



AGENDA
REGULAR MEETING
* * *
CLAYTON CITY COUNCIL
* * *
TUESDAY, October 4, 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 ***
October 4, 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
Pending Litigation: JFC Construction, Inc. v. City of Clayton*

Report Out from Closed Session: Mayor Shuey.

7:00 P.M.

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

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

 - (a) Approve the minutes of the regular meeting of September 20, 2011. ([View Here](#))
 - (b) Approve Financial Demands and Obligations of the City. ([View Here](#))
 - (c) Approval of City Investment Report for the 4th Quarter of FY 2010-11 (April-June 2011). ([View Here](#))
 - (d) Adopt a Resolution amending “Do The Right Thing Resolution” (Section 3 of No. 42-2010) regarding public display/frequency of banners. ([View Here](#))
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Certificates to “Do The Right Thing” students of the month.
 - (b) Certificate to Pacific Coast Farmers’ Market for their Support to Mayors’ Cook-Off.

6. REPORTS

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

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

8. PUBLIC HEARINGS

- (a) Consider the allocation of FY 2011-12 COPS Grant amount of \$100,000 to law enforcement compensation. ([View Here](#))
(Police Chief)

Staff recommendation: **1)** Receive the Staff report; **2)** Open the Public Hearing and receive public testimony; **3)** Close the Public Hearing; **4)** Adopt the Resolution approving the expenditure of SLESF/COPS Grant monies as recommended.

- (b) Introduction and First Reading of an Ordinance rezoning 3 parcels in the Diablo Estates at Clayton subdivision located off Rialto Drive from R-40-H to R-40 (ZOA 05-11). ([View Here](#))
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Receive public comments; **3)** Adopt a motion to have the City Clerk read Ordinance No. 435 by title and number only and waive further reading; **4)** By motion, approve Ordinance No. 435 for first reading.

9. ACTION ITEMS

- (a) Adoption of a Resolution establishing a monetary reward system for information leading to the arrest and conviction of vandals to public property.
(Police Chief) ([View Here](#))

Staff recommendations: Adopt the Resolution.

- (b) Introduction and First Reading of an Ordinance adding Chapter 2.11 to the municipal code regarding the City Attorney. ([View Here](#))
(City Clerk)

Staff recommendations: **1)** Receive the staff report; **2)** Receive public comments; **3)** Adopt a motion to have the City Clerk read Ordinance No. 436 by title and number only and waive further reading; **4)** By motion, approve Ordinance No. 436 for first reading.

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

11. ADJOURNMENT– the next regularly scheduled City Council meeting is October 18, 2011.

#

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

Agenda Date: 10-4-11

Agenda Item: 4a

TUESDAY, September 20, 2011

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

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: Vice Mayor Geller reported the Council gave direction to legal counsel.

Vice Mayor Geller introduced Mala Subramanian of Best Best & Kreiger, the new City Attorney. Ms. Subramanian stated she is a Partner for the firm and represents only public agencies.

3. **PLEDGE OF ALLEGIANCE** – led by Vice Mayor Geller.
4. **CONSENT CALENDAR**- It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to approve the Consent Calendar as submitted (Passed; 4-0 vote).
- (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.
- (b) Approved the minutes of the special meeting of August 15, 2011, regular meeting of August 16, 2011, and special meeting of August 22, 2011.
- (c) Approved Financial Demands and Obligations of the City.
- (d) Approved 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.

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

6. **REPORTS**

- (a) Planning Commission – Commission Chair Dan Richardson reported on August 23rd September 14th meetings of the Planning Commission. He stated the consultant presented the draft report on the Clayton Community Church Fiscal Analysis. Then at

the next meeting the Commission reviewed lot line adjustments for the Diablo Estates project and welcomed Keith Haydon and Gregg Manning to the Commission.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager reported CBCA's Oktoberfest will be held this weekend with the carnival starting Friday night. He stated the California Supreme Court took up the Redevelopment Agency issue and in the meantime the Clayton Redevelopment Agency is preparing the required documents. In the meantime the information from the League of California Cities and California Redevelopment Association is that Redevelopment agencies can charge and continue certain contractual obligations.
- (d) City Council

Councilmember Stratford stated he and Allison Guacagalupo, met with Tim Grayson from the Concord City Council and informed him about the Do the Right Thing program. He stated the current trait being emphasized is "Responsibility" and the first of October "Respect" will be the trait emphasized. He also attended the Mayors' Cook-off and thanked Councilmember Pierce for her work on the event.

Councilmember Medrano asked people to pre-buy the carnival tickets for Oktoberfest. He updated the Council and stated he wrote the Fair Political Practices Commission (FPPC) about his office being within 500 feet of the Clayton Community Church project and his having the Church as a client for his insurance business. He stated the FPPC responded in writing. He then summarized the FPPC written response. In regards to his office he is on a month to month tenancy so there is no conflict. He stated in regards to the Church being a client as long as he does not receive more than \$500 within a year of the project coming before the Council there is no conflict. He stated he will not have received any income of the church within 12 months prior to the project coming to the City Council. He stated he will be providing this information in writing to the rest of the Council.

Councilmember Pierce clarified that he will not have received more than \$500 since November 2010. Councilmember Medrano stated that was correct and he stated he did not sponsor the Soap Box Derby this year either.

Councilmember Pierce attended press conference with Senator Boxer at the Caldecott Tunnel, the Mayors' Healthy Cook-off meetings, a CA Council of Governments Committee, Eagle Scout Nick Swiatco's Court of Honor, three Concerts in the Grove, the Mayors' Conference in El Cerrito, an ABAG Housing Methodology Committee, an ABAG Executive Board meeting, and an E-Bart meeting

Councilmember Stratford asked Councilmember Pierce why the East County E-Bart can't be an electric train. Councilmember Pierce stated it would be too expensive.

Vice Mayor Geller welcomed the new CERT class, attended Mayors' Conference, and the Mayors' Healthy Cook-off. He thanked Councilmember Pierce for planning the event and showing kids they can eat healthy. He stated the City of Concord won first place, and now Mt. Diablo High School will get a garden at their school. Councilmember Pierce added a thank you to the Pacific Coast Farmers' Market who paid for all of the produce used during the event. Vice Mayor Geller stated the Concert season collected \$14,084 in donations for next year. He attended the Mt. Diablo School District Board meeting and stated Oktoberfest is looking for volunteers.

- (e) Other – None.

7. **PUBLIC COMMENTS** – None.

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.

The Community Development Director introduced the agenda item and stated his project has been in the works since 2005. He stated the project was delayed because of the drought and water conservation standards. He stated at this point the CBCA is prepared to move forward and complete the project on city property. City Maintenance Supervisor John Johnston has worked with representatives of CBCA, Steven Lane and Nicole Hackett. He stated the plans have been updated to conform with the water conservation standard and conform with the City's adopted design standards. He stated there are some concerns by the Maintenance department that some of the plant materials will require more hand trimming.

The Community Development Director stated in the Resolution there is a condition about access and insurance. He stated in order for the CBCA to install the plan and CBCA have the proper insurance of \$2 million with the City named as additionally insured. He stated City employees cannot participate in the process when it goes to bid. He stated the CBCA has to hire an independent construction manager and the City would ensure they are qualified. He stated in terms of the planting and irrigation system CBCA would be responsible for the materials for six months after the project is completed then the City would take over the maintenance of the landscaping.

Ed Hartley, CBCA President, thanked the staff for the work they put in on it, and the committee who put in a lot of time to try to finish what was started. Maryanne Lawrence, Shannon Seven, Nicole Hackett and Steven Lane. He stated subject to what is approved tonight, there are bids out, and the desire is that this could go to the vote of the CBCA membership this month.

Steve Lane stated he is a drafting and design consultant and has worked on coming up with a revised planting plan. He stated the committee met with Vice Mayor Geller, the City Manager, and the Maintenance Supervisors and there were selections that did not meet up with City maintenance requirements or drought tolerance. He stated he had some help from John Johnston to help scale back some of the planting in the plan.

Nicole Hackett stated she was excited to get the work on this project. She stated she is familiar with proven plants for the area and tried to put together plants that would flower for every season, these plants are evergreen bushes with flowers.

Vice Mayor Geller asked if things will go around the rocks? Ms. Hackett stated there will be plantings to blend the rocks into the landscaping.

Councilmember Medrano asked Steve Lane if he does project Management work? Mr. Lane responded he does.

Councilmember Stratford stated it looks great. The plans call for some additional oak trees and he asked if they would block the large heritage oak at the top of the hill. Ms. Hackett stated the oak tree could be blocked a little in fifty years.

The City Manager stated that the oaks were suggested by the City Council to replace the Redwoods in the previous plan.

Councilmember Stratford asked if the oaks have to be there? Mr. Lane stated he and Nicole are not sold on the oaks.

Councilmember Pierce stated a couple of oak trees provide a backdrop and a balance at the back of the hillside. It is going to take a long time for the oaks to block anything and it will blend in once they are grown.

Mr. Lane stated you could remove the one in front of the existing oak and it would save a lot of money. Councilmember Stratford stated the Heritage Oak looks good, would like to see taking out two of the additional oaks.

Maintenance Supervisor stated the theme was to make it look like a natural setting and to blend the existing oak in with the design.

The City Manager stated the existing oak is on Diamond Terrace property.

Councilmember Pierce asked if the oaks need to be 36 inch box size? Maintenance Supervisor Johnston stated it is hit or miss but the 36 inch box sizes do better. He stated we do not have a problem with overgrowth we have a problem with bare spots in landscaping.

Vice Mayor Geller asked if six months is enough before the City takes back the property. The Maintenance Supervisor stated it would be unreasonable to ask them to maintain it longer. He stated the biggest concern with this is that Maintenance department will not be able to maintain some of the plants, as some are labor intensive and require more hand pruning techniques.

The City Manager stated this has taken a long time, staff is recommending this be added to the Landscape District providing a funding source for upkeep. He stated the whole purpose of the project is for the CBCA to donate something to the City.

Steven Lane suggested this could be a signature landscape for the district.

Councilmember Medrano stated the CBCA has donated a lot of money and the City should take on the responsibility. The City Manager concurred with Councilmember Medrano.

Councilmember Medrano asked that the insurance information state the CBCA and/or their contractor.

Councilmember Stratford stated hopefully we can work it out, if we have to hire a third party to do the trimming we could work that out.

The City Manager suggested the Council amend the Resolution to annex this area to the Landscape Maintenance District.

Councilmember Pierce asked what the definition of qualified landscape consultant means? The Community Development Director stated the intent would be to have the Maintenance Supervisor sign off on the selection.

Vice Mayor Geller asked if Council was amenable with removing one of the oak trees and spacing them out a little bit more to cover the same area.

It was moved by Councilmember Stratford, seconded by Councilmember Medrano to amended Resolution 37-2011 adding the area to the Landscape District, removing one tree from the plan and increase the spacing in between the oak trees (Passed; 4-0 vote).

- (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".

The Assistant to the City Manager stated almost a year ago the Council approved the "Do the Right Thing" program. The program included hanging six character banners at the banner pole locations for one week per character trait. The Council asked for the program to be brought back for review after one year. The "Do the Right Thing" Committee is asking to continue to use the banner displays going forward and to have the character traits displayed one week per month instead of one week per character trait. The City has not received any complaints about the banners and there is no cost to the City for the banners or for displaying them at the pole locations.

Councilmember Stratford stated there were only three banners to go up last year due designing the banners.

All Councilmembers were supportive of extending the banner time period to one week per month.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to allow the banners to be displayed one week per month therefore amending Section 3 of Resolution 42-2010 (Passed; 4-0 vote).

- (c) Council Member request to set the number, dates and times for the City's annual "Concerts in The Grove" in calendar year 2012.

Vice Mayor Geller suggested the Concerts start the Saturday after Art and Wine (May 12th) and continue every other Saturday until September 15th.

Councilmember Medrano proposed the City do the 10 concerts on Saturdays and additional concerts on 5 Wednesday nights. He stated Jim Diaz has offered to work on these Wednesday night concerts, and suggested having one beer booth and one wine booth and not using any money from the City at all to fund these extra concerts.

Councilmember Pierce stated she doesn't mind trying it on a weekday but was unsure about the alcohol booths. Councilmember Medrano stated it would provide an option for people to purchase but some will still bring their own. He also stated with the concerts

being held during the week people would be more apt to buy from the downtown businesses instead of going home to prepare something.

Councilmember Stratford asked if another night would be better since Wednesday there is already the car show? Councilmember Medrano stated he chose Wednesday since there was already an influx of people in the downtown area.

The City Manager stated the Council will hold its annual meeting with the downtown business owners in November and it might give Councilmember Medrano time to set up a written proposal to talk about with the downtown business owners at this meeting.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce to set the dates for the 2012 Concert Series as May 12 and 26, June 9 and 23, July 7 and 21, August 4 and 18, September 1 and 15, from 6:00 p.m. – 8:30 p.m. (Passed; 4-0 vote).

- (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.

Councilmember Medrano stated basically the School Board decided to try to delay the process to approve the application for the Charter by placing unrealistic conditions on the Charter. He stated he agrees it is a defacto denial and is in full support of the Resolution.

Councilmember Pierce stated there is one word in the Resolution title that she finds offensive. She suggested replacing the word condemning with denouncing.

No public comments were received.

It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to adopt Resolution 38-2011 as amended by replacing the word condemning with denouncing in the Resolution title (Passed; 4-0 vote).

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**– On call by Vice Mayor Geller the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor

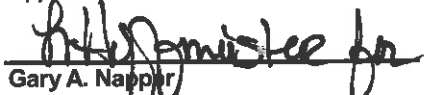


Agenda Date: 10/4/11

Agenda Item: 4b

STAFF REPORT

Approved:


Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: OCTOBER 4, 2011

SUBJECT: INVOICE SUMMARY

RECOMMENDATION

Approve the following Invoices.

9/27/11	Cash Requirements Report	\$151,740.90
9/29/11	Cash Requirements Report	\$191,105.67
8/22/11	CalCard Charges (US Bank)	\$12,897.02

Attachments:

Cash Requirements Report dated 9/27/11 (4 pages)

Cash Requirements Report dated 9/29/11 (3 pages)

US Bank Account Summary dated 8/22/11 (7 pages)

City of Clayton

Cash Requirements Report

CC Meeting 10/4/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
All City Management Services, Inc.								
All City Management Services, Inc.	9/27/2011	9/19/2011	24181	Crossing Guard WE 9/10/11	\$325.50	\$0.00		\$325.50
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$325.50</u>	<u>\$0.00</u>		<u>\$325.50</u>
All-Guard Systems, Inc.								
All-Guard Systems, Inc.	9/27/2011	8/31/2011	S41697	Library Alarm Panel Repair 8/11	\$237.90	\$0.00		\$237.90
				<i>Totals for All-Guard Systems, Inc.:</i>	<u>\$237.90</u>	<u>\$0.00</u>		<u>\$237.90</u>
BAE Urban Economics Inc								
BAE Urban Economics Inc	9/27/2011	9/6/2011	1712-Aug11	CC Church Initial Impact Study 8/11	\$1,071.60	\$0.00		\$1,071.60
				<i>Totals for BAE Urban Economics Inc:</i>	<u>\$1,071.60</u>	<u>\$0.00</u>		<u>\$1,071.60</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	9/27/2011	9/13/2011	0273774-IN	PW Metal Sign 9/11	\$412.71	\$0.00		\$412.71
Bay Area Barricade Serv.	9/27/2011	9/13/2011	0274649-IN	PW Marking Paint 9/11	\$130.34	\$0.00		\$130.34
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$543.05</u>	<u>\$0.00</u>		<u>\$543.05</u>
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	9/27/2011	8/13/2011	4122028	CC Church Notice 8/11	\$187.80	\$0.00		\$187.80
				<i>Totals for Bay Area News Group East Bay (CCT):</i>	<u>\$187.80</u>	<u>\$0.00</u>		<u>\$187.80</u>
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	9/27/2011	9/13/2011	660783	City Attorney General Retainer 8/11	\$2,434.81	\$0.00		\$2,434.81
				<i>Totals for Best Best & Kreiger LLP:</i>	<u>\$2,434.81</u>	<u>\$0.00</u>		<u>\$2,434.81</u>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	9/27/2011	8/16/2011	910527	Admin Copier Copies 8/11	\$290.70	\$0.00		\$290.70
				<i>Totals for Caltronics Business Systems, Inc:</i>	<u>\$290.70</u>	<u>\$0.00</u>		<u>\$290.70</u>
CCC General Services (Traffic)								
CCC General Services (Traffic)	9/27/2011	8/18/2011	4266	Traffic Signal Maintenance 7/11	\$1,848.16	\$0.00		\$1,848.16
				<i>Totals for CCC General Services (Traffic):</i>	<u>\$1,848.16</u>	<u>\$0.00</u>		<u>\$1,848.16</u>
CCC Law & Justice Systems (ACCJIN)								
CCC Law & Justice Systems (ACCJIN)	9/27/2011	8/1/2011	LJIS 11-City	PD ACCJIN Shared Cost FY 10-11	\$1,170.63	\$0.00		\$1,170.63
				<i>Totals for CCC Law & Justice Systems (ACCJIN):</i>	<u>\$1,170.63</u>	<u>\$0.00</u>		<u>\$1,170.63</u>
CCC Office of the Sheriff - Forensic Svc Division (Lab)								
CCC Office of the Sheriff - Forensic Svc	9/27/2011	8/15/2011	CLPD-1107	PD Crime Lab 7/11	\$1,130.00	\$0.00		\$1,130.00
				<i>Totals for CCC Office of the Sheriff - Forensic Svc Division (Lab):</i>	<u>\$1,130.00</u>	<u>\$0.00</u>		<u>\$1,130.00</u>
CCC Office of the Sheriff (ARIES)								
CCC Office of the Sheriff (ARIES)	9/27/2011	7/27/2011	11/12Clym	ARIES Maintenance 11-12	\$8,350.00	\$0.00		\$8,350.00
				<i>Totals for CCC Office of the Sheriff (ARIES):</i>	<u>\$8,350.00</u>	<u>\$0.00</u>		<u>\$8,350.00</u>

