



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, September 20, 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 ***
September 20, 2011

6:15 P.M.

1. **CALL TO ORDER AND ROLL CALL** – Mayor Shuey.
2. **CLOSED SESSION**
 - (a) *Government Code Section 54956.9, Conference with Legal Counsel
Existing Litigation: JFC Construction, Inc. v. City of Clayton, and related cross action
Superior Court of CA, Contra Costa County; Case No. C-10-00293*
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) **Information Only** (No Action)
 - 1). Correspondence from the Clayton Community Church informing City staff to suspend the processing of its mixed-use development project land-use application for the Town Center area until further written notification due likely before the end of October 2011. ([View Here](#))
 - (b) Approve the minutes of the special meeting of August 15, 2011, regular meeting of August 16, 2011, and special meeting of August 22, 2011. ([View Here](#))
 - (c) Approve Financial Demands and Obligations of the City. ([View Here](#))
 - (d) Approve the declaration of a 2003 Ford Crown Victoria police vehicle and a 1992 Ford F-450 truck as capital equipment surplus to the City's needs and authorize the City Manager to sell the surplus vehicles at public auction. ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS** - None.

6. **REPORTS**

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

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

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance 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 or you are recognized by the Mayor as wishing to speak, 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 at its discretion 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) Consideration of a Resolution approving revised landscape plans submitted by the Clayton Community & Business Association (CBCA) for completion of its Daffodil Hill Beautification Project on City property located at the southeast corner of the Clayton Road and old Marsh Creek Road intersection. CDD 03-11. (Community Development Director and Maintenance Supervisor) ([View Here](#))

Staff recommendations: Following staff presentation and public comment, that Council approve the recommended landscape plan with conditions by adopting the prepared Resolution.

- (b) Discussion on the Council-requested one year review of the one-week-per-trait public display of banners on certain City property within Clayton involving the community character initiative known as “Do The Right Thing”. ([View Here](#)) (Assistant to the City Manager)

Staff recommendation: Following Council discussion and public comment, that Council provide policy direction to staff regarding any modifications to the public display of the trait banners.

- (c) Council Member request to set the number, dates and times for the City's annual “Concerts in The Grove” in calendar year 2012. ([View Here](#)) (Vice Mayor Geller)

Staff recommendation: Following Council discussion and public comment, that Council by motion set the dates and times for the 5th year of the City's “Concerts in The Grove” series.

- (d) Council discussion of the Mt. Diablo Unified School District's Board of Education's recent decision on the community petition for the conversion of Clayton Valley High School into a charter school. ([View Here](#)) (Mayor Shuey)

Staff recommendation: Following discussion and public comment, that Council provide policy direction or action as deemed appropriate.

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

11. ADJOURNMENT– the next regularly scheduled City Council meeting is October 4, 2011.

#

Agenda Date: 9-20-11

MEMORANDUM

Agenda Item: 4a

**TO: HONORABLE MAYOR AND COUNCILMEMBERS
CITY MANAGER**

**FROM: DAVID WOLTERING, AICP
COMMUNITY DEVELOPMENT DIRECTOR** *DW*

DATE: SEPTEMBER 20, 2011

**SUBJECT: CLAYTON COMMUNITY CHURCH DEVELOPMENT
APPLICATION**

On Friday, September 16, 2011, City staff received the attached e-mail (See **Attachment 1**) from Pastor Shawn Robinson of the Clayton Community Church, requesting a temporary hold on the further processing of the Church's mixed-use development application for property it owns at 6055 Main Street in Clayton. The e-mail indicates a concern about unforeseen additional costs to process the subject application and the need to review the matter with the Church's congregation in greater detail. The City is instructed in the e-mail from Pastor Robison to stop any additional work and not to incur any additional costs on this project until written notice is received from the Church's Leadership Council.

This circumstance is at least partly associated with the Contract Modification request, dated July 22, 2011, received from LSA Associates, Inc. (See **Attachment 2**). LSA is the firm preparing the Environmental Impact Report (EIR) for the Church's proposed development project. The public response to the Draft EIR during the standard 45-day comment period was substantially larger than anticipated as indicated in LSA's Contract Modification request. In the firm's original Agreement with the City it reserved the right to request an augment to its budget in the circumstance the number of comments and related work effort to respond to those comments was greater than anticipated. This is a standard provision that environmental consultants have in such agreements. There were 315 individual comments received that warranted responses according to LSA representatives. This number of comments warranting responses according to these representatives is in the top five of all projects completed by their office over time. Additional detail is provided in **Attachment 2**. The amount of the requested augment is \$48,525.00.

Staff provided this Contract Modification request to Church representatives on July 22, 2011, and was prepared to bring the matter forward to the City Council at the August 16, 2011 City Council meeting. Church representatives requested the matter not go forward at that meeting, as they needed additional time to discuss the matter with their Leadership Council. Accordingly, staff withdrew the item from the tentative agenda for the August 16th meeting. Church representatives requested to review the comments received on the Draft EIR. These comments, including comments received after the close of the official

comment period on July 25, 2011, were placed on the City's website. Church representatives requested to meet with LSA representatives to discuss the Contract Modification, and a meeting took place on August 30, 2011 at City Hall. David Clore, a Principal at LSA and the Project Director, attended the meeting as did Pastor Shawn Robinson and his design consultant, Alan Fishman, and myself, David Woltering, Clayton Community Development Director. Church representatives asked if certain measures could be used to possibly reduce the requested budget augmentation. Mr. Clore's formal written response, dated September 1, 2011, is attached (See **Attachment 3**). Generally, Mr. Clore indicated that the measures proposed by the Church representatives to create greater efficiencies in the work effort were already being taken into consideration, and LSA held firm on the budget augment request, presumably knowing the level of controversy and related work effort that indeed would be required to complete the project.

Staff indicated to Pastor Robinson that City staff anticipated bringing the Contract Modification forward to the September 20, 2011 City Council meeting. Pastor Robinson indicated that he would be reviewing the matter with his Leadership Council at a meeting scheduled for the evening of September 13, 2011. He asked me, David Woltering, to give him an understanding of the status of the Church's deposit account for processing the application and if I would be aware of any other costs at his time. I sent Pastor Robinson the attached e-mail dated September 13, 2011 (See **Attachment 4**).

The result of these communications is the current request for a temporary hold on the processing of the Church's development application. It is important to realize that, given the size, location, potential impacts identified, approvals being requested, etc. associated with this development application, this is not a routine application to process. The technical complexity and controversy related to this application will dictate a more lengthy and costly process. This is not unusual and should be expected for those taking on such a development.

Attachments:

1. September 16, 2011 e-mail from Pastor Robinson
2. July 22, 2011 LSA Contract Modification
3. September 1, 2011 Letter from David Clore and Adam Weinstein, LSA Associates
4. September 13, 2011 e-mail from Community Development Director David Woltering

David Woltering

From: Shawn Robinson [srobinson.junk@gmail.com]
Sent: Friday, September 16, 2011 11:57 AM
To: dwoltering@ci.clayton.ca.us
Cc: 'Brad Briegleb'; 'Brad Briegleb'; 'Brenda Ameli'; 'Bruce Millar'; 'Debi Bruce'; 'ed cleland'; 'Heinz Windt'; 'James Krause'; 'Jim Hawk'; 'Julie Roberson'; Rick Nylund
Subject: Letter to City Council from Clayton COmmunity Church

To: David Woltering
From: Pastor Shawn Robinson
Date: September 16, 2011
Subject: Clayton Community Church development application

Dear David:

I am writing to inform you that Clayton Community Church is placing its current development application at 6055 Main Street in the City of Clayton on temporary hold in view of the City's additional monetary demands. As we have discussed, the increasing expenses the City has requested are unexpected with no indication of abatement or mitigation of these additional expenses.

Consequently, we are exploring our options and will use this time to pray, seek God, and meet with our church family to discuss the most current developments of this journey in greater detail. Once we have met with our church family we will decide our next steps before the end of October.

We wish to convey that no additional work or additional costs are to be incurred on this project until our Leadership Council provides written notice to the City to again proceed with work.

Thank you for your efforts in this matter.

Sincerely—

Dr. Shawn Robinson
Senior pastor, on behalf of the
Leadership Council of
Clayton Community Church



LSA ASSOCIATES, INC.
2215 FIFTH STREET
BERKELEY, CALIFORNIA 94710

510.540.7331 TEL
510.540.7344

ATTACHMENT 2

CONTRACT MODIFICATION

CHANGE NO:	<u>1</u>
PROJECT NO:	<u>CYY1001</u>
ORIGINAL CONTRACT	\$ <u>133,500</u>
AUGMENT	\$ <u>48,525</u>
REVISED CONTRACT	\$ <u>182,025</u>

DATE:	<u>July 22, 2011</u>
PROJECT:	<u>Clayton Community Church Project</u> <u>EIR</u>
TO:	<u>David Woltering, AICP, Community</u> <u>Development Director</u>
ADDRESS:	<u>6000 Heritage Trail</u> <u>Clayton, CA 94517</u>

This is a scope and budget augment requested by LSA Associates, Inc. to complete the response to comments component of the Clayton Community Church Project Environmental Impact Report (EIR).

LSA's July 15, 2010 proposal allocated a total budget of \$21,800 for completion of the entire response to comments process (including preliminary review and enumeration of the letters and emails received, digital scanning and clean-up of the originals, distribution to technical staff, preparation of responses, word processing, graphics preparation, and publication and distribution of the Response to Comments Document). However, the City received a volume of letters and emails that substantially exceeded our expectations. Altogether, the City received 304 discrete letters and emails. Although 232 of these submittals do not pertain to the adequacy of the Draft EIR or related project/environmental issues, 72 of the submittals (comprising 315 individual comments) raise arguments about the adequacy of the Draft EIR and/or ask technical questions about the land use/planning policy, aesthetics, traffic, parking, air quality, growth-inducement, and alternatives analyses. Still others raise issues about the adequacy of the project description, including information provided by the applicant. The volume of substantive/technical comments received greatly exceeds the anticipated effort described in our proposal of July 2010. Responding to letters and emails received, along with the verbal comments offered at the Draft EIR public hearing, will require a significant work effort by all members of the project team, including project management staff, planners in the LSA-Berkeley office, transportation engineers in the LSA-Irvine office, and support staff.

Responding to a large number of public comments – particularly when many raise substantive technical questions – is an extremely labor-intensive process that typically proceeds as follows: David Clore (Principal-in-Charge) and Adam Weinstein (Project Manager) read through the entire set of comments, identify the comments that pertain to issues of EIR adequacy (and thus require a formal response), and enumerate the individual comments. LSA's word processing/graphics staff then digitally scan-in originals of the pertinent submittals and digitally code the resulting files to indicate a discrete letter number and comment number for each comment. Comments pertaining to specific environmental topics evaluated in the Draft EIR (e.g., Transportation and Circulation, Air Quality, Noise, Historic Resources, Hydrology and Water Quality) that are of a highly technical nature are then submitted to our subconsultants with directions for responding. The Project Manager works closely with the technical staff and subconsultants to ensure the comments are

addressed comprehensively and in a way that is consistent with the previous analysis in the Draft EIR (unless changes in methodology are required to address specific comments). Any proposed text changes to the Draft EIR are scrutinized and evaluated to determine if they would result in any related changes to the rest of the document (as all modifications to the Draft EIR must be reported in the Response to Comments Document). Depending on the complexity of the comments, the Project Manager and Principal-in-Charge undertake what are sometimes lengthy conference calls with the technical staff and subconsultants to discuss overall strategy and the approach to the responses. The non-technical comments, including ones that pertain to land use and planning policy, aesthetics, and demographics, will be primarily drafted by Adam Weinstein and reviewed by David Clore. Preparing an initial response to comments for each of the 315 individual comments (i.e., not including final review by the Project Manager or Principal-in-Charge) can require from 30 minutes to several hours of staff labor inputs, depending on the complexity of the comments and required responses.

After the initial preparation of responses (and the submittal of one or more revised drafts of the responses by technical staff, after review by the Project Manager), the responses are consolidated in the Response to Comments Document along with the original enumerated comments and supplementary text describing the purpose of the document and the overall CEQA process. At this point, certain responses that address similar issues may be consolidated into "Master Responses" provided at the beginning of the document that will be referenced throughout the Response to Comments Document. In addition, changes to the text of the Draft EIR (including graphics and appendices) are copied and assembled into an independent chapter of the document. Following word processing and formatting of the document, and preparation of any new or revised graphics, the Project Manager and Principal-in-Charge then undertake independent detail-oriented reviews of the completed draft to ensure that all comments are fully addressed and the responses are internally consistent (in terms of characterizations of the project, identified impacts, mitigation measures, methodology, etc.). The review to ensure internal consistency is a critical stage of the responses preparation, as the Response to Comments Document, along with the Draft EIR, will comprise the Final EIR, which is the document that will be considered by the Planning Commission and City Council for certification.

An Administrative Draft Response to Comments Document is then submitted to City staff for review. After review, the City transmits a set of comments back to LSA. LSA then addresses these comments and revises the document accordingly. This process often requires an additional round of coordination with our technical staff and subconsultants. The Administrative Draft is formatted and word processed and an additional interim draft is published and submitted to the City for another round of review. This process may be repeated two to three times, resulting in a Final Response to Comments Document that will be published and distributed to agencies. The Final Response to Comments Document for this project will be several hundred pages in length, including original copies of the comment letters, detailed responses drafted by LSA, and supplementary text.

A budget augment of \$45,925 will be required to complete the response to comments process. The City has also requested LSA's attendance at one additional Planning Commission hearing and one additional City Council hearing (for a total of three Planning Commission hearings and three City Council hearings). The total cost for preparation for and attendance at each hearing is \$1,300. Thus a budget augment of \$2,600 would be required for the two additional hearings. This augment for preparation of the Response to Comments Document (\$45,925) along with the augment required for attendance at two additional public hearings (\$2,600) would total \$48,525.

All other terms and conditions of the contract dated July 15, 2010 remain unchanged. Please sign, date and return one copy of this letter. Your signature will serve as confirmation and acceptance of the stated amounts and terms. Please notify us if any part of this letter is inconsistent with your understanding of the revised amounts and terms.

Sincerely,

LSA ASSOCIATES, INC.

BY: 

TITLE: PRINCIPAL

DATE: July 22, 2011

Approved by:
CITY OF CLAYTON

BY: _____

TITLE: _____

DATE: _____

M E M O R A N D U M

DATE: September 1, 2011

TO: Shawn Robinson, Pastor, Clayton Community Church

CC: David Woltering, AICP, Community Development Director, City of Clayton

FROM: David Clore, AICP and Adam Weinstein, AICP

SUBJECT: Budget to Prepare Response to Comments Document, Clayton Community Church Project Draft Environmental Impact Report (EIR)

We appreciated meeting with you, David Woltering, and Alan Fishman on August 30 to discuss LSA's requested budget augment for preparation of the Response to Comments Document on the Clayton Community Church Project Draft EIR. As you know, we submitted this augment request on July 22, 2011 because the budget allocated in our original scope of work (dated July 15, 2010) would be insufficient to respond to the large volume of comments submitted by the public on the Draft EIR. We understand that the growing cost of this environmental review process is a concern for the Clayton Community Church. In crafting our augment, we sought to identify a budget that would allow us to complete the Response to Comments Document as efficiently as possible. This memo responds to some of the good suggestions that your group offered in a memo provided to us at the meeting on August 30.

- *Prepare Master Responses.* You suggest that master responses be prepared for comments that relate to the following topics: parking; historical quality of the former Pioneer Inn building; visual resources impacts; and church membership. We agree and believe that additional topics warrant master responses. These would include: traffic congestion (including during special events in the Town Center); project alternatives; and land use compatibility. Unfortunately, in terms of economizing, our budget augment request is already based on the assumption that several master responses would be prepared, thus reducing the need to respond individually to thematically duplicative comments.
- *Comments on Project Merits.* Many of the comments submitted to the City pertain to the merits of the project and do not make claims about the adequacy of the Draft EIR or even the environmental review process in general. In developing our budget augment, we noted that 232 of the 304 letters and emails that were transmitted to us by City staff (and which constituted the batch of materials reviewed by the applicant team) do not relate to the Draft EIR and do not warrant a response. However, the 72 remaining submittals raise arguments about the adequacy of the EIR and/or technical issues and will require a detailed response. These 72 substantive submittals are the ones that will require supplemental budget to address.
- *Duplicative Comments.* Many of the comments submitted on the Draft EIR (including some that raise substantive issues) are duplicative. Our budget augment is based on the assumption that responses to duplicative letters would simply refer back to the original set of responses. In the table of past response to comments efforts that we provided for your review, the average costs there all included at least some proportion of similar duplicative comments, though to a somewhat smaller extent than is the case for this project.

- *Public Hearings.* The budget augment includes budget allocated for LSA's attendance at one additional Planning Commission hearing and one additional City Council hearing. LSA would ultimately attend a total of three Planning Commission hearings and three City Council hearings. City staff believes that LSA's attendance at all six hearings is necessary.

