received \$40,000 from the Mitchell Creek Place specified for a project for a future tot lot at Lydia Lane Park. The balance at the end of FY09/10 including interest earnings is \$45,930. (The collected funds however were spent for the Lydia Lane Tot Lot in FY 10/11).

SUMMARY

To comply with AB1600, the City Council must make findings that there is a reasonable relationship between current need for the fees and the purposes for which they were originally charged as demonstrated by programming of fees in the CIP and city budget. It is important that the City Council make these findings to ensure continuance of funding resources for these important programs.

Although AB1600 requires that fees collected from developers be expended within five years, the law, as noted previously, also allows exceptions. Exceptions are provided in recognition that some projects require an extended planning period. There can be a number of reasons for this and may include: project costs can be of a magnitude it that requires longer than five years for costs required to accrue; or matching funds may not be available within the five-year period.

As indicated in Attachment 3, City's Capital Improvement Program, there are many projects that have time frames that vary widely notably being Parks, Community Facility, as well as street improvements which total over \$10,808,147. Of these about \$4,300,000 are eligible project costs to which collected development fees are needed. The fund needs for the identified projects are far greater than the amount of fees that are possible to collect in a five-year period. Construction will only be possible by leveraging these funds to obtain matching monies from Measure C/J, State, federal, regional (Measure WW) or other sources.

The City has shown that there remains a nexus between current needs for these impact fees and the purposes for which they were originally and are still needed in the future to be collected. This was accomplished by Council's prior approval of the City's CIP which indicate the projects to be constructed and directing staff to allocate the collected funds to the various projects. In addition the City has demonstrated that it has expended costs for the new fire station that exceed funds currently available to repay the RDA as well as costs for the Gym to continue to enhance after school child care program needs at the new gym.

As noted above, AB1600 requires that within 180 days of the close of the fiscal year, the City make available to the public the beginning and ending balance of each fee for the fiscal year, the fee interest and other income, the amount of expenditure, and fund allocations by fee category.

Staff believes that the intent of the legislation is to provide a reasonable period of time to close the books in order to provide accurate financial information, including all outstanding expenditures and revenues for the entire fiscal year. The City presented its FY 09/10 year-end closing report on February 1, 2011.

As also noted above, not less than 15 days after the information is made public, the City Council is required to review this information at its next regularly scheduled public meeting. Since this information was made available to the public on February 1, 2011, the information has been placed on the March 15, 2011 Council agenda for review, in compliance with the reporting requirements.

FISCAL IMPACT

None

CONCLUSION

Staff recommends that Council adopt the attached Resolution, No. __-2011, finding that there is a reasonable relationship between current needs for the fees and the purposes for which they were originally collected

Attachments:

1. Resolution No __-2011
2. Fee Fund Balance Summary
3. Capital Improvement Program Projects with Funding needs
4. Fund History Detail
5. Revenue/Expense Fund detail
6. Impact Fee schedule

RESOLUTION NO. ____-2011

**A RESOLUTION FINDING THAT THERE REMAINS A REASONABLE
RELATIONSHIP BETWEEN CURRENT NEEDS FOR THE CITY'S DEVELOPMENT
IMPACT FEES AND THE PURPOSES FOR WHICH THEY WERE ORIGINALLY
CHARGED (GOVERNMENT CODE SECTION 66000 ET. SEQ.)**

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

WHEREAS, the City's adopted General Plan, and Capital Improvement Program identifies improvements necessitated by continued development in the City and fees pay for development impacts; and

WHEREAS, the City has been authorized by Municipal Code Sections 3.16.020 (Community Facilities), 3.18.040 (Fire Protection), 16.12.010 (Parkland Dedication), 16.60.050 (Childcare), and Resolution 36-81 (Offsite Arterial Streets), to establish and collect these impact fees; and

WHEREAS, the City has established discrete accounts and fees to finance the construction of these improvements as mitigation measures for continued development within the City; and

WHEREAS, the City annually adopts a comprehensive Capital Improvement Program to prioritize improvements and allocates funds to construct the improvements as mitigation for continued development in the City; and

WHEREAS, these improvements are scheduled to be constructed over time as sufficient funds become available; and

WHEREAS, many of these identified improvements are of such size that sufficient funds have not been collected or obtained in order to construct these improvements by expending fees collected within the five-year expenditure period provided by Government Code Section 66001(d); and

WHEREAS, there continues to be a distinct nexus between continued development and the necessity to mitigate developments impacts; and

WHEREAS, fees collected previously and in the future are necessary to fund future improvements as indicated in the City's Capital Improvement Program; and/or to reimburse the Agency for the advance funding to construct the Fire Station and the Community Gym/after school-childcare room; and

WHEREAS, certain fees collected in the Child Care Fund are more than five years old, however are still necessary pursuant to AB1600 for the purpose in which they are collected as project costs exceed current available funds collected thus it will take longer to collect the necessary funds for the improvements: and Child Care fees (to fund equipment and capital assets for the new after school needs at the Clayton Community Gym).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby accept the above Recitals as fact, finds that there remains a reasonable relationship between the current need for the impact fees and the purposes for which they were originally collected.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular meeting thereof held on the 15th day of March, 2011 by the following vote:

AYES:

NOES:

ABSENT:

THE CITY OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

ALLOCATED
FUND BALANCE
AS OF 06-30-09
M.P. 3-15-11

FUND	(A) FUND BALANCE	(B) RESERVES	(C) DESIGNATED	(D) TOTAL ALLOCATED FUND BALANCE (B+C=D)	(E) UNALLOCATED RESERVES (A-D)
CHILDCARE FACILITIES	36,962		36,962	36,962	-
PARKLAND DEDICATION	58,416		58,416	58,416	-
OFFSITE ARTERIAL IMPROVEMENT	142,881		142,881	142,881	-
FIRE PROTECTION FEES	-		-	-	-
COMMUNITY FACILITIES	5,551		5,551	5,551	-
MARSH CREEK ROAD SEWER FEES	(2,281)		(2,281)	(2,281)	-
POLICE IMPACT FEES	26,412		26,412	26,412	-
OPEN SPACE IN-LIEU FEES	45,930		45,930	45,930	-
TOTAL	313,871		313,871	313,871	-

Footnotes:

- | | |
|---------------------------------------|------------|
| 1. Gym Project loan balance from RDA | \$ 981,750 |
| 2. Fire Station loan balance from RDA | \$ 307,092 |
| 3. Sewer Study loan balance from GF | \$ 62,281 |