City of Clayton

Cash Requirements Report

CC Meeting 10/4/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
CCC Police Chiefs' Assoc.								
CCC Police Chiefs' Assoc.	9/27/2011	6/27/2011	11-07	Police Chiefs' Association Dues 11-12	\$650.00	\$0.00		\$650.00
				Totals for CCC Police Chiefs' Assoc.:	\$650.00	\$0.00		\$650.00
Chapman Land Surveying Inc								
Chapman Land Surveying Inc	9/27/2011	8/24/2011	0	CCP Layout - Re-stake 8/11	\$1,050.00	\$0.00		\$1,050.00
Chapman Land Surveying Inc	9/27/2011	9/12/2011	091611	CCP Stake Park Sign & Topo Pkg Area 9/11	\$525.00	\$0.00		\$525.00
				Totals for Chapman Land Surveying Inc:	\$1,575.00	\$0.00		\$1,575.00
City of Concord								
City of Concord	9/27/2011	8/5/2011	25546	PD Dispatch & Router Service 8/11	\$13,285.00	\$0.00		\$13,285.00
City of Concord	9/27/2011	8/5/2011	25563	PD Vehicle Maintenance 7/11	\$1,312.35	\$0.00		\$1,312.35
City of Concord	9/27/2011	9/2/2011	25811	Admin Envelope Printing 9/11	\$341.00	\$0.00		\$341.00
City of Concord	9/27/2011	9/2/2011	25844	PD Dispatch & Router Svc 9/11	\$13,285.00	\$0.00		\$13,285.00
				Totals for City of Concord:	\$28,223.35	\$0.00		\$28,223.35
Clean Street								
Clean Street	9/27/2011	8/31/2011	64794	Street Sweeping 8/11	\$3,500.00	\$0.00		\$3,500.00
				Totals for Clean Street:	\$3,500.00	\$0.00		\$3,500.00
Cole Supply Company								
Cole Supply Company	9/27/2011	8/31/2011	802356-1	PW Orange Liners 8/11	\$1,694.22	\$0.00		\$1,694.22
				Totals for Cole Supply Company:	\$1,694.22	\$0.00		\$1,694.22
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	9/27/2011	8/27/2011	10581088	Admin Copier Lease 9/11	\$106.19	\$0.00		\$106.19
				Totals for De Lage Landen Financial Services, Inc.:	\$106.19	\$0.00		\$106.19
Employee Benefit Specialists, Inc								
Employee Benefit Specialists, Inc	9/27/2011	8/31/2011	0053734-JN	FSA Admin Fee 8/11	\$100.00	\$0.00		\$100.00
				Totals for Employee Benefit Specialists, Inc:	\$100.00	\$0.00		\$100.00
Globalstar LLC								
Globalstar LLC	9/27/2011	8/16/2011	3266289	PD Sat Phone 8/11	\$26.92	\$0.00		\$26.92
				Totals for Globalstar LLC:	\$26.92	\$0.00		\$26.92
HUB Inter of CA Ins Svc								
HUB Inter of CA Ins Svc	9/27/2011	9/16/2011	8/11	Special Events Insurance 8/11	\$645.62	\$0.00		\$645.62
				Totals for HUB Inter of CA Ins Svc:	\$645.62	\$0.00		\$645.62
Hubb Systems LLC								
Hubb Systems LLC	9/27/2011	9/12/2011	INV-19158	PD Mobile Computers 9/11	\$62,834.91	\$0.00		\$62,834.91
				Totals for Hubb Systems LLC:	\$62,834.91	\$0.00		\$62,834.91
John Deere Landscapes Inc								

City of Clayton

Cash Requirements Report

CC Meeting 10/4/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
John Deere Landscapes Inc	9/27/2011	9/7/2011	59150377	PW Sprinkler Supplies 9/11	\$152.52	\$0.00		\$152.52
				<i>Totals for John Deere Landscapes Inc:</i>	<i>\$152.52</i>	<i>\$0.00</i>		<i>\$152.52</i>
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	9/26/2011	9/1/2011	411-1151-9	CH HVAC Maintenance 9/11	\$150.00	\$0.00		\$150.00
Marken Mechanical Services Inc	9/27/2011	9/1/2011	411-1152-9	Library HVAC Maintenance 9/11	\$150.00	\$0.00		\$150.00
				<i>Totals for Marken Mechanical Services Inc:</i>	<i>\$300.00</i>	<i>\$0.00</i>		<i>\$300.00</i>
McNamara, Ney, Beatty, Slattery, Borges & Ambacher								
McNamara, Ney, Beatty, Slattery, Borg	9/27/2011	8/24/2011	24156	Claim Legal Services 7/11	\$2,182.50	\$0.00		\$2,182.50
McNamara, Ney, Beatty, Slattery, Borg	9/27/2011	9/7/2011	24311	Claim Legal Services 8/11	\$1,215.00	\$0.00		\$1,215.00
				<i>Totals for McNamara, Ney, Beatty, Slattery, Borges & Ambacher:</i>	<i>\$3,397.50</i>	<i>\$0.00</i>		<i>\$3,397.50</i>
NBS Govt. Finance Group								
NBS Govt. Finance Group	9/27/2011	9/9/2011	G09091101-LO	CFA 07 Continuing Disclosure Rpt Svc 9/11	\$175.00	\$0.00		\$175.00
				<i>Totals for NBS Govt. Finance Group:</i>	<i>\$175.00</i>	<i>\$0.00</i>		<i>\$175.00</i>
Nicholas Engineering								
Nicholas Engineering	9/27/2011	7/31/2011	2198-1	CCP Pkg Lot Geological Testing 7/11	\$3,900.00	\$0.00		\$3,900.00
Nicholas Engineering	9/27/2011	8/31/2011	2198-2	CCP Pkg Lot Geotechnical Testing 8/11	\$3,000.00	\$0.00		\$3,000.00
				<i>Totals for Nicholas Engineering:</i>	<i>\$6,900.00</i>	<i>\$0.00</i>		<i>\$6,900.00</i>
Office Depot								
Office Depot	9/27/2011	9/2/2011	57734748001	Admin Office Supplies 9/11	\$45.44	\$0.00		\$45.44
Office Depot	9/27/2011	9/11/2011	577734048001	Admin Office Supplies 9/11	\$71.30	\$0.00		\$71.30
Office Depot	9/27/2011	9/2/2011	577734747002	Admin Office Supplies 9/11	\$25.75	\$0.00		\$25.75
Office Depot	9/27/2011	9/2/2011	577734749001	Admin Office Supplies 9/11	\$5.41	\$0.00		\$5.41
				<i>Totals for Office Depot:</i>	<i>\$147.90</i>	<i>\$0.00</i>		<i>\$147.90</i>
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	9/27/2011	8/24/2011	291341	Outside Phone Booth 9/11	\$73.00	\$0.00		\$73.00
				<i>Totals for Pacific Telemanagement Svc:</i>	<i>\$73.00</i>	<i>\$0.00</i>		<i>\$73.00</i>
PERMCO, Inc.								
PERMCO, Inc.	9/27/2011	9/12/2011	9528	Eng Retainer 8/27/11-9/9/11	\$2,078.00	\$0.00		\$2,078.00
PERMCO, Inc.	9/27/2011	9/12/2011	9529	ABAG Haz Mit Plan Update 09-10	\$202.13	\$0.00		\$202.13
PERMCO, Inc.	9/27/2011	9/12/2011	9530	CCP Parking Lot Construction Insp 9/11	\$7,013.41	\$0.00		\$7,013.41
PERMCO, Inc.	9/27/2011	9/12/2011	9531	Diablo Estates SPR Review LLA Plans 9/11	\$2,250.00	\$0.00		\$2,250.00
PERMCO, Inc.	9/27/2011	9/12/2011	9532	Diablo Estates Const Insp Sub Impr 9/11	\$166.00	\$0.00		\$166.00
PERMCO, Inc.	9/27/2011	9/12/2011	9533	Clayton Rd Median Relandscaping Plans 9/11	\$90.50	\$0.00		\$90.50
				<i>Totals for PERMCO, Inc.:</i>	<i>\$11,800.04</i>	<i>\$0.00</i>		<i>\$11,800.04</i>
PMC Investigative Services								
PMC Investigative Services	9/27/2011	9/4/2011	11-0202	PD Investigation 9/11	\$4,187.50	\$0.00		\$4,187.50
				<i>Totals for PMC Investigative Services:</i>	<i>\$4,187.50</i>	<i>\$0.00</i>		<i>\$4,187.50</i>

City of Clayton

Cash Requirements Report

CC Meeting 10/4/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Riso Products of Sacramento								
Riso Products of Sacramento	9/27/2011	8/23/2011	78261	PD Copier 8/11	\$94.79	\$0.00		\$94.79
				<i>Totals for Riso Products of Sacramento:</i>	<i>\$94.79</i>	<i>\$0.00</i>		<i>\$94.79</i>
Rock & Waterfall Co								
Rock & Waterfall Co	9/27/2011	8/28/2011	102-55	OH Waterfall Maintenance 8/11	\$650.00	\$0.00		\$650.00
				<i>Totals for Rock & Waterfall Co:</i>	<i>\$650.00</i>	<i>\$0.00</i>		<i>\$650.00</i>
Seifel Consulting Inc.								
Seifel Consulting Inc.	9/27/2011	9/9/2011	11035	RDA Options Analysis 9/11	\$5,000.00	\$0.00		\$5,000.00
				<i>Totals for Seifel Consulting Inc.:</i>	<i>\$5,000.00</i>	<i>\$0.00</i>		<i>\$5,000.00</i>
Sonja Wilkin								
Sonja Wilkin	9/27/2011	9/8/2011	EH 8/21/11	Refund EH Deposit 8/21/11	\$500.00	\$0.00		\$500.00
				<i>Totals for Sonja Wilkin:</i>	<i>\$500.00</i>	<i>\$0.00</i>		<i>\$500.00</i>
Sprint Comm (PD)								
Sprint Comm (PD)	9/27/2011	8/29/2011	117	PD Cell Phone Service 8/11	\$293.84	\$0.00		\$293.84
				<i>Totals for Sprint Comm (PD):</i>	<i>\$293.84</i>	<i>\$0.00</i>		<i>\$293.84</i>
The Radar Shop								
The Radar Shop	9/27/2011	8/15/2011	6893	PD Radar Units Recertified 8/11	\$221.00	\$0.00		\$221.00
				<i>Totals for The Radar Shop:</i>	<i>\$221.00</i>	<i>\$0.00</i>		<i>\$221.00</i>
Treppa Law Group								
Treppa Law Group	9/27/2011	8/31/2011	541	JFC Litigation Legal Services 8/11	\$165.00	\$0.00		\$165.00
				<i>Totals for Treppa Law Group:</i>	<i>\$165.00</i>	<i>\$0.00</i>		<i>\$165.00</i>
Turner, Huguet & Adams								
Turner, Huguet & Adams	9/27/2011	8/31/2011	2586	RDA Legal Services 8/11	\$314.50	\$0.00		\$314.50
				<i>Totals for Turner, Huguet & Adams:</i>	<i>\$314.50</i>	<i>\$0.00</i>		<i>\$314.50</i>
Wally's Rental Center, Inc.								
Wally's Rental Center, Inc.	9/27/2011	9/9/2011	104703-3	PW Pressure Washer 9/11	\$87.45	\$0.00		\$87.45
				<i>Totals for Wally's Rental Center, Inc.:</i>	<i>\$87.45</i>	<i>\$0.00</i>		<i>\$87.45</i>
Western Exterminator								
Western Exterminator	9/27/2011	8/31/2011	582738	Extermination Service 8/11	\$334.50	\$0.00		\$334.50
				<i>Totals for Western Exterminator:</i>	<i>\$334.50</i>	<i>\$0.00</i>		<i>\$334.50</i>
GRAND TOTALS:					\$151,740.90	\$0.00		\$151,740.90

City of Clayton

Cash Requirements Report

CC Meeting 10/4/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Access One								
Access One	9/29/2011	9/2/2011	1181496	Long Distance Phone Service 8/11	\$68.24	\$0.00		\$68.24
				Totals for Access One:	\$68.24	\$0.00		\$68.24
AT&T/ CalNet 2								
AT&T/ CalNet 2	9/29/2011	9/3/2011	8/11B	Local Phone Service 8/11B	\$453.29	\$0.00		\$453.29
AT&T/ CalNet 2	9/29/2011	9/22/2011	9/11A	Local Phone Service 9/11A	\$1,315.90	\$0.00		\$1,315.90
				Totals for AT&T/ CalNet 2:	\$1,769.19	\$0.00		\$1,769.19
CalPERS Health								
CalPERS Health	9/29/2011	9/15/2011	409	Health Premiums 10/11	\$28,924.70	\$0.00		\$28,924.70
				Totals for CalPERS Health:	\$28,924.70	\$0.00		\$28,924.70
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	9/29/2011	9/16/2011	929774	Admin Copier Copies 9/11	\$222.60	\$0.00		\$222.60
				Totals for Caltronics Business Systems, Inc:	\$222.60	\$0.00		\$222.60
CCC General Services (Traffic)								
CCC General Services (Traffic)	9/29/2011	9/20/2011	4300	Traffic Signal Maintenance 8/11	\$1,897.66	\$0.00		\$1,897.66
				Totals for CCC General Services (Traffic):	\$1,897.66	\$0.00		\$1,897.66
CCC Police Chiefs' Assoc.								
CCC Police Chiefs' Assoc.	9/29/2011	9/20/2011	11-09	PD Chief Assoc Fall Wrkshp 9/11	\$315.00	\$0.00		\$315.00
				Totals for CCC Police Chiefs' Assoc.:	\$315.00	\$0.00		\$315.00
CCC Sheriff - Forensic Svc Div (Lab)								
CCC Sheriff - Forensic Svc Div (Lab)	9/29/2011	9/15/2011	CLPD-1108	Crime Lab 8/11	\$3,250.00	\$0.00		\$3,250.00
				Totals for CCC Sheriff - Forensic Svc Div (Lab):	\$3,250.00	\$0.00		\$3,250.00
Cintas Fire Protection								
Cintas Fire Protection	9/29/2011	9/16/2011	0F44544392	CH Fire Extinguisher Svc 9/11	\$696.91	\$0.00		\$696.91
Cintas Fire Protection	9/29/2011	9/16/2011	0F44544393	Library Fire Extinguisher Svc 9/11	\$303.00	\$0.00		\$303.00
Cintas Fire Protection	9/29/2011	9/16/2011	0F44544394	EHI Fire Extinguisher Svc 9/11	\$171.21	\$0.00		\$171.21
				Totals for Cintas Fire Protection:	\$1,171.12	\$0.00		\$1,171.12
Contra Costa Water Dist.								
Contra Costa Water Dist.	9/29/2011	9/13/2011	C Series 7-8/11	Water Services 7-8/11	\$36,334.51	\$0.00		\$36,334.51
				Totals for Contra Costa Water Dist.:	\$36,334.51	\$0.00		\$36,334.51
Covanta Stanislaus Inc								
Covanta Stanislaus Inc	9/29/2011	9/8/2011	Stan1-003977	PD Disposal of Property 9/11	\$207.74	\$0.00		\$207.74
				Totals for Covanta Stanislaus Inc:	\$207.74	\$0.00		\$207.74
Ghiloti Bros Contractors								
Ghiloti Bros Contractors	9/29/2011	9/15/2011	11415-04	CCP Parking Lot Construction 9/11	\$55,054.13	\$0.00		\$55,054.13