Therefore, we are unable to further reduce our budget augment for the preparation of the Response to Comments Document. However, as we emphasized at our meeting of earlier this week, we log our time on timesheets and then bill on a time and materials basis and will seek – as much as possible – to economize our effort while still preparing a legally adequate Final EIR. We have enjoyed the many challenges of working on this project and look forward to completion of the environmental review process.

Please let us know if you have questions about any of the items discussed in this memo or the original augment request.

David Woltering

From: David Woltering [dwoltering@ci.clayton.ca.us]
Sent: Tuesday, September 13, 2011 4:12 PM
To: 'srobinson@claytoncc.com'
Subject: RE: Clayton Community Church Development Application Financial Update

Importance: High

Shawn,

I am not expecting to be able to provide cost info. today for the Comprehensive Parking Management Plan.

Regards,

David

David Woltering, AICP
Community Development Director
City of Clayton

From: Shawn Robinson [mailto:srobinson.junk@gmail.com]
Sent: Tuesday, September 13, 2011 3:42 PM
To: dwoltering@ci.clayton.ca.us; srobinson@claytoncc.com; sharoncalamusa@claytoncc.com
Subject: RE: Clayton Community Church Development Application Financial Update

Thank you for putting this in writing David—much better than my memory of our conversation! I will share this information with our Leadership Council tonight.

Let me know if you can provide any further details regarding potential parking mitigation planning costs before my meeting tonight at 6pm.

Shawn

From: David Woltering [mailto:dwoltering@ci.clayton.ca.us]
Sent: Tuesday, September 13, 2011 3:48 PM
To: srobinson@claytoncc.com; sharoncalamusa@claytoncc.com
Subject: Clayton Community Church Development Application Financial Update
Importance: High

Shawn,

I wanted to summarize back to you key points of our recent phone conversations regarding the budget for processing the Clayton Community Church development application. City Finance Manager Merry Pelletier has given me a current estimate of the deposit account balance for City staff charges, including City Engineer and City Attorney charges, for processing of the subject application. Presently, the deposit account has an estimated balance of \$7,916.34.00. I am requesting that the Church augment this amount by an additional \$20,000.00. The next phase of this application processing is quite labor intensive. EIR responses to comments will need to be reviewed, edited, and finalized; staff reports, resolutions, ordinances, and findings will need to be prepared; research conducted, public hearings attended, etc. Also, please be informed that additional funds may be required to complete the process.

As we discussed, there will be a need to prepare a detailed Comprehensive Parking Management Plan for the Town Center area. Your request is triggering the need for this Plan and it is a key mitigation

9/16/2011

measure in the Draft EIR (See TRANS 1 and TRANS 2). We will need this Plan prior to moving forward into the public hearing process. The City will need to select a qualified professional(s) to prepare this Plan and the Church will be responsible for the cost. I do not have an estimate on this cost at this time. I am attempting to contact Metropolitan Transportation Commission (MTC) staff to see if technical assistance may be available through that organization.

Finally, although we met with representatives of LSA Associates, and you requested further adjustment (decrease) to the amount of their proposed Contract Modification, LSA Associates has held firm at \$48,525.00.

I hope this information is helpful as you meet with members of your Leadership Council.

Best regards,

David

David Woltering, AICP
Community Development Director
City of Clayton

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

Agenda Date: 9-20-11

Agenda Item: 4b

TUESDAY, August 16, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 4:38 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 (arrived at 5:20 p.m.), Councilmembers Medrano, Pierce and Stratford. Staff present: City Manager Gary Napper, City Attorney Dan Adams (7:00 p.m.), Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The following six applicants were interviewed individually for one unexpired term on the Planning Commission (term of office ends 30 June 2012): Steven Lane, Alyse Smith, Bob Staehle, Gregg Manning, Glenn Miller, and Jake Pauline, (Appointed office vacant effective 01 August 2011).

6:25 p.m.- Council recessed.

7:00 p.m.- Council reconvened.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.
4. **CONSENT CALENDAR**- Mayor Shuey asked what the cost overrun was for the pavement project Item 4(d). The City Engineer stated project cost overrun was a result of the final quantity of the AC work in the field. **It was moved by Vice Mayor Geller, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted (Passed; 5-0 vote).**
 - (a) Approved the minutes of the regular meeting of July 19, 2011.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopted Resolution 31-2011 accepting the 2010 Neighborhood Streets Paving Project (CIP No. 10409) and the old Marsh Creek Road Overlay Project (CIP No. 10416) as complete, ordering the filing of the Notice of Completion, and authorizing the appropriation of \$11,656.90 in interest earnings from the City's Capital Improvement Project Budget (CIP) to address project cost overrun.
 - (d) Adopted Resolution 32-2011 authorizing the execution of a Subdivision Agreement for Subdivision 8719, Diablo Pointe, with Toll CA XIX, L.P., covering construction of the required improvements.
 - (e) Approved the City's official response to the 2010-2011 Contra Costa Civil Grand Jury's Report No. 1105 ("Ethics and Transparency Issues") concerning matters within the City's municipal jurisdiction and responsibility.
 - (f) Authorized a flat fee donation in the amount of \$168 from the Clayton Woman's Club for use of the Clayton Library Meeting Room (Hoyer Hall) their Annual Craft Sale on November 19th and 20th, 2011.

5. RECOGNITIONS AND PRESENTATIONS

- (a) Proclamation declaring September 18th-24th as "Fall Prevention Awareness Week" in the City of Clayton.

Mayor Shuey presented a Proclamation to Gennifer Mountain with the Fall Prevention Program, a component of the Meals on Wheels program. Ms. Mountain thanked the Council for the Proclamation and stated the goal of the organization was to reduce the number of preventable injuries for seniors and people with disabilities. She also stated the Walk for Fall Prevention will be held on September 24th, at 500 Ellinwood Drive in Pleasant Hill.

6. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager had no report.
- (d) City Council

Councilmember Stratford attended the East Contra Costa Habitat Conservancy meeting.

Councilmember Pierce attended the Mayors' Conference, several Board of Supervisor meetings, the Ygnacio Valley Road slide repair celebration, and three Mayors' Cook-off meetings. She also gave an update on the MTC's vote to purchase a building using toll money.

Vice Mayor Geller attended the Mayors' Conference. He stated the last two concerts collected \$1,200 and \$1,300 in donations respectively. He will be attending the CBCA Rib Cook-off at the Clayton Club Saloon on August 20th.

Mayor Shuey stated the Mt. Diablo Unified School District Board held a meeting on the Clayton Valley Charter High School petition August 9th and the entire City Council was in attendance. He stated September 13th will be the final hearing on the charter school's petition.

- (e) Other – None.

7. PUBLIC COMMENTS

Clayton Valley students Rachael Kreigg, Ben Lindsey, Kelsie Fagardland, and Ted Hall stated the Mt. Diablo Athletic Association is holding its annual 5k Run/Walk to support athletics in the school District. They stated the event will take place October 9th and for more information people could visit the following website:

www.unitedmtdiabloathleticfoundation.org

8. PUBLIC HEARINGS

- (a) Public Hearing on the consideration and approval of an Amendment to the City's Solid Waste and Recyclable Materials Management Services Franchise Agreement with Allied Waste Systems, Inc.(an indirect subsidiary of Republic Services, Inc.) to provide a ten (10) year time extension with certain new terms and conditions to expire on December 31, 2022.

The City Manager reported this item comes back from the last meeting where the Allied Waste agreement deal points were discussed and approved in concept. He stated the current agreement with Allied Waste from 2002 will expire at the end of 2012. He stated the adhoc committee of Mayor Shuey, Councilmember Medrano and he had met with Allied Waste Services to discuss the benefits of extending the franchise agreement. He stated the sub-committee asked for a 10 year contract extension with deal points as outlined at the last meeting. Based on upon that direction staff drafted the Resolution and Franchise Agreement extension and is bringing it forth for Public Hearing. He stated the new agreement will expire December 21, 2022. Attached to the report are the deal points from the last meeting incorporating Allied Waste's verbal commitment to offer free commercial recycling at no cost to the City. He stated now customers will be offered the option and to use larger recycling carts at no additional cost in hopes of enhancing recycling. In addition that same option and free service would be available for green yard waste cans. Allied Waste will now provide free collection of e-waste products, household batteries, CLF bulbs, and will provide free large item pick up in order to deter illegal dumping. The franchise fee will move to 10% with additional revenue to the City's General Fund of about \$50,000 a year. Allied Waste will also provide a \$100,000 community enhancement donation to be paid to the City by January 15, 2013. Customer rate adjustments starting in 2013 will be based upon the San Francisco Bay Area CPI with at least an annual increase of 1% but no more than 5%. Clayton's rates remain one of the lowest garbage rates in the County and this represents a win-win for the community.

Mayor Shuey opened the Public Hearing at 7:36 p.m.

Tim Argenti, General Manager of Allied Waste Services, stated he appreciates the relationship with Clayton and is passionate about providing the best service at the lowest rates possible. He thanked the Council and staff for their support.

Mayor Shuey closed the Public Hearing at 7:39 p.m.

Councilmember Pierce added the contract is extended from 2012-2022, but all of the enhancements become effective as soon as the agreement is signed.

Councilmember Stratford thanked Allied Waste.

Councilmember Medrano thanked Allied for allowing the contracts benefits to go into effect before the end of the current term, and for their support.

Mayor Shuey stated he and Councilmember Medrano were not on the Council when the first contract was put in place and though they were always satisfied with Allied Waste services they wanted to do their due diligence in exploring contract options. He stated the City and the citizens got a great deal with this agreement and thinks continuing the relationship with Allied Waste is beneficial to the City and our community.

It was moved by Vice Mayor Geller, seconded by Councilmember Medrano, to adopt Resolution 33-2011 approving Amendment No. 2 to the Franchise Agreement (Passed; 5-0 vote).

- (b) Appeal Hearing on City staff's Notice of Violation and denial for an after-the-fact City Encroachment Permit for unauthorized private improvements in the public rights-of-way located on Mitchell Canyon Road (Appellant: Jon Van Brusselen, 5851 Pine Hollow Road).

Councilmember Pierce recused herself and left the room noting she lives within 500 feet of this property.

The City Engineer stated the City received a complaint about new landscape mounds on Mr. Van Brusselen's property in May. These mounds were topped with palm trees which were allowed to be planted in the right of way. The City Engineer stated in May he sent a letter to Mr. Van Brusselen stating the mounds were in violation of not having an approved encroachment permit nor a stormwater discharge permit and he issued a notice of violation. He stated in the letter the materials need to be removed by July 9th. Mr. Van Brusselen appealed the Notice of Violation to the City Council for reconsideration.

Councilmember Stratford asked if the problem was just with the dirt mounds? The City Engineer responded the mounds cause a potential for stormwater runoff that would not be allowed under the Stormwater permit.

Mayor Shuey stated he is concerned because the mounds reduce the amount of area off the side of the pavement for bicycles. The City Engineer suggested moving the mounds back from the edge of the pavement. He stated Mr. Van Brusselen takes good care of his property and expressed the desire to do what is necessary to keep the mounds there. Staff has never issued a permit for something that sticks that far into the right of way and if the City needed to repave that part of the road or expand the road the City would be required to pay for the removal of the unauthorized mounds and the trees.

Mayor Shuey opened the Appeal Hearing at 7:52 p.m.

Lisa Van Brusselen stated they have been trying to work with the City. She stated the mounds have always been present but recently they added more material to the mounds. She stated they added the material as a safety issue because the intersection is so busy and the area behind the mounds serve as a sidewalk for people. She stated they have no problem with covering the mounds with netting to keep them from turning into mud and putting small curbs in.

John Van Brusselen stated the reason the mounds were put in to begin with was people were running over his property and making u-turns in his yard. He stated his intention was always to cover the mounds but didn't want to do that until this issue was resolved.

Mayor Shuey asked if Mr. Van Brusselen would be willing to put a curb in? Mr. Van Brusselen responded he would be willing to put a curb in and if need be move the mounds back a foot or so.

Glenn Miller stated he was on the Planning Commission when his project was approved. He stated the trees and mounds were a compromise because the City was reluctant about extending the sidewalk and curb. He stated he did not understand the need to fine or penalize Mr. Van Brusselen for doing what he thought was the right thing.

Councilmember Stratford stated he would rather see rock a foot behind the pavement.

Councilmember Geller stated he is concerned that in the future the City might have to incur costs to remove the mounds. He stated he would like to see the mounds pushed back two feet from the road.

Councilmember Medrano thanked Mr. Van Brusselen for working with the City and suggested going back and working with the City Engineer to come up with a plan for the area and stated he was against assessing fines.

Mayor Shuey asked what the impact to the City would be in regards to stormwater? The City Engineer stated as long as they cover the mounds there would not be a problem with stormwater requirements.

Mayor Shuey stated a buffer of rock behind the pavement before the mounds would be good for bike riders. He stated the City Engineer should work with Mr. Van Brusselen to figure out proper setbacks and logistics.

The City Manager stated a special encroachment permit should be used to call out these special conditions. Mayor Shuey agreed and stated the City needs to be protected in terms of future issues. Jon Van Brusselen was agreeable to the encroachment permit.

Mayor Shuey closed the Appeal Hearing at 8:03 p.m.

It was moved by Vice Mayor Geller, seconded by Councilmember Medrano to uphold the appeal with the conditions as noted and to have the City Engineer and Mr. Van Brusselen work out a solution and get an encroachment permit recorded (Passed; 4-0 vote).

Councilmember Pierce returned to the dias.

9. ACTION ITEMS

- (a) Continued discussion of Council Member's request to eliminate Pension Plans for elected city council members in Clayton.

Councilmember Medrano stated current Councilmembers cannot opt out of the CalPERS retirement program. He stated the City received new information about the Health Insurance offered by CalPERS and the rules state the City has to pay a contribution toward employee health plans (\$108). He stated he would like to have future Councilmembers removed from the retirement system and make it mandatory for all current Councilmembers to pay their 7% employee contribution.

Responding to a question, the City Manager stated as long as Councilmembers are part of the CalPERS retirement plan they can belong to CalPERS health program.

Glenn Miller, encouraged the Council to remove itself from CalPERS program in the future and move to a 1099 plan.

Councilmembers Pierce and Vice Mayor Geller agreed the 7% employee contribution should not be mandatory.

Councilmember Stratford stated it sets a good precedent going forward and it would be good for the Council to be united.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford, to eliminate the CalPERS pension for all future Councilmembers (Passed; 5-0 vote).

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to make it mandatory for the current Council to pay the 7% employee portion of CalPERS.

Mayor Shuey asked to come back to this item at a later time for a decision. Councilmember Medrano pulled his motion from the floor until a later time in the meeting; Councilmember Stratford, as the second to the motion, agreed.

- (b) City Council discussion and determination of a citizen appointment to one (1) vacancy on the Clayton Planning Commission for an unexpired term of office which ends of June 30, 2012.

Mayor Shuey stated the Council interviewed six applicants and had a tough decision to make.

Councilmember Stratford stated all six people interviewed were enthusiastic and had good reasons to apply for the Planning Commission. He stated his top choice was Bob Staehle because he eliminated the prior concern over any conflict on the Creekside Terrace project when he received confirmation from the FPPC.

Councilmember Medrano stated he appreciated Bob Staehle received an answer back from the FPPC. He stated Gregg Manning could do a great job. He stated Gregg Manning, Glenn Miller or Bob Staehle would be good choices but he deferred to the rest of the Council. He also stated Jake Pauline and Alyse Smith will make good Commissioners in the future.

Vice Mayor Geller stated he missed Alyse Smith and Steven Lane's interviews. He stated Gregg Manning was his first choice and Bob Staehle was his second choice.

Councilmember Pierce stated she was torn between Bob and Gregg, but was glad Bob contacted the FPPC.

Mayor Shuey stated there are candidates with a lot more experience, and the City needs someone who can hit the ground running. He stated Gregg Manning was the clear choice for him because of his institutional knowledge and background.

It was moved by Mayor Shuey, seconded by Councilmember Medrano, to adopt Resolution 34-2011 appointing Gregg Manning to the Planning Commission for a term of office to expire June 30, 2012 (Passed; 5-0 vote).

- (c) Consideration of City Council position and voting instructions on the six (6) proposed General Resolutions at the 2011 Annual Conference of the League of CA Cities.

The City Manager reviewed each General Resolution to be voted on at the conference and the Council agreed with his positions on the Resolutions.

No formal action was taken.

- (d) Continued consideration of the designation of the City's Voting Delegate and Alternate to the League of California Cities 2011 Annual Conference to be held September 21 thru September 23, 2011 in San Francisco, CA.

By consensus, the Council stated there was insufficient business items scheduled for the Conference to warrant the expense of sending a delegate.

- (e) Consider a Resolution establishing new fees and adjusting existing fees in the City Master Fee Schedule for certain user-benefit City services and rental of City facilities and parks in FY 2011-12.

The Assistant to the City Manager presented the staff report and stated all fees are propped for adjustment by the annual CPI change of 2.8%. Staff recommends all amounts be rounded to the nearest dollar as revised in the Resolution. She stated some of the other changes include the tree in-lieu fee which had not been changed in 10 years and no longer covered the cost of a 24-inch boxed tree. She stated other fees that were increased were the stormwater fees for environmental review and a re-inspection.

Councilmember Medrano asked for clarification to make sure that it says for every inspection after two there will be a re-inspection fee.