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2010/11 to 2014/15

Summary of Project Costs by Fiscal Year

**Deleted by City Council

Project Number	Project Category	Project Description	Prior Year Funding	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	Future Costs	Total Budget
10330	Streets	Overlays	\$ 514,000.00	\$	\$	\$	\$	\$	\$	\$ 514,000.00
10331	Streets	Slurry Seals	\$	\$	\$	\$	\$	\$	\$	\$
10332	Streets	High Street Bridge	\$ 65,000.00	\$	\$	\$	\$	\$	\$	\$ 65,000.00
10333	Streets	Marsh Creek Road - TEA-21	\$ 1,300,000.00	\$	\$	\$	\$	\$	\$	\$ 1,300,000.00
10334	Parks	Community Dog Park	\$ 27,500.00	\$	\$	\$	\$	\$	\$	\$ 27,500.00
10335	Parks	El Molino Park	\$ 30,000.00	\$	\$	\$	\$	\$	\$	\$ 30,000.00
10336	Parks	Lydia Lane Park Ph. II	\$	\$ 40,000.00	\$	\$	\$	\$	\$	\$ 40,000.00
10337	Facilities	Keller House Rehabilitation	\$ 219,523.00	\$	\$	\$	\$	\$	\$ 1,780,477.00	\$ 219,523.00
10337A	Facilities	Endeavor Hall	\$ 1,450,000.00	\$	\$	\$	\$	\$	\$	\$ 1,450,000.00
10338	Facilities	Youth Center/Gym	\$ 4,900,000.00	\$	\$	\$	\$	\$	\$	\$ 4,900,000.00
10339	Facilities	Marsh Creek Road Landscape	\$ 400,000.00	\$	\$	\$	\$	\$	\$	\$ 400,000.00
10340	Streets	Center Street Crossing	\$ 172,000.00	\$	\$	\$	\$	\$	\$	\$ 172,000.00
10341	GHAD	Windmill Debris Basin	\$ 75,000.00	\$	\$	\$	\$	\$	\$	\$ 75,000.00
10342	GHAD	Crow Debris Basin	\$	\$	\$	\$	\$	\$	\$ 100,000.00	\$ 100,000.00
10343	GHAD	Obsidian Landslide (in 10347)	\$	\$	\$	\$	\$	\$	\$	\$
10344	GHAD	Clayton Rd. Landslides	\$ 1,240,000.00	\$	\$	\$	\$	\$	\$	\$ 1,240,000.00
10345	GHAD	Black Diamond Landslide**	\$	\$	\$	\$	\$	\$	\$	\$
10346	GHAD	V-ditch Repairs	\$ 144,063.00	\$	\$	\$	\$	\$	\$	\$ 144,063.00
10347	GHAD	Eagle Peak Slope Repair	\$	\$	\$	\$	\$	\$	\$ 1,125,000.00	\$ 1,125,000.00
10347A	GHAD	Keller Ridge Drive Area Slope Repair	\$	\$	\$	\$	\$	\$	\$ 50,000.00	\$ 50,000.00
10348	GHAD	Community Park Slide Repair	\$	\$	\$	\$	\$	\$	\$ 100,000.00	\$ 100,000.00
10349	Facilities	Downtown Elec. Com.	\$ 40,000.00	\$	\$	\$	\$	\$	\$	\$ 40,000.00
10350	Facilities	Fire Station	\$ 1,610,000.00	\$	\$	\$	\$	\$	\$	\$ 1,610,000.00
10351	Landscaping	Library Landscaping	\$ 194,000.00	\$	\$	\$	\$	\$	\$	\$ 194,000.00
10352	Streets	Downtown Revitalization	\$ 3,003,500.00	\$	\$	\$	\$	\$	\$	\$ 3,003,500.00
10353	Streets	Four Oaks Area	\$ 237,700.00	\$	\$	\$	\$	\$	\$	\$ 237,700.00
10354	Streets	Oak Street Bridge	\$ 62,000.00	\$	\$	\$	\$	\$	\$	\$ 62,000.00
10355	Streets	Westwood Open Space	\$ 72,000.00	\$	\$	\$	\$	\$	\$	\$ 72,000.00
10356	Facilities	Old City Hall Renovation	\$ 500,000.00	\$	\$	\$	\$	\$	\$	\$ 500,000.00
10357	Facilities	Grove Property Acquisition	\$ 108,000.00	\$	\$	\$	\$	\$	\$	\$ 108,000.00
10358	Facilities	Endeavor Hall Parking I	\$ 165,500.76	\$	\$	\$	\$	\$	\$	\$ 165,500.76
10359	Facilities	Endeavor Hall Parking II	\$	\$	\$	\$	\$	\$	\$ 325,000.00	\$ 325,000.00
10360	Facilities	Stanley Property	\$	\$	\$	\$	\$	\$	\$	\$
10361	Facilities	Stanley Property Parking**	\$	\$	\$	\$	\$	\$	\$	\$
10362	Facilities	Corp. Yard Expansion	\$ 598,720.00	\$	\$	\$	\$	\$	\$	\$ 598,720.00
10363	Streets	Downtown Signage**	\$	\$	\$	\$	\$	\$	\$	\$
10364	Facilities	Library Parking Expansion	\$	\$	\$	\$	\$	\$	\$	\$
10365	Facilities	Police Parking Expansion	\$	\$	\$	\$	\$	\$	\$	\$
10366	Parks	Downtown Park	\$ 2,009,700.00	\$	\$	\$	\$	\$	\$	\$ 2,009,700.00
10367	Parks	City Hall Park**	\$	\$	\$	\$	\$	\$	\$	\$
10368	Streets	Marsh Creek Road Narrowing**	\$	\$	\$	\$	\$	\$	\$	\$
10369	Streets	Creek Revitalization	\$	\$	\$	\$	\$	\$	\$	\$
10370	Streets	Survey Monuments	\$ 30,000.00	\$	\$	\$	\$	\$	\$ 3,000,000.00	\$ 3,000,000.00
10371	Streets	Traffic Signal Modifications	\$ 9,900.00	\$	\$	\$	\$	\$	\$	\$ 9,900.00
10372	Streets	Peacock Creek Dr. Signal	\$ 155,000.00	\$	\$	\$	\$	\$	\$	\$ 155,000.00
10373	Streets	North Valley Park	\$ 45,000.00	\$	\$	\$	\$	\$	\$	\$ 45,000.00
10374	Parks		\$	\$	\$	\$	\$	\$	\$	\$