City of Clayton

Cash Requirements Report

CC Meeting 10/4/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Goldfarb & Lipman				<i>Totals for Ghilotti Bros Contractors:</i>	<u>\$55,054.13</u>	<u>\$0.00</u>		<u>\$55,054.13</u>
Goldfarb & Lipman	9/29/2011	9/15/2011	102640	RDA, LMI Legal Services 8/11	\$318.50	\$0.00		\$318.50
				<i>Totals for Goldfarb & Lipman:</i>	<u>\$318.50</u>	<u>\$0.00</u>		<u>\$318.50</u>
Health Care Dental Trust				Dental Premiums 10/11	\$2,527.22	\$0.00		\$2,527.22
Health Care Dental Trust	9/29/2011	9/14/2011	131307	<i>Totals for Health Care Dental Trust:</i>	<u>\$2,527.22</u>	<u>\$0.00</u>		<u>\$2,527.22</u>
John Deere Landscapes Inc				PW Sprinkler Supplies & Wasp Spray 9/11	\$106.11	\$0.00		\$106.11
John Deere Landscapes Inc	9/29/2011	9/9/2011	59176483	PW Sprinkler Supplies 9/11	\$230.62	\$0.00		\$230.62
John Deere Landscapes Inc	9/29/2011	9/12/2011	59195415	<i>Totals for John Deere Landscapes Inc:</i>	<u>\$336.73</u>	<u>\$0.00</u>		<u>\$336.73</u>
LarryLogic Productions				City Council Meeting Video 9/20/11	\$375.00	\$0.00		\$375.00
LarryLogic Productions	9/29/2011	9/20/2011	1181	<i>Totals for LarryLogic Productions:</i>	<u>\$375.00</u>	<u>\$0.00</u>		<u>\$375.00</u>
Legal Defense Fund				PORAC LDF Dues 10-12/11	\$15.00	\$0.00		\$15.00
Legal Defense Fund	9/29/2011	8/31/2011	600-120479	<i>Totals for Legal Defense Fund:</i>	<u>\$15.00</u>	<u>\$0.00</u>		<u>\$15.00</u>
Marken Mechanical Services Inc				Library HVAC Service 7/11	\$502.17	\$0.00		\$502.17
Marken Mechanical Services Inc	9/29/2011	9/20/2011	411-1146-7	EH HVAC Service 7/11	\$247.00	\$0.00		\$247.00
Marken Mechanical Services Inc	9/29/2011	9/20/2011	411-1147-7	<i>Totals for Marken Mechanical Services Inc:</i>	<u>\$749.17</u>	<u>\$0.00</u>		<u>\$749.17</u>
NBS Govt. Finance Group				CFD Administration Fees 10-12/11	\$4,884.50	\$0.00		\$4,884.50
NBS Govt. Finance Group	9/29/2011	9/20/2011	C09201106	<i>Totals for NBS Govt. Finance Group:</i>	<u>\$4,884.50</u>	<u>\$0.00</u>		<u>\$4,884.50</u>
Neopost (add postage)				Admin Postage Added 9/26/11	\$300.00	\$0.00		\$300.00
Neopost (add postage)	9/29/2011	9/26/2011	9/26/11	<i>Totals for Neopost (add postage):</i>	<u>\$300.00</u>	<u>\$0.00</u>		<u>\$300.00</u>
Pacific Telemanagement Svc				Outside Phone Booth 10/11	\$73.00	\$0.00		\$73.00
Pacific Telemanagement Svc	9/29/2011	9/22/2011	297076	<i>Totals for Pacific Telemanagement Svc:</i>	<u>\$73.00</u>	<u>\$0.00</u>		<u>\$73.00</u>
Paramount Elevator Corp.				CH Elevator Regular Maintenance 9/11	\$220.00	\$0.00		\$220.00
Paramount Elevator Corp.	9/29/2011	9/19/2011	156443	<i>Totals for Paramount Elevator Corp.:</i>	<u>\$220.00</u>	<u>\$0.00</u>		<u>\$220.00</u>
Peace Officers Research Assoc of CA				PORAC PRA Dues 10/11	\$10.00	\$0.00		\$10.00
Peace Officers Research Assoc of CA	9/29/2011	9/19/2011	20917					

City of Clayton

Cash Requirements Report

CC Meeting 10/4/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.				<i>Totals for Peace Officers Research Assoc of CA:</i>	<i>\$10.00</i>	<i>\$0.00</i>		<i>\$10.00</i>
PERMCO, Inc.	9/29/2011	9/26/2011	9534	City Engineer Svc 9/10-23/11	\$3,166.00	\$0.00		\$3,166.00
PERMCO, Inc.	9/29/2011	9/26/2011	9535	CCWD Minor EP Insp	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	9/29/2011	9/26/2011	9536	Annual Reporting for SW	\$288.75	\$0.00		\$288.75
PERMCO, Inc.	9/29/2011	9/26/2011	9537	O'Meara SWP 01-10	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	9/29/2011	9/26/2011	9537	Richards SWP 11-10	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	9/29/2011	9/26/2011	9538	ABAG Haz Mit Plan Update 2009	\$144.38	\$0.00		\$144.38
PERMCO, Inc.	9/29/2011	9/26/2011	9539	CCP Parking Lot Const Insps	\$7,907.13	\$0.00		\$7,907.13
PERMCO, Inc.	9/29/2011	9/26/2011	9540	Diablo Estates SPR, Rvw LLA, Plans	\$181.00	\$0.00		\$181.00
PERMCO, Inc.	9/29/2011	9/26/2011	9541	Diablo Pointe SW Insp	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	9/29/2011	9/26/2011	9542	Van Brusselen 0010 SW	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	9/29/2011	9/26/2011	9542	Caldwell/Swan Pools 0012 SW	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	9/29/2011	9/26/2011	9542	Hosler 0014 SW	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	9/29/2011	9/26/2011	9542	JSM Builders/ Magdefrau 0016 SW	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	9/29/2011	9/26/2011	9542	Diablo Tropicals/ Farley 0022 SW	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	9/29/2011	9/26/2011	9543	MCR Upgrade CIP	\$101.06	\$0.00		\$101.06
				<i>Totals for PERMCO, Inc.:</i>	<i>\$12,037.32</i>	<i>\$0.00</i>		<i>\$12,037.32</i>
PG&E								
PG&E	9/29/2011	9/19/2011	Mst 119... 9/11	Service Mst 119... 9/11	\$511.93	\$0.00		\$511.93
PG&E	9/29/2011	8/17/2011	Mst 729... 8/11	Service Mst #729... 8/11	\$17,991.71	\$0.00		\$17,991.71
PG&E	9/29/2011	9/20/2011	Mst 729... 9/11	Service Mst #729... 9/11	\$18,190.33	\$0.00		\$18,190.33
				<i>Totals for PG&E:</i>	<i>\$36,693.97</i>	<i>\$0.00</i>		<i>\$36,693.97</i>
Rutan & Tucker LLP								
Rutan & Tucker LLP	9/29/2011	9/15/2011	618658	Land Use & Econ Dev Legal Advice 8/11	\$200.00	\$0.00		\$200.00
				<i>Totals for Rutan & Tucker LLP:</i>	<i>\$200.00</i>	<i>\$0.00</i>		<i>\$200.00</i>
Swan Pools								
Swan Pools	9/29/2011	9/13/2011	CAP 0012 EP	Refund CAP 0012 EP Deposit 9/11	\$1,000.00	\$0.00		\$1,000.00
Swan Pools	9/29/2011	9/13/2011	CAP 0012 SW	Refund CAP 0012 SW Deposit 9/11	\$751.00	\$0.00		\$751.00
				<i>Totals for Swan Pools:</i>	<i>\$1,751.00</i>	<i>\$0.00</i>		<i>\$1,751.00</i>
Ted Meriam								
Ted Meriam	9/29/2011	9/19/2011	EH 9/10/11	EH Refund Deposits 9/10/11	\$1,000.00	\$0.00		\$1,000.00
				<i>Totals for Ted Meriam:</i>	<i>\$1,000.00</i>	<i>\$0.00</i>		<i>\$1,000.00</i>
Zee Medical Company								
Zee Medical Company	9/29/2011	9/13/2011	34614	PW First Aid Supplies 9/11	\$399.37	\$0.00		\$399.37
				<i>Totals for Zee Medical Company:</i>	<i>\$399.37</i>	<i>\$0.00</i>		<i>\$399.37</i>
				GRAND TOTALS:	\$191,105.67	\$0.00		\$191,105.67



P.O. BOX 6343
FARGO ND 58125-6343



ACCOUNT NUMBER [REDACTED]
STATEMENT DATE 08-22-2011
AMOUNT DUE \$46,635.15
NEW BALANCE \$46,635.15
PAYMENT DUE ON RECEIPT



CITY OF CLAYTON
LYNN CUPIT
6000 HERITAGE TRAIL
CLAYTON CA 94517-1249

AMOUNT ENCLOSED
\$ 12,897.02
Please make check payable to "U.S. Bank"

U.S. BANK CORPORATE PAYMENT SYSTEM
P.O. BOX 790428
ST. LOUIS, MO 63179-0428



Please tear payment coupon at perforation.

CORPORATE ACCOUNT SUMMARY

CITY OF CLAYTON 4246 0445 5565 0674	Previous Balance	Purchases And Other Charges	Cash Advances	Cash Advance Fees	Late Payment Charges	- Credits	- Payments	New Balance
Company Total	\$33,738.13	\$12,897.02	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46,635.15

NEW ACTIVITY

MARK JANNEY

CREDITS \$0.00 PURCHASES \$4,375.88 CASH ADV \$0.00 TOTAL ACTIVITY \$4,375.88

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-28	07-26	24387751208004081249073	ORCHARD SUPPLY #0251 CONCORD CA	378.28
07-28	07-26	24492791208118000100213	WALNUT CREEK FORD 925-9322900 CA	1,590.56
07-28	07-26	24492791208118000100221	WALNUT CREEK FORD 925-9322900 CA	1,359.87
07-29	07-29	24055231210207942300122	CERTIFIED TIRE & SERVICE RIVERSIDE CA	547.82
08-05	08-04	24493981217200971600010	AMERICAN WIRELESS #361 PLEASANT HILL CA	35.00
08-09	08-05	24387751220004043081438	ORCHARD SUPPLY #0251 CONCORD CA	46.78
08-15	08-12	24316051225548693051715	SHELL OIL 57444673503 CONCORD CA	64.38
08-16	08-12	24387751227004057050189	ORCHARD SUPPLY #0251 CONCORD CA	44.34
08-19	08-17	24387751230004040169984	ORCHARD SUPPLY #0251 CONCORD CA	298.85
08-19	08-18	24445001231000157432487	AMERICAS-TIRE-CO CAN-05 CONCORD CA	10.00

MERRY PELLETIER

CREDITS \$0.00 PURCHASES \$1,761.01 CASH ADV \$0.00 TOTAL ACTIVITY \$1,761.01

CUSTOMER SERVICE CALL

800-344-5696

ACCOUNT NUMBER

[REDACTED]

STATEMENT DATE 08/22/11 DISPUTED AMOUNT .00

AMOUNT DUE

46,635.15

ACCOUNT SUMMARY

PREVIOUS BALANCE	33,738.13
PURCHASES & OTHER CHARGES	12,897.02
CASH ADVANCES	.00
CASH ADVANCE FEES	.00
LATE PAYMENT CHARGES	.00
CREDITS	.00
PAYMENTS	.00
ACCOUNT BALANCE	46,635.15

SEND BILLING INQUIRIES TO:

U.S. Bank National Association ND
C/O U.S. Bancorp Purchasing Card Program
P.O. Box 6335
Fargo, ND 58125-6335



Company Name: CITY OF CLAYTON

Corporate Account Number: [REDACTED]

Statement Date: 08-22-2011

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-26	07-25	24269281206980004168545	GEOCONSULTANTS, INC. 408-453-2541 CA	1,546.50
08-15	08-11	24418001224224052472909	VERIZON EPAYMENT 800-4441926 CO	214.51

ED BRYCE	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	\$0.00	\$610.45	\$0.00	\$610.45

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-28	07-26	24427331208120002461804	F & T VALERO CONCORD CONCORD CA	75.00
08-01	07-28	24427331210120002680508	F & T VALERO CONCORD CONCORD CA	75.00
08-11	08-09	24427331222120002442236	F & T VALERO CONCORD CONCORD CA	75.00
08-12	08-10	24427331223120002559889	F & T VALERO CONCORD CONCORD CA	41.04
08-12	08-10	24427331223120002559913	F & T VALERO CONCORD CONCORD CA	75.00
08-15	08-12	24316051225548694051714	SHELL OIL 57444673503 CONCORD CA	99.00
08-18	08-16	24427331229120002423114	F & T VALERO CONCORD CONCORD CA	75.00
08-22	08-19	24427331232120002879096	F & T VALERO CONCORD CONCORD CA	20.41
08-22	08-19	24427331232120002879112	F & T VALERO CONCORD CONCORD CA	75.00

DAN JOHNSTON	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	\$0.00	\$1,055.38	\$0.00	\$1,055.38

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-27	07-25	24316051207548616040656	SHELL OIL 57444673503 CONCORD CA	99.00
07-27	07-25	24316051207548617040655	SHELL OIL 57444673503 CONCORD CA	99.00
08-03	08-01	24316051214548628058655	SHELL OIL 57444673503 CONCORD CA	41.43
08-03	08-01	24427331214120002486449	F & T VALERO CONCORD CONCORD CA	75.00
08-03	08-01	24427331214120002486803	F & T VALERO CONCORD CONCORD CA	35.49
08-03	08-01	24427331214120002486829	F & T VALERO CONCORD CONCORD CA	36.38
08-08	08-04	24316051217548656032074	SHELL OIL 57444673503 CONCORD CA	99.00
08-08	08-05	24316051218548702029347	SHELL OIL 57444673503 CONCORD CA	49.08
08-11	08-09	24427331222120002442111	F & T VALERO CONCORD CONCORD CA	75.00
08-15	08-12	24316051225548695051713	SHELL OIL 57444673503 CONCORD CA	99.00
08-15	08-12	24427331225120002901089	F & T VALERO CONCORD CONCORD CA	75.00
08-17	08-15	24316051228548616040693	SHELL OIL 57444673503 CONCORD CA	74.00
08-22	08-19	24316051232548704013606	SHELL OIL 57444673503 CONCORD CA	99.00
08-22	08-20	24316051233548623037495	SHELL OIL 57444673503 CONCORD CA	99.00

JOHN JOHNSTON	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	\$0.00	\$585.33	\$0.00	\$585.33

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-27	07-25	24316051207548618040654	SHELL OIL 57444673503 CONCORD CA	99.00
08-01	07-30	24316051212548648032229	SHELL OIL 57444673503 CONCORD CA	67.11
08-01	07-30	24692161211000447852102	LOWES #02604* CONCORD CA	5.63
08-03	08-02	24692161214000090073284	SSG*SPORT SUPPLY GROUP 806-527-7510 TX	5.93
08-03	08-02	24692161214000090073318	SSG*SPORT SUPPLY GROUP 806-527-7510 TX	86.91
08-18	08-16	24073141229900019001908	BLOCK LIGHTING INC 757-8739401 VA	235.98
08-18	08-16	24387751229004041195072	ORCHARD SUPPLY #0251 CONCORD CA	84.77



Company Name: CITY OF CLAYTON
Corporate Account Number: [REDACTED]
Statement Date: 08-22-2011

NEW ACTIVITY

RICHARD ENEA II	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	\$0.00	\$423.57	\$0.00	\$423.57

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-27	07-25	24316051207548612040585	SHELL OIL 57444673503 CONCORD CA	46.00
07-29	07-27	24316051209548637013169	SHELL OIL 57444673503 CONCORD CA	47.00
08-01	07-30	24316051212548644032124	SHELL OIL 57444673503 CONCORD CA	48.00
08-03	08-01	24316051214548622058560	SHELL OIL 57444673503 CONCORD CA	15.76
08-04	08-02	24316051215548622006402	SHELL OIL 57444673503 CONCORD CA	26.20
08-10	08-08	24316051221548611026694	SHELL OIL 57444673503 CONCORD CA	47.01
08-12	08-10	24316051223548631015188	SHELL OIL 57444673503 CONCORD CA	43.50
08-15	08-14	24164071226619140637503	UNION 76 10011146 CONCORD CA	7.50
08-16	08-14	24316051227548571027447	SHELL OIL 57444673503 CONCORD CA	51.00
08-18	08-16	24316051229548614031594	SHELL OIL 57444673503 CONCORD CA	50.60
08-22	08-19	24316051232548702014010	SHELL OIL 57444673503 CONCORD CA	41.00

SCOTT DANSIE	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	\$0.00	\$37.12	\$0.00	\$37.12

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-23	24164071205619770216763	UNION 76 10011146 CONCORD CA	37.12

ALLEN WHITE	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	\$0.00	\$55.41	\$0.00	\$55.41

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-08	08-05	24164071217619989211098	UNION 76 10011146 CONCORD CA	7.50
08-08	08-05	24164071217619989211551	UNION 76 10011146 CONCORD CA	47.91

DAN LAWRENCE	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	\$0.00	\$119.88	\$0.00	\$119.88

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-01	07-29	24164071210619859706059	UNION 76 10011146 CONCORD CA	58.93
08-17	08-16	24164071228619168094213	UNION 76 10011146 CONCORD CA	60.95

RICHARD MCEACHIN	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
	\$0.00	\$559.32	\$0.00	\$559.32

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-27	07-26	24164071207418210581847	USPS 05093602833502055 BRENTWOOD CA	9.50
07-27	07-25	24387751207004048079242	ORCHARD SUPPLY #0251 CONCORD CA	18.48
07-29	07-27	24316051209548638013168	SHELL OIL 57444673503 CONCORD CA	44.17
07-29	07-28	24506011209980054438989	FLEET SAFETY EQUIPMENT IN 901-384-7777 TN	125.13



Company Name: CITY OF CLAYTON

Corporate Account Number: [REDACTED]

Statement Date: 08-22-2011

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-01	07-28	24316051210548654020607	SHELL OIL 57444673503 CONCORD CA	38.06
08-03	08-01	24316051214548623058569	SHELL OIL 57444673503 CONCORD CA	29.67
08-04	08-02	24316051215548623006401	SHELL OIL 57444673503 CONCORD CA	44.32
08-08	08-06	24164071219619002085634	UNION 76 10011146 CONCORD CA	7.50
08-08	08-06	24164071219619004691413	UNION 76 10011146 CONCORD CA	50.38
08-08	08-05	24316051218548706029236	SHELL OIL 57444673503 CONCORD CA	35.17
08-10	08-08	24387751221004049296110	ORCHARD SUPPLY #0251 CONCORD CA	1.29
08-11	08-09	24316051222548616035889	SHELL OIL 57444673503 CONCORD CA	41.35
08-12	08-10	24316051223548633014890	SHELL OIL 57444673503 CONCORD CA	21.79
08-12	08-10	24492151223649981574343	PAYPAL *ND407ND 402-935-7733 CA	17.99
08-16	08-14	24316051227548575027609	SHELL OIL 57444673503 CONCORD CA	41.29
08-18	08-16	24316051229548612031315	SHELL OIL 57444673503 CONCORD CA	25.73
08-22	08-20	24164071233619240581818	UNION 76 10011146 CONCORD CA	7.50

LAURA HOFFMEISTER

CREDITS
\$0.00PURCHASES
\$79.95CASH ADV
\$0.00TOTAL ACTIVITY
\$79.95

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-02	07-30	24387751213004072247030	ORCHARD SUPPLY #0251 CONCORD CA	23.44
08-02	07-30	24387751213004072248673	ORCHARD SUPPLY #0251 CONCORD CA	41.30
08-22	08-19	24164071232105185860533	STAPLES 00113654 CONCORD CA	15.21