Glenn Miller asked if this applies retroactively to projects? The Assistant to the City Manager stated anyone who has already paid a fee and has an application in will not be subject to these fees; it will be for fees moving forward. She stated regarding development applications it does not change anything.

Glenn Miller asked if a notice was posted for this? The City Manager stated the two individuals on file who requested prior notice of this type of item were contacted; and the information is also available as part of the agenda packet before tonight's meeting.

It was moved by Vice Mayor Geller, seconded by Councilmember Pierce, to adopt Resolution 35-2011 setting City fee rates for FY 2011-12 as amended by Councilmember Medrano's comment (Passed; 5-0 vote).

- (f) Consideration of a report on the potential purchase and installation of a surveillance camera for the deterrence of vandalism occurring to public facilities at The Grove Park and Endeavor Hall, and continued discussion of establishing a monetary reward program for information leading to the arrest and conviction of reported vandals.

The Chief of Police stated on June 7th the Council discussed the merits of establishing a rewards program for citizens who turn in people found guilty of damaging public property and considered the installation of security cameras. He stated the first issue was regarding the recovery of reward money from the suspect and there is a government code to recover the reward money by the suspect. Staff researched and received quotes on the suitability of camera systems at The Grove Park and the Endeavor Hall parking lot. Staff contacted 3 vendors who provide this type of service and 2 vendors responded. He stated basically there are two types of camera security systems: wireless and hard wired. He stated the unfortunate part of these systems is that they are extremely expensive. Staff feels that a wireless security system would be a great way to provide blanket coverage of public area from remote sites but may not be the most economical way to address the vandalism. Therefore staff recommends moving forward with a \$1,000 reward program.

Mayor Shuey asked about the expected life of a camera system. The Chief responded the systems should work five years. He also stated the ADT proposal was very comprehensive but noted the hardware does wear out.

The Council generally agreed the camera system was too expensive at this point but asked staff to prepare an ordinance to develop a monetary rewards system.

(a)- Continued

Mayor Shuey then returned the meeting to the unresolved issue on the CalPERS pension plan for Councilmembers.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to make it mandatory for the current Council to pay the 7% employee portion of CalPERS (Failed; 2-3 vote; Noes: Geller, Pierce and Shuey).

10. COUNCIL ITEMS

Vice Mayor Geller asked for the Concerts in The Grove dates to be added to a future Agenda.

11. ADJOURNMENT– On call by Mayor Shuey the meeting adjourned at 9:34 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor



Agenda Date: 9/20/11

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER 

DATE: SEPTEMBER 20, 2011

SUBJECT: INVOICE SUMMARY

RECOMMENDATION

Approve the following Invoices.

9/1/11	Cash Requirements Report	\$919,439.20
9/1/11	Neopost ACH Payment #9100099	\$300.00

Attachments:

Cash Requirements Report dated 9/1/11 (6 pages)

ACH Check Copy dated 8/12/11 (1 page)

City of Clayton

Cash Requirements Report

CC Meeting 9/20/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Airgas NCN								
Airgas NCN	8/31/2011	6/30/2011	102179955	Argon Lease 7-12/11	\$83.89	\$0.00		\$83.89
				<i>Totals for Airgas NCN:</i>	<u>\$83.89</u>	<u>\$0.00</u>		<u>\$83.89</u>
Arlene H. Kikkawa-Nielsen								
Arlene H. Kikkawa-Nielsen	8/31/2011	8/31/2011	9/11	Library Volunteer Coordinator 9/11	\$820.00	\$0.00		\$820.00
				<i>Totals for Arlene H. Kikkawa-Nielsen:</i>	<u>\$820.00</u>	<u>\$0.00</u>		<u>\$820.00</u>
AT&T/ CalNet 2								
AT&T/ CalNet 2	8/31/2011	8/22/2011	8/11A	Local Phone Service 8/11A	\$1,404.86	\$0.00		\$1,404.86
				<i>Totals for AT&T/ CalNet 2:</i>	<u>\$1,404.86</u>	<u>\$0.00</u>		<u>\$1,404.86</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	8/31/2011	8/19/2011	0270541-IN	PW Signs, Safety Glasses & Gloves 8/11	\$352.08	\$0.00		\$352.08
Bay Area Barricade Serv.	8/31/2011	8/25/2011	0273770-IN	PW Signs, Paint 8/11	\$1,233.23	\$0.00		\$1,233.23
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$1,585.31</u>	<u>\$0.00</u>		<u>\$1,585.31</u>
CalPERS Health								
CalPERS Health	8/31/2011	8/15/2011	407	Health Premiums 9/11	\$28,956.37	\$0.00		\$28,956.37
				<i>Totals for CalPERS Health:</i>	<u>\$28,956.37</u>	<u>\$0.00</u>		<u>\$28,956.37</u>
CalPERS Retirement								
CalPERS Retirement	8/31/2011	8/31/2011	PPE 8/21/11	Retirement PPE 8/21/11	\$22,131.15	\$0.00		\$22,131.15
				<i>Totals for CalPERS Retirement:</i>	<u>\$22,131.15</u>	<u>\$0.00</u>		<u>\$22,131.15</u>
CCC Auditor-Controller (Booking)								
CCC Auditor-Controller (Booking)	8/30/2011	8/8/2011	8/8/11	PD Excess Booking Fee FY 10-11	\$340.00	\$0.00		\$340.00
				<i>Totals for CCC Auditor-Controller (Booking):</i>	<u>\$340.00</u>	<u>\$0.00</u>		<u>\$340.00</u>
CCC General Services (Traffic)								
CCC General Services (Traffic)	8/30/2011	7/22/2011	4244	Traffic Signal Maintenance 6/11	\$1,506.92	\$0.00		\$1,506.92
				<i>Totals for CCC General Services (Traffic):</i>	<u>\$1,506.92</u>	<u>\$0.00</u>		<u>\$1,506.92</u>
CCC Information Technology								
CCC Information Technology	8/30/2011	8/11/2011	6959	Assessment Tax Rolls 7/11	\$74.81	\$0.00		\$74.81
				<i>Totals for CCC Information Technology:</i>	<u>\$74.81</u>	<u>\$0.00</u>		<u>\$74.81</u>
Chapman Land Surveying Inc								
Chapman Land Surveying Inc	8/30/2011	8/17/2011	081211	Community Park Layout Stakes 8/11	\$6,300.00	\$0.00		\$6,300.00
				<i>Totals for Chapman Land Surveying Inc:</i>	<u>\$6,300.00</u>	<u>\$0.00</u>		<u>\$6,300.00</u>
Cole Supply Company								
Cole Supply Company	8/31/2011	8/17/2011	802356	PW Garbage Liners 8/11	\$646.47	\$0.00		\$646.47
				<i>Totals for Cole Supply Company:</i>	<u>\$646.47</u>	<u>\$0.00</u>		<u>\$646.47</u>

City of Clayton

Cash Requirements Report

CC Meeting 9/20/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
CR Fireline Inc								
CR Fireline Inc	8/31/2011	8/9/2011	89064	EH Kitchen Service 8/11	\$163.54	\$0.00		\$163.54
				<i>Totals for CR Fireline Inc:</i>	<i>\$163.54</i>	<i>\$0.00</i>		<i>\$163.54</i>
Dena and Mario Navea								
Dena and Mario Navea	8/30/2011	8/30/2011	SPR 04-05	Refund Deposit SPR 04-05 8/11	\$2,554.04	\$0.00		\$2,554.04
				<i>Totals for Dena and Mario Navea:</i>	<i>\$2,554.04</i>	<i>\$0.00</i>		<i>\$2,554.04</i>
Ghilotti Bros Contractors								
Ghilotti Bros Contractors	8/31/2011	8/26/2011	11415-03	CCP Parking Lot Expansion 8/11	\$177,017.85	\$0.00		\$177,017.85
				<i>Totals for Ghilotti Bros Contractors:</i>	<i>\$177,017.85</i>	<i>\$0.00</i>		<i>\$177,017.85</i>
Goldfarb & Lipman								
Goldfarb & Lipman	8/30/2011	8/22/2011	102478	RDA Legal Services 7/11	\$591.00	\$0.00		\$591.00
				<i>Totals for Goldfarb & Lipman:</i>	<i>\$591.00</i>	<i>\$0.00</i>		<i>\$591.00</i>
Hammons Supply Company								
Hammons Supply Company	8/31/2011	8/25/2011	68015	CH & LBR Janitorial Supplies 8/11	\$664.27	\$0.00		\$664.27
				<i>Totals for Hammons Supply Company:</i>	<i>\$664.27</i>	<i>\$0.00</i>		<i>\$664.27</i>
Health Care Dental Trust								
Health Care Dental Trust	8/31/2011	8/23/2011	130007	Dental Premiums 9/11	\$2,552.93	\$0.00		\$2,552.93
				<i>Totals for Health Care Dental Trust:</i>	<i>\$2,552.93</i>	<i>\$0.00</i>		<i>\$2,552.93</i>
J & R Floor Services								
J & R Floor Services	8/31/2011	9/1/2011	AUG2011	Janitorial Services 8/11	\$4,910.00	\$0.00		\$4,910.00
				<i>Totals for J & R Floor Services:</i>	<i>\$4,910.00</i>	<i>\$0.00</i>		<i>\$4,910.00</i>
J Kirk & Donna Scanlon								
J Kirk & Donna Scanlon	8/31/2011	8/15/2011	CAP 0018 SW	Refund CAP 0018 SW Deposit 8/11	\$1,904.55	\$0.00		\$1,904.55
				<i>Totals for J Kirk & Donna Scanlon:</i>	<i>\$1,904.55</i>	<i>\$0.00</i>		<i>\$1,904.55</i>
Jarvis Fay Doporto & Gibson, LLP								
Jarvis Fay Doporto & Gibson, LLP	8/30/2011	8/9/2011	8/9/11	Chevron Prop Tax Share 7/11	\$15.28	\$0.00		\$15.28
				<i>Totals for Jarvis Fay Doporto & Gibson, LLP:</i>	<i>\$15.28</i>	<i>\$0.00</i>		<i>\$15.28</i>
John Deere Landscapes Inc								
John Deere Landscapes Inc	8/31/2011	8/5/2011	58837387	CCP Pkg Lot Exp Sprinkler Supplies 8/11	\$154.23	\$0.00		\$154.23
John Deere Landscapes Inc	8/31/2011	8/12/2011	58914564	PW Sprinkler Supplies 8/11	\$97.79	\$0.00		\$97.79
John Deere Landscapes Inc	8/31/2011	8/12/2011	58914632	PW Sprinkler Repair 8/11	\$243.56	\$0.00		\$243.56
				<i>Totals for John Deere Landscapes Inc:</i>	<i>\$495.58</i>	<i>\$0.00</i>		<i>\$495.58</i>
LarryLogic Productions								
LarryLogic Productions	8/30/2011	8/17/2011	1173	Video City Council Meeting 8/16/11	\$375.00	\$0.00		\$375.00
				<i>Totals for LarryLogic Productions:</i>	<i>\$375.00</i>	<i>\$0.00</i>		<i>\$375.00</i>

City of Clayton

Cash Requirements Report

CC Meeting 9/20/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Majestic Pools								
Majestic Pools	8/31/2011	8/15/2011	CAP 0007 EP	Refund CAP 0007 EP Deposit 8/11	\$1,000.00	\$0.00		\$1,000.00
Majestic Pools	8/31/2011	8/15/2011	CAP 0007 SW	Refund CAP 0007 SW Deposit 8/11	\$689.79	\$0.00		\$689.79
				<i>Totals for Majestic Pools:</i>	<u>\$1,689.79</u>	<u>\$0.00</u>		<u>\$1,689.79</u>
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	8/31/2011	8/23/2011	411-1148-7	CH HVAC Service 7/11	\$332.50	\$0.00		\$332.50
				<i>Totals for Marken Mechanical Services Inc:</i>	<u>\$332.50</u>	<u>\$0.00</u>		<u>\$332.50</u>
Michel & Fackler APC								
Michel & Fackler APC	8/30/2011	8/18/2011	10994	MPA Legal Services 8/11	\$865.62	\$0.00		\$865.62
				<i>Totals for Michel & Fackler APC:</i>	<u>\$865.62</u>	<u>\$0.00</u>		<u>\$865.62</u>
Michelle Campbell								
Michelle Campbell	8/31/2011	8/31/2011	Libr 8/19/11	Refund Library Deposit 8/19/11	\$200.00	\$0.00		\$200.00
				<i>Totals for Michelle Campbell:</i>	<u>\$200.00</u>	<u>\$0.00</u>		<u>\$200.00</u>
Miracle Playsystems Inc								
Miracle Playsystems Inc	8/31/2011	8/8/2011	9369	Grove Park Fix Rubber Surfacing 8/11	\$3,677.27	\$0.00		\$3,677.27
Miracle Playsystems Inc	8/31/2011	8/8/2011	9638	Lydia Ln Fix Rubber Surfacing 8/11	\$678.88	\$0.00		\$678.88
				<i>Totals for Miracle Playsystems Inc:</i>	<u>\$4,356.15</u>	<u>\$0.00</u>		<u>\$4,356.15</u>
Municipal Pooling Authority								
Municipal Pooling Authority	8/31/2011	8/31/2011	9/11	Life, LTD, AD&D Premiums 9/11	\$1,180.55	\$0.00		\$1,180.55
Municipal Pooling Authority	8/30/2011	8/15/2011	B1103	Workers Comp Premium 11-12	\$985.00	\$0.00		\$985.00
Municipal Pooling Authority	8/30/2011	8/12/2011	BC1103	Workers Comp Retro Charges 10-11	\$200.00	\$0.00		\$200.00
Municipal Pooling Authority	8/30/2011	8/15/2011	K1103	Wellness Premium 11-12	\$418.00	\$0.00		\$418.00
Municipal Pooling Authority	8/30/2011	8/12/2011	L1103	Liability Program 11-12	\$38,936.00	\$0.00		\$38,936.00
				<i>Totals for Municipal Pooling Authority:</i>	<u>\$41,719.55</u>	<u>\$0.00</u>		<u>\$41,719.55</u>
Neopost Leasing (Mail Finance)								
Neopost Leasing (Mail Finance)	8/30/2011	8/24/2011	N2728159	Admin Postage Mach Lease 10/11	\$222.02	\$0.00		\$222.02
				<i>Totals for Neopost Leasing (Mail Finance):</i>	<u>\$222.02</u>	<u>\$0.00</u>		<u>\$222.02</u>
Paul Swiatko								
Paul Swiatko	8/31/2011	8/31/2011	Libr 8/26/11	Refund Library Deposit 8/26/11	\$200.00	\$0.00		\$200.00
				<i>Totals for Paul Swiatko:</i>	<u>\$200.00</u>	<u>\$0.00</u>		<u>\$200.00</u>
PERMCO, Inc.								
PERMCO, Inc.	8/31/2011	8/29/2011	9510	Engineering Services 8/6-8/23/11	\$4,573.50	\$0.00		\$4,573.50
PERMCO, Inc.	8/31/2011	8/29/2011	9511	AT&T (Cable) EP Inspections	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9512	CCWD Minor EP Inspections	\$415.00	\$0.00		\$415.00
PERMCO, Inc.	8/31/2011	8/29/2011	9513	Annual Reporting for SW	\$28.88	\$0.00		\$28.88
PERMCO, Inc.	8/31/2011	8/29/2011	9514	O'Meara SWP 01-10	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9514	Richards SWP 11-10	\$41.50	\$0.00		\$41.50