Summary of Project Costs by Fiscal Year

**Deleted by City Council

Project Number	Project Category	Project Description	Prior Year Funding	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	Future Costs	Total Budget
10375	Parks	Samuel Ct. Park	\$	\$	\$	\$	\$	\$	\$	\$
10376	Facilities	Equestrian Singing Area	\$	\$	\$	\$	\$	\$	\$	\$
10377	Streets	DVMS - Right Turn Lane	\$	\$	\$	\$	\$	\$	\$	\$
10378	Streets	Keller Ridge Drive Planters	\$	\$	\$	\$	\$	\$	\$	\$
10379	Streets	Pine Hollow Road - Entry	\$	\$	\$	\$	\$	\$	\$	\$
10380	Parks	Community Park - Rt. Turn Lane**	\$	\$	\$	\$	\$	\$	\$	\$
10381	Parks	Booce Ball Courts	\$	\$	\$	\$	\$	\$	\$	\$
10382	GHAD	Inclinometers	\$	\$	\$	\$	\$	\$	\$	\$
10383	GHAD	Keller Ridge Drive Subdrain	\$	\$	\$	\$	\$	\$	\$	\$
10384	Streets	Mitchell Canyon Rd. Overlay	\$	\$	\$	\$	\$	\$	\$	\$
10385	Parks	Community Park Tot Lot Upgrade	\$	\$	\$	\$	\$	\$	\$	\$
10386	GHAD	Wells**	\$	\$	\$	\$	\$	\$	\$	\$
10387	Streets	Pavement Rehab 2002/03	\$	\$	\$	\$	\$	\$	\$	\$
10388	Streets	Pavement Rehab 2003/04	\$	\$	\$	\$	\$	\$	\$	\$
10389	Streets	Pavement Rehab 2004	\$	\$	\$	\$	\$	\$	\$	\$
10390	Streets	Pavement Rehab 2005**	\$	\$	\$	\$	\$	\$	\$	\$
10391	Streets	Pavement Rehab 2006	\$	\$	\$	\$	\$	\$	\$	\$
10392	Sewers	Oak - High Street	\$	\$	\$	\$	\$	\$	\$	\$
10393	Parks	Skateboard Park	\$	\$	\$	\$	\$	\$	\$	\$
10394	Streets	Handicap Ramps - RDA Area	\$	\$	\$	\$	\$	\$	\$	\$
10394A	Streets	ADA Compliance Program	\$	\$	\$	\$	\$	\$	\$	\$
10395	Streets	Catch Basin Modifications	\$	\$	\$	\$	\$	\$	\$	\$
10396	Streets	East Marsh Creek Road Signal	\$	\$	\$	\$	\$	\$	\$	\$
10397	Streets	Utility Undergrounding	\$	\$	\$	\$	\$	\$	\$	\$
10398	Streets	Clayton Rd. MCR Shurry Seal	\$	\$	\$	\$	\$	\$	\$	\$
10399	Sewers	Pine Hollow Area	\$	\$	\$	\$	\$	\$	\$	\$
10400	Other	Downtown Economic Development	\$	\$	\$	\$	\$	\$	\$	\$
10401	Streets	Pedestrian Xing Signals**	\$	\$	\$	\$	\$	\$	\$	\$
10402	Streets	Clayton Road Trail Connection	\$	\$	\$	\$	\$	\$	\$	\$
10403	Streets	Downtown Entry Signage (in 10402)	\$	\$	\$	\$	\$	\$	\$	\$
10404	Streets	Marsh Creek Rd. Retaining Wall	\$	\$	\$	\$	\$	\$	\$	\$
10405	Streets	2007 Pavement Patching Project	\$	\$	\$	\$	\$	\$	\$	\$
10406	Streets	2008 Pavement Rehab Project	\$	\$	\$	\$	\$	\$	\$	\$
10407	Streets	Clayton Road Trail Connection	\$	\$	\$	\$	\$	\$	\$	\$
10408	Streets	2009 Pavement Rehab Project**	\$	\$	\$	\$	\$	\$	\$	\$
10409	Streets	2010 Pavement Rehab Project	\$	\$	\$	\$	\$	\$	\$	\$
10410	Streets	2011 Pavement Rehab Project	\$	\$	\$	\$	\$	\$	\$	\$
10411	Streets	2012 Pavement Rehab Project	\$	\$	\$	\$	\$	\$	\$	\$
10412	Streets	2009 Arterial Overlay Project	\$	\$	\$	\$	\$	\$	\$	\$
10413	Parks	Community Park Lighting, etc.	\$	\$	\$	\$	\$	\$	\$	\$
10414	Streets	Marsh Creek Rd. Upgrade	\$	\$	\$	\$	\$	\$	\$	\$
10415	Parks	Well Renovation	\$	\$	\$	\$	\$	\$	\$	\$
10416	Streets	Marsh Creek Rd. (old) Overlay	\$	\$	\$	\$	\$	\$	\$	\$
10417	Streets	2013 Pavement Rehab Project	\$	\$	\$	\$	\$	\$	\$	\$
10418	Streets	2014 Pavement Rehab Project	\$	\$	\$	\$	\$	\$	\$	\$
Cost Totals			\$ 38,328,324.77	\$ 1,550,500.00	\$ 419,000.00	\$ 1,500,000.00	\$ 419,000.00	\$ 419,000.00	\$ 10,808,147.00	\$ 53,443,971.77

Red denotes completed projects

Green denotes active projects funded in FY 10/11

Blue denotes active projects funded prior to FY 10/11

** Deleted by City Council

2010/11-2014/15 Capital Improvement Program

Category	Project Number	Project
Parks	10413	Community Park Lighting, Resurfacing & Parking

DESCRIPTION - LOCATION

Install sports field lighting, remove and replace turf with synthetic surfacing and construct additional parking spaces at Clayton Community Park

COMMENTS

Revised 3/08/10. Project scope revised by City Council to include only the expansion of parking along lower field from existing lot to Gym driveway and the construction of a snack bar, with cooking facilities, at the lower field.

Project must be submitted to EBRPD in Feb., 2011 for approval and funding.



Estimated Cost	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Preliminary Design								
Final Design	\$26,600	\$33,400						\$60,000
Construction		\$407,000						\$407,000
CM/Inspection		\$25,000						\$25,000
ROW Acquisition								
Other								
TOTAL	\$26,600	\$465,400						\$492,000

Funding (Sources)	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Measure WW		\$492,000						\$492,000
Total		\$492,000						\$492,000

City of Clayton

2010/11-2014/15 Capital Improvement Program

Category	Project Number	Project
Parks	10336	Lydia Lane Park – Phase II

DESCRIPTION - LOCATION

Construction of horse shoe pits and other activity facilities.

COMMENTS

Construction changed to a tot lot per agreement with Mitchell Creek Place developer. Funds must be expended by June 2012.



Estimated Cost	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Preliminary Design								
Final Design		\$2,000						\$2,000
Construction		\$36,000						\$36,000
CM/Inspection		\$2,000						\$2,000
ROW Acquisition								
Other								
TOTAL		\$40,000						\$40,000

Funding (Sources)	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Developer Fee	\$40,000							\$40,000
Total	\$40,000							\$40,000

2010/11-2014/15 Capital Improvement Program

Category	Project Number	Project
Parks	10393	Skateboard Park

DESCRIPTION - LOCATION

Construct skateboard park at an undetermined location.

COMMENTS

Undetermined

Estimated Cost	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Preliminary Design								
Final Design							\$25,000	\$25,000
Construction							\$240,000	\$240,000
CM/Inspection							\$35,000	\$35,000
ROW Acquisition								
Other								
TOTAL							\$300,000	\$300,000

Funding (Sources)	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Unfunded							\$300,000	\$300,000
Total							\$300,000	\$300,000

City of Clayton

2010/11-2014/15 Capital Improvement Program

Category	Project Number	Project
Streets	10379	Pine Hollow Rd. - Upgrade

DESCRIPTION - LOCATION

Improve City entry on Pine Hollow Road with new painting, monument sign, etc.



COMMENTS

Revised 3/08/10. Widen north side of Pine Hollow Road with new curb, gutter, and sidewalk between Pine Hollow Estates and westerly City Limit.

Work will require acquisition of right of way for new improvements. Conform paving will cross City Limit line into Concord. Install previously purchased entry sign on south side of roadway within existing pavement/ROW area.

Originally scheduled for funding from Measure J. This funding will be transferred for the overlay of Marsh Creek Road (old), CIP Project No. 10416.

Estimated Cost	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Preliminary Design								\$25,000
Final Design								\$202,000
Construction								\$15,000
CM/Inspection								\$50,000
ROW Acquisition								
Other								
TOTAL								\$292,000

Funding (Sources)	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Unfunded								\$292,000
Total								\$292,000

City of Clayton

2010/11-2014/15 Capital Improvement Program

Category	Project Number	Project
Streets	10414	Marsh Creek Road Upgrade Regency Drive to Pine Lane

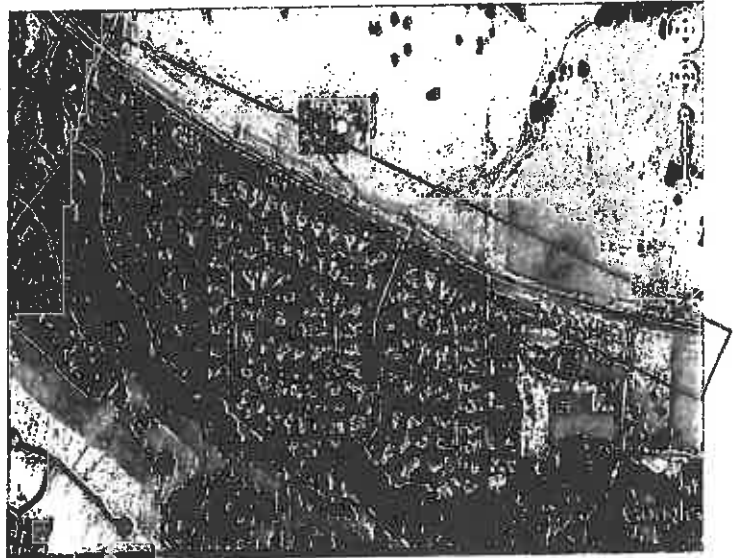
DESCRIPTION - LOCATION

Widen existing roadway to provide two full-width travel lanes, bike lanes, shoulders and pedestrian paths.