LYNN CHRIST

CREDITS
\$0.00PURCHASES
\$113.04CASH ADV
\$0.00TOTAL ACTIVITY
\$113.04

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-21	24445741203100218579402	OFFICE DEPOT 1135 800-463-3768 CA	28.04
08-12	08-10	24755421223642230390036	CA DEPT GENERAL SERV-OSP 916-4455391 CA	85.00

SANDRO ARIAS

CREDITS
\$0.00PURCHASES
\$888.66CASH ADV
\$0.00TOTAL ACTIVITY
\$888.66

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-21	24316051203548654029961	SHELL OIL 57444673503 CONCORD CA	50.00
07-29	07-27	24316051209548637013243	SHELL OIL 57444673503 CONCORD CA	99.00
08-01	07-28	24316051210548654020870	SHELL OIL 57444673503 CONCORD CA	78.02
08-04	08-02	24316051215548622006485	SHELL OIL 57444673503 CONCORD CA	99.00
08-05	08-03	24316051216548631044153	SHELL OIL 57444673503 CONCORD CA	99.00
08-05	08-03	24316051216548632044152	SHELL OIL 57444673503 CONCORD CA	99.00
08-08	08-05	24427331218120002901120	F & T VALERO CONCORD CONCORD CA	75.00
08-15	08-11	24316051224548644046831	SHELL OIL 57444673503 CONCORD CA	99.00
08-18	08-16	24427331229120002422983	F & T VALERO CONCORD CONCORD CA	75.00
08-19	08-17	24427331230120002526731	F & T VALERO CONCORD CONCORD CA	75.00
08-22	08-19	24427331232120002879187	F & T VALERO CONCORD CONCORD CA	40.64



Company Name: CITY OF CLAYTON
Corporate Account Number: [REDACTED]
Statement Date: 08-22-2011

NEW ACTIVITY

LACI JACKSON
[REDACTED]

CREDITS \$0.00 **PURCHASES** \$517.28 **CASH ADV** \$0.00 **TOTAL ACTIVITY** \$517.28

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-21	24164071203221015210370	SAFEWAY STORE00011957 CLAYTON CA	19.56
07-28	07-26	24335451209020800015776	ADVANCED BUSINESS EQUIPME CONCORD CA	95.00
07-29	07-26	24493981210892012947900	NEOPOST USA MILFORD CT	53.03
08-01	07-28	24445741210100221025691	OFFICE DEPOT 1135 800-463-3768 CA	110.30
08-08	08-05	24445001218600164404671	INDEPENDENT STATIONERS 317-845-9155 IN	126.91
08-17	08-15	24164071228221015480487	SAFEWAY STORE00011957 CLAYTON CA	19.89
08-18	08-16	24164071229255122821422	SUBWAY 00420794 CLAYTON CA	22.99
08-22	08-18	24431051231286388800102	KELLY 35 - CONCORD CONCORD CA	69.60

JASON SHAW
[REDACTED]

CREDITS \$0.00 **PURCHASES** \$163.92 **CASH ADV** \$0.00 **TOTAL ACTIVITY** \$163.92

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-23	24164071205619767830659	UNION 76 10011146 CONCORD CA	7.95
08-01	07-29	24316051211548711016332	SHELL OIL 57444673503 CONCORD CA	8.07
08-05	08-03	24164071218619953471406	UNION 76 10011146 CONCORD CA	4.09
08-15	08-13	24164071226619126884368	UNION 76 10011146 CONCORD CA	33.53
08-15	08-12	24316051225548696051944	SHELL OIL 57444673503 CONCORD CA	42.25
08-22	08-18	24164071231619208923632	UNION 76 10011146 CONCORD CA	40.23
08-22	08-20	24316051233548626037740	SHELL OIL 57444673503 CONCORD CA	27.80

RUSS EDDY
[REDACTED]

CREDITS \$0.00 **PURCHASES** \$165.34 **CASH ADV** \$0.00 **TOTAL ACTIVITY** \$165.34

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-23	24164071205619770217365	UNION 76 10011146 CONCORD CA	22.42
08-01	07-29	24164071212619870932476	UNION 76 10011146 CONCORD CA	24.05
08-08	08-05	24164071219619991934859	UNION 76 10011146 CONCORD CA	12.10
08-15	08-12	24164071226619110948336	UNION 76 10011146 CONCORD CA	51.77
08-22	08-20	24164071233619244342506	UNION 76 10011146 CONCORD CA	55.00

SHANNA DECOITE
[REDACTED]

CREDITS \$0.00 **PURCHASES** \$207.36 **CASH ADV** \$0.00 **TOTAL ACTIVITY** \$207.36

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-28	07-27	24164071208619824227706	UNION 76 10011146 CONCORD CA	33.25
07-28	07-27	24164071208619824227748	UNION 76 10011146 CONCORD CA	7.50
08-04	08-03	24164071215619949440235	UNION 76 10011146 CONCORD CA	45.68
08-08	08-06	24316051219548638008935	SHELL OIL 57444673503 CONCORD CA	36.25
08-15	08-11	24316051224548647047034	SHELL OIL 57444673503 CONCORD CA	50.29
08-19	08-17	24316051230548625058203	SHELL OIL 57444673503 CONCORD CA	34.39

Company Name: CITY OF CLAYTON

Corporate Account Number: [REDACTED]

Statement Date: 08-22-2011

NEW ACTIVITY

DAREN BILLINGTON

CREDITS
\$0.00

PURCHASES
\$373.41

CASH ADV
\$0.00

TOTAL ACTIVITY
\$373.41

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-21	24316051203548653029764	SHELL OIL 57444673503 CONCORD CA	59.40
07-25	07-23	24316051205548636013222	SHELL OIL 57444673503 CONCORD CA	58.26
07-28	07-26	24316051208548613049436	SHELL OIL 57444673503 CONCORD CA	61.15
08-01	07-30	24316051212548641032234	SHELL OIL 57444673503 CONCORD CA	53.18
08-15	08-11	24316051224548645046830	SHELL OIL 57444673503 CONCORD CA	55.58
08-22	08-18	24316051231548641054771	SHELL OIL 57444673503 CONCORD CA	52.63
08-22	08-20	24316051233548624037494	SHELL OIL 57444673503 CONCORD CA	33.21

ALLAN PIKE

CREDITS
\$0.00

PURCHASES
\$164.92

CASH ADV
\$0.00

TOTAL ACTIVITY
\$164.92

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-16	08-15	24388941227230194405731	BILLS ACE(925)228-6150 CONCORD CA	97.86
08-17	08-15	24316051228548617040692	SHELL OIL 57444673503 CONCORD CA	53.00
08-22	08-18	24445001231100214645236	CVS PHARMACY #6526 CLAYTON CA	14.06

TODD SORRELL

CREDITS
\$0.00

PURCHASES
\$402.59

CASH ADV
\$0.00

TOTAL ACTIVITY
\$402.59

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-22	24316051204548706027293	SHELL OIL 57444673503 CONCORD CA	52.16
07-29	07-27	24316051209548634013667	SHELL OIL 57444673503 CONCORD CA	50.01
08-01	07-29	24316051211548713016827	SHELL OIL 57444673503 CONCORD CA	45.81
08-02	07-31	24316051213548597043671	SHELL OIL 57444673503 CONCORD CA	37.82
08-08	08-06	24316051219548631008940	SHELL OIL 57444673503 CONCORD CA	51.83
08-12	08-10	24316051223548632015187	SHELL OIL 57444673503 CONCORD CA	55.09
08-16	08-14	24316051227548575027112	SHELL OIL 57444673503 CONCORD CA	57.64
08-22	08-19	24316051232548705013845	SHELL OIL 57444673503 CONCORD CA	52.23

WENDY RODEN

CREDITS
\$0.00

PURCHASES
\$183.25

CASH ADV
\$0.00

TOTAL ACTIVITY
\$183.25

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-22	24164071203418165494255	USPS 05159603133502543 CLAYTON CA	5.59
07-29	07-28	24164071209619843853358	UNION 76 10011146 CONCORD CA	53.76
08-05	08-04	24224431217101008243885	BLUE BOOK 603-626-1500 NH	30.95
08-15	08-12	24224431225101008943138	BLUE BOOK 603-626-1500 NH	92.95

TIM MARCHUT

CREDITS
\$0.00

PURCHASES
\$53.95

CASH ADV
\$0.00

TOTAL ACTIVITY
\$53.95



Company Name: CITY OF CLAYTON
Corporate Account Number: [REDACTED]
Statement Date: 08-22-2011

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-03	08-02	24164071214619929966895	UNION 76 10011146 CONCORD CA	53.95

Department: 00000 Total:
Division: 00000 Total:

\$12,897.02
\$12,897.02



Agenda Date: 10-4-11

Agenda Item: 4c

STAFF REPORT

Approved:


Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER

DATE: October 4, 2011

SUBJECT: INVESTMENT PORTFOLIO REPORT FOURTH QUARTER FY 2010-2011

RECOMMENDATION:

Accept the Investment Portfolio Report for the Fourth Quarter Fiscal Year 2010-11 ending June 30, 2011.

BACKGROUND

With adoption of the revised Investment Policy reviewed on July 18, 2006, the Finance Manager is required to submit a quarterly investment report to the City Council. The Fourth Quarter 2010-11 Fiscal Year report is provided herein.

FISCAL IMPACT

With the fourth quarter of the fiscal year completed, interest earnings for the General Fund are now at 171% of the '10-11 Budget for a total of \$145,454. Average annual interest yield for the past 3 months was 2.75% compared to 2.82% in the prior period however the interest yield has dropped 7.1% compared to a year ago when the rate was 2.96%. City interest earnings through the fourth quarter totaled \$747,957 compared to \$682,866 a year ago. Over 27.37% of the current investment portfolio is invested in Local Agency Investment Funds (LAIF) an increase of 5.1% compared to the prior quarter. The LAIF quarterly apportionment rate dropped to .48% a decline of .03% from the prior period. Our Certificates of Deposit total 72.63% of our portfolio a slight increase of 1.8% from the prior quarter. Only .002% of our portfolio is temporarily held in a cash money market fund. (These funds are due to maturing investments or interest allocations that have not been reinvested at this time). At this same time last year, 28.7% of our investments were in LAIF with a rate of .56% interest. The LAIF interest rate has declined over the past four years from 5.129% in December 2006 to our current .462% rate marking a devastating decline of 91%. This decline has decreased our rate of return substantially. The market value of the total investment portfolio as of

June 30, 2011 was \$17,086,399 compared to \$17,639,896 in June 2010. Our investment portfolio carrying value of \$16,805,394 is 281,004 less than current market value showing the strength of our investments in a declining economy. This is a decrease of \$36,191 over the last quarter report.

CONCLUSION

As interest rates continue to decline our interest revenues have been negatively impacted. LAIF interest rates have remained at an all time low of .48% in June. This remains the lowest rate on record since 1977. Market yields for 3 year CD's have drastically decreased from a high of 5.7% in March 2008 to a low of 1.0% in January 2011. As interest rates have declined especially over the short term, we have seen rates increase slightly over the long term (60 months) however due to the lower rates staff has been investing in 3 year or less investments. We have been diligent to diversify our portfolio with investments immediately available in LAIF and cash (27.37%) and then staggered less than one year (19%), two years (18%) three years (22%) 4 years (7%) and less than 5 years (6%). By staggering our investment portfolio in this manner the impact of rate changes will be lessened.

Respectively submitted,



Merry Pelletier
Finance Manager

Attachments:

City of Clayton Investment Portfolio Fourth Quarter Fiscal Year 2010-2011 Report
(April 1, 2011 – June 30, 2011)

City of Clayton Investment Portfolio
April 1, 2011 - June 30, 2011

Investment Description	Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date	Market Value
Local Agency Investment Fund						
Account # 98-07-162						
TOTAL LAIF:	\$ 4,668,631.81	0.48%				\$ 4,675,991.77
Financial North Eastern CD's						
1st Financial Bank USA (Dakota)	\$ 98,000.00	1.40%	1.10%	12/17/10	12/17/13	\$ 98,110.00
American Chartered Bank	\$ 99,000.00	2.40%	2.35%	05/21/10	05/21/14	\$ 101,233.00
Aurora Bank (Wilmington, DE)	\$ 100,000.00	1.20%	1.20%	01/26/11	01/27/14	\$ 100,071.00
Banner Bank, Walla Walla, WA	\$ 98,000.00	2.65%	2.63%	04/08/09	10/11/11	\$ 98,569.00
Barclays Bank, Del	\$ 99,000.00	3.15%	3.02%	09/23/09	03/23/14	\$ 103,188.00
Bay Cities Bank, Tampa, FL	\$ 99,000.00	4.55%	4.52%	09/02/08	09/02/11	\$ 99,637.00
BB&T Finl FSB Columbus, GA	\$ 100,000.00	3.00%	2.94%	03/18/09	03/19/12	\$ 101,728.00
Beacon Federal (Syracuse, NY)	\$ 99,000.00	3.20%	3.06%	04/15/09	04/15/14	\$ 103,387.00
BMW BK North Amer (Salt Lake)	\$ 99,000.00	4.00%	3.90%	03/19/08	03/19/12	\$ 101,407.00
BMW BK North Amer (Salt Lake)	\$ 50,000.00	2.00%	2.02%	11/12/10	11/12/15	\$ 49,564.00
Business First Bank (Baton Rouge)	\$ 99,000.00	4.00%	3.96%	03/26/08	09/26/11	\$ 99,778.00
Carolina First Bank	\$ 98,000.00	2.60%	2.58%	04/22/09	10/24/11	\$ 98,621.00
Cenlar Bank FSB (Trenton, NJ)	\$ 99,000.00	2.10%	2.33%	02/28/11	02/29/16	\$ 97,699.00
Citizens Dep Bank (Arlington, KY)	\$ 99,000.00	1.60%	1.61%	06/20/11	06/22/15	\$ 98,325.00
Clayton Bank & Trust (TN)	\$ 99,000.00	4.65%	4.47%	07/09/08	07/09/12	\$ 102,921.00
Cole Taylor Bank (IL)	\$ 99,000.00	5.00%	4.65%	07/11/08	07/11/13	\$ 106,451.00
Community Bank Pickens County	\$ 198,000.00	2.00%	1.96%	05/21/10	08/21/13	\$ 202,025.00
Community First Bank (Corydon, IN)	\$ 99,000.00	3.00%	2.93%	01/15/09	07/16/12	\$ 101,312.00
Discover Bank (Greenwood, DE)	\$ 100,000.00	4.16%	3.90%	12/18/08	12/18/13	\$ 106,557.00
Discover Bank (Greenwood, DE)	\$ 97,000.00	1.65%	1.65%	01/05/11	01/05/15	\$ 97,069.00
Doral Bank (Catano, PR)	\$ 99,000.00	3.05%	2.99%	4/8/2009	04/09/12	\$ 100,859.00
Doral Bank (Catano, PR)	\$ 100,000.00	2.75%	2.66%	02/03/10	02/03/14	\$ 103,185.00
Fifth Third Bank (Cincinnati, OH)	\$ 100,000.00	2.69%	2.35%	12/28/09	12/28/12	\$ 102,129.00
Fifth Third Bank (Cincinnati, OH)	\$ 99,000.00	3.30%	3.15%	12/28/09	12/28/14	\$ 103,498.00
First Bank of Highland Park (IL)	\$ 98,000.00	3.20%	3.05%	04/22/09	04/22/14	\$ 102,668.00
First Guarantee Bank & Trust, Jacksonville	\$ 99,000.00	5.00%	4.90%	12/15/06	12/15/11	\$ 100,959.00
First Peoples Bank (Port St. Lucie, FL)	\$ 99,000.00	2.90%	2.82%	04/24/09	04/24/12	\$ 101,663.00
First Reliance Bank (Florence, SC)	\$ 99,000.00	3.25%	3.11%	04/17/09	04/17/14	\$ 103,523.00
First Republic Bank (SF, CA)	\$ 250,000.00	2.90%	2.82%	11/17/09	11/19/12	\$ 256,953.00
Flagstar Bank FSB Troy, MI	\$ 99,000.00	5.00%	4.62%	09/19/08	09/19/13	\$ 106,922.00
Franklin Templeton (SLC, UT)	\$ 99,000.00	4.00%	3.89%	04/18/08	04/18/12	\$ 101,643.00
FSG Bank(Chattanooga, TN)	\$ 99,000.00	3.00%	2.89%	12/11/09	06/11/14	\$ 102,880.00
GE Capital Financial, Inc (Holladay, UT)	\$ 99,000.00	4.15%	3.96%	12/18/08	12/18/12	\$ 103,648.00
GE Capital Financial, Inc (Salt Lake City, UT)	\$ 99,000.00	1.50%	1.50%	10/21/10	10/21/14	\$ 99,490.00
GE Money Bank (SLC, UT)	\$ 99,000.00	4.15%	3.96%	12/18/08	12/18/12	\$ 103,648.00
GE Money Bank (Draper, UT)	\$ 50,000.00	2.00%	2.02%	11/12/10	11/12/15	\$ 49,544.00
Goldman Sachs Bank (New York)	\$ 99,000.00	4.45%	4.19%	05/07/08	05/07/13	\$ 105,018.00
Horry County State Bank (Loris, S. Carolina)	\$ 99,000.00	2.50%	2.44%	05/28/10	01/28/15	\$ 101,415.00
Integra Bank N.A.	\$ 99,000.00	2.10%	2.06%	04/29/10	02/28/13	\$ 100,779.00
Integrity First Bank (Wausau, WI)	\$ 99,000.00	4.10%	3.89%	04/25/08	04/25/13	\$ 104,329.00
Investors Bank (Wisconsin-42 Mo)	\$ 99,000.00	3.00%	2.92%	04/08/09	10/09/12	\$ 101,712.00
Investors Community Bank (WI)	\$ 99,000.00	3.90%	3.86%	04/18/08	10/18/11	\$ 99,954.00
Investors Savings Bank (Short Hills)	\$ 99,000.00	2.20%	2.22%	05/05/11	05/05/16	\$ 98,303.00
Israel Disc Bank (New York, NY)	\$ 196,000.00	2.10%	2.13%	02/28/11	02/29/16	\$ 193,589.00
Jackson Cnty Bank (Seymour, IN)	\$ 100,000.00	1.55%	1.55%	01/12/11	01/12/15	\$ 99,936.00
Lehman Commercial Bank (UT)	\$ 100,000.00	5.00%	4.73%	06/30/08	07/01/13	\$ 105,612.00
M&T Bank(Oakfield NY)	\$ 99,000.00	4.41%	4.15%	05/27/08	05/27/13	\$ 105,046.00
Midfirst Bank (Oklahoma City)	\$ 99,000.00	2.75%	2.67%	10/14/09	10/15/13	\$ 102,103.00
Minnwest Bank Metro (Rochester, MN)	\$ 98,000.00	2.85%	2.79%	04/29/09	04/30/12	\$ 99,794.00
Monona State Bank	\$ 99,000.00	3.80%	3.71%	03/28/08	03/28/12	\$ 101,350.00
National City Bank (Cleveland, OH)	\$ 99,000.00	4.00%	3.90%	03/31/08	04/02/12	\$ 101,519.00
Nicolet Bank (Greenbay, WI)	\$ 100,000.00	4.00%	3.97%	03/14/08	09/14/11	\$ 100,667.00
Onewest Bank (Covina, CA)	\$ 100,000.00	1.45%	1.15%	01/05/11	01/06/14	\$ 100,053.00
Onewest Bank (Covina, CA)	\$ 100,000.00	1.35%	1.35%	05/09/11	11/10/14	\$ 100,000.00
Pacific Cap Bank (Santa Barbara)	\$ 99,000.00	2.50%	2.45%	10/15/09	10/15/12	\$ 101,110.00
Paragon Commercial Bank, Raleigh NC	\$ 100,000.00	2.30%	2.25%	05/05/10	05/05/14	\$ 102,276.00
Parkway Bank & Trust (Harwood, ILL)	\$ 99,000.00	1.25%	1.24%	10/13/10	10/15/13	\$ 99,607.00
Primesouth Bank (Alabama)	\$ 99,000.00	4.05%	3.84%	04/18/08	04/18/13	\$ 104,188.00
Private Bank of Buckhead (Atlanta, Georgia)	\$ 100,000.00	3.10%	2.99%	02/27/09	02/27/13	\$ 103,435.00
Republic Bank (Bountiful, UT)	\$ 99,000.00	3.15%	3.03%	05/11/09	05/13/13	\$ 102,679.00
Republic Bank (Bountiful, UT)	\$ 146,000.00	2.00%	2.01%	03/30/11	01/29/16	\$ 145,144.00