City of Clayton

Cash Requirements Report

CC Meeting 9/20/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.	8/31/2011	8/29/2011	9515	ABAG Haz Mit Pln Update 2009	\$245.44	\$0.00		\$245.44
PERMCO, Inc.	8/31/2011	8/29/2011	9516	CCP Prkg Lot Const Insp, RFQ add Work	\$12,021.81	\$0.00		\$12,021.81
PERMCO, Inc.	8/31/2011	8/29/2011	9517	2010 Pavement Rehab Inspections	\$522.31	\$0.00		\$522.31
PERMCO, Inc.	8/31/2011	8/29/2011	9518	Diablo Estates SPR Rvw LLA, Plans	\$1,903.00	\$0.00		\$1,903.00
PERMCO, Inc.	8/31/2011	8/29/2011	9519	Diablo Pointe Remedial Grd Pln Checks	\$225.00	\$0.00		\$225.00
PERMCO, Inc.	8/31/2011	8/29/2011	9520	Diablo Estates Const Insp Sub Improvements	\$491.50	\$0.00		\$491.50
PERMCO, Inc.	8/31/2011	8/29/2011	9521	Diablo Pointe SW Inspections	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9522	Pallotta/Majestic Pools 0007 SW	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9522	VanBrusselen 0010 SW	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9522	Caldwell/Swan Pools 0012 SW	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9522	JMS Builders/Magdefrau 0016 SW	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9522	Scanlon 0018 SW	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9522	Diablo Tropicals/Farley 0022 SW	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/31/2011	8/29/2011	9523	Clayton Rd Median Relandscape Plans	\$884.25	\$0.00		\$884.25
				Totals for PERMCO, Inc.:	\$21,725.69	\$0.00		\$21,725.69
PG&E								
PG&E	8/31/2011	8/23/2011	Indv 8/11	Services Indv Accts 8/11	\$472.90	\$0.00		\$472.90
PG&E	8/31/2011	8/18/2011	Mst 119... 8/11	Services Acct #119... 8/11	\$510.31	\$0.00		\$510.31
PG&E	8/31/2011	8/23/2011	Mst 121... 8/11	Services Acct #121... 8/11	\$2,991.20	\$0.00		\$2,991.20
				Totals for PG&E:	\$3,974.41	\$0.00		\$3,974.41
PMC Investigative Services								
PMC Investigative Services	8/30/2011	8/18/2011	11-0201	PD Investigation 8/11	\$4,937.50	\$0.00		\$4,937.50
				Totals for PMC Investigative Services:	\$4,937.50	\$0.00		\$4,937.50
Rita Howe								
Rita Howe	8/30/2011	8/30/2011	8/11	Admin Petty Cash 8/11	\$225.29	\$0.00		\$225.29
				Totals for Rita Howe:	\$225.29	\$0.00		\$225.29
Rutan & Tucker LLP								
Rutan & Tucker LLP	8/30/2011	8/17/2011	616741	Land Use & Economic Development 7/11	\$375.00	\$0.00		\$375.00
				Totals for Rutan & Tucker LLP:	\$375.00	\$0.00		\$375.00
SPRAYTEC (Sprayer Sales Co)								
SPRAYTEC (Sprayer Sales Co)	8/31/2011	8/22/2011	10841	PW Wash Rack Maintenance 8/11	\$225.00	\$0.00		\$225.00
				Totals for SPRAYTEC (Sprayer Sales Co):	\$225.00	\$0.00		\$225.00
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	8/31/2011	8/29/2011	112	PW & Adm Cell Phone Service 8/11	\$286.53	\$0.00		\$286.53
				Totals for Sprint Comm (PW & ADM):	\$286.53	\$0.00		\$286.53
Stanley Access Tech Inc								
Stanley Access Tech Inc	8/31/2011	8/24/2011	901473838	Library Door Repair 8/11	\$1,378.94	\$0.00		\$1,378.94
				Totals for Stanley Access Tech Inc:	\$1,378.94	\$0.00		\$1,378.94

City of Clayton

Cash Requirements Report

CC Meeting 9/20/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Treppa Law Group								
Treppa Law Group	8/30/2011	7/31/2011	533	JFC & Malpractice Legal Services 7/11	\$181.50	\$0.00		\$181.50
				<i>Totals for Treppa Law Group:</i>	<i>\$181.50</i>	<i>\$0.00</i>		<i>\$181.50</i>
Turf Star, Inc.								
Turf Star, Inc.	8/31/2011	8/16/2011	6722228-00	PW Equipment Repair 8/11	\$191.99	\$0.00		\$191.99
				<i>Totals for Turf Star, Inc.:</i>	<i>\$191.99</i>	<i>\$0.00</i>		<i>\$191.99</i>
Undercover Computers								
Undercover Computers	8/30/2011	8/17/2011	211	Admin Computer Service 8/11	\$300.00	\$0.00		\$300.00
				<i>Totals for Undercover Computers:</i>	<i>\$300.00</i>	<i>\$0.00</i>		<i>\$300.00</i>
US Bank Corp Pymt System (Cal Card)								
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	ADM 7/11	Adm Office supplies, name plds & CC suppl	\$348.86	\$0.00		\$348.86
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	ADM 7/11	Verizon - ISDN Phone Line 7/11	\$214.51	\$0.00		\$214.51
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	ADM 7/11	Geoconsultants 6/11	\$1,546.50	\$0.00		\$1,546.50
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PD 7/11	PD First Aid Supplies & 7/4 Cadet supplies	\$167.87	\$0.00		\$167.87
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PD 7/11	PD Office Supplies	\$304.25	\$0.00		\$304.25
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PD 7/11	PD Postage	\$22.36	\$0.00		\$22.36
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PD 7/11	PD Light bulbs for department	\$78.30	\$0.00		\$78.30
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PD 7/11	PD Car Washes & Decoy car lighthbar supplies	\$594.93	\$0.00		\$594.93
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PD 7/11	PD Vehicle Fuel	\$2,889.66	\$0.00		\$2,889.66
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PD 7/11	PD Supervisor Training - McEachin	\$176.00	\$0.00		\$176.00
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Small tools & General supplies	\$36.06	\$0.00		\$36.06
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	Library Light bulbs	\$255.84	\$0.00		\$255.84
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Hydraulic hoses	\$278.66	\$0.00		\$278.66
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Vehicle Maintenance	\$50.65	\$0.00		\$50.65
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Vehicle Fuel	\$1,553.43	\$0.00		\$1,553.43
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW PAPA Seminars (3) & Dues	\$280.00	\$0.00		\$280.00
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Landscape Supplies	\$489.35	\$0.00		\$489.35
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Trailer lights & plugs	\$22.82	\$0.00		\$22.82
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Oil & fuses	\$63.03	\$0.00		\$63.03
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Landscape Fuel	\$1,280.86	\$0.00		\$1,280.86
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	PW Water line material	\$24.12	\$0.00		\$24.12
US Bank Corp Pymt System (Cal Card)	9/1/2011	7/22/2011	PW 7/11	EH Paint & light bulbs	\$149.35	\$0.00		\$149.35
				<i>Totals for US Bank Corp Pymt System (Cal Card):</i>	<i>\$10,827.41</i>	<i>\$0.00</i>		<i>\$10,827.41</i>
US Bank Trust National Assoc								
US Bank Trust National Assoc	8/30/2011	9/2/2011	92/11	CFD 90-1 Middle Sch Debt Service 8/11	\$568,595.99	\$0.00		\$568,595.99
				<i>Totals for US Bank Trust National Assoc:</i>	<i>\$568,595.99</i>	<i>\$0.00</i>		<i>\$568,595.99</i>
Warner Brothers Tree Service								
Warner Brothers Tree Service	8/31/2011	8/15/2011	9445	MCR & Clayton Rd Tree Trimming 8/11	\$450.00	\$0.00		\$450.00
Warner Brothers Tree Service	8/31/2011	8/17/2011	9464	Grove Park Tree Trimming 8/11	\$750.00	\$0.00		\$750.00

City of Clayton
Cash Requirements Report
CC Meeting 9/20/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Western Exterminator								
Western Exterminator	8/30/2011	7/31/2011	577137	Totals for Waraner Brothers Tree Service:	\$1,200.00	\$0.00		\$1,200.00
				Extermination Service 7/11	\$334.50	\$0.00		\$334.50
				Totals for Western Exterminator:	\$334.50	\$0.00		\$334.50
				GRAND TOTALS:	\$919,439.20	\$0.00		\$919,439.20

8/12/2011

To: Neopost (add postage)

8/12/11	8/12/2011	Admin Postage Added 8/12/11		\$300.00	\$0.00	\$300.00
			Totals:	\$300.00	\$0.00	\$300.00

8/12/2011 9100099

Three hundred and 00/100 Dollars

\$** 300.00

Neopost (add postage)



Agenda Date: 9-20-11

Agenda Item: 4d

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: SEPTEMBER 20, 2011

SUBJECT: DECLARATION OF EQUIPMENT SURPLUS TO THE CITY'S NEEDS

RECOMMENDATION

Declare one police vehicle and one maintenance truck as surplus property and unserviceable, and authorize the City Manager to dispose of the surplus and unserviceable vehicles through public auction for their most economical value.

DISCUSSION

A. Police Vehicle.

On June 21, 2011, the City Council approved the City's FY 2011-2012 Budget which included funds to purchase one new patrol vehicle. With that authorization, staff purchased one new 2011 Ford Crown Victoria Interceptor vehicle from a vendor with a State-approved competitive contract bid. The new vehicle replaces an unserviceable patrol vehicle, a 2005 Ford Crown Victoria (#1727), which has accumulated approximately 109,000 mileages and has reached the age where it is not dependable to provide reliable patrol transportation or public safety response.

Last fiscal year, the City Council approved Budget also included funds to purchase one 2010 Ford Crown Victoria sedan to be utilized as a patrol vehicle. This new patrol vehicle replaced an older unserviceable 2003 Ford Crown Victoria (#1724). Instead of selling that unserviceable vehicle through public auction, staff decided to retain the vehicle and utilized it exclusively as a decoy police vehicle during the past year. The use of the unserviceable vehicle (#1724) as a decoy police vehicle has proven to be an effective strategy in lowering traffic speed where the decoy vehicle is deployed. Unfortunately, the 1724 vehicle has continued to decay and is no longer dependable, even for use as a decoy vehicle. As a result, staff's proposal is to surplus vehicle no.1724 (the 2003 Crown Victoria) and continue the decoy program using vehicle no.1727.

B. Maintenance Truck.

During FY 2010-2011, the City Council approved an operating budget which included funds to purchase one new vehicle for the City Maintenance Department. With that authorization, staff recently acquired one new Ford F-250 truck to replace an older vehicle, a 1992 Ford F-450, which has accumulated approximately 77,000 miles and is in poor condition.

Both City vehicles, the 2003 Ford Crown Victoria (no.1724) and the 1992 Ford F-450, have aged, are in poor condition, and are not dependable to provide reliable service to either City Department. Staff recommends each be declared surplus and the City Manager be authorized to dispose of the two surplus and unserviceable vehicles by selling the vehicles through public auction.

FISCAL IMPACT

The Kelly Blue Book does not provide trade-in values for vehicles or trucks in poor condition, particularly those in poor mechanical condition and appearance. On average, used patrol vehicles have sold recently for approximately \$900, while used Ford F-450 trucks have sold for as much as \$1000, depending on their condition.

All proceeds from the sale of these surplus vehicles belong to the taxpayers (City) and will be deposited as revenue into the City's Capital Equipment Replacement Fund (CERF).



Agenda Date: 9-20-11

Agenda Item: 9a

Approved:


Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, AICP, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: SEPTEMBER 20, 2011

SUBJECT: CONSIDERATION OF REVISED LANDSCAPE AND IRRIGATION PLANS
SUBMITTED BY THE CLAYTON BUSINESS AND COMMUNITY
ASSOCIATION (CBCA) FOR COMPLETION OF ITS DAFFODIL HILL
BEAUTIFICATION PROJECT ON PUBLIC PROPERTY

RECOMMENDATION

It is recommended the City Council adopt the attached resolution (See **Attachment 1**), thereby approving the Clayton Business and Community Association's (CBCA's) plans to complete its Daffodil Hill Beautification Project, subject to conditions of approval stated therein.

PROJECT INFORMATION

Applicant: Clayton Business and Community Association (CBCA)

Location: Southeast Corner of the Intersection of Clayton Road and Old Marsh
Creek Road (APN 118-560-009)

General Plan Designation: Institutional density (ID)

Town Center Specific
Plan Designation: Public Facility

Zoning: Planned Development (PD)

Environmental Review: Categorically exempt per Section 15061(b)(3) of the California
Environmental Quality Act (CEQA) Guidelines.

REQUEST/DESCRIPTION

This proposed Daffodil Hill (Improvements) Beautification Project has been in process and/or under discussion since approximately 2005. The applicant, the Clayton Community and Business Association (CBCA), has submitted a chronology of activity related to this proposed project as part of its application packet (See **Attachment 2**) to the City to complete this project. The CBCA would complete this landscape and irrigation project in the vicinity of the "Clayton" Town Center sign located on City-owned property at the southeast corner of the intersection of Clayton Road and old Marsh Creek Road in accordance with plans it has had prepared by Steven Lane and Nicole Hackett. These plans are entitled Daffodil Hill Improvements, dated September 13, 2011 (See **Attachment 3**). The CBCA is requesting access to the City-owned site to complete the installation of the improvements described in the plans and would be responsible for assuring the establishment of the installed plant materials and proper functioning of the irrigation system for a period of six (6) months after installation. Thereafter, the City of Clayton would be responsible for the ongoing maintenance and general care of the plant materials and irrigation system. The submitted plans include a "Maintenance Schedule" (See Sheet L-4 of **Attachment 3**). The applicant also submitted a "Proposed Irrigation Schedule" (See **Attachment 4**) and a "Proposed Water Chart" (See **Attachment 5**) for the proposed project.

Staff has worked with CBCA's design consultants on the current submittal which includes updated and revised project plans. These plans call for the installation of a wide variety of plants, shrubs, and trees as well as modifications to the existing irrigation system to support the planting plan. The plantings range from Bearded Iris plants to Lions Tall Sage shrubs to California Live Oak trees. The plantings selected are typically drought-tolerant and relatively low-maintenance. Generally, staff is supportive of the plans in their current form; however, the planting plan does include some plant materials that will require a higher level of maintenance than is standard for the City's public landscape areas. The City's Maintenance Supervisors have indicated the objective for the public landscape areas is to install plant materials that have a more certain survival expectancy and low maintenance requirements. A number of the proposed plantings will require hand pruning several times a year which is beyond standard practice for public landscape areas. The "General Planting Notes and Maintenance Schedule" on Sheet L-4 of **Attachment 3** describes the maintenance requirements of the plantings proposed for this project.

ANALYSIS

As indicated under the Request/Description section of this report, staff has reviewed work of the applicant's design professionals as part of the standard application review process. The applicant's representatives have made a number of needed revisions to the plans, resulting in the current submittal. Attached (See **Attachment 6**) is a final comment letter on this proposal from Maintenance Supervisor John Johnston. As mentioned, Mr. Johnston indicates some concern about the level of maintenance that may be required for the proposed planting plan. Additionally, he indicates a concern/desire to assure that proposed irrigation equipment will match existing equipment that has already been installed. This concern will be addressed in the attached resolution as a recommended condition of approval.

Other issues that staff has identified that need to be addressed relate to the following: 1) providing formal access to the City-owned site for CBCA contractors to perform the needed work to implement the proposed plans and assuring the City is properly insured related to this work; 2) assuring that CBCA has a qualified Construction Manager to oversee the work to be performed; and, 3) assuring that CBCA is responsible for the health and survival of plantings during the establishment period.

Access and Insurance

Staff recommends that the City and CBCA enter into an Agreement to provide access to CBCA representatives and their contractors to the subject site to implement the project and, at the same time, that CBCA obtain liability insurance naming the City as an additional insured. Staff recommends the level of this insurance be a minimum amount of \$2 million which is the City's standard for this circumstance. Staff has added a condition of approval to the attached resolution to address these concerns.

Construction Manager

The applicant's project documentation, including the contractor bid proposal documentation, indicates that City staff would be doing inspections of the work to be performed. It is not the intent of the City nor can it be under the Labor Code for the City to perform work or expend funds on this project (See **Attachment 7**). Accordingly, CBCA will need to hire a qualified, independent Construction Manager to assure and certify in writing that the work performed is in accordance with the approved plans for this project. Staff has added a condition of approval to the attached resolution to address this matter.

Replacement Plantings and Irrigation System Repair/Replacement

Staff recommends a six (6) month establishment period for acceptance of the installed plantings and irrigation system. At the end of six months following the installation of the approved plant materials and irrigation system, the City's Maintenance Supervisor, an assigned CBCA representative, and the project Construction Manager will inspect the plantings and irrigation system. Any dead or dying plant materials will be replaced as determined by the City's Maintenance Supervisor. Additionally, any malfunctioning components of the irrigation system will be replaced or repaired. The full cost of the replacement plantings and replacements/repairs to the irrigation system shall be the responsibility of CBCA. After acceptance of the described replacements/repairs, the ongoing maintenance shall be the full responsibility of the City of Clayton.

FISCAL IMPACT

The ongoing maintenance of the Daffodil Hill planting and irrigation improvements as part of this beautification project will be added to the City's Lighting and Landscaping District.

ATTACHMENTS

1. Resolution
2. Applicant's "Summary of the Daffodil Hill Improvements' Project
3. Proposed Project Plans, entitled Daffodil Hill Improvements, dated September 13, 2011
4. Proposed Irrigation Schedule
5. Proposed Water Chart
6. Comment Correspondence from Maintenance Supervisor John Johnston to Community Development Director David Woltering, dated September 16, 2011
7. Memorandum from City Manager Gary A. Napper to Daffodil Hill Subcommittee, CBCA, dated 18 April, 2011

RESOLUTION NO. _____**A RESOLUTION APPROVING THE REVISED LANDSCAPE AND IRRIGATION
PLANS FOR THE DAFFODIL HILL BEAUTIFICATION (IMPROVEMENTS)
PROJECT ON PUBLIC PROPERTY AT THE SOUTHEAST CORNER OF THE
INTERSECTION OF CLAYTON ROAD AND OLD MARSH CREEK ROAD
(CDD 03-11)****THE CITY COUNCIL
City of Clayton, California**

WHEREAS, the Clayton City Council previously agreed to allow the Clayton Business and Community Association (CBCA) to install landscape and irrigation improvements on City-owned property at the southeast corner of the intersection of Clayton Road and old Marsh Creek Road (APN 118-560-009); and

WHEREAS, CBCA now wishes to complete its "Daffodil Hill" Beautification project; and

WHEREAS, CBCA will assume full financial responsibility for the design and installation of said landscape and irrigation improvements and obtain needed liability insurance to perform the related work; and

WHEREAS, the installation of the landscape and irrigation improvements would be in conformance with the City of Clayton Landscape Water Conservation Standards and, otherwise, conform with City of Clayton and industry standards; and

WHEREAS, CBCA representatives submitted proposed plans for this project titled Daffodil Hill Improvements, dated September 13, 2011; and

WHEREAS, City staff reviewed the submitted plans received from CBCA representatives and has found them to be in general conformance with the City's Landscape Water Conservation Standards as well as other applicable City of Clayton and industry standards, except as otherwise noted in the conditions of approval stated below; and

WHEREAS, proposed project is categorically exempt per Section 15061(b)(3) of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The City Council of the City of Clayton approves the applicant's Daffodil Hill Improvements Plans, dated September 13, 2011, subject to the following findings and conditions regarding the submitted plans:

FINDINGS:

1. Are consistent with the General Plan designation and policies.
2. Meet the standards and requirements of the Zoning Ordinance.
3. Preserve general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.