COMMENTS

Due to possible land movement areas and steep grades along the roadway, there may be the need for additional right of way in order to complete the proposed work. The stormwater requirements coming into effect will necessitate some type of water treatment.

Original budget was \$1,200,000; \$119,000 transferred to Marsh Creek Road (old) Overlay project, CIP Project No. 10416



Estimated Cost	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Preliminary Design				\$30,000				\$30,000
Final Design				\$40,000				\$40,000
Construction					\$921,000			\$921,000
CM/Inspection					\$40,000			\$40,000
ROW Acquisition				\$50,000				\$50,000
Other								
TOTAL				\$120,000	\$961,000			\$1,081,000

Funding (Sources)	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Measure J				\$1,081,000				\$1,081,000
Total				\$1,081,000				\$1,081,000

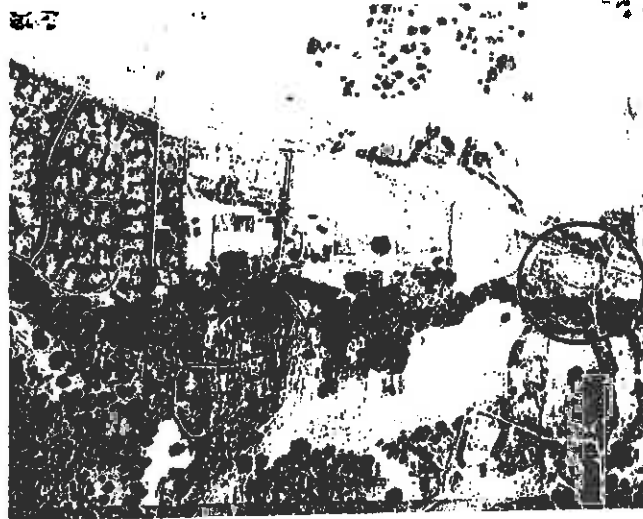
City of Clayton

2010/11-2014/15 Capital Improvement Program

Category	Project Number	Project
Streets	10396	East Marsh Creek Road Traffic Signal

DESCRIPTION - LOCATION

Install traffic signal on Marsh Creek Road
somewhere east of Diablo Parkway.



COMMENTS

City Council postponed project.

Estimated Cost	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Preliminary Design							\$15,000	\$15,000
Final Design							\$150,000	\$150,000
Construction							\$15,000	\$15,000
CM/Inspection								
ROW Acquisition							\$50,000	\$50,000
PG&E Poles							\$230,000	\$230,000
TOTAL								

Funding (Sources)	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Unfunded							\$230,000	\$230,000
Total							\$230,000	\$230,000

City of Clayton

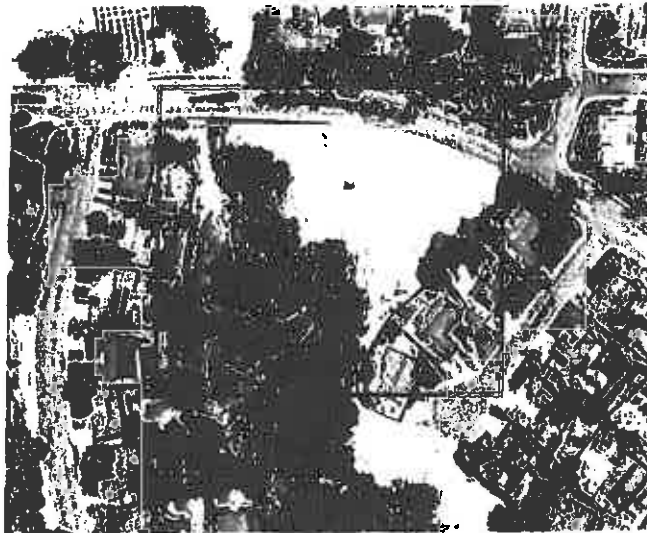
2010/11-2014/15 Capital Improvement Program

Category	Project Number	Project
Streets	10375	Samuel Ct. Park

DESCRIPTION - LOCATION

Install landscaping and irrigation improvements.

COMMENTS



Estimated Cost	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Preliminary Design								
Final Design							\$5,000	\$5,000
Construction							\$65,000	\$65,000
CM/Inspection							\$5,000	\$5,000
ROW Acquisition								
Other								
TOTAL							\$75,000	\$75,000

Funding (Sources)	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Unfunded							\$75,000	\$75,000
Total							\$75,000	\$75,000

City of Clayton

2010/11-2014/15 Capital Improvement Program

Category	Project Number	Project
Facilities	10337A	Keller House Rehabilitation

DESCRIPTION - LOCATION

Rehabilitation of historical ranch home and grounds located across Mt. Diablo Creek from the library.



COMMENTS

Estimated Cost	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Preliminary Design								
Final Design								
Construction							\$1,780,477	\$1,780,477
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							\$1,780,477	\$1,780,477

Funding (Sources)	Prior Yrs.	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
Unfunded							\$1,780,477	\$1,780,477
Total							\$1,780,477	\$1,780,477

City of Clayton

DEVELOPMENT IMPACT FEES
REVENUES & EXPENDITURES
FY 2005 to FY 2010
M.P. 3-15-11

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	Ending Balance
CHILDCARE FACILITY FEES								
REVENUE								
Childcare Facility Fees (5307)	-	-	-	-	6,483			6,483
Interest	549	780	487	662	1,105	1,427	1,417	6,427
EXPENDITURES								
Total		-					-	-
Total Revenue/over(under) Expenditures	549	780	487	662	7,588	1,427	1,417	12,910
OTHER FINANCING SOURCES (USES)								
Operating Transfers in								-
Operating Transfers out								
Total	-							
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	549	780	487	662	7,588	1,427	1,417	12,910
FUND BALANCE JULY 1	24,052	24,601	25,381	25,868	26,530	34,118	35,545	36,962
FUND BALANCE JUNE 30	24,601	25,381	25,868	26,530	34,118	35,545	36,962	

PARKLAND DEDICATION FEES								
REVENUE								
Parkland Dedication Fees (5313)			21,912	23,121	60,016	280	55,885	161,214
Interest	1,345	1,815	455	1,210	3,634	12	2,239	10,710
EXPENDITURES								
Community Park Tot Lot CIP 092	75,000	6,500	-	-				81,500
Downtown Park CIP 090			57,234					57,234
Community Park Upgrades CIP 10407					112,163			112,163
Total	75,000	6,500	57,234	-	112,163			250,897
Total Revenue/over(under) Expenditures	(73,655)	(4,685)	(34,867)	24,331	(48,513)	292	58,124	(88,876)
OTHER FINANCING SOURCES (USES)								
Operating Transfers in								
Operating Transfers out								
Total	-	-		-			-	
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	(73,655)	(4,685)	(34,867)	24,331	(48,513)	292	58,124	(78,973)
FUND BALANCE JULY 1	137,389	63,734	59,049	24,182	48,513	0	292	58,416
FUND BALANCE JUNE 30	63,734	59,049	24,182	48,513	0	292	58,416	

DEVELOPMENT IMPACT FEES
REVENUES & EXPENDITURES
FY 2005 to FY 2010
M.P. 3-15-11

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	Ending Balance
OFFSITE ARTERIAL IMPROVEMENT FEES								
REVENUE								
Offsite Arterial Improvement Fees (5314)	-	-	11,648	-	114,147	-		125,795
Interest	31	77	271	369	4,317	4,163	5,476	14,704
EXPENDITURES								
								-
Total	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	31	77	11,919	369	118,464	4,163	5,476	140,498
OTHER FINANCING SOURCES (USES)								
Operating Transfers in								
Operating Transfers out								
Total								
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	31	77	11,919	369	118,464	4,163	5,476	140,498
FUND BALANCE JULY 1	2,383	2,414	2,491	14,410	14,779	133,242	137,405	142,881
FUND BALANCE JUNE 30	2,414	2,491	14,410	14,779	133,242	137,405	142,881	
FIRE PROTECTION FEES								
REVENUE								
Fire Protection Fees (5317)	2,400			-	8,397	2,700		13,497
Interest	961	-	-	-	281	476		1,718
EXPENDITURES								
Reimbursement for Clayton Fire Station			-	-				-
Total					-			
Total Revenue/over(under) Expenditures	3,361			-	8,678	3,176		15,215
OTHER FINANCING SOURCES (USES)								
Operating Transfers in								
Operating Transfers out to RDA		42,908					11,854	54,762
Total		(42,908)					(11,854)	(54,762)
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	3,361	(42,908)	-		8,678	3,176	(11,854)	(39,547)
FUND BALANCE JULY 1	39,547	42,908	0	0	0	8,678	11,854	(0)
FUND BALANCE JUNE 30	42,908	0	0	0	8,678	11,854	(0)	

DEVELOPMENT IMPACT FEES
REVENUES & EXPENDITURES
FY 2005 to FY 2010
M.P. 3-15-11

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	Ending Balance
COMMUNITY FACILITIES FEES								
REVENUE								
Community Facilities Fees (5323)	-	-	3,600	-	19,041			22,641
Interest	(265)	(382)	(169)	(230)	329	214	213	(290)
EXPENDITURES								
Endeavor Hall Shudders						5,024		5,024
Total	-	-	-	-	-	5,024	-	5,024
Total Revenue/over(under) Expenditures	(265)	(382)	3,431	(230)	19,370	(4,810)	213	17,327
OTHER FINANCING SOURCES (USES)								
Operating Transfers in								
Operating Transfers out								
Total								
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	(265)	(382)	3,431	(230)	19,370	(4,810)	213	17,327
FUND BALANCE JULY 1	(11,776)	(12,041)	(12,423)	(8,992)	(9,222)	10,148	5,338	5,551
FUND BALANCE JUNE 30	(12,041)	(12,423)	(8,992)	(9,222)	10,148	5,338	5,551	
MARSH CREEK RD SEWER FEES								
REVENUE								
Marsh Creek Rd Sewer Fees	-	-	-	-				-
Interest	(22)	946	243	330	(37)	(88)	(87)	1,286
EXPENDITURES								
Marsh Creek Road Sewer Survey	896	29,239	18,112	-	14,344	976		63,567
Total	896	29,239	18,112	-	14,344	976		63,567
Total Revenue/over(under) Expenditures	(918)	(28,293)	(17,869)	330	(14,381)	(1,064)	(87)	(62,281)
OTHER FINANCING SOURCES (USES)								
Operating Transfers in General Fund Loan		60,000	-	-				60,000
Operating Transfers out								-
Total	-	60,000	-	-				60,000
Excess(Deficiency) of Revenue and Other Sources Over(Under) Expenses & Other Financing Sources	(918)	31,707	(17,869)	330	(14,381)	(1,064)	(87)	(2,281)
FUND BALANCE JULY 1	-	(918)	30,789	12,921	13,251	(1,130)	(2,194)	(2,281)
FUND BALANCE JUNE 30	(918)	30,789	12,921	13,251	(1,130)	(2,194)	(2,281)	

DEVELOPMENT IMPACT FEES
REVENUES & EXPENDITURES
FY 2005 to FY 2010
M.P. 3-15-11

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	Ending Balance
POLICE IMPACT FEE								
REVENUE								
Police Impact Fee	-	-	10,155	-	-	13,410	-	23,565
Interest	-	-	195	265	355	1,020	1,012	2,847
EXPENDITURES								
	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
Total Revenue/over(under)Expenditures	-	-	10,350	265	355	14,430	1,012	26,412
OTHER FINANCING SOURCES (USES)								
Operating Transfers In	-	-	-	-	-	-	-	-
Operating Transfers Out	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
Excess(Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	-	-	10,350	265	355	14,430	1,012	26,412
FUND BALANCE JULY 1	-	-	-	10,350	10,615	10,970	25,400	26,412
FUND BALANCE JUNE 30	-	-	10,350	10,615	10,970	25,400	26,412	
OPEN SPACE IN-LIEU FEE								
REVENUE								
Open Space In-Lieu Fee	-	-	-	40,000	-	-	-	40,000
Interest	-	-	-	1,023	1,374	1,773	1,760	5,930
EXPENDITURES								
	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
Total Revenue/over(under)Expenditures	-	-	-	41,023	1,374	1,773	1,760	45,930
OTHER FINANCING SOURCES (USES)								
Operating Transfers In	-	-	-	-	-	-	-	-
Operating Transfers Out	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
Excess(Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	-	-	-	41,023	1,374	1,773	1,760	45,930
FUND BALANCE JULY 1	-	-	-	-	41,023	42,397	44,170	45,930
FUND BALANCE JUNE 30	-	-	-	41,023	42,397	44,170	45,930	
All FUND BALANCES	120,698	105,288	78,738	145,488	238,423	257,810	313,871	313,871

City of Clayton
 Childcare Facility Fees 304-5307
 1999-2010

Date	Receipt	Paid By	Amount	
10/18/1999	8437	Paula Pedersen	205.00	
1/20/2000	8467	Presley	1,230.00	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	1,435.00	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	1,640.00	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	1,845.00	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	205.00	
5/31/2000	9296	S. Carvajal-989 Oak St	205.00	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	410.00	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	205.00	
6/30/2000		General Ledger Balance		7,380.00
11/6/2000	9383	B&B Properties	665.20	
12/11/2000	9399	Clyde Miles Construction (115 Oak Ct)	205.00	
11/3/2000	9379	Ocean West-Commercial (Post Office)	713.00	
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	205.00	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	205.00	
5/30/2001	10660	Lemke-Oakwood Cir	205.00	
6/30/2001		General Ledger Balance		9,578.20
11/26/2001	10731	Diamond Terrace	7,800.00	
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	615.00	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	3,075.00	
11/27/2002	13467	Lydia-Rachel Ranch	1,640.00	
3/21/2003	13509	Larwin Vintage Clayton-Bridlewood	205.00	
6/30/2003		General Ledger Balance		22,913.20
6/30/2004		General Ledger Balance		22,913.20
6/30/2004		Interest Booked	1,688.00	
6/30/2005		Interest Booked	780.24	25,381.44
6/30/2006		Interest Booked	486.68	25,868.12
6/30/2007		Interest Booked	662.00	
7/31/2007	18577	Pine Hollow Estates	1,640.00	
9/30/2007	20008	Mitchell Creek Place	1,845.00	
10/31/2007	20691	Longs Drug Store	1,386.50	
10/31/2007	20698	Oak Center-Flora Square	1,497.20	
12/31/2007	20959	Village Market	114.62	33,013.44
6/30/2008		Interest Booked	1,105.00	34,118.44
6/30/2009		Interest Booked	1,427.00	35,545.44
6/30/2010		Interest Booked	1,417.00	36,962.44
6/30/2010		Adjusted General Ledger Balance		36,962.44

FY 2000-2004	RDA Loan to build Community Gym	981,750.00
FY	RDA Gym loan reimbursement	
6/30/2009	Balance due RDA	<u><u>981,750.00</u></u>

City of Clayton
 Park Dedication Fees - 304-5313
 1999-2010

Date	Receipt	Paid By	Amount	
10/18/1999	8437	Paula Pedersen-Oakwood Cir	2,569.00	
1/20/2000	8467	Presley-Diablo Village	8,106.54	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	9,457.63	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	10,808.72	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	12,159.81	
5/23/2000	9291	L. Afford - 8106 Marsh Ck Rd.	2,569.00	
5/31/2000	9296	S. Carvajal - 989 Oak St.	2,569.00	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	2,702.18	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	1,351.09	
6/30/2000		General Ledger Balance		52,292.97
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	2,569.00	
12/13/2000	9399	Miles Construction-115 Oak Ct.	2,569.00	
4/4/2001	10634	Aspen Valley Builders-1116 Oakwood Cir	2,569.00	
5/30/2001	10660	Lemke Construction-Oakwood Cir	2,569.00	
6/30/2001		General Ledger Balance		62,568.97
11/1/2001	11783	Mardel LLC-Bridlewood	48,811.00	
2/20/2002	11917	Lydia Associates-Rachel Ranch	20,552.00	
2002		CIP Projects-Westwood Park	(48,500.00)	
2002		CIP Project-Endeavor Hall Parking Lot	(27,594.80)	
6/30/2002		General Ledger Balance		55,837.17
9/23/2002		Diamond Terrace	75,268.00	
6/30/2003		General Ledger Balance		131,105.17
2004		Community Park Tot Lot (CIP)	(75,000.00)	
6/30/2004		General Ledger Balance		56,105.17
6/30/2004		Interest Booked	7,629.00	
6/30/2005		Community Park Tot Lot (CIP)	(6,500.00)	
6/30/2005		Interest Booked	1,815.23	59,049.40
10/27/2005		Lenox Homes-Pine Hollow Estates	20,272.00	
2/24/2009		Transfer from Lenox C&D Deposit	280.00	
5/31/2006	18577	Pine Hollow Estates	1,640.00	
12/31/2005		CIP Project - Down Town Park	(57,234.00)	
6/30/2006		Interest Booked	454.96	24,462.36
6/29/2007		Mitchell Creek Place	23,121.00	47,583.36
6/30/2007		Interest Booked	1,210.00	48,793.36
7/31/2007	18577	Pine Hollow Estates (s/b childcare)	(1,640.00)	47,153.36
3/10/2008	21232	Lemke Construction - Diablo Point	61,656.00	
6/30/2008		Interest Booked	3,634.00	
6/30/2008		Trans to Community Park Upgrades CIP 10407	(112,443.36)	-
1/31/2009		Trans from Pine Hollow Estates	280.00	
6/30/2009		Interest Booked	12.00	292.00
6/30/2010		*Trans from Oakhurst AD for CCPark Project	55,885.00	
6/30/2010		Interest Booked	2,239.00	58,416.00
6/30/2010		Adjusted General Ledger Balance		58,416.00

*Reimbursement for Community Park Upgrades CIP 10407 on 6/30/2008

City of Clayton
Off Site Arterial Improvement Fees 304-5314
1999-2009

				CIP 304-5314
Date	Receipt	Paid By	Amount	Balance
10/18/1999	8437	Paula Pedersen-1103 Oakwood Cir	1,456.00	
1/20/2000	8467	Presley-Diablo Village	8,736.00	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	10,192.00	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	11,648.00	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	13,104.00	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	1,456.00	
5/31/2000	9296	S. Carvajal-989 Oak St	1,456.00	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	2,912.00	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	1,456.00	
6/30/2000		General Ledger Balance		52,416.00
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	1,456.00	
11/3/2000	9379	Ocean West-Commercial Post Office	24,028.10	
11/6/2000	9383	B&B Properties-Commercial	22,417.24	
12/11/2000	9399	Clyde Miles-115 Oak	1,456.00	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	1,456.00	
5/30/2001	10660	Lemke-Oakwood Cir	1,456.00	
6/30/2001		General Ledger Balance		104,685.34
11/26/2001	10731	Diamond Terrace	87,634.00	
6/30/2002		General Ledger Balance		192,319.34
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	4,368.00	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	21,840.00	
3/21/2003	13509	Larwin Vintage Clayton-Bridlewood	1,456.00	
11/27/2002	13467	Lydia Assoc-Rachael Ranch	11,648.00	
6/30/2003		General Ledger Balance		231,631.34
2003		CIP Projects-Marsh Creek Road	(230,000.00)	
1/3/2003		Kelok&Keller Ridge Signs, striping	(346.00)	
6/30/2004		General Ledger Balance		1,285.34
6/30/2004		Interest Booked	1,129.00	
6/30/2005		Interest Booked	76.56	2,490.90
5/9/2006	18577	Pine Hollow Estates	11,648.00	
6/30/2006		Interest Booked	271.11	14,410.01
6/30/2007		Interest Booked	369.00	
8/31/2007	20008	Mitchell Creek Place	13,104.00	
10/2/2007	20691	Longs Drug Store	46,725.05	
10/3/2007	20698	Oak Center Project-Flora Square	50,455.64	
12/27/2007	20959	Village Market	3,862.00	
6/30/2008		Interest Booked	4,317.00	133,242.70
6/30/2009		Interest Booked	4,163.00	137,405.70
6/30/2010		Interest Booked	5,476.00	142,881.70
6/30/2009		Adjusted General Ledger Balance		142,881.70

City of Clayton
Fire Protection Fees 303-5317
1999-2010

Date	Receipt	Paid By	General Fund Amount	Fund Balance
10/18/1999	8437	Paula Pedersen-1103 Oakwood Cir	300.00	
1/20/2000	8467	Presley-Diablo Village	1,800.00	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	2,100.00	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	2,400.00	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	2,700.00	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	300.00	
5/31/2000	9296	S. Carvajal-989 Oak St	300.00	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	600.00	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	300.00	
6/30/2000		General Ledger Balance		10,800.00
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	300.00	
11/3/2000	9379	Ocean West-Commercial-Post Office	1,426.00	
11/6/2000	9383	B&B Properties-Commercial	1,330.40	
12/11/2000	9399	Clyde Miles Construction-115 Oak St	300.00	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	300.00	
5/30/2001	10660	Lemke-Oakwood Cir	300.00	
6/30/2001		General Ledger Balance		14,756.40
11/26/2001	10731	Diamond Terrace	17,200.00	
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	900.00	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	4,500.00	
3/21/2002	13509	Larwin Vintage Clayton-Bridlewood	300.00	
6/30/2003		General Ledger Balance		37,656.40
6/30/2004		General Ledger Balance	2,400.00	40,056.40
Total				
6/30/2004		Interest Booked	2,852.00	
6/30/2004		Adjusted General Ledger Balance		42,908.40
3/24/2005		Fireprotection fee reimbursement to RDA	(42,908.40)	
6/30/2006		General Ledger Balance		-
10/2/2007		Longs Drug Store	2,773.00	2,773.00
10/2/2007	20691	Oak Center-Flora Square	2,994.40	
10/9/2007	20701	Pine Hollow Estates	2,400.00	
12/27/2007	20959	Village Market	229.20	
6/30/2008		Interest Booked	281.00	
8/13/2008	21056	Mitchell Creek Place	2,700.00	
6/30/2009		Interest Booked	476.00	
1/15/2010		Transfer to RDA (JE Dec18)	(11,854.00)	
6/30/2010		Adjusted General Ledger Balance		(0)
FY 2000/01		RDA Loan to Fire Station		350,000.00
FY 2004-05		Fire protection fee reimbursement		(42,908.40)
6/30/2009		Balance due RDA		307,091.60

City of Clayton
Property Development Fees 303-5323
Reclassified to Community Facilities Development Fees 304-5323
1999-2010

Date	Receipt	Paid By	Amount	Balance
10/04/99	8437	Pedersen	450.00	
01/20/00	8467	Presley	2,700.00	
04/14/00	9272	Wm Lyon Homes-Diablo Village	3,150.00	
05/11/00	9289	Wm Lyon Homes-Diablo Village	3,600.00	
06/22/00	9312	Wm Lyon Homes-Diablo Village	450.00	
05/23/00	9293	Wm Lyon Homes-Diablo Village	4,050.00	
05/23/00	9291	L. Afford-8106 Marsh Ck Rd	450.00	
05/31/00	9296	S. Carvajal-989 Oak St	450.00	
05/31/00	9295	Wm Lyon Homes-Diablo Village	900.00	
6/30/2000		General Ledger Balance		16,200.00
09/22/00	9352	Smith Quality Homes-Oakwood Cir	450.00	
11/03/00	9379	Ocean West-Post Office	3,565.00	
11/06/00	9383	B&B Properties	3,326.00	
12/11/00	9399	Clyde Miles- 115 Oak	450.00	
04/04/01	10634	Aspen Valley-Oakwood Cir	450.00	
05/30/01	10660	Lemke-Oakwood Cir	450.00	24,891.00
11/26/01	10731	Diamond Terrace	10,750.00	
6/30/2002		General Ledger Balance		35,641.00
08/28/02	12368	Larwin Vintage Clayton-Bridlewood	1,350.00	
11/01/02	13452	Larwin Vintage Clayton-Bridlewood	6,750.00	
03/21/02	13509	Larwin Vintage Clayton-Bridlewood	450.00	
06/30/02		CIP Projects-Corp Yard	(67,975.76)	
11/27/02	13467	Lydia Assoc.-Rachael Ranch	3,600.00	
6/30/2003		General Ledger Balance		(20,184.76)
6/30/2004		General Ledger Balance		(20,184.76)
06/30/04		Interest Booked	(997.00)	
03/24/05		Transfer from CIP (Corp Yard)	9,141.00	
6/30/2005		Interest Booked	(381.89)	(12,422.65)
05/09/06	18577	Pine Hollow Estates	3,600.00	
06/30/06		Interest Booked	(169.18)	
6/30/2007		Interest Booked	(230.00)	(9,221.83)
08/31/07	20008	Mitchell Creek Place	4,050.00	
10/02/07	20691	Longs Drug Stores	6,932.00	
10/03/07	20698	Oak Center Project-Flora Square	7,486.00	
12/27/07	20959	Village Market	573.00	9,819.17
06/30/08		Interest Booked	329.00	
03/12/09		Transfer to Endeavor Hall (Shutters)	(5,024.00)	
06/30/09		Interest Booked	214.00	5,338.17
06/30/10		Interest Booked	213.00	5,551.17
6/30/2010		Adjusted General Ledger Balance		5,551.17

City of Clayton
Marsh Creek Road Sewer

2004-2010

Date	Receipt	Paid By	Amount	Balance
6/30/2004		Expense	(896.00)	
6/30/2004		Interest Booked	(22.00)	
9/30/2004		Transfer from General Fund (Loan)	35,000.00	
6/30/2005		Expense	(29,239.00)	
5/17/2005		Transfer from General Fund (Loan)	25,000.00	
6/30/2005		Interest Booked	946.49	30,789.49
6/30/2006		Expense	(18,112.00)	
6/30/2006		Interest Booked	243.08	12,920.57
6/30/2007		Interest Booked	330.00	13,250.57
6/30/2008		Expense	(14,343.59)	(1,093.02)
6/30/2008		Interest Booked	(37.00)	
8/6/2008		Expense	(732.00)	
8/29/2008		Expense	(61.00)	
9/12/2008		Expense	(183.00)	
6/30/2009		Interest Booked	(88.00)	
6/30/2010		Interest Booked	(87.00)	(2,281.02)
6/30/2010		Projected Fund Balance		(2,281.02)

Due to General Fund for transfer on 9/30/04 \$35,000

Due to General Fund for transfer on 5/17/05 \$25,000

Total Due to the General Fund \$60,000

City of Clayton
Police Services Impact Fee
2007-2010

Date	Receipt	Paid By	Amount	Balance
5/9/2006	18578	Pine Hollow Estates	10,155.00	
6/30/2006		Interest Booked	194.72	10,349.72
6/30/2007		Interest Booked	265.00	10,614.72
6/30/2008		Interest Booked	355.00	10,969.72
8/13/2008	21056	Mitchell Creek Place	13,410.00	
6/30/2009		Interest Booked	1,020.28	25,400.00
6/30/2010		Interest Booked	1,012.00	26,412.00

6/30/2010	Adjusted General Ledger Balance	26,412.00
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City of Clayton
 Open Space In-Lieu Contributions
 2006-2010

Date	Receipt	Paid By	Parks *Active Rec	Trail *Maintenance	Balance
6/26/2007	18578	Mitchell Creek Place	40,000.00		
6/30/2007		Interest Booked	1,023.00		
6/30/2008		Interest Booked	1,374.00		
6/30/2009		Interest Booked	1,773.00		
6/30/2010		Interest Booked	1,760.00		
6/30/2010	Adjusted General Ledger Balance		45,930.00	-	45,930.00

* per Section 17.28.100C.2(a) and (b)

CITY OF CLAYTON

*DEVELOPMENT IMPACT*and Related FEES

rev. April 10, 2009

ATTACHMENT 6(a)

Category	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Due	Account Number
* Community Facilities Development	\$450.00/Unit	\$125.00/Unit	Commercial/ Industrial: \$0.50/Gross sq ft	Municipal Code § 3.16.020	Residential: Occupancy Permit Commercial/Industrial Zoning Clearance for Building Permit	304-5323
* Offsite Arterial Street Improvement	\$1,456.00/Unit	\$1,019.00/Unit	Commercial/ Business: \$3.37/Gross sq ft	City Council Resolution No.'s 36-81 and 14-86	Zoning Clearance for Building Permit	304-5314
* Childcare ¹	\$205.00/Unit	\$205.00/Unit	\$0.10/Gross sq ft	Municipal Code § 16.60.050	Zoning Clearance for Building Permit	304-5307
* Parkland Dedication	\$2,569.00/Unit	\$1,666.00/Unit (Duplex \$2,180.00/Unit)	-0-	Municipal Code § 16.12.010	Subdivision/Parcel Maps: Final Map Approval Individual Parcels: Zoning Clearance for Building Permit	304-5313
* Open Space In Lieu Fee (if applicable)	As determined by project	As determined by project analysis	As determined by project analysis	Applies to PD in certain conditions 17.28.100(c)	Subdivision/Parcel Maps: Final Map Approval	304-5312
Habitat Conservation Plan Implementation Fee ² (if applicable)	Fee Zone II \$24,155/ac Fee Zone III \$6,039/ac	Fee Zone II \$24,155/ac Fee Zone III \$6,039/ac	Fee Zone II \$24,155/ac Fee Zone III \$6,039/ac	Municipal Code § 15.55.060(c)	Earlier of either: issuance of grading permit or zoning clearance for building permit	304-5326

1. Senior housing units, second-dwelling units, affordable housing units, and churches are exempt.

2. HCP Implementation Fees only apply to projects permanently disturbing one acre or more of land which is not mapped with an "urban" land cover in the HCP. See Chapter 16.55 of the *Municipal Code* for additional information. Fees are adjusted annually in March.

Category	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Due	Account Number
* Fire Development Protection	\$300.00/Unit (Mobile Home \$200.00/Unit)	\$200.00/Unit	\$0.20/Gross sq ft	Municipal Code § 3.18.040	Occupancy Permit	304-5317
Police Impact Fees	As determined in project CEQA analysis	As determined in project CEQA analysis	As determined in project CEQA analysis	Mitigation Measure in project CEQA analysis	Zoning Clearance for building permit	304-5325
Marsh Creek Sewer Capacity (east Clayton areas)	To be determined from city sewer study	To be determined from city sewer study	To be determined from city sewer study	To be established in annual City fee resolution and/or in project CEQA mitigation measure	Prior to recording of Final Map	304-5327
Construction and Demolition Recycling Mgmt. Plan deposit	\$1.00 per/sq. ft. of new or remodeled area greater than 500 sq ft (min. deposit \$2000)	\$1.00 per/sq. ft. of new or remodeled area greater than 500 sq ft (min. deposit \$2000)	\$1.00 per/sq. ft. of new or remodeled area greater than 500 sq ft (min. deposit \$2000)	Municipal Code § 15.80.030(E) and Annual City Fee Resolution	Zoning Clearance for Building Permit	Finance determines
Stormwater Pollution Prevention Permit and Inspection (Construction SWPPP)	Minor ³ : \$75 permit fee plus \$500 min. deposit against which inspection time is charged Standard ⁴ : \$75 plus \$2000 min. deposit against which inspection time is charged Major ⁵ : \$5000 min deposit against which inspection time is charged	Minor ³ : \$75 permit fee plus \$500 min. deposit against which inspection time is charged Standard ⁴ : \$75 plus \$2000 min. deposit against which inspection time is charged Major ⁵ : \$5000 min deposit against which inspection time is charged	Minor ³ : \$75 permit fee plus \$500 min. deposit against which inspection time is charged Standard ⁴ : \$75 plus \$2000 min. deposit against which inspection time is charged Major ⁵ : \$5000 min deposit against which inspection time is charged	Municipal Code § 13.12.090(E) and Annual City Fee Resolution	Earlier of either: issuance of grading permit or zoning clearance for building permit	Finance determines

3. Minor: interior remodel; non ground disturbing, etc.
4. Standard: pools; driveways; minor concrete repairs; room additions, etc.
5. Major: new single family: new commercial: major additions/renovations: subdivisions: grading, etc.

Category	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Due	Account Number
Stormwater Operation and Maintenance Annual Inspection Fee	\$45/Unit <i>plus</i> \$100/HOA(if HOA)	\$45/Unit <i>plus</i> \$100/HOA(if HOA)	\$100 for each acre or portion thereof	Municipal Code § 13.12.100(A) and Annual City Fee Resolution	Annually each October after project completion to City of Clayton	Finance determines
Stormwater Operation and Documentation Annual Compliance Review Fee	\$45/Unit <i>plus</i> \$100/HOA(if HOA)	\$45/Unit <i>plus</i> \$100/HOA(if HOA)	\$100 for each acre or portion thereof	Municipal Code § 13.12.100(A) and Annual City Council Fee Resolution	Annually each October after project completion to City of Clayton	Finance determines
Stormwater Operation and Maintenance Annual Report Preparation Fee	\$53/Unit <i>plus</i> \$100/HOA(if HOA)	\$53/Unit <i>plus</i> \$100/HOA(if HOA)	\$100 for each acre or portion thereof	Municipal Code § 13.12.100(A) and Annual City Fee Resolution	Annually each October after project completion to City of Clayton	Finance determines
School District (Mt Diablo Unified School District-MDUSD)				Rates determined annually by MDUSD School Board call 682-8000	To Mt Diablo Unified School District at building permit for additions or prior to final inspection for new construction	Pay at MDUSD
Sewer Plan Review and Connection (Clayton contracts with City of Concord for sewer)				Rates determined annually in City of Concord fee schedule call 671-3425	Prior to Building permit	Pay at City of Concord Engineering
Water Connection/Meter Service from Contra Costa Water District (CCWD)				Rates determined annually by CCWD fee schedule call 688-8000	Prior to Building permit	Pay at CCCWD

Category	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Due	Account Number
Building Permit, Plan Check and Building Inspection Fees [Clayton Contracts with Contra Costa County Building Inspection – (CCCB)]				As established in County Fee Schedule Call 335-1352	Plan Check fee due at building permit submittal and Permit/inspection fees due at building permit issuance	Pay at CCCBI
Contra Costa Fire Protection District (CCFPD)				As established in CCFPD Fee Schedule Call 941-3300	Fire Plan Check fee due at permit review submittal (ie: improvement plan; building permit)	Pay at CCFPD
Contra Costa County Environmental Health⁶				As established in County Fee Schedule Call 692-2500	Health Dept Plan check and inspection fees due at or prior to permit review submittal (ie: building permit; tenant improvement, etc)	Pay at County Env. Health

Masters\Fees\Development Impact Fees

Date Revised: April 10, 2009

6. Health Dept for restaurant. food sales/grocery. beauty. health uses. public pools. septic tank removals

Agenda Date: 3-15-11

Agenda Item: 9c

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The CCCTA Board of Directors consists of eleven members from ten cities and the unincorporated area of Central Contra Costa County. Each Director is appointed to a two-year term of office by the governing body of the member jurisdiction which he/she represents. A Director may be an elected or other public official or a private person. The Board is responsible for all of the policy and financial decisions of the Authority. Each Board member (except chairperson) also sits on a CCCTA subcommittee: Marketing, Planning, and Legislation; Accounting and Finance; Operations and Scheduling.

The Board meets on the third Thursday of the month at 9:00 a.m. at CCCTA offices.

Members:



Dave Hudson
City of San Ramon (Board
Chair)



Amy Worth
City of Orinda (Board Vice
Chair)



Candace Andersen
Town of Danville (Board
Secretary)



A.G. (Al) Dessayer
Town of Moraga



Laura Hoffmeister
City of Concord



Erling Horn
City of Lafayette



Gregg Manning
City of Clayton



Jack Weir
City of Pleasant Hill



Rob Schroder
City of Martinez



Bob Simmons
City of Walnut Creek



Gayle Ulikema
Contra Costa County



County Connection Administrative Offices

2477 Arnold Industrial Way
Concord, CA
925.676.1976
customerservice@cccta.org

Friday, March 4

9:00am Operations & Scheduling Committee

3:00pm Administration & Finance Committee Meeting

Thursday, March 17

9:00am Board of Directors Meeting

Friday, April 1

9:00am Operations & Scheduling Committee

Thursday, April 7

8:30am Marketing Planning & Legislative Committee

Friday, April 8

9:30am Administration & Finance Committee Meeting

Thursday, April 21

9:00am Board of Directors Meeting

Wednesday, May 4

3:00pm Administration & Finance Committee Meeting

When Wed, May 4, 3pm – 5pm

Where 100 Gregory Lane, Pleasant Hill, CA 94523 (Committee Room) ([map](#))
[more details»](#) [copy to my calendar](#)**Thursday, May 5**

8:30am Marketing Planning & Legislative Committee

Thursday, May 19

9:00am Board of Directors Meeting

Thursday, June 2

Events shown in time zone: Pacific Time