City of Clayton Investment Portfolio
April 1, 2011 - June 30, 2011

Investment Description	Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date	Market Value
Rockland Tr Co (MASS)	\$ 250,000.00	2.05%	2.06%	03/28/11	03/28/16	\$ 248,615.00
Sallie Mae Bank, Murray, UT	\$ 100,000.00	5.00%	4.60%	12/05/08	12/05/13	\$ 108,503.00
Signature Bank, Chicago, IL	\$ 98,000.00	3.00%	2.90%	04/23/09	04/23/13	\$ 101,325.00
State Bk India Chicago, IL	\$ 99,000.00	3.00%	2.90%	02/26/10	12/26/14	\$ 102,494.00
Sterling Svgs Bank (Spokane, Wash)	\$ 99,000.00	1.25%	1.25%	05/04/11	05/02/14	\$ 98,683.00
Summit Community Bank (Moorefield, WV)	\$ 100,000.00	3.20%	3.06%	08/19/09	08/19/14	\$ 104,452.00
Tennessee Commerce Bank (Franklin, TN)	\$ 99,000.00	2.30%	2.25%	05/10/10	05/12/14	\$ 101,162.00
Tennessee Commerce Bank (Franklin, TN)	\$ 99,000.00	2.00%	1.66%	01/21/11	01/21/15	\$ 99,000.00
Toyota Financial Savings Bank (Henderson, NV)	\$ 98,000.00	3.45%	3.28%	04/17/09	04/16/14	\$ 102,995.00
VIST Bank, Wyomissing, PA	\$ 99,000.00	3.40%	3.35%	12/29/08	12/29/11	\$ 100,378.00
Wachovia Bank, Houston TX	\$ 97,000.00	4.50%	4.42%	01/16/08	01/17/12	\$ 98,588.00
Wachovia Bank, Las Vegas NV	\$ 97,000.00	4.60%	4.41%	01/16/08	01/16/13	\$ 101,119.00
Worlds Foremost Bank Lincoln, NE	\$ 100,000.00	5.06%	4.64%	11/10/08	11/12/13	\$ 108,491.00
Worlds Foremost Bank (Sidney)	\$ 100,000.00	1.53%	1.45%	01/21/11	07/21/14	\$ 100,000.00
Net cash balance	\$ 17,067.00					\$ 17,067.00
TOTAL Financial North Eastern	\$ 7,892,067.00					\$ 8,083,354.00

Multi-Bank Securities, Inc. CD's

Wachovia Bk FSB, Houston, TX	\$ 98,000.00	4.30%	4.12%	02/29/08	03/07/13	\$ 102,245.36
TOTAL Multi-Bank Securities:	\$ 98,000.00					\$ 102,245.36

Morgan Stanley

Cash Account	\$ 9,695.58					\$ 9,695.58
Alliance Bank, Syracuse, NY	\$ 98,000.00	4.05%	3.95%	03/24/08	03/21/12	\$ 100,442.16
Ally Bank, Midvale Utah	\$ 98,000.00	3.20%	3.08%	04/03/09	04/03/13	\$ 101,619.14
Ally Bank, Midvale Utah	\$ 148,000.00	2.04%	2.01%	05/07/10	05/07/13	\$ 150,709.88
American Cmnty BK, Woodstock	\$ 99,000.00	4.10%	3.89%	04/25/08	04/25/13	\$ 104,329.17
American Express Bank, SLC, UT	\$ 97,000.00	4.75%	4.39%	12/24/08	12/24/13	\$ 104,751.27
American Express Centurion, SLC, UT	\$ 98,000.00	3.75%	3.69%	12/17/08	12/27/11	\$ 99,519.00
American Express Centurion, SLC, UT	\$ 49,000.00	1.45%	1.45%	05/17/11	05/27/14	\$ 48,802.04
American Express Centurion, SLC, UT	\$ 100,000.00	1.45%	1.45%	05/10/11	05/19/14	\$ 99,624.00
Aquesta Bank (Cornelius, NC)	\$ 97,000.00	2.10%	2.11%	06/13/11	06/22/16	\$ 96,121.18
Atlanta Business BK, GA	\$ 99,000.00	4.03%	4.07%	05/28/08	05/29/12	\$ 102,159.09
Aurora Bank (Wilmington, DE)	\$ 99,000.00	1.05%	1.04%	1/12/2011	7/12/2013	\$ 99,123.75
Aurora Bank (Wilmington, DEL)	\$ 49,000.00	1.50%	1.50%	05/17/11	05/23/14	\$ 48,850.55
Bank Little Rock, ARK	\$ 99,000.00	3.20%	3.06%	04/08/09	04/08/14	\$ 103,377.78
BMW Bank of NA, SLC, UT	\$ 99,000.00	2.20%	2.17%	09/16/09	03/16/12	\$ 100,143.45
Byron Bank, Michigan	\$ 98,000.00	3.90%	3.81%	03/14/08	03/14/12	\$ 100,274.58
Capital One Bank, Glen Allen, VA	\$ 98,000.00	4.00%	3.90%	03/12/08	03/12/12	\$ 100,325.54
Capmark Bank, Midvale, UT	\$ 98,000.00	3.00%	2.95%	01/28/09	01/30/12	\$ 99,387.68
Capmark Bank, Midvale, UT	\$ 147,000.00	3.35%	3.21%	7/1/2009	7/1/2013	\$ 153,191.64
Centennial BK, Fountain Vy, CA	\$ 99,000.00	4.25%	4.11%	05/30/08	05/30/12	\$ 102,199.68
CIT Bank, Salt Lake City, UT	\$ 147,000.00	2.95%	2.95%	07/01/09	07/02/12	\$ 147,000.00
CIT Bank, Salt Lake City, UT	\$ 98,000.00	3.40%	3.22%	4/1/2009	4/1/2014	\$ 103,241.04
Enterprise Bk & TR, Clayton, MO	\$ 150,000.00	3.00%	2.90%	07/08/09	01/08/13	\$ 154,671.00
First Bank, Puerto Rico	\$ 99,000.00	2.10%	2.21%	08/25/09	08/29/11	\$ 100,536.48
First Business BK, Madison, WI	\$ 98,000.00	4.10%	4.04%	05/16/08	11/16/11	\$ 99,289.68
First Business BK, Madison, WI	\$ 99,000.00	2.05%	2.03%	08/17/09	02/17/12	\$ 99,947.43
Firstbank Puerto Rico Santurce PR	\$ 99,000.00	1.75%	1.74%	08/28/09	08/29/11	\$ 99,191.07
Firstbank Puerto Rico Santurce PR	\$ 50,000.00	2.10%	2.06%	05/07/10	05/07/13	\$ 50,925.00
Foster Bank (Chicago, IL)	\$ 100,000.00	1.00%	1.00%	1/28/2011	7/26/2013	\$ 100,069.00
GE Money Bank (Draper, UT)	\$ 98,000.00	2.30%	2.27%	08/13/10	08/13/15	\$ 99,282.82
Investors Savings Bank (Short Hills)	\$ 98,000.00	1.30%	1.30%	04/19/11	05/05/14	\$ 97,704.04
Mercantile Bank Mich Grand Rapids	\$ 99,000.00	2.00%	1.96%	02/17/10	02/19/13	\$ 100,931.49
Mercantile Bank of Grand Rapids, MI	\$ 148,000.00	2.00%	1.96%	5/7/2010	8/7/2013	\$ 150,955.56
Morgan Stanley Bank, SLC, UT	\$ 97,000.00	4.45%	4.38%	11/28/08	11/28/11	\$ 98,521.93
Queensborough Nat'l Bk, Louisville, GA	\$ 99,000.00	4.65%	4.47%	07/16/08	07/16/12	\$ 102,982.77
Safra National Bank (NY, New York)	\$ 99,000.00	1.30%	1.30%	04/12/11	04/21/14	\$ 98,719.83
Scotiabank (Puerto Rico, San Juan)	\$ 99,000.00	2.00%	1.96%	7/2/2010	7/2/2013	\$ 100,548.36
State Bank of India (New York City, NY)	\$ 98,000.00	2.00%	2.00%	03/24/11	03/24/15	\$ 97,629.56
Waccamaw Bank Whiteville NC	\$ 98,000.00	1.85%	1.81%	03/17/10	03/18/13	\$ 99,769.88
Washington TR Co. (Westerly RI)	\$ 97,000.00	4.50%	4.45%	07/09/08	07/11/11	\$ 97,053.35
World Financial Network (Columbus, OH)	\$ 100,000.00	2.60%	2.55%	10/28/09	10/29/12	\$ 101,820.00
TOTAL Morgan Stanley	\$ 4,048,695.58					\$ 4,125,437.45

City of Clayton Investment Portfolio
April 1, 2011 - June 30, 2011

Investment Description	Carrying Value	Rate	Current Yield to Maturity	Purchase Date	Maturity Date	Market Value
RBC Wealth Management						
Cash Account	\$ -					\$ -
North Milwaukee St. Bank, WI	\$ 98,000.00	3.50%	3.50%	12/18/08	12/23/11	\$ 99,370.04
Total RBC Wealth Management	\$ 98,000.00					\$ 99,370.04

Investment Description	Carrying Value	Percentage of Portfolio	Average Yield to Maturity	Market Value
Local Agency Investment Funds	\$ 4,668,631.81	27.37%	0.480%	\$ 4,675,991.77
Financial Northeastern	\$ 7,892,067.00	47.31%	2.949%	\$ 8,083,354.00
Multi-Bank Securities	\$ 98,000.00	0.59%	4.120%	\$ 102,245.36
Morgan Stanley	\$ 4,048,695.58	24.14%	2.678%	\$ 4,125,437.45
RBC Dain Rauscher	\$ 98,000.00	0.58%	3.500%	\$ 99,370.04
Grand Total Investment Portfolio:	\$ 16,805,394.39	100%		\$ 17,086,398.62

2010-11 Budgeted Interest-General Fund	\$ 85,000
2010-11 Budgeted interest Received-General Fund	\$ 100,552
Percent of General Fund Budget Received	118.30%

2010-11 Average Annual Yield	2.75%
2010-11 Total Interest Income to date	464,241

Finance Manager Merry Pickett

Date: 9-29-11

City Treasurer M C H... ..

Date: 9/29/11

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

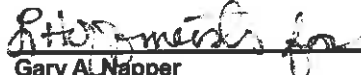


Agenda Date: 10-4-11

Agenda Item: 4d

STAFF REPORT

Approved:


Gary AL Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager 

MEETING DATE: October 4, 2011

SUBJECT: Approval of an updated Resolution for the character initiative program known as "Do The Right Thing" regarding the display of banners on certain City property within Clayton.

RECOMMENDATION

Adopt the Attached resolution No. ____-2011 for the character initiative program known as "Do The Right Thing" including the display of banners on certain City property within Clayton, which confirms the modifications the City Council made at their September 20, 2011 meeting to Section 3 of Resolution 42-2010.

BACKGROUND

At its September 20, 2011 meeting the City Council received an annual update report on the "Do the Right Thing" character initiative. An annual review was stipulated in Resolution 42-2010. The Character initiative highlights 6 traits and this resolution allowed banner displays to be displayed for a total of 6 displays (total of 6 weeks). 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. At the September 20th meeting it was requested by Councilmember Stratford to allow the community character initiative committee to display one banner per week per month rather than one week per month per character trait, as some of the character traits cover more than one month. The City Council concluded at the September 20th meeting that there had not been any issues with the program or the display of the banners, and unanimously directed staff to modify the Resolution 42-2010 to eliminate the annual review and to allow the display of a banner of up to one week per month. For ease of future tracking the City Attorney and staff recommends that a full new Resolution be adopted which incorporates the changes.

FISCAL IMPACT

None.

Attachment: Resolution No. ____-2011

Resolution No. 42 -2010 with changes approved at City Council 9/20/11 meeting

laura/dotherightthingbannercompreso.doc

RESOLUTION NO. __-2011

**A RESOLUTION CONTINUING THE SUPPORT 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.

WHEREAS, on September 21, 2010 the City Council did approve Resolution 42-2010 supporting and implementing this program; and

WHEREAS, at its meeting on September 20, 2011 the City Council reviewed the program and determined that there were no issues, problems or complaints with the program and it had been well received in the schools and community and directed staff to modify the resolution terms to allow display of banners for the character traits one week per month and to eliminate the annual review thereof.

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 per month to be funded through resources other than the City of Clayton.

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 4th day of October, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CALIFORNIA

David T. Shuey, Mayor

ATTEST:

Laci J. Jackson, City Clerk

RESOLUTION NO. ~~42-2010~~ -2011

**A RESOLUTION ~~CONTINUING THE 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.

WHEREAS, on September 21, 2010 the City Council did approve Resolution 42-2010 supporting and implementing this program; and

WHEREAS, at its meeting on September 20, 2011 the City Council reviewed the program and determined that there were no issues, problems or complaints with the program and it had been well received in the schools and community and directed staff to modify the resolution terms to allow display of banners for the character traits one week per month and to eliminate the annual review thereof.

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 per month** ~~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~~ 4th day of ~~October, 2011~~ by the following vote:

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

NOES: ~~None.~~

ABSTAIN: ~~None.~~

ABSENT: ~~None.~~

THE CITY COUNCIL OF CLAYTON, CALIFORNIA

~~David T. Shuey, Mayor~~ ~~Hank Stratford, Mayor~~

ATTEST:

~~Laci J. Jackson, City Clerk~~



Agenda Date: 10-4-11

Agenda Item: 8a

AGENDA REPORT

Approved:


Gary A. Wapper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF DAN LAWRENCE

DATE: OCTOBER, 4, 2011

SUBJECT: PUBLIC HEARING ON THE POLICE CHIEF'S PROPOSED EXPENDITURE OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF) ON FRONT-LINE LAW ENFORCEMENT PERSONNEL IN THE AMOUNT OF \$100,000 FOR FY 2011-2012.

RECOMMENDATION

Following the Public Hearing, it is recommended the City Council adopt the attached Resolution authorizing the expenditure of restricted use SLESF (COPS GRANT) monies to continue funding the existing eleventh (11th) sworn police officer position, using this year's allocation.

BACKGROUND

For the sixteenth year, the California State Legislature has approved monies under the Citizens Option for Public Safety (COPS) Program. The State Legislature was able to continue the COPS program two years ago by raising the Vehicle License Fee (VLF) rate by 0.15%.

All monies received pursuant to this program are to be deposited into a separate Supplemental Law Enforcement Services Fund (SLESF). The purpose of the program is to provide funding to supplement "front-line municipal police services." The State Controller has been directed to allocate funds to counties and cities based on population; however, the minimum allocation is \$100,000 for each city every fiscal year. In the past, the City of Clayton has received the minimum of \$100,000 allocation each year due to its small size in total population.