4. Maintain solar rights of adjacent properties.
5. Reasonably maintain the privacy of adjacent property owners and/or occupants.
6. Reasonably maintain the existing views of adjacent property owners and/or occupants.
7. Are complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.
8. Are compatible with the neighborhood and surrounding land uses.

CONDITIONS:

1. Prior to commencing work on this project, the Clayton Business and Community Association (CBCA) shall enter into an Agreement with the City of Clayton to be allowed access onto the subject City-owned property (APN 118-560-009) and shall provide acceptable liability insurance in the amount of \$2,000,000.00, naming the City of Clayton as an additional insured, for the subject work to be performed on this property to the satisfaction of the City Manager and the City Attorney.
2. Prior to commencing work on this project, the CBCA shall contract with a qualified Construction Manager to oversee the work to be performed related to this project and to assure and certify in writing that the work performed is in accordance with the approved project plans to the satisfaction of the City Maintenance Supervisor.
3. Six (6) months following installation of the plant materials and irrigation system approved for this project, the assigned CBCA representative and City Maintenance Supervisor shall inspect the installed plant materials and irrigation system. Any dead or dying plant materials shall be replaced. Replacement plant materials shall be as determined by the City Maintenance Supervisor. Any malfunctioning irrigation equipment shall be replaced or repaired as determined by the City Maintenance Supervisor. CBCA shall be responsible for all costs associated with replacing the plant materials and replacement or repair of the malfunctioning irrigation equipment. After the replacement plant materials have been satisfactorily installed and the malfunctioning irrigation equipment satisfactorily replaced or repaired, the City of Clayton shall assume ongoing all responsibility for the maintenance of the plantings and irrigation system.
4. All work performed on this project shall be in accordance with industry and City standards.
5. The detail on Sheet L-3 shall be changed to show 1812 SAM series Rain Bird bodies instead of the 1804 series to be consistent with the existing equipment that presently exists on the subject property.

Resolution No. _____

Page 3

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular public meeting thereof held on _____, 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

Attachment:

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on _____.

Laci J. Jackson, City Clerk

SUMMARY OF THE 'DAFFODIL HILL IMPROVEMENTS' PROJECT

Fall 2005: Several Clayton Business and Community Association (CBCA) members formed an ad-hoc committee to investigate a civic project with the City to landscape the site at the corner of Clayton & Marsh Creek Road where the "Clayton" Town Center sign is located.

2006: The CBCA Executive Board approved \$500.00 for a set of concept plans from Diana Kostik. These plans covered electrical and irrigation. These plans were never used.

The scope of the original project only envisioned upgrading the area in the immediate vicinity of the 'Town Center' sign. The City of Clayton then committed redevelopment funds to construct a new trail and new Directional Signs on the Site. By adding additional funds from CBCA the entire hill could also be landscaped.

Spring 2009: A bid was awarded to Maxicrete Construction for approximately \$155,000*. This funding was split between the City (Redevelopment funds of about \$90,000) and CBCA (\$65,000). The landscaping piece of the bid was approximately \$6,000, but due to the drought situation that phase of the project was deferred. A supplemental request to CBCA for \$9,500 for landscaping at a future date was put on hold until drought conditions ended.

February 2010: The water restrictions were lifted. Two CBCA committee members, Susan Fossan and Shannon Seven looked over the final plans, and agreed to what the City had designed, to get the project completed.

2011: CBCA's support was needed to finish the project. Mary Ann Lawrence agreed to represent CBCA.

Early in the year - Preliminary meetings with City Staff, sub-committee members Shannon Seven and Mary Ann Lawrence, Clayton Landscape Designer Nicole Hackett, and Clayton Drafting & Design / Project Management Consultant Steven Lane took place - to discuss & agree-upon some proposed planting revisions, and the City of Clayton granting permission to the CBCA to bid the project to an outside Landscape Contractor; and to oversee that the proposed planting & irrigation work be designed, reviewed and installed to current City Requirements, Ordinances, Standard Specifications and Standard Plans. City Maintenance Staff will ultimately maintain the landscaping on Site, which remains to be City of Clayton property, and is irrigated by a split system of well water and municipal water.

From preliminary meetings - discrepancies in original plans and "As-built" conditions were discovered. In addition - a new City Landscape Water Ordinance was put into effect. Steve Lane was hired by the CBCA to do paid and volunteer work to produce a corrected 'As-Built' plan of the Site, and the necessary Construction Documents for City review and potential approval.

August 25, 2011: CBCA member meeting. Daffodil Hill Committee presented design as submitted for preliminary bid and City Water Ordinance Staff review; Preliminary bid presented to membership, and vote in support of CBCA funding the current, proposed 'Daffodil Hill Improvements' took place.

September 20, 2011: City Staff-reviewed 'Daffodil Hill Improvements' Proposal (including detailed Construction Drawings and Project Specifications) to be presented at City Council Meeting. Ideally, Council approves proposal.

September 29, 2011: CBCA Board and Membership vote to approve project funding based on recommendations.

Early October 2011: Ideally, CBCA President, Ed Hartley signs contract with winning Landscape Contractor bidder; project breaks ground shortly after, and is completed within 45 days - ultimately, providing 600+ visitors of Clayton a truly 'Signature' landscape at one of the most prominent locations within the City's Town Center.

RECEIVED
SEP 12 2011
CLAYTON COMMUNITY
DEVELOPMENT DEPT

DAFFODIL HILL IMPROVEMENTS

SITE PHOTO



EXISTING SITE CONDITIONS - LOOKING EAST FROM DIRECTIONAL SIGN @ CLAYTON ROAD, PHOTO TAKEN AUGUST 5, 2011 BY STEVEN LANE.

SITE SATELLITE MAP



GOOGLE SATELLITE MAP ca. SUMMER, 2010

PROJECT SUMMARY STATEMENT

SUMMARY OF THE 'DAFFODIL HILL IMPROVEMENTS' PROJECT

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February 2010: The water restrictions were lifted. Two CBCA committee members, Susan Fossan and Shannon Seven looked over the final plans, and agreed to what the City had designed, to get the project completed.

2011: CBCA's support was needed to finish the project. Mary Ann Lawrence agreed to represent CBCA.

Early in the year - Preliminary meetings with City Staff, sub-committee members Shannon Seven and Mary Ann Lawrence, Clayton Landscape Designer Nicole Hackett, and Clayton Drafting & Design / Project Management Consultant Steven Lane took place - to discuss & agree-upon some proposed planting revisions, and the City of Clayton granting permission to the CBCA to bid the project to an outside Landscape Contractor; and to oversee that the proposed planting & irrigation work be designed, reviewed and installed to current City Requirements, Ordinances, Standard Specifications and Standard Plans. City Maintenance Staff will ultimately maintain the landscaping on Site, which remains to be City of Clayton property, and is irrigated by a split system of well water and municipal water.

From preliminary meetings - discrepancies in original plans and "As-built" conditions were discovered. In addition - a new City Landscape Water Ordinance was put into effect. Steve Lane was hired by the CBCA to do paid and volunteer work to produce a corrected 'As-Built' plan of the Site, and the necessary Construction Documents for City review and potential approval.

August 25, 2011: CBCA member meeting. Daffodil Hill Committee presented design as submitted for preliminary bid and City Water Ordinance Staff review; Preliminary bid presented to membership, and vote in support of CBCA funding the current, proposed 'Daffodil Hill Improvements' took place.

September 20, 2011: City Staff-reviewed 'Daffodil Hill Improvements' Proposal (including detailed Construction Drawings and Project Specifications) to be presented at City Council Meeting. Ideally, Council approves proposal.

September 29, 2011: CBCA Board and Membership vote to approve project funding based on second-round bids.

Early October 2011: Ideally, CBCA President, Ed Hartley signs contract with winning Landscape Contractor bidder; project breaks ground shortly after, and is completed within 45 days - ultimately, providing the citizens and visitors of Clayton a truly 'Signature' landscape at one of the most prominent locations within the City's Town Center.

STANDARD ABBREVIATIONS

&	AND	FT	FOOT OR FEET	REQD	REQUIRED
@	AT	GA	GAUGE	RWD	REDWOOD
C	CENTER LINE	GALV	GALVANIZED	SF	SQUARE FEET/FOOT
D	DIAMETER	IRRI	IRRIGATION	SIM	SIMILAR
ADJ	ADJUSTABLE	MAX	MAXIMUM	SO	SQUARE
BLDG	BUILDING	MFR	MANUFACTURER	TYP	TYPICAL
CLR	CLEAR	MIN	MINIMUM	UN	UNLESS OTHERWISE NOTED
CONC	CONCRETE	MISC	MISCELLANEOUS	VERT	VERTICAL
CONT	CONTINUOUS	(N)	NEW	VF	VERIFY IN FIELD
D.G.	DECOMPOSED GRANITE	NIC	NOT IN CONTRACT	W/	WITH
EQ	EQUAL	NTS	NOT TO SCALE	W/O	WITHOUT
(E)	EXISTING	OC	ON CENTER	WP	WATERPROOF
FIN	FINISH	RELO	RELOCATE(D)		

DESCRIPTION OF WORK

- A. VISUAL AND OPERATIONAL INSPECTION / 'SURVEY' OF EXISTING IRRIGATION SYSTEM AND RELATED EQUIPMENT.
- B. CLEARING, GRUBBING AND GRADING AS REQUIRED TO CONFORM TO ORIGINAL SITE [GRADE] PLAN, DATED 3/20/09, SHEET 5 OF THIS PLAN SET.
- C. REMOVAL, ALTERATION, REPAIRS AND INSTALLATION OF NEW IRRIGATION COMPONENTS AS INDICATED AND NOTED WITHIN THESE PLAN SHEETS AND IN THE PROJECT SPECIFICATIONS.
- D. INSTALLATION OF NEW PLANTING AND LANDSCAPE MATERIALS AS INDICATED AND NOTED WITHIN THESE PLAN SHEETS AND IN THE PROJECT SPECIFICATIONS.
- E. ALTERATIONS AND REPAIRS OF EXISTING LANDSCAPE AND DIRECTIONAL SIGN LIGHTING AS INDICATED AND NOTED WITHIN THESE PLAN SHEETS AND IN THE PROJECT SPECIFICATIONS.

CODE INFO AND REQUIREMENTS

ALL NEW WORK SHALL COMPLY WITH 2010 CALIFORNIA PLUMBING CODE (CPC), 2010 CALIFORNIA ELECTRICAL CODE (CEC), COUNTY AND LOCAL CODES, INCL.:
CITY OF CLAYTON 'LANDSCAPE WATER CONSERVATION STANDARDS'
CITY OF CLAYTON 'STANDARD SPECIFICATIONS' AND 'STANDARD PLANS'

PROJECT SITE INFO

APN: 118-560-009
ZONING: PD (PLANNED DEVELOPMENT)
LOT AREA: 10,715 SF (~1/4 ACRE)
(PER ASSESSOR'S DATA)
LANDSCAPE IRRIGATION AREA: TBD (~8,500 SF)

PROJECT CONTACTS

PROJECT DEVELOPER:
CLAYTON BUSINESS and COMMUNITY ASSN. (CBCA)
P.O. BOX 436
CLAYTON, CA 94517
CONTACT: MARY ANN LAWRENCE
PH: (925) 672-6555
CONTACT: SHANNON SEVEN
PH: (925) 672-7598

LANDSCAPE DESIGNER:
NICOLE HACKETT
526 MOUNT DELL DRIVE
CLAYTON, CA 94517
PH: (925) 673-1746
EMAIL: gardengiri94517@yahoo.com

PROJECT Co-DESIGNER / DRAFTING / DESIGN and Co-PROJ. MGMT. CONSULTANT:
STEVEN M. LANE
245 MOUNTAIRE CIRCLE
CLAYTON, CA 94517
PH: (925) 698-7057
EMAIL: slane23@msn.com

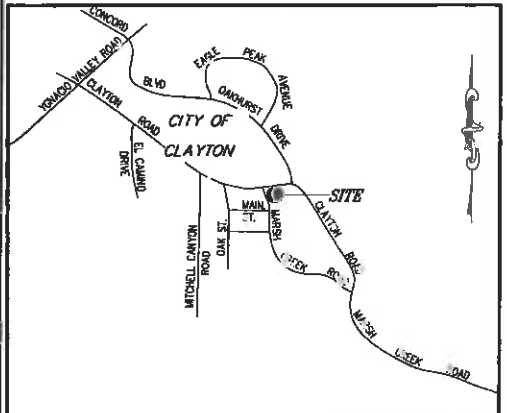
PROPERTY OWNER / REVIEWING AGENCY:
CITY OF CLAYTON
6000 HERITAGE TRAIL
CLAYTON, CA 94517
CONTACT: GARY NAPPER, CITY MGR.
PH: (925) 673-7300
CONTACT: DAVID WOLTERING,
COMMUNITY DEVELOPMENT DIRECTOR
PH: (925) 673-7340

CITY OF CLAYTON MAINTENANCE SUPERVISORS:
JOHN JOHNSTON and MARK JANNEY
PH: (925) 673-7300

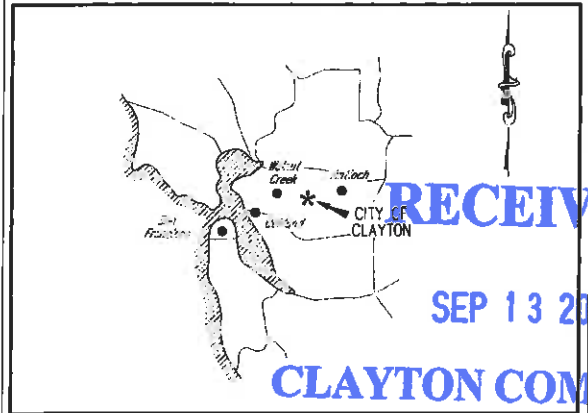
SHEET INDEX

- L-0 COVER SHEET
- L-1 PROPOSED PLANTING PLAN
- L-2 PROPOSED PLANTING KEY, DETAILED PLANT INFO, WUCOLS III INFO & RATINGS, REFERENCE SHEETS, PLANTING & DESIGN SUMMARY, DESIGNER'S RESUMES
- L-3 PROPOSED IRRIGATION ALTERATIONS PLAN / LIGHTING ALTERATIONS PLAN, LIGHTING DETAILS & NOTES
- L-4 PLANTING and IRRIGATION DETAILS & NOTES
- 5 ORIGINAL SITE [GRADE] PLAN, DATED 3/20/09

LOCATION and VICINITY MAPS



VICINITY MAP
N.T.S.



LOCATION MAP
N.T.S.

REVISIONS

NO.	DESCRIPTION	DATE	BY

Nicole Hackett
the Clayton "Garden Girl"
Landscape and Garden Plant Coordination & Sales
R & M Pool, Pools, Gardens, Gifts
6700 Main St., Suite 100
Clayton, CA 94517
(925) 672-0007

STEVEN M. LANE
CLAYTON DRAFTING & DESIGN
P.O. BOX 436
CLAYTON, CA 94517
PH: (925) 672-6555
EMAIL: slane23@msn.com

DAFFODIL HILL IMPROVEMENTS
MARSH CREEK ROAD & CLAYTON ROAD
CLAYTON, CALIFORNIA 94517
FOR: CLAYTON BUSINESS AND COMMUNITY ASSN. (CBCA)

DATE: 9/13/11
DESIGNED: NICOLE HACKETT and STEVEN LANE
DRAWN: STEVEN LANE
SCALE: AS NOTED
SHEET: L-0
OF: 5

"DAFFODIL HILL" - PROPOSED PLANTING KEY (SHEET 1 OF 3)

IMAGE	ABBREVIATION ON PLAN	SCIENTIFIC NAME / COMMON NAME / PLANT SIZE / WUCOLS RATING PLANT TYPE - COMMENTS	QUANTITY	POT SIZE
	Ani	Anigozanthos 'Red Cross' / Red Kangaroo Paw / 4-5' Tall and 4' Wide / Perennial / WUCOLS III water-use rating: Low Tall Flowering Plant - Hardy, water-wise evergreen w/ 4-5' Tall flower stalks; Burgundy-red flowers May-October; Full sun, Clayton tolerant, very low maintenance	2 plants	5 Gal.
	Arc	Archostaphylos 'Howard McMinn' / Manzanita / 5-6' Tall and 7' Wide / Shrub - Small Tree / WUCOLS III water-use rating: Very Low Large Bush / Small Tree - Hardy, water-wise evergreen; Clusters of white flowers touched with pink from March-May; Full sun; Clayton tolerant; Very low maintenance	12 plants	5 Gal.
	Car	Carex testacea / Ornamental Grass / 1-2' Tall and Wide / Perennial / WUCOLS III water-use rating: Moderate Ornamental Grass - Hardy, water-wise ornamental; Intense orange foliage all year long; Full sun, Clayton tolerant, low maintenance	2 plants	5 Gal.
	Col	Coleonema pulchrum 'Sunset Gold' / Gold Breath of Heaven / 2-1/2' Tall and 4' Wide / Shrub / WUCOLS III water-use rating: Moderate Low Spreading Plant - Hardy, water-wise evergreen; Soft bright chartreuse yellow foliage, insignificant flowers; Full sun, Clayton tolerant, very low maintenance	20 plants	5 Gal.
	Cor	Correa 'Dusky Bells' / 2-1/2-3' Tall and 4-6' Wide / Shrub / WUCOLS III water-use rating: Low Flowering Plant - Hardy, water-wise evergreen; Camellia pink flowers from September-December; Full sun, Clayton tolerant, very low maintenance	14 plants	5 Gal.
	Daf	Daffodil 'King Alfred' / Daffodil / 2' Tall / Perennial / WUCOLS III water-use rating: n/a Flowering Bulb Plant - Tall selection of daffodils; February blooms	as req. for area on plan	Bag of bulbs to be donated
	Gre	Grevillea Langiera 'Coastal Gem' / 1' Tall and 4-5' Wide / Shrub / WUCOLS III water-use rating: Low Low Flowering Plant - Hardy, water-wise evergreen; Sprawling growth, blooms September-December; Full sun, Clayton tolerant, very low maintenance	34 plants	5 Gal.
	Hel	Helictotrichon sempervirens / Blue Oat Grass / 20-24" Tall and 8-12" Wide / Perennial / WUCOLS III water-use rating: Low Ornamental Grass - Hardy, water-wise ornamental grass; Bluish foliage June-December; Full sun, Clayton tolerant, low maintenance	2 plants	5 Gal.
	Iri	Iris 'Germanica' / Bearded Iris / 8"-4' Tall and 8" Wide / Perennial / WUCOLS III water-use rating: Low Flowering Bulb or Plant - Spring bloomers in red, blue, pink, purple, reddish white, yellow and bi-color, bluish foliage; Hoyer selections	2 plants	1 Gal.

NOTE: WUCOLS III RATING BASED ON "WATER USE CLASSIFICATION OF LANDSCAPE SPECIES" 1999 EDITION PUBLISHED BY THE UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION, TYPICAL FOR ALL.

"DAFFODIL HILL" - PROPOSED PLANTING KEY (SHEET 2 OF 3)

IMAGE	ABBREVIATION ON PLAN	SCIENTIFIC NAME / COMMON NAME / PLANT SIZE / WUCOLS RATING PLANT TYPE - COMMENTS	QUANTITY	POT SIZE
	Lan	Lantana Montevideensis / Lantana / 2' Tall and 3-6' Wide / Groundcover, Perennial / WUCOLS III water-use rating: Low Low groundcover - Hardy, water-wise with rosy-lilac flowers flowers Spring - Fall; Full sun, Clayton tolerant, low maintenance	18 plants	1 Gal.
	Leo	Leonotis leonurus / Lions Tail Sage / 4-5' Tall and Wide / Shrub / WUCOLS III water-use rating: Low Large Flowering Bush - Hardy, water-wise evergreen with orange whorls of flowers July-November; Full sun, Clayton tolerant, low maintenance	2 plants	5 Gal.
	Myo	Myoporum Parvifolium / Myoporum / 3-6" High and 8' Wide / Shrub, Groundcover / WUCOLS III water-use rating: Low Evergreen Groundcover - Hardy, water-wise evergreen; Tiny white Summer flowers; Full sun, Clayton tolerant, very low maintenance	17 plants	1 Gal.
	Nan	Nandinia d. 'Selina Sunrise' / Heavenly Bamboo / 3-4' Tall and 2' Wide / Shrub / WUCOLS III water-use rating: Low Evergreen Plant - Hardy, water-wise evergreen; Fabulous fall like colors October-February; Full sun, Clayton tolerant, very low maintenance	22 plants	5 Gal.
	Pen	Pennisetum Rubrum / Red Fountain Grass / 4-5' Tall and Wide / Perennial / WUCOLS III water-use rating: Moderate Tall Ornamental Grass - Hardy, water-wise ornamental grass; Red foliage topped with purple plumes August-December; Full sun, Clayton tolerant, low maintenance	2 plants	5 Gal.
	Phi	Phlomis frutescens / Jerusalem Sage / 2-3' Tall and 3-4' Wide / Shrub, Perennial / WUCOLS III water-use rating: Low Flowering Bush - Hardy, water-wise evergreen; flower stalks stand 18"; Deep yellow two-lipped shaped blossoms cluster in whorl shape May-July; Full sun, Clayton tolerant, low maintenance	10 plants	5 Gal.
	Phi-B	Phormium 'Platt's Black' / New Zealand Flax / 2-1/2' Tall and Wide / WUCOLS III water-use rating: Low Flax Plant - Hardy, water-wise; Strappy dark foliage all year long; Full sun, Clayton tolerant, very low maintenance	12 plants	5 Gal.
	Phi-M	Phormium 'Maori Maiden' / New Zealand Flax / 2-3' Tall and Wide / WUCOLS III water-use rating: Low Flax Plant - Hardy, water-wise; Apricot-pink to Rose-red colored leaves with thin Green margins; Full sun, Clayton tolerant, very low maintenance	7 plants	5 Gal.
	Que	Quercus Agrifolia / California Live Oak / 20-70' Tall and Wide / WUCOLS III water-use rating: Very Low Large Oak Tree - Native to Clayton area, very low maintenance	6 trees	36" box

Part 2 PLANTING SELECTION and WATER-USE RATING REFERENCE

WUCOLS III*

1999 Edition

U.C. Cooperative Extension
University of California
Davis, CA 95616

* See also
"Water Use Classification of Landscape Species"

CITY OF CLAYTON MUN. CODE REFERENCE

Chapter 10
LANDSCAPE DESIGN, TREE, AND PLANTING

Section 10.0100 - PLANTING

10.0101 - Planting Requirements

10.0102 - Planting Schedule

10.0103 - Planting Methods

10.0104 - Planting Materials

10.0105 - Planting Costs

10.0106 - Planting Maintenance

10.0107 - Planting Insurance

10.0108 - Planting Records

10.0109 - Planting Reports

10.0110 - Planting Plans

10.0111 - Planting Specifications

10.0112 - Planting Standards

10.0113 - Planting Guidelines

10.0114 - Planting Procedures

10.0115 - Planting Protocols

10.0116 - Planting Policies

10.0117 - Planting Principles

10.0118 - Planting Practices

10.0119 - Planting Programs

10.0120 - Planting Projects

10.0121 - Planting Plans

10.0122 - Planting Specifications

10.0123 - Planting Standards

10.0124 - Planting Guidelines

10.0125 - Planting Procedures

10.0126 - Planting Protocols

10.0127 - Planting Policies

10.0128 - Planting Principles

10.0129 - Planting Practices

10.0130 - Planting Programs

10.0131 - Planting Projects

10.0132 - Planting Plans

10.0133 - Planting Specifications

10.0134 - Planting Standards

10.0135 - Planting Guidelines

10.0136 - Planting Procedures

10.0137 - Planting Protocols

10.0138 - Planting Policies

10.0139 - Planting Principles

10.0140 - Planting Practices

10.0141 - Planting Programs

10.0142 - Planting Projects

10.0143 - Planting Plans

10.0144 - Planting Specifications

10.0145 - Planting Standards

10.0146 - Planting Guidelines

10.0147 - Planting Procedures

10.0148 - Planting Protocols

10.0149 - Planting Policies

10.0150 - Planting Principles

10.0151 - Planting Practices

10.0152 - Planting Programs

10.0153 - Planting Projects

"DAFFODIL HILL" - PLANTING SELECTION and DESIGN SUMMARY

Plants for this project have been selected primarily based on their hardy drought-tolerance and low-maintenance requirements. Most of the plants originally selected by John Johnston, City of Clayton Maintenance Supervisor, for the original 2009 "Daffodil Hill Beautification" project design, remain in this revised 2011 proposal. The proposed design is the result of meetings and agreements among John Johnston, current Designers - Nicole Hackett and Steven Lane, Mark Jenney - City Maint. Supervisor, Howard Geller - Vice Mayor, Gary Napper - City Manager, and CBCA sub-committee members - Mary Ann Lawrence and Shannon Seven.

In addition to being beautiful, low in maintenance, and rated between 'Very Low' ('VL') and 'Moderate' ('M') in the WUCOLS III guide, 1999 ed., the design will be in full compliance with the City of Clayton's current - 'Landscape Water Conservation Standards' ordinance requirements.

NOTE: Many of the proposed planting selections are not currently found in any other planting within the City landscape - making this a truly 'Signature' landscape at one of the most prominent locations within the City's Town Center.

"DAFFODIL HILL" - DESIGNER'S RESUMES:

Original Project (as approved by the City of Clayton, 2009) Designer:
John Johnston, City of Clayton Maintenance Supervisor

Proposed 'Improvements' Planting Designer:
Nicole Hackett aka "Garden Girl"
15+ year Clayton Resident,
Graduate of Clayton Valley High School, Class of 1992
Diablo Valley College - Horticulture Program
15+ years experience as a Nursery Professional at Clayton's R&M Nursery
13+ years experience as a local area Planting and Landscape Design Consultant
'Clayton Pioneer' newspaper's "Garden Girl" columnist since 2003
Volunteer Work: Current, 2011 Clayton Valley Garden Club / President / Current CVGC-Clayton Community Library Beds Revitalization Projects co-Designer / Clayton Historical Society - Annual 'Garden's Tour' Program Writer, since 2007 / 2011 'Daffodil Hill Improvements' Project

Proposed 'Improvements' Project Co-Designer / Drafting & Design Consultant / Co-Project Manager:
Steven Lane, Steven M Lane (SML) Drafting & Design, Clayton, CA
37+ year Clayton Resident
Mt Diablo Elementary, Pine Hollow Int. Clayton Valley High School, Class of 1999
Diablo Valley College - 1997 Architecture Program transfer to:
UC Berkeley - Bachelor of Arts in Architecture, Class of 1999
24+ years paid and volunteer drafting & design experience
12+ years professional Building & Landscape Design / Drafting / Project Management experience in Medical, Religious, Commercial and Residential work
Volunteer Work: Current, 2011 Clayton Valley Garden Club VP / Current Library Beds Revitalization Projects co-Designer / Current Clayton Historical Society - 'Native and Historic Garden' Revitalization Projects Committee Member / 2011 'Daffodil Hill Improvements' Project

"DAFFODIL HILL" - PROPOSED PLANTING KEY (SHEET 3 OF 3)

IMAGE	ABBREVIATION ON PLAN	SCIENTIFIC NAME / COMMON NAME / PLANT SIZE / WUCOLS RATING PLANT TYPE - COMMENTS	QUANTITY	POT SIZE
	Rha	Raphiolepis Indica 'Jack Evans' / Indian Hawthorne / 4-6' Tall and 4' Wide / WUCOLS III water-use rating: Low Large Flowering Shrub - Hardy, water-wise evergreen; Dark leathery leaves, clusters of star-shaped pink-white flowers late Fall to Spring; Small purple berries late summer; Full sun, Clayton tolerant, low maintenance	34 plants	5 Gal.
	Rose	Rosa 'Red Ribbons' / Low Groundcover / WUCOLS III water-use rating: Moderate Low Groundcovering Rose - Hardy, water-wise deciduous groundcover rose; excellent disease and pest tolerance; Red blooms April-November, Full sun, Clayton tolerant, low maintenance	8 plants	1 Gal.
	Sal	Salvia Leucantha / Mexican Bush Sage / 2-4' Tall and Wide / WUCOLS III water-use rating: Low Flowering Bush - Hardy, water-wise perennial; Dark purple spikes August-December; Full sun, Clayton tolerant, low maintenance	17 plants	5 Gal.
	Sed	Sedum 'Autumn Joy' / Stonecrop / 2' Tall and Wide / WUCOLS III water-use rating: Low Low Flowering Succulent Plant - Hardy, water-wise perennial; Flashy foliage, topped with tiny bronze flowers that age to brick red; Full sun, Clayton tolerant, low maintenance	3 plants	1 Gal.
	Wes	Westringia frutescens 'Wynabbie Gem' / Coast Rosemary / 6-8' Tall and 4-6' Wide / WUCOLS III water-use rating: Low Medium size flowering plant - Hardy, water-wise evergreen; Soft ferny foliage, periwinkle flowers all summer long; Full Sun, Clayton tolerant, very low maintenance	8 plants	5 Gal.

REVISIONS BY

Nicole Hackett
aka "Garden Girl"
Landscape and Garden Plant Consultation & Sales
at
R & M Pool, Patio, Garden, Gifts
and more!
Clayton, CA 94517
(925) 972-0007

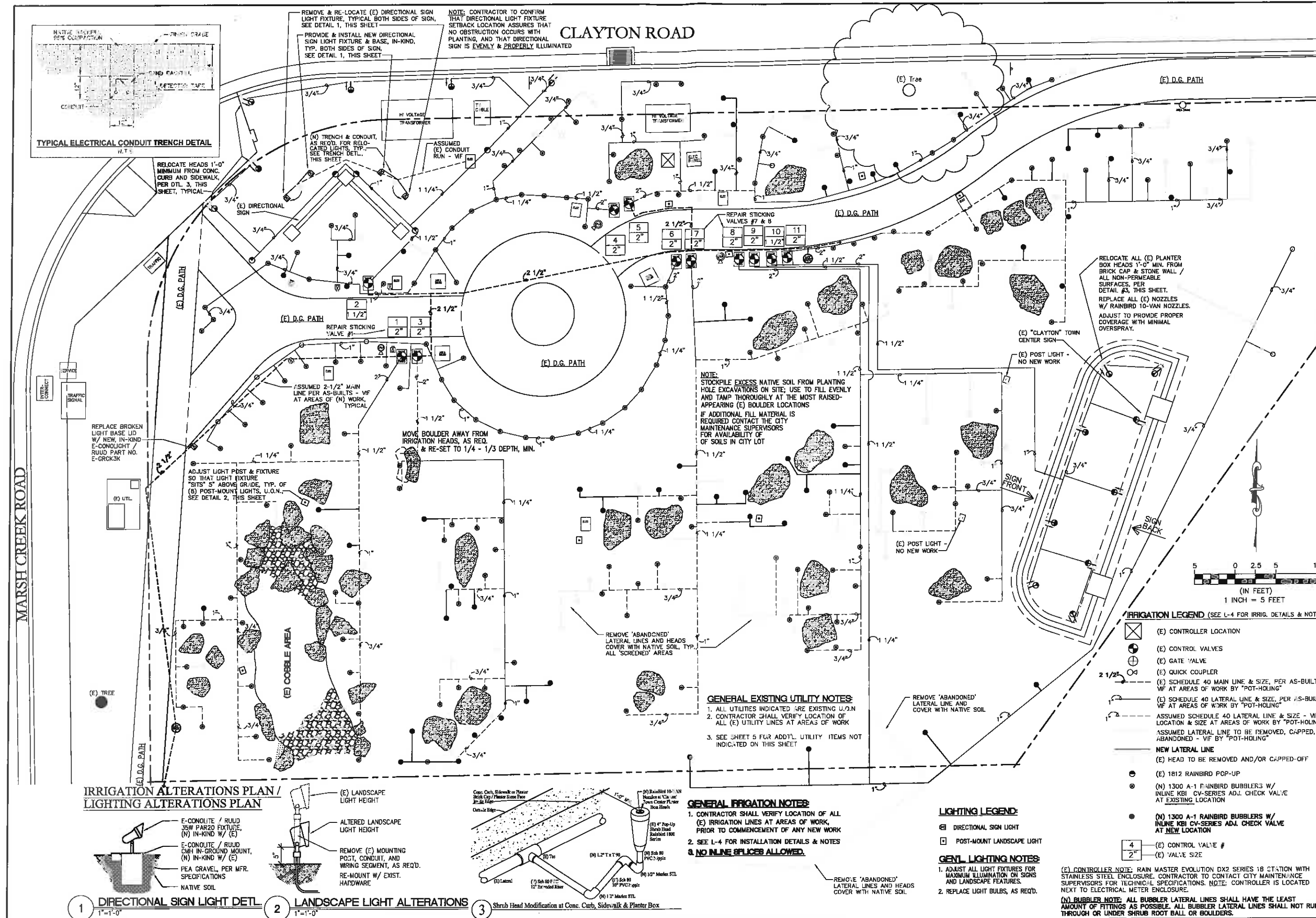
SEVEN
STARS
DESIGN
BUILDING - INTERIOR - TECHNICAL DRAWING SERVICES
3000 BRUNNEN DRIVE
CLAYTON, CA 94517
CL 925.944.7257 / FAX 925.944.7257
Handing items by: 1000 S. Main Street, Suite 100, Clayton, CA 94517
Contact: Steve, the Designer, at 925.944.7257 or 925.944.7257
CLAYTON'S BEST KEPT SECRET: WE'RE NOT JUST A DESIGNER, WE'RE A TEAM!