The law establishing the SLESF requires the City Council to hold a public hearing each year to consider a recommendation from the Chief of Police for use of these restricted use funds. The request for expenditure of SLESF monies must be considered separately from the City's regular budget process. In addition, SLESF funds must not be used to supplant funds allocated in the City's operating budget. As required by law, the City has set up a separate fund to receive revenue from the SLESF.

In each of the previous years, the City Council has authorized the Grant monies to fund one (1) sworn police officer position and two (2) part-time police intern positions. Also in previous years, and due to various vacancies in these positions, unused monies have been utilized to purchase front-line law enforcement equipment such as firearms, vehicle emergency equipment, and radios.

FUNDS AVAILABLE

For Fiscal Year 2011-2012 the COPS program remains funded by the continued 0.15% tax-increment from the VLF with revenue scheduled to be deposited into the State Local Safety and Protection Account (LSPA), which will be allocated to counties on a quarterly basis for distribution. The City of Clayton is scheduled to receive the minimum allocation amount of \$100,000 for FY 2011-2012. When these funds are received they will be deposited into the separate SLESF account as described above.

Staff recommends that the City Council continue funding the existing eleventh police officer position with the COPS grant monies of \$100,000 designated for FY 2011-2012

FISCAL IMPACT

The City is scheduled to receive \$100,000 in COPS funding for FY 2011-2012. There are no matching funds required. The City Manager has reviewed the proposal and supports its recommendation.

Attachment: 1. Resolution No. -2011 [2 pp.]

RESOLUTION NO. ____2011

**A RESOLUTION APPROVING THE CONTINUED FUNDING OF ONE SWORN
POLICE OFFICER FROM THE COPS GRANT PROGRAM FUNDS RECEIVED FOR
FISCAL YEAR 2011-2012**

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

WHEREAS, the State of California passed legislation in 1996 appropriating funds for Citizens' Option for Public Safety (COPS) program; and

WHEREAS, the purpose of said monies is to augment front-line municipal police services; and

WHEREAS, the State of California allocated funds to continue the COPS program for the 2011-2012 fiscal year by continuing a 0.15% tax-increment from the Vehicle License Fee (VLF) and depositing the revenue into the State Local and Protection Account (LSPA) which will be allocated to counties; and

WHEREAS, the City's estimated COPS allocation for this fiscal year is \$100,000 and the Council wishes to continue participation in this program and receive the grants allocated for its use; and

WHEREAS, the funds received will be deposited into the Supplemental Law Enforcement Services Fund (SLESF), a restricted-use account for front-line municipal police services; and

WHEREAS, the Police Chief has requested in writing that grant monies be used to continue funding the one sworn police officer of the police department with COPS funds for fiscal year 2011-2012; and

WHEREAS, the Clayton City Council held a duly noticed Public Hearing on the COPS grant program expenditure submittal of the Chief of Police at its regular public meeting of October 4, 2011; and

WHEREAS, after due consideration and public comments during said Public Hearing, the Clayton City Council has determined the request and recommendation of the Chief of Police does indeed address the front-line law enforcement needs of this community and its police department.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby approve the written recommendation of the Chief of Police to continue the program funding of one sworn police officer by utilizing COPS grant monies for personnel costs for the 11th sworn police officer position in FY 2011-12.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 4th day of October 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



Agenda Date: 10-4-11

Agenda Item: 8b

Approved:

Gary A. Napper
Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DAVID WOLTERING, COMMUNITY DEVELOPMENT DIRECTOR

DATE: OCTOBER 4, 2011

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING THE CITY'S ZONING MAP FOR LOTS 1, 2, AND 3 IN THE DIABLO ESTATES AT CLAYTON RESIDENTIAL SUBDIVISION FROM R-40-H TO R-40 (ZOA 05-11)

RECOMMENDATION

It is recommended the City Council approve Introduction and First Reading of Ordinance No. 435 (See **Attachment 1**) to amend the City's Zoning Map for Lots 1, 2, and 3 of the Diablo Estates at Clayton residential subdivision from R-40-H to R-40.

PROJECT INFORMATION

Applicant: Toll Brothers, Inc.
2000 Crow Canyon Place, Suite 200
San Ramon, California 94583

Location: Lots 1, 2, and 3 of the Diablo Estates at Clayton residential subdivision (APNs 119-630-001, 119-630-002, and 119-630-003)

General Plan Designation: Low Density – Single Family Residential (1.1 to 3.0 units per acre). This proposal complies with the Clayton General Plan designation.

Zoning: Current – Single Family Residential R-40-H District (40,000 square-foot minimum lot area, equestrian uses permitted by right)

Proposed – Single Family Residential R-40 (40,000 square-foot minimum lot area, equestrian uses not permitted by right)

Environmental Review: Categorically exempt per Section 15061(b)(3), Article 5 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: A public hearing notice was posted at the notice boards, mailed to property owners within 300 feet of the site, and mailed to all interested parties.

Authority: Chapter 17.56 authorizes the City Council to amend the official Zoning Map of the City of Clayton.

BACKGROUND AND ANALYSIS

At its September 13, 2011 regular meeting, the Clayton Planning Commission considered and recommended City Council approval of this requested rezoning by a 4-1 vote (See **Attachment 2** for Planning Commission Resolution No. 04-11). Generally, the four Commissioners who voted for recommending City Council approval of this rezone request acknowledged the request was a condition of an earlier Site Plan Review Permit approval granted to Toll Brothers Home Builders for this 24-home residential subdivision and that the subdivision was not planned in a manner to facilitate the keeping of horses. Described below in more detail are the various factors and concerns that resulted in the condition for processing this rezone from R-40-H to R-40 becoming a requirement of the Site Plan Review Permit approval. The Commissioner who voted against the recommendation indicated concerns that the developer had not done better in the planning of this subdivision to accommodate the keeping of horses. Staff supports the request to rezone the property from R-40-H to R-40, based on the factors and concerns described below. Minutes of this agenda item from the September 13th Planning Commission meeting are attached (See **Attachment 3**).

On July 12, 2011, the developer of the Diablo Estates at Clayton project site, Toll Brothers, received Planning Commission approval of the companion Site Plan Review Permit, Variance, and Lot Line Adjustment applications for this subdivision. As part of that Site Plan Review Permit approval, Condition 2 in the Planning Commission Notice of Decision required the developer to submit an application to rezone Lots 1-3 from R-40-H to R-40 to assure consistency with other conditions of approval that require the more steeply sloped areas beyond the building pad and standard yard areas remain unimproved for safety and aesthetic purposes and to address prior concerns raised about keeping horses at this location related to degradation of water quality. Compliance with State and regional water quality standards is an important consideration as outlined in the attached memorandum from Assistant to the City Manager Laura Hoffmeister (See **Attachment 4**). The current R-40-H zoning designation of Lots 1-3 allows equestrian uses to be permitted by right. Approval of the rezone to R-40 would no longer allow equestrian uses to be permitted by right on these lots.

During City review and approval of the Diablo Estates at Clayton Site Plan Review Permit, the City and Toll Brothers reached a consensus that equestrian uses would no longer be proposed on Lots 1-3 (resulting in this zone change request for Lots 1-3). It was agreed that having equestrian uses on the steeply sloped areas located on the rear portions of these lots would impact slope stability, drainage routes, and weed abatement, in addition to the water

degradation concerns. The keeping of horses involves the maintaining of paddock areas as well as construction of barns, stables, troughs and other structures which would further impact the sloped areas. Aesthetic impacts must also be considered as horse movement across the slopes and construction of equestrian structures would foster an inconsistent visual pattern in the rear yard areas of Lots 1-3 (which are higher in elevation, and, therefore, more visible, than any other location in the subdivision), detracting from the consistent natural appearance that would be created by protecting the sloped areas of these lots. As a result of the consensus reached and direction given by the City during approval of related project entitlements, engineering work on the slopes for grading, drainage, and slope stabilization purposes has already been performed by the developer with the idea that the lots would not have equestrian uses. In addition, the topography of the subject lots does not serve equestrian uses well. The level areas of Lots 1-3 are comprised of the front setback area, the residence, and the rear yard area, leaving no space for paddock areas and associated horse-related structures. Placement of horses and associated structures in the level areas would locate such amenities in close proximity to on-site and adjacent residences and would cause impacts created by horse manure, flies, and odors.

FISCAL IMPACT

None.

Attachments:

1. Ordinance No. 435
2. Planning Commission Resolution No. 04-11
3. Minutes Excerpt from the September 13, 2011 Planning Commission Meeting
4. Memorandum from Assistant to the City Manager Laura Hoffmeister to Community Development Director David Woltering, dated September 14, 2011

ORDINANCE NO. 435

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON
AMENDING THE ZONING MAP FOR LOTS 1, 2, AND 3 IN THE
DIABLO ESTATES AT CLAYTON RESIDENTIAL SUBDIVISION SITE
AT THE NORTHEAST CORNER OF REGENCY DRIVE AND RIALTO DRIVE
FROM R-40-H TO R-40
(ZOA 05-11)**

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

WHEREAS, Chapter 17.56 of the Clayton Municipal Code authorizes the City Council to amend the Official Zoning Map of the City of Clayton; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on September 13, 2011 on amendment of the zoning classifications of Lots 1, 2, and 3 of the Diablo Estates at Clayton residential subdivision, generally located at the northeast corner of Regency Drive and Rialto Drive, from R-40-H to R-40; and

WHEREAS, the Clayton Planning Commission approved Planning Commission Resolution No. 04-11, which recommended City Council approval of the amendment; and

WHEREAS, on October 4, 2011, and on _____ the Clayton City Council held duly-noticed public hearings and gave due consideration to all testimony, comments and documents received regarding the amendment; and

WHEREAS, the requested zoning of Lots 1, 2, and 3 of the Diablo Estates at Clayton subdivision will result in consistency with other requirements of the prior Site Plan Review Permit, SPR 01-11, approval for this residential subdivision to retain specified sloped areas in a natural condition without improvement as well as address concerns about assuring slope stability, the integrity of drainage improvements, facilitating weed abatement, helping to assure compliance with water quality standards, and avoiding nuisance concerns related to the keeping of horses; and

WHEREAS, this zoning amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), Article of the CEQA Guidelines.

WHEREAS, the proposed amendment is in general conformance with the General Plan and that the public necessity, conveniences, and general welfare require the adoption of the proposed amendment; and

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

SECTION 1. The above-stated citations are true and accurate.

SECTION 2. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings made in this Ordinance, the real property comprised of Lots 1, 2, and 3 in the Diablo Estates at Clayton subdivision located within the City of Clayton and further described by Assessor Parcel Numbers 119-630-001, 119-630-002, and 119-630-003, respectively, and depicted in the map set forth in Exhibit "A" attached hereto and incorporated herein by reference ("Property") is hereby amended from R-40-

H to R-40, as that zone described in the Clayton Municipal Code and the Official Zoning Map of the City of Clayton is hereby amended accordingly as more specifically shown in the attached figure as set forth in Exhibit "B" attached hereto and incorporated herein by reference.

SECTION 3. If any provision of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses of the Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on October 4, 2011, 2011.

Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

David T. Shuey, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian
City Attorney

Gary A. Napper
City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on [month] [day], 2011, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on [month] [day], 2011.

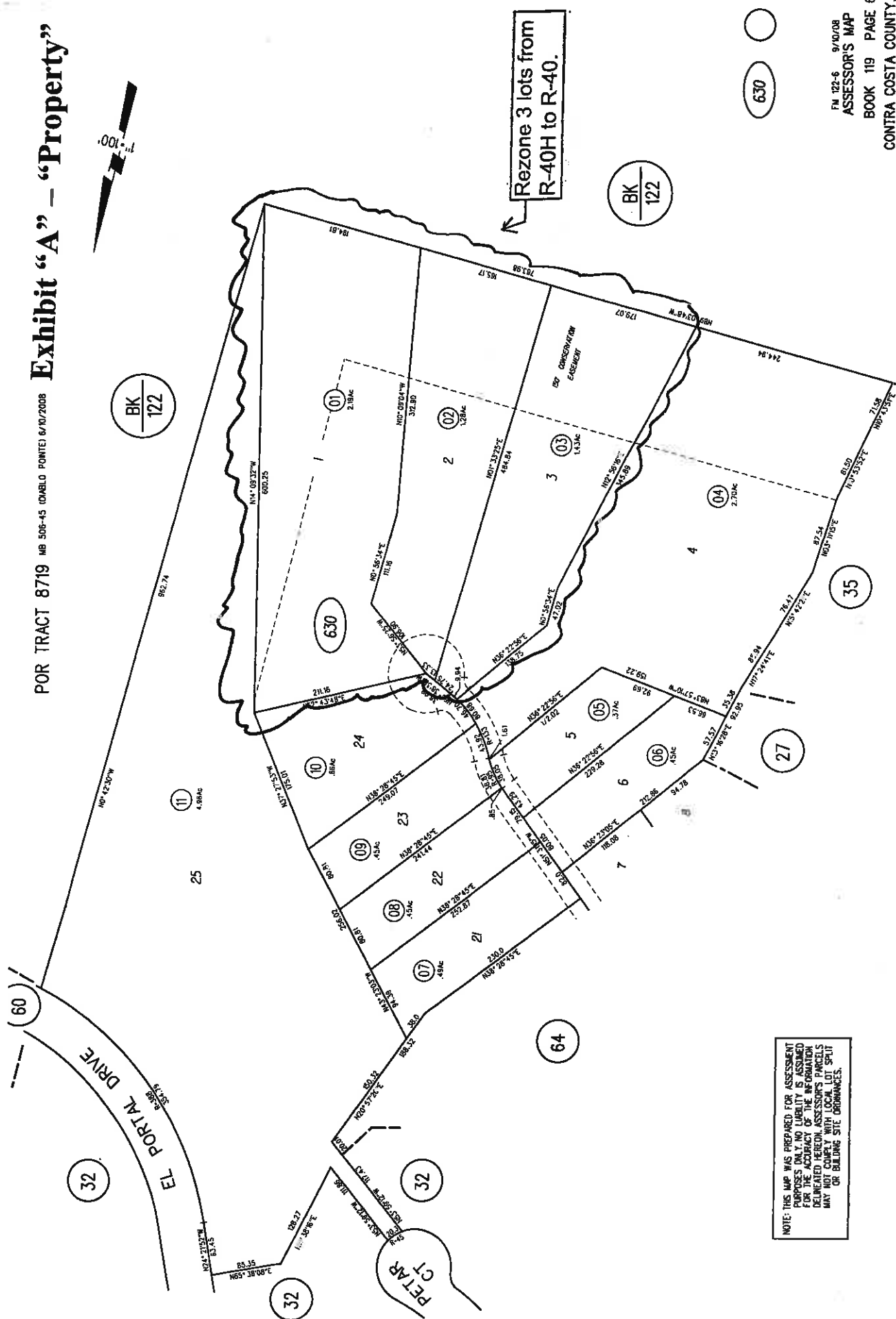
Laci J. Jackson, City Clerk

Exhibits:

“A” – “Property”

“B” – “Zoning Map”

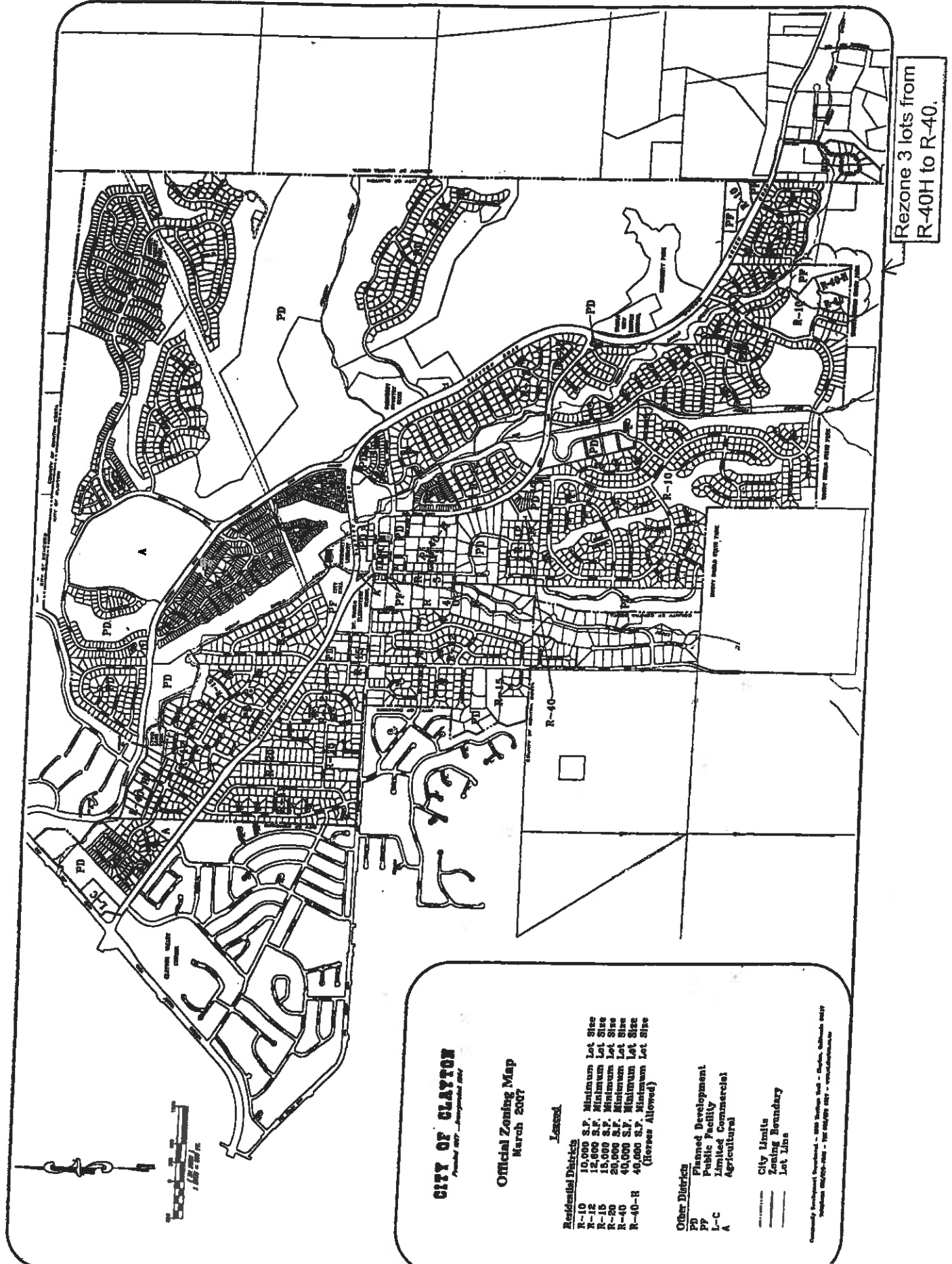
ZOA\2011\05-11.ord.diablo.estates.rezone



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSORS' PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

FM 123-6 9/10/08
ASSESSOR'S MAP
BOOK 119 PAGE 63
CONTRA COSTA COUNTY,CALIF.

Exhibit "B" – "Zoning Map"



Minutes
Clayton Planning Commission Meeting
Tuesday, September 13, 2011

Call to Order

Chair Dan Richardson called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Dan Richardson, Vice Chair Keith Haydon, Commissioner Bob Armstrong,
 Commissioner Sandra Johnson, and Commissioner Gregg Manning

Absent: None

Staff: Community Development Director David Woltering
 Assistant Planner Milan Sikela, Jr.

Public Hearing

ZOA 05-11, Rezone, Toll Brothers, APNs 119-630-001, 119-630-002, and 119-630-003. A proposal to rezone Lots 1, 2, and 3 in the Diablo Estates at Clayton residential subdivision from R-40-H to R-40. The applicant is Toll Brothers. The Diablo Estates at Clayton residential subdivision is located at the northeast corner of Regency Drive and Rialto Drive.

Community Development Director David Woltering presented the staff report. He indicated the applicant, Toll Brothers, had submitted the application to rezone the subject Lots 1, 2, and 3 of the Diablo Estates at Clayton residential subdivision to comply with a condition of the Site Plan Review Permit approval the Planning Commission had taken action on at its July 12, 2011 regular meeting. That condition required the applicant to submit the subject application to address concerns raised in the planning of this subdivision and to assure consistency with other conditions of approval for the project. Director Woltering indicated that, as this project came back through the process to consider a new Site Plan Review Permit approval, the proposed development was not planned in a manner to facilitate the keeping of horses, as would be allowed with the R-40-H zoning classification. There would be only relatively small usable areas in the rear yards, close to the proposed homes, on the subject lots in which to place a paddock or other facility to keep a horse. Additionally, side yard setbacks had been approved to allow for the proposed homes to encroach into typical side yard setback areas which would limit access opportunities for bringing in the horses and related equipment, feed, and supplies. The Community Development Director also indicated that there were other concerns raised in the planning process for this project that were not supportive of keeping horses on the property, including proximity to Mt. Diablo Creek and the ability to comply with State and regional water quality standards.

Commissioner Manning inquired about the original approval for the developer Lemke Construction Inc. when the project site was still called the Diablo Pointe residential subdivision. David Woltering indicated that the original Initial Environmental Study/Mitigated Negative Declaration approved as part of the Diablo Pointe project addressed concerns over water quality degradation, slope stability, removal of manure, and aesthetic impacts. The rear portions of Lots 1, 2, and 3 are graded and very steep. Also, a 150-foot deep conservation easement exists on these lots and, when combined with the spatial depths of the residences, not much space is left on these lots for feasibly accommodating horse uses.

Commissioner Manning indicated it appeared that, when subtracting the residence depths and conversation easement depth from the lots, not much space was left to accommodate horses.

Chair Richardson indicated he understood the need to remove the "H" from the R-40 designation. During the July 12, 2011 Planning Commission meeting, the issue was discussed. Director Woltering agreed and added that the rezone request was in response to satisfying Condition of Approval 2 from the Planning Commission Notice of Decision approving the Diablo Estates at Clayton Site Plan Review Permit.

Commissioner Manning indicated that, if the developer does not want horse designations on their lots, then we do not force them to do so. Director Woltering indicated that horse uses on these lots would impact water quality, aesthetics, drainage, slope stability, and weed abatement (which is part of fire safety).

The public hearing was opened.

Jim McCormick, 8 El Molino Drive, indicated the following:

- Was on the Clayton City Council from 1980-1986.
- Favors eliminating the ability to have horses on this property since horses would not be appropriate in a subdivision such as Diablo Estates at Clayton, especially given the potential impacts to water quality, slope stability, and aesthetics.

Tom Chatagnier, 38 Rialto Drive, indicated the following:

- Had water come down the hill from this property onto his property in the past.
- Does not favor allowing horses on this property.
- Horses can compact the soil and increase runoff and water contamination.
- Drainage improvements, such as J-ditches and V-ditches, were installed by the prior developer (Lemke Construction, Inc.) have addressed past drainage concerns.

The public hearing was closed.

Commissioner Johnson indicated that this is a follow-up “house-cleaning” matter from the July 12, 2011 meeting of the Planning Commission and that the Commission should move forward and recommend City Council approval of the requested rezoning.

Commissioner Armstrong indicated that he is prepared to vote on the matter.

Vice Chair Haydon indicated a concern that the property had not been better planned to accommodate horses and stated he preferred to maintain the current R-40-H zoning classification on the property.

Commissioner Manning indicated that, while he initially had some reservation about the rezoning, he believed it was prudent to do the rezoning at this time while there is a single owner involved.

Chair Richardson indicated that he viewed this application as a “clean-up” item from the July 12, 2011 Planning Commission action to approve the related Site Plan Review Permit for the Diablo Estate at Clayton residential subdivision.

Commissioner Johnson moved and Commissioner Armstrong seconded a motion to approved Planning Commission Resolution No. 04-11 which recommends City Council approval of ZOA 05-11 to change the zoning of Lots 1, 2, and 3 from R-40-H to R-40 within the Diablo Estates at Clayton residential subdivision. The motion passed 4-1 (Vice Chair Haydon was opposed).

Plng Comm\Minutes\2011\0913-excerpt

**CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 04-11**

**AMENDMENT OF THE ZONING MAP REGARDING THE
DIABLO ESTATES AT CLAYTON RESIDENTIAL SUBDIVISION (ZOA 05-11)**

Whereas, Section 17.56.060 of the Zoning Ordinance requires the Planning Commission to make a recommendation to the City Council on zone changes; and

Whereas, Toll Brothers has requested amendment of the Zoning Map for a portion of the Diablo Estates at Clayton residential subdivision located at the northeast corner of Regency Drive and Rialto Drive in accordance with its prior Site Plan Review approval (SPR 01-11); and

Whereas, the requested zoning of Lots 1, 2, and 3 of the Diablo Estates at Clayton subdivision will result in consistency with other requirements of the SPR 01-11 approval to retain specified sloped areas in a natural condition without improvement as well as address concerns about assuring slope stability, the integrity of drainage improvements, facilitating weed abatement, helping to assure water quality standards, and avoiding nuisance concerns related to the keeping of horses; and

Whereas, the Planning Commission held a duly-noticed public hearing on September 13, 2011 on amendment of the Zoning Map; and

Whereas, the Planning Commission considered the all public testimony and staff reports information received at the September 13, 2011 public hearing; and

Whereas, the Planning Commission determined that the attached Ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), Article of the CEQA Guidelines.

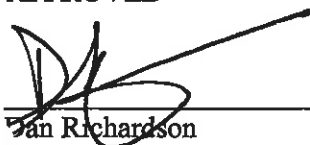
Now, Therefore, Be it Resolved that the Planning Commission recommends that the City Council approve the attached ordinance, based on the following:

Section 1. Amendment of the *Zoning Map* to change the zoning of the area associated with subject Lots 1, 2, and 3 of the Diablo Estates at Clayton residential subdivision from R-40-H to R-40, as depicted in the attachment, appropriately addresses the concerns mentioned above and is based on the following findings:

- A. Conforms with the General Plan designation and policies.
- B. Is necessary for public necessity, convenience, and general welfare.
- C. Preserves the general safety of the community regarding landslide, flooding, and fire hazards.
- D. Creates more compatibility within the Diablo Estates at Clayton subdivision as well as with adjacent existing neighborhoods and surrounding land uses.

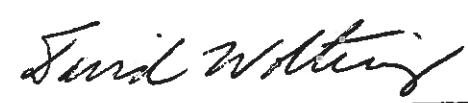
Adopted by the Planning Commission on September 13, 2011.

APPROVED



Dan Richardson
Chair

ATTEST



David Woltering, AICP
Community Development Director

Attachment: Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON
AMENDING THE ZONING MAP FOR LOTS 1, 2, AND 3 IN THE
DIABLO ESTATES AT CLAYTON RESIDENTIAL SUBDIVISION SITE
AT THE NORTHEAST CORNER OF REGENCY DRIVE AND RIALTO DRIVE
FROM R-40-H TO R-40
(ZOA 05-11)**

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

WHEREAS, Chapter 17.56 of the Clayton Municipal Code authorizes the City Council to amend the Official Zoning Map of the City of Clayton; and

WHEREAS, the Planning Commission held a duly-noticed public hearings on September 13, 2011 on amendment of the zoning classifications of Lots 1, 2, and 3 of the Diablo Estates at Clayton residential subdivision, generally located at the northeast corner of Regency Drive and Rialto Drive, from R-40-H to R-40; and

WHEREAS, the Clayton Planning Commission approved Planning Commission Resolution No. 04-11, which recommended City Council approval of the amendment; and

WHEREAS, on _____, 2011, the Clayton City Council held a duly-noticed public hearing and gave due consideration to all testimony, comments and documents received; and

WHEREAS, the requested zoning of Lots 1, 2, and 3 of the Diablo Estates at Clayton subdivision will result in consistency with other requirements of the prior SPR 01-11 approval to retain specified sloped areas in a natural condition without improvement as well as address concerns about assuring slope stability, the integrity of drainage improvements, facilitating weed abatement, helping to assure water quality standards, and avoiding nuisance concerns related to the keeping of horses; and

WHEREAS, this zoning amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), Article of the CEQA Guidelines.

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

SECTION 1. The above-stated citations are true and accurate.

SECTION 2. The Official Zoning Map of the City of Clayton is hereby amended to change the zoning classification of Lots 1, 2, and 3 in the Diablo Estates at Clayton residential subdivision from R-40-H to R-40, as more specifically shown on the attached figure.

SECTION 3. If any provision of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses of the Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on _____, 2011.

Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

David T. Shuey, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

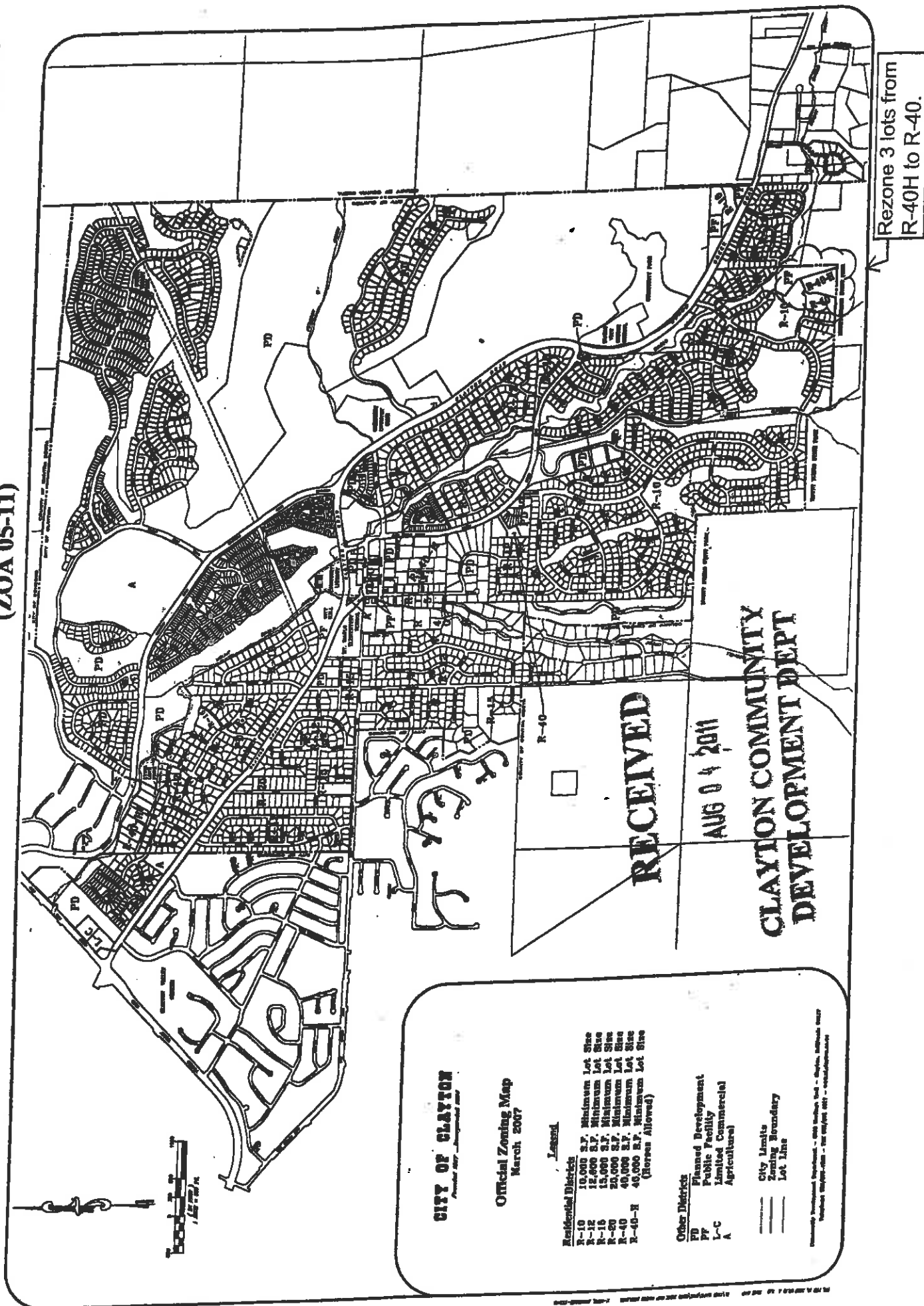
Malathy Subramanian
City Attorney

Gary A. Napper
City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on [month] [day], 2011, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on [month] [day], 2011.

Laci J. Jackson, City Clerk

FIGURE



Memo

To: David Woltering, community Development Director
From: Laura Hoffmeister, Asst. to the City Manager
Date: September 14, 2011
Re: Equestrian uses and NPDES – Clean Water Program

As we have previously discussed the City is processing an application by Toll Bros to remove the Horse designation from three lots in the Diablo Estates subdivision, pursuant to the conditions of approval of the City on the prior entitlement application. During the last entitlement process (Site Plan Approval and Variance etc) I believe the environmental document was updated to reflect the modification of the new project, which assumed the removal of the horse designation. Thus as I recall many of the mitigation measures and conditions of approval were removed which were necessary previously because of the horse designation; those mitigations/conditions were implementation of various Clean Water – Stormwater management requirements stipulated in the city stormwater – NPDES/C-3/MRP permit from the SF Regional Water Quality Control Board. The Planning Commission recently recommended to the City Council the removal of the horse designation (4-1). [ie: rezone from R-40-H to R-40]. Should the City Council not want to remove the horse designation from my assessment modifications may need to be made to the environmental document and conditions of approval added into the project entitlement. If this were to occur the following is a summary of the various aspects pursuant to the NPDES permit that would have to be included/addressed into the entitlements and tied to the horse designated properties. As you can see the list is pretty extensive. I have a binder with most of these documents details (which is about 1.5" thick).

NPDES Permittees shall utilize the following SF Bay Resource Conservation & Development Council: Best Management Equine Facility Practices

Facilities Management

- Horse Owners Guide to Water Quality Protection
- Conservation Measures to Reduce Non-point Source Pollution at Horse Facilities
- Horse Paddocks-Designed and Managed to Protect Water Quality
- Stormwater Runoff Management at High Use Areas
- Water Quality and Horse Keeping Facilities

Composting Horse Manure

- Composting Horse Manure
- Economics of Horse Manure Composting
- Adjusting C-N Ratio
- Benefits of Wood Pellet Bedding at Horse Facilities

Land Management

- Horse Keeping: A Guide to Land Management at High-use Areas
- Photo Monitoring Your Facility
- Dry Pasture for Horses
- Seeding Recommendations for Horse Facilities in the San Francisco Bay Area
- Controlling Yellowstar Thistle
- Managing Manure: The Role of Riparian Buffers
- Portable Backyard Garden

Manure Management

- Horse Manure Management
- Manure Storage for Horse Facilities
- Land Application of Horse Manure



Agenda Date: 10-4-11

Agenda Item: 9a

Approved:


Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: October 4, 2011

SUBJECT: A RESOLUTION ESTABLISHING A VANDALISM ACCOUNTIBILITY REWARDS PROGRAM FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSON(S) RESPONSIBLE FOR VANDALISM TO CITY FACILITIES, ASSETS, AND PROPERTY

RECOMMENDATION

Accept the staff report, and after a public discussion, adopt the attached resolution to establish a vandalism accountability rewards program for information leading to the arrest and conviction of person(s) responsible for committing acts of vandalism to city facilities, assets, and property.

BACKGROUND

The Grove Park and Endeavor Hall parking lot have now been in use for a few years and have proven to be valuable resources for the community to enjoy. Unfortunately, both locations have occasionally suffered from acts of vandalism, as well as littering. These relatively minor acts of vandalism are usually occurring after dark when no one is around to witness these criminal acts.

As a result, the City Council on June 7, 2011, held a public discussion about this problem and focused on two possible strategies, or solutions, to address vandalism to city owned property. The first strategy, discussed, was the establishment of a rewards program that would provide a monetary incentive for witnesses to provide suspect information to the police department. The second strategy that was discussed, involved the installation of camera security system that would record criminal acts as they occur. At the conclusion of the public discussion, the City Council directed staff to investigate the appropriateness, potential effectiveness, and costs of a camera security system if installed on city-owned property, and report the results at a subsequent meeting.

On August 16, 2010, at a regularly scheduled City Council meeting, staff provided information about costs for a camera security system. The cost for each system was approximately \$58,000. Because of the high costs for these types of security systems, and the vandalism costs being far less, the City Council decided that a rewards program would be the most cost effective way in which to address Clayton's persistent minor vandalism problem. As result, the City Council directed staff to report back, at a subsequent City Council meeting, with a rewards program that would appropriately address Clayton's vandalism problem.

DISCUSSION

The Vandalism Accountability Rewards Program is described in detail as Exhibit A, and is attached to this report. To summarize, the Rewards Program goal is to increase the City's and community's ability to apprehend and hold accountable the person(s) responsible for willfully causing damage to City-owned property and accordingly rewards a witness or witnesses who report vandalism crimes to the Police Department.

The reward amount would be determined by the replacement and repair value of the damage, with rewards ranging from \$500 to \$1000 and would be recoverable from the identified suspect who admits or is convicted of causing vandalism to city-owned property. In addition, because the Municipal Code already declares vandalism to be a public nuisance, the City may order the responsible party to abate the vandalism and should the party fail to choose not to do so, the City may abate the vandalism itself and seek to recover all of the City's damage costs and labor costs to repair from the responsible party pursuant to the procedures set forth in the City's nuisance ordinance (Clayton Municipal Code (CMC) sections, 8.08.101; 8.08.020; and 8.08.150.) [Note: State law prohibits cities from recovering any staff investigative costs].

Finally, staff recommends that, if the resolution is adopted, that the Vandalism Accountability Rewards Program be for a one-year pilot period. The pilot period would allow staff to gage the program's effectiveness in apprehending or deterring vandalism to city-owned property.

It should be noted that the City's Graffiti Prevention and Abatement Ordinance, under Clayton Municipal Code Section 9.20.170 already provides for a reward of \$150 (and up to \$300 per event) for information leading to the identity of person(s) who applies graffiti onto any public or private property. As of this date, staff is not aware of any witnesses who have provided information leading to the arrest or conviction of a graffiti suspect pursuant to this section.

The City does not need to create an ordinance for such a program; it can be implemented through resolution as Council policy. The Resolution process allows for quicker implementation and changes if needed in the future than by establishing it in city ordinance.

If approved, an established Vandalism Accountability Rewards Program will broaden the City's ability to further address more comprehensive vandalism crimes beyond graffiti issues that can be addressed under the current Graffiti Prevention and Abatement Ordinance.

Staff feels that an effective monetary rewards program, which is also publicized, will provide greater incentive for a reluctant public to report suspect information to the Police Department. As a result, staff recommends that the City Council adopt this resolution establishing a Vandalism Accountability Rewards Program for a one-year pilot period.

FISCAL IMPACT

Fiscal impact is unknown at this time. However, if approved, reward amounts of up to \$1000 would be paid to witnesses who provide information leading to the successful resolution of each vandalism case to city facilities, assets, or property. A successful resolution would require the convicted suspect(s) to pay for the damage they caused, as well as reimbursing the city for the monetary reward paid to the witness or witnesses.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution implementing a Vandalism Accountability Rewards Program as detailed in Exhibit A.

Attachments: 1) Resolution No. __-2011
Exhibit A to Resolution: Vandalism Accountability Rewards Program.
2) Council Agenda Report of June 7, 2010.

RESOLUTION NO. ____ - 2011

A RESOLUTION ESTABLISHING A VANDALISM ACCOUNTABILITY REWARDS PROGRAM FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSON(S) RESPONSIBLE FOR CAUSING DAMAGE TO CITY FACILITIES, ASSETS, AND PROPERTY

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

WHEREAS, since the development and opening of the Grove Park and the Endeavor Hall Parking lot a few years ago, there has been a number of vandalism incidents to city-owned property; and

WHEREAS, these regularly occurring acts of vandalism to city-owned property have been relatively minor in nature and usually occur after dark when few persons are in the area; and

WHEREAS, there have been no known witnesses, or other evidence, that the City's Police Department can follow in order to identify or apprehend person(s) responsible for willfully damaging or destroying public property; and

WHEREAS, the City Council, held public meetings on June 7, 2011 and August 16, 2011, to discuss possible strategies, or solutions, in order to effectively address this persistent vandalism problem; and

WHEREAS, after due consideration and public comments during said public meetings, the Clayton City Council has determined that the establishment of a Vandalism Accountability Rewards Program, by offering a monetary incentive for witnesses to report the identity of vandals to the City's Police Department, would be the most effective way in which the City can address this persistent vandalism problem.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby approve the establishment of the Vandalism Accountability Rewards Program as described in Exhibit A attached to this resolution, which will be in affect upon the adoption and passage of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 4th day of October 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

Vandalism Accountability Rewards Program

City of Clayton, California

Program Goal

The Vandalism Accountability Rewards Program goal is to increase the City's and community's ability to apprehend and hold accountable the person(s) responsible for willfully causing damage to City-owned property and accordingly reward a witness or witnesses who report vandalism crimes to City-owned property.

Accountability defined: For purposes of the City's Vandalism Accountability Rewards Program, an admission by the offending violator, a diversion of the offending violator to a community service program, a conviction of the offending violator, or a plea to a lesser offense shall also constitute a conviction.

The Program provides for a range of monetary rewards from \$500.00 to \$1,000.00 to the individual(s) who provide information leading to the identification and arrest of person(s) who are subsequently convicted or who admits to willfully damaging city owned property. The identity of witnesses will not be publicized.

Prerequisites to Rewards

Each claim for a reward under the Program must be filed with the City Manager or his/her designee, and approved by the City Council at a public meeting. Prior to the City Council's approval the following information will be prepared by staff:

- Identify the date, location and kind of property damaged or destroyed; and
- Identify by name the person who is convicted, or confessed to the damage or destruction of the City property; and
- Identify the Court and date upon which the conviction occurred or the place and the date of the confession.

No claim for a reward shall be approved by the City Council unless an authorized representative of the City investigates and verifies the accuracy of the claim and recommends that it be approved. Approval of a reward rests within the sole discretion of the City Council, and the Vandalism Accountability Rewards Program creates no right or claim against the City by anyone claiming a reward.

Reward Amount

The corresponding Reward Amount shall be determined by the replacement/repair value of the damage as follows:

- | | |
|--|------------------------------|
| • Vandalism damage of up to \$500: | Reward amount is \$ 500.00 |
| • Vandalism damage over \$500 up to \$750: | Reward Amount is \$ 750.00 |
| • Vandalism damage over \$750: | Reward amount is \$ 1,000.00 |

In the event of multiple witnesses leading to a specific conviction, the maximum Reward paid remains the same as noted above based on damage value incurred and the Reward amount will be split evenly amongst the multiple witnesses.

Cost Recovery

Convicted vandals identified through the City's Vandalism Accountability Rewards Program, or the convicted vandal's parent or guardian in the event that the vandal is unemancipated minor, shall be held monetarily responsible for the payment of the following costs incurred by the City:

- Recovery of the Reward monies paid to the witness or witnesses; and
- Recovery of City costs incurred to repair and/or replace the damaged City property, pursuant to the City's nuisance abatement ordinance.

Pilot Period

To determine the effectiveness of this Vandalism Accountability Rewards Program in apprehending vandals or deterring vandalism to City-owned property, the Clayton City Council will publicly review the merits and experiences of the Program within one year of its adoption. At that time the City Council will also consider whether to continue the program or make modifications as may be determined necessary.

Authority to Establish a Vandalism Accountability Rewards Program

California Government Code Section 53069.5. "Authorizes public agencies to pay rewards for information leading to the identity of person(s) who willfully damages or destroys any public property; and to hold the person(s) whose willful misconduct has resulted in the damage or destruction, liable for the amount of any monetary reward paid; and, if the person(s) responsible for the damage or destruction is an unemancipated minor, to hold the parent or guardian shall also be liable for the reward amount."



Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHIEF OF POLICE

DATE: June 7, 2011

SUBJECT: DISCUSSION TO CONSIDER THE ESTABLISHMENT OF A REWARD PROGRAM (UP TO \$1000 EACH OCCURRENCE) FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSON(S) RESPONSIBLE FOR VANDALISM TO CITY FACILITIES, ASSETS, AND PROPERTY

RECOMMENDATION

Accept the staff report and conduct a public discussion to consider establishing a reward program for information leading to the arrest and conviction of person(s) responsible for committing acts of vandalism to city facilities, assets, and property. After receiving the report, provide direction to staff.

BACKGROUND

The Grove Park and Endeavor Hall parking lot have now been in use for approximately two years and both facilities have proven to be valuable resources for the community to enjoy. For example, the Endeavor Hall parking lot has provided additional parking for community events, while The Grove Park provides a beautiful central gathering spot in the downtown for visitors of all ages. Unfortunately, both locations have occasionally suffered from acts of vandalism, as well as littering.

Although not all minor acts of vandalism (or littering) are reported to the police department, there have been forty-one acts of vandalism reported to the police department since June 31, 2010. Twelve of these vandalism reports were for damage to publicly owned structures. The two most recent vandalism reports were for graffiti sprayed onto the newly constructed play equipment located in Lydia Park; and secondly, several railing slats were broken out of the Grove's gazebo. This type of damage is consistent with what a typical youthful vandal would cause when vandalizing property, not their own. These types of crimes most often

occur after dark, when other people are not around to witness the suspect's illegal activity. Presently, the police department has no information or suspects in any of these cases.

DISCUSSION

The purpose of this staff report is to provide the City Council an opportunity to discuss the value of monetary rewards in order to address vandalism to city property. Most cities have used monetary reward programs, of some sort, in order to encourage a reluctant public to provide information on many types of serious crimes. Several local cities, like Richmond, Hayward, and San Francisco, have persistent graffiti problems. As a result, they have established reward programs for information leading to the identification and conviction of suspects in gang related graffiti crimes that occur in their jurisdictions. In Southern California, both Los Angeles and Riverside have established monetary reward programs to address their graffiti problems. The previously mentioned cities offer rewards for up to the following amounts for each occurrence:

- City of Richmond \$200.
- City of San Francisco \$250.
- City of Hayward \$500.
- City of Los Angeles \$1000.
- City of Riverside \$1000.

The vandalism issues occurring in these urban environments appear to be of a greater magnitude or scope than the type of vandalism that is occurring in the City of Clayton. However, Clayton residents are very proud of their public facilities and have recently voiced their displeasure about the damage that a few vandals have caused to city owned property. Regular police patrols have not been able to completely prevent occasional acts of vandalism to city property. Currently, when acts of graffiti occur to city property, a police report is written and photos taken of the damage. After the report is completed, city maintenance staff immediately removes the graffiti. As a result, city staff has diverted valuable and limited resources away from other projects and budgeted uses in order to repair and restore the facilities to their full use.

Because there are usually no witnesses to these crimes, police staff has very little evidence to identify the responsible parties. Maybe it is time for the City Council to consider a different strategy in order to enlist help from the public in reducing this type of crime. The primary goal of any vandalism reward program would be to increase the city's ability to arrest vandals and reward witnesses who report these types of crimes.

If the City Council established a local reward program to address Clayton's vandalism problem, it might encourage witnesses to contact the police department and provide valuable information that would assist in the investigation. Useful information would include names and description of suspects, when and where the vandalism occurred, and anything else that would assist the police in their investigation.

In order to be eligible for the monetary reward, the witness information would need to lead to the identity of a suspect(s), apprehension, conviction, or otherwise the adjudication of the case. The suspect(s) would be held accountable for the damage they caused, pay for the repairs, and reimburse the city for all costs associated with the vandalism investigation. These costs could include reimbursing the city for the reward that was paid out. Suspect(s) could also perform "community service" as an alternative accountability measure.

In order to gauge the success of the reward programs that each of the cities listed above offer, staff contacted each city (or left a voice message). However, only a detective from the Hayward PD was able to provide information about their reward program. The detective said that their reward program has been in place for approximately four years and they average approximately one reward per year. When asked if the program has reduced the incidence of vandalism in their city, the response was lukewarm. Despite this information, staff feels that a reward program that offers a reward of a sufficient size (\$1000 for each occurrence), might encourage witnesses to assist police with information about vandalism cases that have occurred to city facilities, assets, or property.

If a rewards program for information about suspect(s) of vandalism cases against city property is approved, the next step would be for police staff to coordinate with the Finance Director and the City Attorney in order to properly implement the rewards program.

OTHER OPTIONS

Staff is currently investigating the feasibility of a surveillance system in order to address vandalism to city property. Cameras would be placed in strategically located public places in order to capture and record illegal criminal activity at the Grove Park and at the Endeavor Hall. Recently, three youthful suspects caused approximately \$1000 in damage to property at the Middle school during the Memorial weekend. The Middle school has a camera surveillance system in place and was instrumental in identifying the three culprits. This approach might provide police staff with more comprehensive information and evidence in order to solve vandalism issues.

Staff will also continue educating our community about the serious problem of vandalism to city property through news articles, and with positive contacts with school students by police officers while they are on patrol.

FISCAL IMPACT

Fiscal impact is unknown at this time. However, if approved staff, would recommend a reward of up to \$1000 to witnesses who provide information leading to the successful resolution of each vandalism case to city facilities, assets, or property. A successful resolution would require the suspect(s) to pay for the damage they caused, as well as reimbursing the city for all costs associated with the vandalism case.

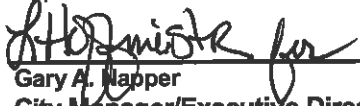
Attachments:



Agenda Date: 10-4-11

Agenda Item: 9b

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laci J. Jackson, City Clerk

DATE: October 4, 2011

SUBJECT: First Reading and Introduction of an Ordinance adding Chapter 2.11
"City Attorney" to the Clayton Municipal Code.

BACKGROUND

At its August 22nd Special City Council meeting, the City Council hired Malathy Subrarmian from the firm of Best, Best, & Kreiger to serve as the new City Attorney. At that time staff became aware that the Clayton Municipal Code does not refer to the City Attorney, its general role and responsibility.

Staff worked with the City Attorney to prepare the attached Ordinance.

RECOMMENDATION

First Reading and Adoption of Ordinance No. 436 amending Title 2, adding Chapter 2.11 to the Clayton Municipal Code.

Attachments: Ordinance No. 436 (3 pages)

ORDINANCE NO. 436

**AN ORDINANCE AMENDING TITLE 2,
ADDING CHAPTER 2.11 CITY ATTORNEY
TO THE CLAYTON MUNICIPAL CODE.**

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

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

**Section 1: Amendment to Title 2, adding Chapter 2.11 of the Clayton
Municipal Code is added to read in its entirety as follows:**

Chapter 2.11

CITY ATTORNEY

Sections:

- 2.11.010 Office created- Appointment
- 2.11.020 Legal advisor of city
- 2.11.030 Meeting attendance
- 2.11.040 Preparation of ordinances, resolutions and documents
- 2.11.050 Assistant City Attorney
- 2.11.060 Vacating office

2.11.010 Office created- Appointment. There is created the office of city attorney in accordance with Section 36505 of the California Government Code. The city attorney shall be appointed by the city council and shall serve at the pleasure of the city council.

2.11.020 Suits and Actions. The city attorney shall prosecute or defend any and all suits or actions at law or equity to which the city may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the city on behalf of the city, or in the capacity of such person as an officer of the city.

2.11.030 Enforcement of judgments. It shall be the duty of the city attorney to seek the full enforcement of all judgments or decrees rendered or entered in favor of the city, and of all similar interlocutory orders as requested by the City Council.

2.11.030 Legal advisor of city. The city attorney shall be the legal advisor of the city, and shall render advice on all legal questions affecting the city, whenever requested to do so by the city council or as authorized through its city manager. Upon request by the city council, the city attorney shall commit any such opinion in writing.

2.11.040 Meeting attendance. The city attorney shall attend meetings of the city council, unless excused by the city council or as authorized by the city manager..

2.11.050 Preparation of ordinances, resolutions and documents. Upon request by the city council or as authorized through its city manager, the city attorney shall prepare or review any contract, lease or other documents or instruments to which the city may be a party, and draft ordinances covering assigned subjects within the power of the city.

2.11.060 Assistant city attorney. The City Council may designate an assistant city attorney to assist in the duties and appear in the place and stead of the city attorney during necessary absence from the city.

2.11.070 Vacating office. On vacation of the appointed office, the city attorney shall surrender to his or her successor all books, papers, files and documents pertaining to present and past City affairs as required by state law.

Section 2 **Action to Challenge This Ordinance**

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

Section 3 **Conflicting Ordinances Repealed**

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

Section 4 **Severability**

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

Section 5 **Effective Date and Publication**

This ordinance shall become effective thirty (30) days after its adoption by the city council. Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause a copy of the ordinance, including the names of the council members voting for and against it, to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 4th day of October 2011.

PASSED, ADOPTED AND ORDERED posted at a regular meeting of the City Council of the City of Clayton on the ____ day of October 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, California

David T. Shuey, Mayor

ATTEST:

Laci Jackson, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on the 4th day of October and was duly adopted and ordered posted at a regular meeting of the City Council held on _____.

Laci Jackson, City Clerk