PLANTING KEY & DETAILED
PLANT INFO., WUCOLS III RATINGS
PLANTING SELECTION SUMMARY,
DESIGNER'S RESUMES

DAFFODIL HILL IMPROVEMENTS
MARSH CREEK ROAD & CLAYTON ROAD
CLAYTON, CALIFORNIA 94517
FOR: CLAYTON BUSINESS AND COMMUNITY ASSN. (CBCA)

DATE:
9/13/11
DESIGNED: NICOLE HACKETT
and STEVEN LANE

DRAWN:
STEVEN LANE
SCALE:
AS NOTED
SHEET:
L-2
OF:



REVISIONS

BY

Nicole Hackett

the Clayton "Garden Grid"

Landscape and Garden Plant Consultation & Sales

6701 Main Street, Suite 100

Clayton, CA 94517

(925) 672-0077

Building - Landscape - Technical Drawing Service

STEVEN LANE

SEE MEASUREMENTS

DATE: 9/13/11

DESIGNED: NICOLE HACKETT AND STEVEN LANE

DRAWN: STEVEN LANE

SCALE: AS NOTED

SHEET: L-3

OF:

IRRIGATION ALTERATIONS PLAN /

LIGHTING ALTERATIONS PLAN

LIGHTING DETAILS

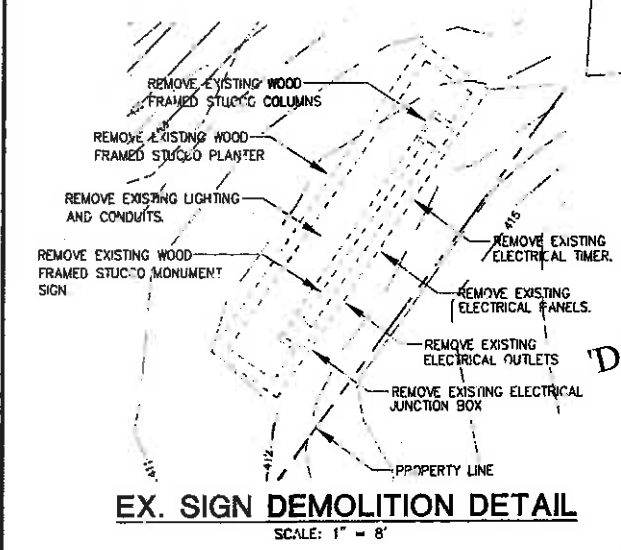
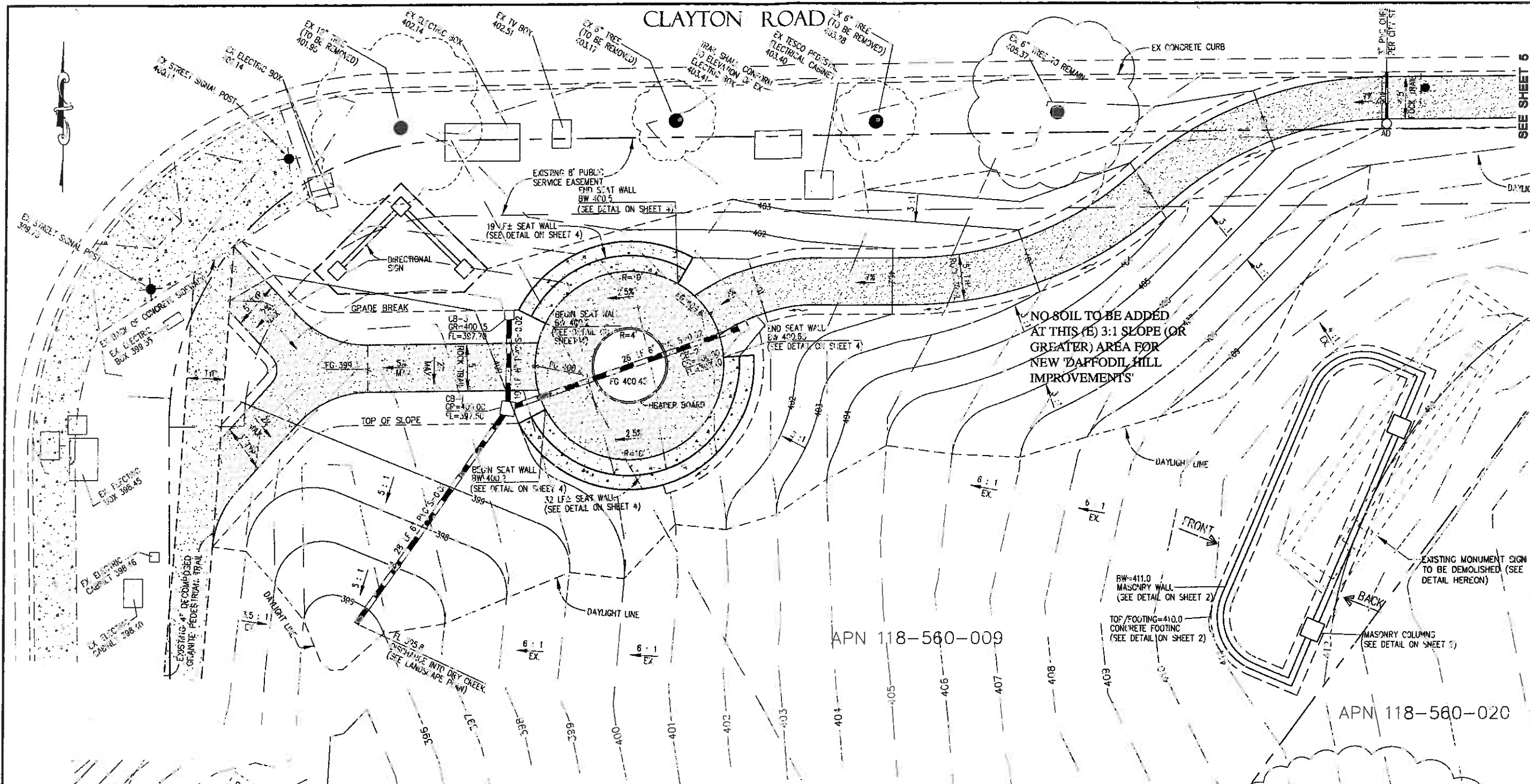
DAFFODIL HILL IMPROVEMENTS

MARSH CREEK ROAD & CLAYTON ROAD

CLAYTON, CALIFORNIA 94517

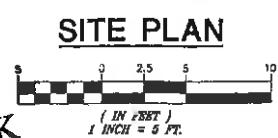
FOR: CLAYTON BUSINESS AND COMMUNITY ASSN. (CBCA)

CITY COUNCIL SUBMITTAL



PROVIDED AS REFERENCE
FOR CURRENT PROPOSED
DAFFODIL HILL IMPROVEMENTS' WORK

STORM DRAIN INLET SCHEDULE	
CB-1,2 & 3	CHRISTY V-64 DRAIN BOX WITH V64-71C GRATE
AREA DRAINS	CHRISTY V-1 DRAIN BOX WITH V1-71C GRATE



LEGEND & ABBREVIATIONS

EXISTING CONTOUR	YW = 100.00	TOP OF WALL=(ELEV)
EXISTING CURB & GUTTER	BW = 99.00	BOTTOM OF WALL=(ELEV)
PROPERTY LINE/R/W LINE	TBR	TO BE REMOVED
DAYLIGHT LINE/GRADE BREAK	FG	FINISH GRADE
PROPOSED CONTOUR	CB	CATCH BASIN
CONCRETE SURFACE	FL	FLOW LINE
ROCK TRAIL SECTION	EX	EXISTING
EXISTING TREES		
STORM DRAIN AS NOTED		
(CB) PRECAST INLET PER SCHEDULE		
(AD) AREA DRAIN PER SCHEDULE		

PLANS APPROVED BY AND PREPARED
UNDER THE DIRECTION OF

[Signature]

RICHARD A. ANGRISMAN CITY ENGINEER
RCE No. 27662

DATE: 3-23-09
Exp. Date: 03-31-10



"TOWN CENTER ENTRY IMPROVEMENTS"
C.I.P. NO. 10402 & 10403
SITE #1 - DAFFODIL HILL - SITE PLAN

DATE: 3/20/09
DESIGNED: RBJR
DRAWN: RBJR
CHECKED: RA
SCALE: AS SHOWN
SHEET NO. 5
OF 12
JOB NO. C0010428

CITY OF CLAYTON
Incorporated 1984
5075 Clayton Road, Clayton, CA 94521
(925) 385-7488

Daffodil Hill - PROPOSED Irrigation Schedule

ZONE	PROGRAM	EXPOSURE	PLANT TYPE	WUCOLS	HEAD TYPE	Area Description				
1	1		Shrub & Perennial	L & M	Adj Bubbler / RB 1300-AF	Shrub & Perennial / Far West Site & Dry Creek Area				
2	2		Ground Cover	L & M	6" POP-UP / RB (Exist)	Myoporum & Rose Ground Cover / Northwest corner of Site				
3	3		Shrub & Perennial	L	Adj Bubbler / RB 1300-AF	Shrubs & Perennials / West Site around Boulders				
4	1		Shrub & Perennial	L & M	Adj Bubbler / RB 1300-AF	Shrub & Perennial / Far West Site & North side of Path				
5	1		Shrub & Perennial	L & M	Adj Bubbler / RB 1300-AF	Shrub & Perennial / Middle North & Northeast Site (North side of Path)				
6	1		Shrub & Perennial	L & M	Adj Bubbler / RB 1300-AF	Shrub & Perennial / Far West Site & South side of Path				
7	3		Shrub & Perennial	L	Adj Bubbler / RB 1300-AF	Shrubs & Perennials / Middle Site (South side of Path)				
8	3		Shrub & Perennial	L	Adj Bubbler / RB 1300-AF	Shrubs & Perennials / Middle & East Site (South side of Path)				
9	4		Trees	VL	Adj Bubbler / RB 1300-AF	Oak Trees / Northeast and South-Southeast corners of Site				
10	5		Ground Cover	L	6" POP-UP / RB VAN-10	Lantana Ground Cover / "Clayton" Town Center Planter Box				
11	2		Shrub & Perennial	L & M	Adj Bubbler / RB 1300-AF	Shrub & Perennial / Northeast Boulders & Site (South side of Path)				
Program	Days			Start Times		Station - Time				
1	Mon / Fri			12:35 pm & 3:00am		1-15	4-15	5-15	6-15	11-15
2	Su / Tue / Thur			8:00 pm & 10:00 am		2-15				
3	Mon / Fri			1:30 am		3-15	7-15	8-15		
4	Su / Tue / Thur			1:45 am		9-5				
5	Su / Tue / Thur			1:15 am & 3:35am		10-10				

RECEIVED

SEP 13 2011

CLAYTON COMMUNITY
DEVELOPMENT DEPT

Daffodil Hill - PROPOSED Water Chart									
ZONE	GPM	PRECIP RATE	EXPOSURE	PLANT TYPE	WUCOLS	PROGRAM	VALVE SIZE	HEAD TYPE	AREA DESCRIPTIVE
1	TBD	0.4 in/hr		Shrub & Perennial	L & M	TBD	2"	Adj. Bubbler RB 1300-AF	Shrubs & Perennials / Far West Site & Dry Creek Area
2	TBD	0.61 in/hr		Ground Cover	L & M	TBD	1-1/2"	6" POP-UP RB (Existing)	Myoporum & Rose Ground Cover / Northwest Corner of Site
3	TBD	0.4 in/hr		Shrub & Perennial	L	TBD	2"	Adj. Bubbler RB 1300-AF	Shrubs & Perennials / West Site around Boulders
4	TBD	0.4 in/hr		Shrub & Perennial	L & M	TBD	2"	Adj. Bubbler RB 1300-AF	Shrubs & Perennials / Far West Site & North side of Path
5	TBD	0.4 in/hr		Shrub & Perennial	L & M	TBD	2"	Adj. Bubbler RB 1300-AF	Shrubs & Perennials / Mid-North & Northeast Site (North side of Path)
6	TBD	0.4 in/hr		Shrub & Perennial	L & M	TBD	2"	Adj. Bubbler RB 1300-AF	Shrubs & Perennials / Far West Site & South side of Path
7	TBD	0.4 in/hr		Shrub & Perennial	L	TBD	2"	Adj. Bubbler RB 1300-AF	Shrubs & Perennials / Mid-Site (South side of Path)
8	TBD	0.4 in/hr		Shrub & Perennial	L	TBD	2"	Adj. Bubbler RB 1300-AF	Shrubs & Perennials / Mid & East Site (South side of Path)
9	TBD	N/A		Trees	VL	TBD	2"	Adj. Bubbler RB 1300-AF	Oak Trees / Northeast and South-Southeast corners of Site
10	TBD	0.4 in/hr		Ground Cover	L	TBD	1-1/2"	6" POP-UP RB VAN-10	Lantana Ground Cover / "Clayton" Town Center Planter Box
11	TBD	0.4 in/hr		Shrub & Perennial	L & M	TBD	2"	Adj. Bubbler RB 1300-AF	Shrubs & Perennials / Northeast Boulders & Site (South of Path)

RECEIVED

SEP 13 2011

CLAYTON COMMUNITY
DEVELOPMENT DEPT

ATTACHMENT 5

ATTACHMENT 6

David Woltering

From: John Johnston [jjohnston@ci.clayton.ca.us]**Sent:** Friday, September 16, 2011 11:13 AM**To:** dwoltering@ci.clayton.ca.us**Cc:** mjanney@ci.clayton.ca.us**Subject:** Town Center

The plans look good. He needs to change the detail on L-3 #3 to show 1812 SAM series Rain Bird Bodies as opposed to 1804, as shown on the detail. 1812 SAM series are already presently installed on the site. I just don't want to confuse the contractor when he sees that they are different bodies than what is spec on the detail. It should also be noted that the submittals are usually required by the contractor to ensure that the materials matched that of the plan or any changes have been approved through signed submittals, not something he needed to put together. It's not a big deal, just FYI for Steve as I know he has put enough time and effort into this. The finally item is the maintenance schedule which was present on sheet L-4 of the plan. I assume they took this schedule off of some manual or book based on optimal maintenance for each plant. The schedule shows hand pruning of the majority of plants at many different times of the year. We trim landscape citywide 2 times a year. This usually takes place in early March and again around August. It should be noted that the city only hand prunes 3 plants in the entire city. The roses at the Library and the tear drop, the crape myrtle trees, and the agapanthus. We use the individuals from the WAP (Work Alternative Program), to cut the flower stalks of the agapanthus, as this is our only resource to accomplish this task. **We use power trimmers for all other trimmings.** Ideally we would like to trim plants after certain growth periods or after they have completed their annual bloom, and we are also aware that certain plants perform better, bloom longer, and grow healthier, given the optimal attention that they need, but this is not always possible due to a multitude of factors. Given the location of this project, I believe this area will receive more attention than many other areas of the landscape district, but there is still no guarantee that these plants will be trimmed at the best time, in the best manner, to support their optimal growth or bloom. I just want to make sure that they are aware of the limited amount of resources we have to perform landscape maintenance on over 1 million square feet of landscaping throughout the Landscape District.

9/16/2011

MEMO

TO: DAFFODIL HILL SUB-COMMITTEE, CBCA
FROM: CITY MANAGER 
DATE: 18 APRIL 2011
SUBJECT: COMPLETION OF LANDSCAPING, DAFFODIL HILL

The Question

Representatives of the Clayton Business and Community Association (CBCA) wish to complete its effort to provide landscaping [plants and trees] and the final water irrigation pieces on City-owned property located at the southeast corner of the Clayton Road – Marsh Creek Road intersection, known locally as “Daffodil Hill”. CBCA has asked if it may directly hire and pay a private landscape contractor selected by CBCA to perform the remaining work, or are there public laws or regulations that complicate or render that option unavailable?

The Determination

The *California Labor Code, Section 1720*, defines a public work project as “Construction, alteration, demolition, installation, or repair work done under contract and *paid for in whole or in part out of public funds...*” Labor Code Section 1720(a)(1).

Therefore, so long as CBCA’s landscape project does not involve the expenditure of public funds, whether by monetary contribution of the City or through the use or time of paid City personnel in the project (including project management, design or field oversight), the proposal by CBCA does not constitute a public works project and therefore would not be subject to prevailing wage law, City competitive bidding procedures, or City award of contract.

Considerations

1. Since the land involved is public real property, the Clayton City Council must still review and approve the final landscape design plan of CBCA for the site.
2. Since upon completion it is the intent of CBCA for the City to provide irrigation water to and necessary maintenance of the landscaping thereafter, the City must review and approve in advance (at staff level) the construction drawings and specifications for the intended project for determination and satisfaction the landscape project will be installed per industry and City standards.
3. CBCA must provide general liability insurance covering the landscape project in an amount of at least \$2 million and naming the City as an additional insured without offset to City policies.

Agenda Date: 9-20-11

Agenda Item: 9c

From: councilmangeller@aol.com [mailto:councilmangeller@aol.com]
Sent: Thursday, September 15, 2011 4:48 PM
To: gnapper@ci.clayton.ca.us
Subject: Re: Agenda Item for Sept. 20th meeting

Gary,

Yes, I do want this on the agenda. Do you think Laci can print out a 2012 calendar for May, June July, August and September for the packet? If not I could if you think we will need one.

The Art and Wine Festival is on the weekend of May 5 and 6th. We have started the concerts the following Saturday in the past which would be on May 12th and then have them every other Saturday night. The dates would be May 12th and 26th, June 9th and 23rd, July 7th and 21st, August 4th (Diamond Dave is Booked for this date) and 18th and September 1st and 15th. The season would end about the same time this year. We would be having a concert on the Saturday nights of Memorial Day and Labor Day weekends, which I think is a good thing for the people that stay home to have a concert to look forward too.

You can put this info in the packet or just list the item and I can give a verbal report. Thanks for the reminder.

Howard

-----Original Message-----

From: Gary Napper <gnapper@ci.clayton.ca.us>
To: Howard Geller <councilmangeller@aol.com>
Cc: ljackson <ljackson@ci.clayton.ca.us>
Sent: Wed, Sep 14, 2011 10:40 am
Subject: Agenda Item for Sept. 20th meeting

Howard:

As requested by you at the last Council meeting, the September 20th Agenda has an action item for you to lead discussion and receive approval for the Concerts in The Grove dates, times and number in year 2012.

Please confirm you want this matter on this Agenda. If you have any written materials to provide in the Agenda Packet, we will need those by Friday morning this week.

Thank you.

Gary A. Napper
City Manager
6000 Heritage Trail
Clayton, CA 94517
925.673-7300
gnapper@ci.clayton.ca.us

CITY OF CLAYTON

~ May 2012 ~							Jun 2012 ▶	
◀ Apr 2012	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
			1	2	3	4	5	Art and Wine Festival
6	Art and Wine Festival	7	8	9	10	11	12	Proposed CONCERT
13		14	15	16	17	18	19	
20		21	22	23	24	25	26	Proposed CONCERT
27		28	29	30	31	Notes:		
		Holiday- City Hall Closed						

~ June 2012 ~							Jul 2012 ▶
◀ May 2012	Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1	2
3	4	5	6	7	8		Proposed CONCERT
10	11	12	13	14	15	16	
17	18	19	20	21	22	23	Proposed CONCERT
24	25	26	27	28	29	30	

~ July 2012 ~							Aug 2012 ▶	
◀ Jun 2012	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
1		2	3	4	5	6	7	Proposed CONCERT
8		9	10	11	12	13	14	
15		16	17	18	19	20	21	Proposed CONCERT
22		23	24	25	26	27	28	
29		30	31	Notes:				

~ August 2012 ~							Sep 2012 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
			1	2	3	4	Proposed CONCERT
5	6	7	8	9	10	11	
12	13	14	15	16	17	18	Proposed CONCERT
19	20	21	22	23	24	25	
26	27	28	29	30	31		Notes:

◀ Aug 2012 ~ September 2012 ~ Oct 2012 ▶						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1 Proposed CONCERT
2	3 Holiday- City Hall Closed	4	5	6	7	8
9	10	11	12	13	14	15 Proposed CONCERT
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	Notes:					



Agenda Date: 9-20-11

Agenda Item: 9b

Approved:


Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: September 20, 2011

SUBJECT: Discussion on the Council-requested one year review of the one-week-per-trait public display of banners on certain City property within Clayton involving the community character initiative known as "Do The Right Thing".

RECOMMENDATION

Following Council discussion and public comment, that Council provide policy direction to staff regarding public display of the trait banners.

BACKGROUND

At its September 21, 2010 meeting the City Council received a report from the 'Do The Right Thing' character initiative community committee. As part of the report they requested to have the City allow the display of a banner that would display the character trait on the community banner poles at the city entries. There are six character traits that are covered during the 9 month school year.

The City Council approved Resolution 42-2010 supporting the implementation of a character initiative entitled "Do The Right Thing" and allowing the banner displays to be displayed for a total of 6 displays (total of 6 weeks) provided there was no cost to the City. The City Council banner display authorization was for an initial twelve month period and automatically expires unless extended by a vote of the City Council. The Committee had three displays last year as it took some time to get the banners ordered and the program started up. The banners were paid for from non city funds. Volunteers for the "Do The Right Thing Committee" put up and take down the banners. There were not any problems that staff was aware of. City staff has not received any negative feedback or comment regarding the banner displays.

FISCAL IMPACT

There is not any financial impact or costs to the City since volunteers for the "Do The Right Thing Committee" put up and take down the banners.

Attachment: Resolution No. 42 -2010
City Council meeting minutes September 21, 2010

RESOLUTION NO. 42- 2010

**A RESOLUTION SUPPORTING THE IMPLEMENTATION OF
A CHARACTER INITIATIVE ENTITLED
"DO THE RIGHT THING" IN THE CLAYTON COMMUNITY**

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

WHEREAS, educators agree that people do not automatically develop good character and therefore conscientious efforts should be made by families, institutions and individuals to assist young people to develop the essential traits and characteristics that comprise good character, and by extension, good citizenship; and

WHEREAS, as part of their lifelong research on effective leadership, authors James Kouzes and Barry Posner surveyed more than 75,000 individuals across all sectors in the world to answer the question, "What do we look for and admire in leaders?", and the clear and consistent first choice answer has been a character trait ("honesty") in contrast to knowledge, skills or abilities; and

WHEREAS, representatives (both administrators and parent faculty club members) from Mt. Diablo Elementary, Diablo View Middle School and Clayton Valley High School, along with leadership from the Clayton Business and Community Association (CBCA), the Clayton Police Department and other community members have met on several occasions to discuss and formulate an initiative to encourage character development in the community; and

WHEREAS, the Clayton City Council and campus administrators of the local public schools for this community recognize that individuals are responsible for their actions and that daily decisions should be based on standards which become the basis for six (6) valued behaviors identified for a character initiative implemented in the Clayton community, namely **Responsibility, Respect, Kindness, Self-discipline, Integrity and Courage**; and

WHEREAS, these six (6) behavioral standards transcend cultural, religious, and socio-economic differences; and

WHEREAS, by following these six character traits in their daily lives, Clayton's youth and citizens will contribute significantly to the current and future strength of the American society and our local community; and

WHEREAS, the Clayton City Council, in partnership with the campus administrators of the three local public schools primarily serving the Clayton community, and with the leadership of the CBCA, wishes to support the objectives of a character initiative, "Do The Right Thing", to reemphasize the importance of our shared community values.

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

Section 1: The City Council of Clayton, California does herewith pledge its commitment to and support for a six trait character education initiative, entitled "Do The Right Thing", for implementation in the Clayton community.

Section 2: The character initiative shall be conducted by and through a community-based steering committee comprised of campus administrators, business leaders, and community leaders. The steering committee may voluntarily include interested members of the Clayton City Council and/or its Chief of Police or his/her designee.

Section 3: The City Council does hereby approve and authorize two (2) character trait banners to be displayed at the City's two main banner locations (i.e. on Oakhurst Drive and at the Oak Street exit off Clayton Road) for no more than one week for each character trait period during the year, not to exceed a total combined banner display time of six (6) weeks, and to be funded through resources other than the City of Clayton. This banner display component is authorized for an initial twelve (12) month period and expires automatically thereafter, unless extended by vote of the City Council at a regular public meeting thereof.

Section 4: The City Council does hereby approve and authorize one program banner to be displayed on the exterior of the Clayton Community Library, to be funded through resources other than the City of Clayton.

Section 5: The City Council does hereby approve and authorize one program banner to be displayed in the City Council chambers during Council meetings, to be funded through resources other than the City of Clayton.

Section 6: The City Council does hereby approve and authorize the initiative name, "Do The Right Thing", to be displayed on City police patrol vehicles, to be funded through resources other than the City of Clayton.

Section 7: The City Council does hereby approve and authorize the six character initiative traits with associated description to be included and posted on the City's website.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 21st day of September 2010 by the following vote:

AYES: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano and Pierce.

NOES: None.

ABSTAIN: None.

ABSENT: None.

9. ACTION ITEMS

- (a) Consider a Resolution supporting the implementation of a character initiative entitled "Do The Right Thing" in the Clayton community and establishing the scope of the City's involvement.

Mayor Stratford invited members of the "Do The Right Thing" committee forward to speak.

Patti Banister, Principal, Diablo View Middle School stated the school maintains high standards while maintaining a safe and nurturing environment for students. She stated she challenged students to think about their choices, do the right thing, at a recent welcome back assembly. She stated for the past three years the middle school has done a Character in Action program which students work on during their homeroom. She stated she is very excited about the Do The Right Thing program because it provides the opportunity to support the schools existing program and encourages young people in being responsible, independent, and caring citizens.

Pat Middendorf, Athletic Director at Clayton Valley High School and 20 year resident of Clayton stated a program like this shows that Clayton is different and they care about their students, citizens, and are not afraid to step above the crowd. She stated the incidents with the athletes from Clayton Valley shocked everyone and that having the support of the City for this program will show that everyone is together on this.

Ed Hartley CBCA President stated the CBCA is a community service organization dedicated to improving the quality of life of the community. He stated members have been provided a broad outline of the program, and though nothing has been voted on the CBCA might be able to provide money for pamphlets or possibility recognizing exemplary students. He stated as a citizen he does not believe this program violates any City policies because emphasizing good values can instill good character and good citizenship. He thanked the Mayor for his leadership with this program.

Keith Haydon, CBCA Vice President stated he has been serving on the committee and sees this as a way for the CBCA to help live out their mission as a community service organization. He stated personally he sees the community importance of discussing values to reinforce them and feels this coordinated effort is worthwhile. He stated it is a good foundation for character development and by having the City involved shows the community they care about education and role modeling.

Candace Bass stated as a member of the Peacock Creek neighborhood watch group she has noticed brazen acts of vandalism, and illegal activity by teenagers. She stated this program and the banners will serve as a reminder to citizens. She stated character development is a community wide responsibility and children look to adults for leadership. She thanked the Mayor for his effort in introducing this item and urged the Council to adopt the Resolution.

Police Chief Dan Lawrence stated he was a part of the committee and character building serves as a reinforcement of positive traits. He stated Police Officers are role models and participating in the program can point kids in the right direction by showing repetition. The Chief stated placing the slogan on the police cars is a highly visible reinforcement tool and demonstrates a partnership with community. He stated he was in support of the program as was the POA.

Mayor Stratford stated the committee put together the ideas and the values chosen to be focused on.

John Trammel stated he has spoken before and he has a problem with the banners but is not against the values. He does not want to see more signage because he does not want to be preached to. He also stated he does not want people coming through town thinking there is a problem with the citizens because of the signs.

Linda Hudak stated Clayton is a harmonious community with different opinions. She stated she spoke with her neighbors about the program and they were opposed to the banners. She stated she did not want to banners with the traits on them and questioned how effective they would really be.

Cheryl Hansen, Administrator at the County Office of Education, expressed appreciation for the Resolution. She stated character education can really benefit kids because it reinforces common sense. She stated she is a proud resident and urged the Council to support the Resolution because it reinforces good citizenship.

Jeff Adams thanked the Council for considering the proposal and stated he was happy there is a community willing to bring people together on common values. He also stated he is a candidate for the Mt. Diablo School District and will do what he can to spread the message.

Jason Griffin stated he appreciates everyone who has made this community wonderful. He stated he has tried to understand the opposition to the program and excluding the banners he does not understand it. He stated the City of Clayton is more than just a service provider, it is the people, the citizens, and we all have the have an obligation to promote good citizenship. He urged the Council to adopt the Resolution.

Vice Mayor Shuey stated he wanted to be clear that this program is not meant to insinuate that citizens are doing anything wrong, but that we want to continue to do things right. He stated his children ask questions about everything and seeing a sign is vital for reinforcement. He stated it is a community based effort that will not cost the City any money.

Councilmember Medrano stated he has been supportive of the initiative and thinks promoting it in schools, with signage at the schools, and on the Police cars is enough. He stated he does not want to see the signs at the entry points.

Councilmember Geller stated the signs should be displayed for no more than one week at the beginning of each character trait time frame, and that anymore would not make the signs not stand out. He stated he had no problem seeing it on the Police cars and likes the idea of putting the program on the website.

Mayor Stratford stated the current banner policy says that banner can be put up for two weeks prior to an event, what this program is asking for is for the banners to be displayed during the first week of the month a new trait is emphasized.

Councilmember Pierce commended the program but questioned the need for the banners at the entry points because people do not read the signs.

Mayor Stratford stated that how are people going to know about the program if there are not banners at the entry points. He stated the banners will be a visible sign of the support of the program.

Vice Mayor Shuey asked for consensus to reduce the number of weeks the signs are on the entry points to one week for each of the 6 traits to be emphasized (section 3 of the Resolution). Councilmember Medrano stated he was still against having the signs at the entry points.

It was moved by Vice Mayor Shuey, seconded by Mayor Stratford to adopt Resolution 42-2010 as amended to review the banners again in one year and to only post the banners for one week per trait (6 weeks total) (Passed; 5-0 vote).

RESOLUTION NO. – 2011

A RESOLUTION CONDEMNING THE DE-FACTO DENIAL OF THE CLAYTON VALLEY CHARTER HIGH SCHOOL PETITION BY THE MT. DIABLO UNIFIED SCHOOL DISTRICT'S BOARD OF EDUCATION, REAFFIRMING CLAYTON CITY COUNCIL'S UNANIMOUS SUPPORT FOR THE CHARTER PETITION, AND URGING THE CHARTER STEERING COMMITTEE TO IMMEDIATELY APPEAL SAID DE-FACTO DENIAL TO THE CONTRA COSTA COUNTY OFFICE OF EDUCATION FOR ITS APPROVAL OF THE CHARTER FOR COMMENCEMENT EFFECTIVE THE SCHOOL YEAR 2012-2013

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

WHEREAS, on June 8, 2011 the Clayton Valley Charter High School conversion petition was officially submitted to the Board of Education of Mt. Diablo Unified School District (MDUSD) for its decision as required by law; and

WHEREAS, prior to the petition submittal and on May 17, 2011 the Clayton City Council unanimously endorsed the charter school steering committee moving forward in their efforts to convert Clayton Valley High School into a charter high school and further provided the steering committee with an emergency loan of \$8,500.00 to finalize the charter school petition; and

WHEREAS, on June 21, 2011 the Clayton City Council unanimously and without condition endorsed the final charter school petition submitted to the District; and

WHEREAS, the charter petition garnered approximately 1,200 written supporters of its mission and objectives from Clayton citizens and Concord residents bordering Clayton; and

WHEREAS, on August 9, 2011 and September 13, 2011, public hearings were held by MDUSD Board of Education with overwhelming community support in attendance and demonstrated; and

WHEREAS, on September 13, 2011 the MDUSD Board of Education did decide to "Approve with Conditions" the charter school petition; and

WHEREAS, the MDUSD Board of Education's decision of "Approval with Conditions" was, in essence, a de-facto denial of the charter school petition as the MDUSD staff report criticized the CVCHS charter for lack of detail that is not required by statute, regulation, District Board Policy or Administrative Regulation or the extensive and prevailing practice of school districts, county boards of education and the State Board of Education in consideration of charter school petitions; and the proposed conditional approval is contrary to the express provisions of law. Moreover, some of the proposed findings and conditions violate express provisions of the law and the charter school steering committee has not agreed to such conditions; and

WHEREAS, the MDUSD Board of Education's "approval with conditions" calls for a final decision on the charter school petition by February 2012, which delayed final action is contrary to California charter school process laws and effectively blunts the community's effort and objective to commence charter high school operations starting School Year 2012-13.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby find, determine and approve as follows:

Section 1. That the above Recitals are true and correct facts and findings pertaining to an important matter of public policy to the City of Clayton and its community.

Section 2. That the approval of the high school conversion charter petition is overwhelmingly supported by the citizens of Clayton and the Clayton City Council.

Section 3. That the City Council of Clayton does hereby support and urge the charter school steering committee to forthwith seek the MDUSD Board of Education's immediate reconsideration of its de-facto denial of the charter school petition and meet and confer in good faith with the charter school steering committee to reach a mutually agreeable approval of the charter to allow the charter high school to timely open for School Year 2012-2013.

Section 4. That the City Council of Clayton does hereby support and urge the charter school steering committee to concurrently appeal the MDUSD Board of Education's de-facto denial of this charter school petition to the Contra Costa County Office of Education in a timely manner to allow and facilitate the charter high school to open for School Year 2012-2013 should a mutually agreeable approval be unreachable with the MDUSD Board of Education.

Section 5. This Resolution shall and does take immediate effect from and after its passage and adoption.

PASSED, APPROVED AND ADOPTED by the Clayton City Council at a regular public meeting thereof held on the 20th day of September 2011 by the following recorded vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk