CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

AGENDA

REGULAR AND JOINT MEETINGS

* * *

CLAYTON CITY COUNCIL

AND

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

***

TUESDAY, November 1, 2011

6:00 p.m.

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

Mayor: David T. Shuey
Vice Mayor: Howard Geller

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

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

* CITY COUNCIL AND GHAD*

November 1, 2011

6:00 P.M.

1. **CALL TO ORDER THE CITY COUNCIL** – Mayor Shuey

CALL TO ORDER THE GHAD BOARD OF DIRECTORS – Chairman Stratford.

2. **JOINT CLOSED SESSION**

City and GHAD:

(a) *Government Code Section 54956.9*, Conference with Legal Counsel
Existing Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County.

CLOSED SESSION

City:

(b) *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

Reports out of Closed Session:
1. Mayor Shuey; and
2. Chairman Stratford.

3. **ADJOURN THE GHAD BOARD OF DIRECTORS MEETING**
Chairman Stratford

7:00 P.M. CITY COUNCIL

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 October 18, 2011. (View Here)

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

(c) Adopt a Resolution approving a contract with American Fidelity Assurance Company for administration of the Section 125 City employee flexible spending account plan effective 01 January 2012. (View Here)

5. RECOGNITIONS AND PRESENTATIONS

(a) Proclamation declaring November 2011 as "Hospice/Palliative Care Month." (View Here)

(b) Proclamation declaring November 2, 2011 as "Shelter-in-Place Education Day." (View Here)

6. REPORTS

(a) Planning Commission – Commissioner Gregg Manning.
(b) Trails and Landscaping Committee – Chairman Jake Pauline.
(c) City Manager/Staff
(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
(e) Other

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

(a) Consideration of an offer by Clayton's first Mayor (Robert Hoyer) to donate a flagpole for installation in The Grove Park in memory of his wife, Eldora Hoyer. (Councilmember Pierce)
(View Here)
Staff recommendation: After review of the donation details and following any public comment, that Council provide direction to staff regarding the donation and any participatory role by the City for its installation.

(b) Presentation and acceptance of its Annual Report for FY 2010-11 by the citizens' Trails and Landscaping Committee. (View Here)
(Chairman Pauline)

Staff recommendation: Following presentation of the Annual Report and public comments, that Council by motion accept receipt of the Trails and Landscaping Committee's Annual Report for FY 2010-11.

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

11. **ADJOURNMENT**– the next regularly scheduled City Council meeting is November 15, 2011.

# # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 11-1-11

Agenda Item: 4a

TUESDAY, October 18, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:17 p.m. by Vice Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey (arrived at 6:20 p.m.) Vice Mayor Geller, Councilmembers Medrano, Pierce and Stratford. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director David Woltering, City Clerk Laci Jackson, and Defense Counsel John Broghammer.

2. **CLOSED SESSION** – Vice Mayor Geller announced the following purpose for Closed Session and then adjourned into Closed Session at 6:17 p.m.

(a) *Government Code Section 54956.9*, Conference with Legal Counsel
Existing Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County

Report out of Closed Session: Mayor Shuey stated the Council received information and gave direction to legal counsel.

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

4. **CONSENT CALENDAR**- Councilmember Medrano pulled Item 4(d). for discussion. He stated he wanted to make sure the computers were high end and would have maximum capacity. The Finance Manager stated the City's IT consultant believed the computers would be more than adequate for staff's needs. The City Manager suggested the Council authorize the purchase tonight but staff will provide further details and bring the information back to the Council if there are better options available.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford, to approve the Consent Calendar with that understanding on Item 4(d) (Passed; 5-0 vote).

(a) Approved the minutes of the regular meeting of October 4, 2011.

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

(c) Authorized the purchase of nine (9) replacement mobile data computers for Clayton Police vehicles from Hubb Systems LLC in the amount of $62,834.91 via the City of Concord's competitive bid using budgeted Capital Equipment Replacement Funds.

(d) Approved the award of contract to Dell Computers in the amount of $24,341.47 from the Capital Equipment Replacement Fund and the Landscape Maintenance District budgets for the purchase of twenty replacement computers and four laptops.

(e) Approved the declaration of three police bicycles and two police motorcycles as capital equipment surplus to the City's needs and authorize the City Manager to sell the surplus vehicles/equipment at public auction.

5. RECOGNITIONS AND PRESENTATIONS

(a) Mayor Shuey read the Proclamation declaring November 2011 as "American Indian Heritage Month" and indicated it would be mailed to the requestor.

(b) Recognition of Ted Meriam for service on the Clayton Planning Commission July 2009 - June 2011. Mr. Meriam was unable to attend the meeting to receive his recognition.

(c) Mayor Shuey presented a Certificate of Recognition to Caleb Ricks for his Eagle Scout Project installing bicycle racks at Lydia Lane Park and at the Black Diamond Plaza picnic area. Mr. Ricks thanked everyone at the City and his parents for their help with his project.

6. REPORTS

(a) Planning Commission – No meeting held.

(b) Trails and Landscaping Committee – No meeting held.

(c) The City Manager had no report.

(d) City Council

Councilmember Stratford apologized for being absent at the last meeting. He stated this month the "Do The Right Thing" group is focusing on "Respect" and November and December traits focus on "Kindness." He also attended a Conservancy Board meeting.

Councilmember Pierce attended the ABAG Disaster Resilience Council meeting, ABAG Regional Planning Committee, and two meetings for the Transportation Authority. She was also part of panel for Governing Magazine, attended the Mayors' Conference, and the ABAG General Assembly.

Vice Mayor Geller attended the Mayors' Conference, the Mt. Diablo Unified 5k run/walk, rehearsals for the Women's Club Murder Mystery Dinner, and attended the Budget ad-hoc committee meetings.

Mayor Shuey worked with the Clayton Valley Charter High School petition and met with District staff. He thanked the community for its support of this initiative and asked citizens to attend the School Board meeting on October 22nd at 7p.m.

(e) Other – None.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

(a) Second Reading and Adoption 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).

The Community Development Director presented the staff report on this Ordinance introduced at the City Council meeting of October 4th. The Ordinance rezones lots 1, 2, and 3 of the Diablo Estates at Clayton subdivision so that horses cannot be kept on the property.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 435 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 435 by title and number only.

It was moved Councilmember Medrano, seconded by Councilmember Pierce, to adopt Ordinance No. 435 (Passed; 5-0 vote).

(b) Consideration of a Resolution approving the carry-over of specific project and operational encumbrances from the FY 2010-11 Budget into and amending the FY 2011-12 City Budget accordingly, and determination of the disposition of the FY 2010-11 General Fund excess of $136,029.

The Finance Manager presented the staff report and stated there are several line items open but staff anticipates future payment will be needed in the current fiscal year to complete the projects. She stated the encumbrances need to be approved and would amend the FY 2011-2012 budget. She stated the City's General Fund Reserve is $5,182,302 with the excess funds deposited as recommended.

Vice Mayor Geller noted the interest earnings came in higher this year. The Finance Manager stated many of the interest earnings came in higher this year because of bank closures and calls on maturities.

The City Manager stated the City examines operations down to the nearest dollar. He stated the recommendation tonight returning money to the General Fund Reserve (Reserve) is rare in this economy. The City Manager reviewed the four year history of the General Fund. He stated in 2008-2009, there was a balanced budget, and $159,629 money was moved into the Reserve. In 2009-2010 the City started to feel the downslide of the economy and in anticipation of that City employees took reductions in pay equaling $229,000; a 4.3% reduction for the Miscellaneous employees and a 4.1% reduction for the Police Officers. The concessions included no premium pay for holidays (Police), no cost of living adjustments, no merit increases, and increased employee contributions to medical and dental increases. At that time the City was also looking to rely on the Trust and Agency Fund to fill a gap in the budget. At the end of that fiscal year, revenues actually came in $159,356 over expenses so the money was never transferred from the Trust and Agency Account and $3,777 was put back into the Reserve. In 2010-2011 employees continued the status quo, but last year had 11 unpaid furlough days where City Hall was closed. Staff thought there would be a need for $18,410 from the Trust and Agency Account to remain balanced but revenues ended up

$136,029 over expenditures, again without having to transfer any monies from the Trust and Agency account. From 2008 to present, no monies have been used from Trust and Agency Fund or General Fund Reserve to balance the operations budget of the City.

The question before the Council tonight is whether to put that money in the Reserve, or as the recommendation states in the staff report to have a portion of those moneys be partially returned to City employees. The recommendation is for $63,660 to be returned to all permanent employees ($2,500 per full-time employee; pro-rated for part-time permanent employees). If the Council decided to give employees this one-time money outside of a Resolution or MOU, then it is not considered salary for pensions. The money is taxable to the employees. This is a good way to note the value and team effort of our employees; they have been part of the solution to create a balanced budget. He stated the remainder of the money ($72,069) would be returned to the General Fund Reserve.

Councilmember Stratford stated the staff recommendation is that each employee receives a flat $2,500 because employees that were paid less were probably hurt more by the concessions. He stated instead of the whole amount going to the General Fund reserve, he suggested repaying the Trust and Agency fund. The City Manager stated the City never made the transfer from the Trust and Agency last year so it does not need to be returned. He clarified that since 2008, no monies have been used from the Trust and Agency or the General Fund Reserve.

No public comments were offered.

Vice Mayor Geller commended staff for coming up with a method of giving money back to employees that is fair. This Council was one of the first to ask for concessions from employees, by creating furlough days, no COLA, and freezing merit increases. He stated employees helped and this is a method of saying thank you and for doing a good job and saving money wherever you can.

Councilmember Pierce thanked staff for their work. She stated Clayton is one of the few cities that winds up with a positive General Fund balance. She thanked staff for the contributions they have made and the willingness to take cuts and hold the line. She stated this meant no lay-offs of staff. She stated she appreciates the understanding of staff to be partners and weather the storm from the State and the economy. She stated this can't be a permanent give back but is a modest way the Council can say thank you for the harm done to employees. She stated this action was appropriate.

Councilmember Medrano stated we are very fortunate in the City of Clayton and a lot of that is due to staff. He stated he appreciates staff tremendously. He stated he fully agrees with giving back money to employees and stated it is a good time to do it. He stated there will be some citizens that believe this money should all go to the reserve, but the General Fund would not be increasing without employee cuts. He stated he liked that the managers were ok with making the give-back equal across the board for all employees. He stated we do work as a team around here and everyone is in it together. He also recommended that $10,000 be taken from the money to be returned to the General Fund Reserve and allocated for training and education for staff. He stated it is important for morale and for the good of the City that our employees receive training.

Mayor Shuey stated our employees are the best. He stated it is amazing what staff can do going down to the dollar. Unlike 99.9% of cities out there, Clayton is in an enviable position.

The City Manager suggested amending the second resolve on the Resolution, stating $10,000 be appropriated for employee training, at the discretion of the City Manager, and therefore have $62,369 be returned to the Reserve.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to adopt Resolution 42-2011, as amended for $10,000 in Employee Training, approving the carry-over of specific project and operational encumbrances from FY 2010-11 Budget into and amending the FY 2011-12 City Budget accordingly, and determining the disposition of the FY 2010-11 General Fund excess of $136,029 (Passed; 5-0 vote)

(c) Second Reading and Adoption of an Ordinance No. 436 adding a new section to the Clayton Municipal Code regarding a City Attorney.

The City Clerk presented the staff report noting prepared this Ordinance to add a section to the Municipal Code regarding City Attorney.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford, to have the City Clerk read Ordinance No. 436 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 436 by title and number only.

It was moved Councilmember Medrano, seconded by Councilmember Pierce, to adopt Ordinance No. 436 (Passed; 5-0 vote).

(d) Consider the Introduction and First Reading of an Ordinance to elect and implement the participation of the City of Clayton and its Redevelopment Agency in the Alternative "Voluntary" Redevelopment Program pursuant to recent and currently- litigated ABx1 26 and ABx1 27 state laws.

The City Manager presented the staff report and stated this issue arises due to legislation that Governor Brown declared in January 2011 he would bring forward and the Legislature approved. He stated this involves the Clayton Redevelopment Agency but the decisions are required of the City Council as the parent agency to the Clayton Redevelopment Agency. He stated essentially Abx1 26 was an extermination act and killed redevelopment agencies in California. He stated ABx1 27 is the voluntary redevelopment program act also known as "Pay to Play." He stated the Clayton Redevelopment Agency has contractual obligations for debt service. He stated the California Supreme Court is reviewing this case, which will be heard in December, with an expected ruling in mid-January. He stated the court did place a stay on the State's ability to enact these laws until after its ruling.

He stated when the staff report was put together staff did not believe the Clayton Redevelopment Agency had the ability to pay to play because of the "ransom note" amount and the debt service requirements. At that time staff was thinking the Agency would not be able to come up with $943,672, because there would not be enough money after debt service to make the payment for its "ransom note" of $1,635,348. He

stated the Agency appealed the amount of the ransom note indicating that there was not enough money to pay the debt service because the debt payments were back-loaded in the final years. The Finance Manager filed an appeal of the State's calculation

On Monday, staff received notice that our "ransom note" had been reduced to $957,794; therefore the net effect makes it only $360,388 to stay alive and pay to play. He stated the Agency could work with that dollar amount. He stated this gives more importance to introducing the ordinance to stay alive. He stated it is a no-lose proposition to introduce the Ordinance and it creates a place holder for Agency flexibility. He stated legislation is silent on whether or not the Agency can use low to moderate income housing (LMI) funds to pay the ransom but there is enough money in the LMI fund to make the payment as a loan. He stated the Agency has housing projects that need to go into place and interested developers. He stated the recommendation was to begin the process by introducing the Ordinance.

Councilmember Pierce suggested the Council needs to introduce this Ordinance.

Councilmember Medrano wanted to make sure the State cannot come after the City's General Fund by adopting this Ordinance. The City Attorney stated she does not believe there is a risk to the City's General Fund by introducing the Ordinance.

Mayor Shuey stated he finds it odd to introduce the Ordinance since there is a stay on the legislation. He stated he is concerned the California Supreme Court may view the action of the city councils in the state introducing such Ordinances to "pay to play" as having sufficient monies and he does not want them to get the wrong idea.

The City Manager stated the matter before the Supreme Court is the issue of the constitutionality of the take-aways, not the money to be paid to the State. He stated this Ordinance is hedging the City's bets, but again it is more of a cautionary action.

The City Attorney stated some attorneys do not believe councils should adopt these Ordinances as the court's decision, if adverse, does not go into effect for 30-45 days and within that time frame cities can enact these ordinances.

The City Manager stated he does not see any jeopardy to the Agency or City to introduce the Ordinance at this time.

The City Attorney stated the California Redevelopment Association feels confident there will be necessity to alter the compliance deadlines should the legislation stand.

Mayor Shuey stated he believes this is sending the wrong message, but thanked the City Manager for bringing it to the Council because it is their policy decision and the City Manager is doing his job by bringing them options.

Councilmember Medrano asked if Council will still have 30 days to adopt the Ordinance after the Supreme Courts decision. The City Attorney stated she believes in addition to the 30 days more time may be available.

No public comments were received.

By general consensus, no action was taken.

(e) City Council determination of the date, time, location and agenda topics for its 3rd Annual Meeting with the Clayton Business Community.

The City Manager stated for the third year the Council expects to hold a meeting with Clayton business owners. He stated attendance has increased and many business owners are looking forward to an opportunity for a roundtable discussion. He stated the staff report outlined a tentative scope for the agenda including:

1. Critique of the 2011 Concerts in The Grove series and any suggestions for the 2012 series.
2. Consider a request to allow a private sponsor to hold five (5) additional Wednesday evening in The Grove park in 2012 to include one food sales booth and one alcohol sales booth.
3. General Roundtable Discussion on the City's General Plan goals (Housing Element) to encourage second-story housing in the Town Center area.
4. Ideas for promotion of a healthier local business economy (e.g. a Business Improvement District).
5. Discuss the benefits of holding semi-annual meetings of this nature.

Vice Mayor Geller indicated he wants to invite the Easleys to the meeting as they have future business interests for their property. Councilmember Medrano noted it is a public meeting and anyone could attend.

It was moved by Vice Mayor Geller, seconded by Councilmember Pierce, to call for a special meeting to be held on Tuesday, December 6, 2011 at 9 a.m. in Hoyer Hall of the Clayton Community Library for its annual town hall meeting with the Clayton business community (Passed; 5-0 vote).

10. **COUNCIL ITEMS**- Councilmember Pierce asked that a request from former Clayton Mayor Bob Hoyer to donate a flag pole for The Grove public park in memory of Eldora Hoyer be placed on a future agenda.

11. **ADJOURNMENT**– On call by Mayor Shuey the meeting adjourned at 8:59 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor

CITY OF CLAYTON

Founded 1857 . . . Incorporated 1964

Agenda Date: 11/1/11

Agenda Item: 4b

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: NOVEMBER 1, 2011

SUBJECT: INVOICE SUMMARY

RECOMMENDATION **Approve the following Invoices.**

10/28/11	Cash Requirements Report	$257,801.81

Attachments:
Cash Requirements Report dated 10/28/11 (5 pages)

City of Clayton
Cash Requirements Report
CC Meeting 11/1/11

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.	10/27/2011	10/11/2011	24580	Crossing Guard WE 10/8/11	$465.00	$0.00		$465.00
				Totals for All City Management Services, Inc.:	*$465.00*	*$0.00*		*$465.00*
AT&T/ CalNet 2								
AT&T/ CalNet 2	10/28/2011	10/22/2011	10/11A	Local Phone Service 10/11A	$1,312.67	$0.00		$1,312.67
				Totals for AT&T/ CalNet 2:	*$1,312.67*	*$0.00*		*$1,312.67*
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	10/27/2011	10/7/2011	0274648-IN	PW Signs 10/11	$671.15	$0.00		$671.15
Bay Area Barricade Serv.	10/28/2011	10/6/2011	0275459-IN	PW Straw Wattle, Silt Fencing 10/11	$795.64	$0.00		$795.64
Bay Area Barricade Serv.	10/27/2011	10/7/2011	0275572-IN	PW Equipment 10/11	$503.88	$0.00		$503.88
				Totals for Bay Area Barricade Serv.:	*$1,970.67*	*$0.00*		*$1,970.67*
Blackbaud								
Blackbaud	10/27/2011	10/18/2011	90374162	Finance-1099 Forms, New Checks 10/11	$481.51	$0.00		$481.51
				Totals for Blackbaud:	*$481.51*	*$0.00*		*$481.51*
CalPERS Health								
CalPERS Health	10/28/2011	10/14/2011	13007357	Health Premiums 11/11	$28,919.50	$0.00		$28,919.50
				Totals for CalPERS Health:	*$28,919.50*	*$0.00*		*$28,919.50*
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	10/27/2011	10/17/2011	949578	Admin Copier Copies 10/11	$186.08	$0.00		$186.08
				Totals for Caltronics Business Systems, Inc:	*$186.08*	*$0.00*		*$186.08*
CCC Sheriff - Forensic Svc Div (Lab)								
CCC Sheriff - Forensic Svc Div (Lab)	10/27/2011	10/20/2011	CLPD-311	PD Crime Lab 7-9/11	$1,256.94	$0.00		$1,256.94
				Totals for CCC Sheriff - Forensic Svc Div (Lab):	*$1,256.94*	*$0.00*		*$1,256.94*
City of Concord								
City of Concord	10/27/2011	10/14/2011	26266	PD Vehicle Maintenance	$1,614.01	$0.00		$1,614.01
City of Concord	10/27/2011	10/21/2011	26275	PD Printing Fld Property Rpt & Citations 10/	$102.00	$0.00		$102.00
				Totals for City of Concord:	*$1,716.01*	*$0.00*		*$1,716.01*
Clayton Valley Little League								
Clayton Valley Little League	10/27/2011	10/27/2011	Library 10/20/11	Refund Library Deposit 10/20/11	$200.00	$0.00		$200.00
				Totals for Clayton Valley Little League:	*$200.00*	*$0.00*		*$200.00*
Concord Garden Equipment								
Concord Garden Equipment	10/27/2011	9/15/2011	411776-415521	PW Equipement Service & Repair 7-9/11	$3,585.00	$0.00		$3,585.00
				Totals for Concord Garden Equipment:	*$3,585.00*	*$0.00*		*$3,585.00*
Cop Shop Installations Inc								
Cop Shop Installations Inc	10/27/2011	10/20/2011	3778	PD New Vehicle Installations 10/11	$241.65	$0.00		$241.65

City of Clayton
Cash Requirements Report
CC Meeting 11/1/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
				Totals for Cop Shop Installations Inc:	*$241.65*	*$0.00*		*$241.65*
CR Fireline Inc								
CR Fireline Inc	10/27/2011	10/7/2011	89714	Library 5YR Insp, Repair Vents 10/11	$1,275.00	$0.00		$1,275.00
CR Fireline Inc	10/27/2011	10/7/2011	89715	EH 5YR Inspection 10/11	$1,275.00	$0.00		$1,275.00
CR Fireline Inc	10/27/2011	10/7/2011	89716	CH 5YR Inspection 10/11	$1,275.00	$0.00		$1,275.00
				Totals for CR Fireline Inc:	*$3,825.00*	*$0.00*		*$3,825.00*
Data 911 - Hubb Systems LLC								
Data 911 - Hubb Systems LLC	10/27/2011	10/13/2011	INV-19295	PD New Vehicle Equipment & Install 10/11	$2,554.70	$0.00		$2,554.70
Data 911 - Hubb Systems LLC	10/27/2011	10/20/2011	INV-19332	PD New Vehicle Equipment 10/11	$2,625.00	$0.00		$2,625.00
				Totals for Data 911 - Hubb Systems LLC:	*$5,179.70*	*$0.00*		*$5,179.70*
Dawson Electric Inc								
Dawson Electric Inc	10/27/2011	9/30/2011	71630	Install New Post/Lt 9/11 (11-03285)	$695.00	$0.00		$695.00
				Totals for Dawson Electric Inc:	*$695.00*	*$0.00*		*$695.00*
Flint Trading Inc								
Flint Trading Inc	10/27/2011	9/19/2011	135527	PW Street Supplies 9/11	$4,155.65	$0.00		$4,155.65
				Totals for Flint Trading Inc:	*$4,155.65*	*$0.00*		*$4,155.65*
Generation Green Inc								
Generation Green Inc	10/27/2011	10/27/2011	Libr 9/15/11	Refund Library Deposit 9/15/11	$200.00	$0.00		$200.00
				Totals for Generation Green Inc:	*$200.00*	*$0.00*		*$200.00*
Ghilotti Bros Contractors								
Ghilotti Bros Contractors	10/27/2011	10/18/2011	11415-05	CCP Parking Lot Construction 10/11	$145,004.67	$0.00		$145,004.67
				Totals for Ghilotti Bros Contractors:	*$145,004.67*	*$0.00*		*$145,004.67*
Hammons Supply Company								
Hammons Supply Company	10/27/2011	9/30/2011	68584	Janitorial Supplies 9/11	$1,009.05	$0.00		$1,009.05
Hammons Supply Company	10/27/2011	10/13/2011	68800	Janitorial Supplies 10/11	$125.76	$0.00		$125.76
				Totals for Hammons Supply Company:	*$1,134.81*	*$0.00*		*$1,134.81*
Health Care Dental Trust								
Health Care Dental Trust	10/28/2011	10/13/2011	132565	Dental Premiums 11/11	$2,527.22	$0.00		$2,527.22
				Totals for Health Care Dental Trust:	*$2,527.22*	*$0.00*		*$2,527.22*
HUB Inter of CA Ins Svc								
HUB Inter of CA Ins Svc	10/27/2011	10/17/2011	9/11	Special Event Insurance 9/11	$229.27	$0.00		$229.27
				Totals for HUB Inter of CA Ins Svc:	*$229.27*	*$0.00*		*$229.27*
ICMA Retirement Corporation								
ICMA Retirement Corporation	10/27/2011	10/6/2011	9549	401A Quarterly Plan Fee 10-12/11	$125.00	$0.00		$125.00
				Totals for ICMA Retirement Corporation:	*$125.00*	*$0.00*		*$125.00*

City of Clayton
Cash Requirements Report
CC Meeting 11/1/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Jarvis Fay Doporto & Gibson, LLP								
Jarvis Fay Doporto & Gibson, LLP	10/27/2011	10/12/2011	10/11	Clayton Property Tax Share 8-9/11	$25.68	$0.00		$25.68
				Totals for Jarvis Fay Doporto & Gibson, LLP:	*$25.68*	*$0.00*		*$25.68*
LarryLogic Productions								
LarryLogic Productions	10/27/2011	10/19/2011	1192	City Council Meeting Video 10/18/11	$375.00	$0.00		$375.00
				Totals for LarryLogic Productions:	*$375.00*	*$0.00*		*$375.00*
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	10/27/2011	9/27/2011	411-1148-9	CH HVAC Service 9/11	$332.50	$0.00		$332.50
Marken Mechanical Services Inc	10/27/2011	10/6/2011	411-1151-10	CH HVAC Maintenance 10/11	$150.00	$0.00		$150.00
Marken Mechanical Services Inc	10/27/2011	10/6/2011	411-1152-10	Library HVAC Maintenance 10/11	$150.00	$0.00		$150.00
				Totals for Marken Mechanical Services Inc:	*$632.50*	*$0.00*		*$632.50*
Mt Diablo Interpretive Association								
Mt Diablo Interpretive Association	10/27/2011	10/25/2011	Library 10/22/11	Refund Library Deposit 10/22/11	$200.00	$0.00		$200.00
				Totals for Mt Diablo Interpretive Association:	*$200.00*	*$0.00*		*$200.00*
Municipal Pooling Authority								
Municipal Pooling Authority	10/28/2011	10/28/2011	11/11	LTD, STD, AD&D Premiums 11/11	$1,180.55	$0.00		$1,180.55
				Totals for Municipal Pooling Authority:	*$1,180.55*	*$0.00*		*$1,180.55*
NBS Govt. Finance Group								
NBS Govt. Finance Group	10/27/2011	8/26/2011	F08261101-JR	RDA 99 Arbitrage Calculation Svc 8/11	$1,200.00	$0.00		$1,200.00
				Totals for NBS Govt. Finance Group:	*$1,200.00*	*$0.00*		*$1,200.00*
Neopost (add postage)								
Neopost (add postage)	10/27/2011	10/24/2011	10/24/11	Admin Postage Added 10/24/11	$300.00	$0.00		$300.00
				Totals for Neopost (add postage):	*$300.00*	*$0.00*		*$300.00*
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	10/27/2011	10/25/2011	302930	Outside Phone Booth 11/11	$73.00	$0.00		$73.00
				Totals for Pacific Telemanagement Svc:	*$73.00*	*$0.00*		*$73.00*
PERMCO, Inc.								
PERMCO, Inc.	10/28/2011	10/24/2011	9559	Engineer Retainer - General Services	$2,440.50	$0.00		$2,440.50
PERMCO, Inc.	10/28/2011	10/24/2011	9560	PG&E Encroachment Permits - Minor	$41.50	$0.00		$41.50
PERMCO, Inc.	10/28/2011	10/24/2011	9561	O'Meara SWP 01-10	$20.75	$0.00		$20.75
PERMCO, Inc.	10/28/2011	10/24/2011	9561	Richards SWP 11-10	$20.75	$0.00		$20.75
PERMCO, Inc.	10/28/2011	10/24/2011	9562	CCP Pkg Lot & Con Std - Insp & Meetings	$6,748.13	$0.00		$6,748.13
PERMCO, Inc.	10/28/2011	10/24/2011	9563	Diablo Estates SPR- Review CC&R's	$150.00	$0.00		$150.00
PERMCO, Inc.	10/28/2011	10/24/2011	9564	Diablo Estates Review Grading Plans, SWPP	$300.00	$0.00		$300.00
PERMCO, Inc.	10/28/2011	10/24/2011	9565	Diablo Estates - Construction Inspections	$150.00	$0.00		$150.00
PERMCO, Inc.	10/28/2011	10/24/2011	9566	Diablo Pointe SW BMP Inspections	$41.50	$0.00		$41.50
PERMCO, Inc.	10/28/2011	10/24/2011	9567	Van Brusselen 0010 SW	$20.75	$0.00		$20.75

City of Clayton
Cash Requirements Report
CC Meeting 11/1/11

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.	10/28/2011	10/24/2011	9567	Hosler 0014 SW	$20.75	$0.00		$20.75
PERMCO, Inc.	10/28/2011	10/24/2011	9567	JMS Builders/ Magdefrau 0016 SW	$20.75	$0.00		$20.75
PERMCO, Inc.	10/28/2011	10/24/2011	9567	Diablo Tropicals/ Farley 0022 SW	$20.75	$0.00		$20.75
PERMCO, Inc.	10/28/2011	10/24/2011	9567	Runnion 0005 SW	$20.75	$0.00		$20.75
PERMCO, Inc.	10/28/2011	10/24/2011	9568	MCR Upgrade-Bids for mapping, As-built p	$539.38	$0.00		$539.38
PERMCO, Inc.	10/28/2011	10/24/2011	9569	Clayton Rd Median Relandscp Base Sheets	$49.13	$0.00		$49.13
PERMCO, Inc.	10/28/2011	10/24/2011	9570	El Molino Sewer Upgrade-Prelim Const Plans	$1,981.00	$0.00		$1,981.00
PERMCO, Inc.	10/28/2011	10/24/2011	9571	OH GHAD-Deposition, Review plans & con	$1,109.13	$0.00		$1,109.13
				Totals for PERMCO, Inc.:	*$13,695.52*	*$0.00*		*$13,695.52*
PG&E								
PG&E	10/28/2011	10/18/2011	10/11 #119	Service Mst #119... 10/11	$503.04	$0.00		$503.04
PG&E	10/28/2011	10/17/2011	10/11 #729	Service Mst #729... 10/11	$18,724.68	$0.00		$18,724.68
				Totals for PG&E:	*$19,227.72*	*$0.00*		*$19,227.72*
PMC Investigative Services								
PMC Investigative Services	10/27/2011	10/24/2011	11-0204	PD Investigation #11-01 10/11	$437.50	$0.00		$437.50
				Totals for PMC Investigative Services:	*$437.50*	*$0.00*		*$437.50*
Rita Miller								
Rita Miller	10/27/2011	10/17/2011	EH 10/8/11	Refund EH Deposit 10/8/11	$1,000.00	$0.00		$1,000.00
				Totals for Rita Miller:	*$1,000.00*	*$0.00*		*$1,000.00*
Rock & Waterfall Co								
Rock & Waterfall Co	10/27/2011	9/28/2011	102-98	OH Waterfall Maintenance 9/11	$650.00	$0.00		$650.00
				Totals for Rock & Waterfall Co:	*$650.00*	*$0.00*		*$650.00*
Rural Pig Management, Inc								
Rural Pig Management, Inc	10/27/2011	10/18/2011	10/11	Wild Pig Disposal 10/11	$4,480.00	$0.00		$4,480.00
				Totals for Rural Pig Management, Inc:	*$4,480.00*	*$0.00*		*$4,480.00*
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	10/27/2011	9/29/2011	113	PW Cell Svc & Phones, Adm Svc 9/11	$808.18	$0.00		$808.18
				Totals for Sprint Comm (PW & ADM):	*$808.18*	*$0.00*		*$808.18*
Treppa Law Group								
Treppa Law Group	10/27/2011	9/30/2011	548	Grove Park Litigation Legal Services 9/11	$7,146.37	$0.00		$7,146.37
				Totals for Treppa Law Group:	*$7,146.37*	*$0.00*		*$7,146.37*
Undercover Computers								
Undercover Computers	10/27/2011	10/17/2011	212	Admin Computer Service 10/11	$337.50	$0.00		$337.50
				Totals for Undercover Computers:	*$337.50*	*$0.00*		*$337.50*
US Bank								
US Bank	10/27/2011	10/12/2011	10/11	CFA 07 Trustee Fees 10/11	$70.94	$0.00		$70.94

City of Clayton
Cash Requirements Report
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Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
				Totals for US Bank:	*$70.94*	*$0.00*		*$70.94*
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	10/27/2011	10/17/2011	9542	MCR Tree Work 10/11	$1,350.00	$0.00		$1,350.00
Waraner Brothers Tree Service	10/27/2011	10/17/2011	9543	Clayton Rd/ Peacock Dr Tree Work 10/11	$1,200.00	$0.00		$1,200.00
				Totals for Waraner Brothers Tree Service:	***$2,550.00***	*$0.00*		***$2,550.00***
				GRAND TOTALS:	**$257,801.81**	**$0.00**		**$257,801.81**

CITY OF CLAYTON

Agenda Date: 11-1-11

Agenda Item: 4e

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Laci J. Jackson, City Clerk**

DATE: **November 1, 2011**

SUBJECT: **Adoption of a Resolution authorizing the City Manager to execute a Letter of Understanding with American Fidelity Assurance Company to provide Section 125 Benefits to Eligible City Employees.**

BACKGROUND

For 3 years, the City of Clayton has offered a Section 125 Benefits Plan (eg. Flexible Spending Accounts (FSA)) to its employees. Section 125 of the Internal Revenue Code of 1986, grants eligible employees an opportunity to purchase qualified benefits that are not taxed. In December 2008, the City started using Employee Benefits Specialists (EBS) to administer its Section 125 plan. The cost to set up this plan was $675 and the City currently pays $100 monthly to provide this benefit plan to its employees.

In working with EBS for the past three years staff has received complaints from employees about the administrative process required of our employees by EBS. Due to these complaints staff researched other providers and discovered other enrolled cities were experiencing similar complaints with EBS and were looking to change administrators. The Municipal Pooling Authority and the City of San Pablo recommended using American Fidelity Assurance Company (American Fidelity) because of cost savings that could instantly be realized.

With the adoption of the attached Resolution the City Manager will execute a "Letter of Understanding" with American Fidelity Assurance Company as the provider of said benefits commencing in calendar year 2012. American Fidelity will provide the following services: Section 125 administration, flexible spending accounts; health reimbursement arrangement, health care reform education and assistance; and year-round support from a salaried Career Account Manager.

FISCAL IMPACT

Under American Fidelity there is no cost in providing this plan. However, the City must agree to allow American Fidelity the opportunity to offer supplemental insurance products to eligible City employees, enrollment entirely voluntary at the employee's discretion. The attached letter of preliminary agreement stipulates a detailed description of both parties' responsibilities.

Changing providers eliminates the City's $1,200 annual administration fee by EBS after FY 2011-12. In FY 2011-2012 the City saves $300 as the City is required to finish its contract with EBS which terminates March 30, 2012. The agreement with American Fidelity Assurance Company will be established following the Council approval and will be introduced to employees soon after with Section 125 benefits starting January 1, 2012. There is no "set-up" fee being charged by American Fidelity to establish the plan.

RECOMMENDATION

Staff recommends the City Council adopt the Resolution authorizing the City Manager to execute "Letter of Understanding" with American Fidelity Assurance Company.

Attachments: Resolution (2 pages)
Letter of Preliminary Agreement (3 pages)

RESOLUTION NO. XX- 2011

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF UNDERSTANDING WITH AMERICAN FIDELITY ASSURANCE COMPANY TO PROVIDE SECTION 125 BENEFITS TO ELIGIBLE EMPLOYEES

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the City of Clayton presently offeres Section 125 cafeteria plan benefits to its eligible employees. Section 125 of the Internal Revenue Code of 1986, grants eligible employees an opportunity to purchase qualified benefits that will not be taxable; and

WHEREAS, the City's current provider is Employee Benefit Specialists (EBS) and the City pays an annual $1,200 administration fee to EBS to provide the plan support services; and

WHEREAS, the City desires to execute an agreement with American Fidelity Assurance Company as the provider of said benefits and American Fidelity will provide the following services: Section 125 administration; flexible spending accounts; health care reform education and assistance; and year-round support from a salaried, Career Account Manager; and

WHEREAS, American Fidelity Assurance Company has agreed it will have no charge to the City or enrolled employees associated with providing these services, however, the City agrees to allow American Fidelity the opportunity to periodically offer voluntary supplemental insurance products to all eligible employees; and

WHEREAS, changing Section 125 administrator will eliminate an expense of City $1,200 per year; and

WHEREAS, a new agreement now with American Fidelity Assurance Company following Council approval will allow sufficient time to introduce the new administrator to employees and allow the open enrollment process with benefits to commence January 1, 2012; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby authorize the City Manger to execute a letter of understanding (Exhibit A) with American Fidelity Assurance Company to provide a Section 125 Benefits Plan to eligible employees of the City of Clayton.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 1st day of November 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

American Fidelity Assurance Company

A member of the American Fidelity Group

October 14, 2011

To: City of Clayton

RE: Letter of Understanding

On behalf of American Fidelity Assurance Company ("American Fidelity"), I am pleased to submit the following for your review and agreement regarding the potential contractual relationship between City of Clayton and AFA, which is pending City Council Approval.

American Fidelity is pleased to offer the following services to City of Clayton, effective upon approval by City Council. Below is a summary of the services that will be provided by each party.

American Fidelity will provide City of Clayton the following services:

- Section 125 Administrative Services
- Flexible Spending Accounts Services
- Health Care Reform Education and Assistance
- Year-Round Support from a Salaried, Career Account Manager

In return for the above services, City of Clayton has agreed to provide American Fidelity the following:

- Opportunity to offer supplemental insurance products to all eligible employees; and
- Working conditions during enrollment meetings that support American Fidelity's staff and related support; and
- Availability of employees for meetings to discuss their health care reform options and to make their annual Section 125 Plan enrollment elections; and
- Opportunity to present at one or more employee group meetings prior to enrollment; and
- Delivery of pre-enrollment communications to employees; and
- Provide a complete employee census to American Fidelity each year; and
- Payroll deductions of employee premiums for American Fidelity's products that an employee elects to purchase; and
- Provide such other administrative services to American Fidelity regarding the products as may be mutually agreed to by and between the parties.

By agreeing to the listed services above, City of Clayton acknowledges its understanding of the following:

- The services described above will only be provided to the extent allowed by law;
- American Fidelity does not provide tax or legal advice;
- Certain services and obligations may be required; and
- American Fidelity reserves the right to change the delivery of services and cost associated with them, but only with advance written communication; and
- Forms and written agreement(s) will be required with respect to each of the services provided by American Fidelity.

Following is an expanded summary of the services American Fidelity has agreed to provide City of Clayton:

Section 125 Administrative Services

- Plan Installation and Maintenance
- Annual & New Hire Enrollment
- Limited Non-Discrimination Testing Worksheets
- Administration Guide
- Health Care Reform Related Updates
- Sample Plan Document and any Required Updates

Flexible Spending Account Services

- Debit Card—One per Health FSA Participant
  (Additional or replacement cards incur a $10 fee per card.)
- Upfront Health FSA Funding
- Daily Claims Processing & Reimbursement
- 2 ½ Month Grace Period Option
- 90-Day Claim Run-Off Period
- Recordkeeping Services
- Monthly Reports

Health Care Reform Assistance

- Assistance and Guidance
- Employee Education and Communication

Salaried, Career Account Manager

- Conduct Annual & New Hire Benefit Enrollment
- Dedicated Salaried, Career Account Manager for Year-Round Availability

If you agree I have correctly described our mutual preliminary understanding concerning these services and opportunities, please indicate your approval in the space provided below and return a fully executed copy of this letter to the undersigned.

If you have any questions regarding the listed services, please contact Terry Rook at 800-350-4506, ext. 3009.

Best regards,

_____

The foregoing correctly sets forth the present understanding of American Fidelity and City of Clayton:

Accepted and Agreed to, this ___ day of October 2011.

City of Clayton:

By:_____

Name:_____

Title:_____
Its Duly Authorized Representative

declaring

November 2011

As

Hospice/ Palliative Care Month

Agenda Date: 11-1-11

Agenda Item: 5a

WHEREAS, hospice and palliative care providers offer patients and families the highest quality pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, most often delivered in the home, allowing patients to live with dignity until the final moments, surrounded and supported by loved ones, friends, and committed caregivers; and

WHEREAS, last year, more than one million Americans living with life-limiting illnesses, and their families, received care from the 3,300 hospice and palliative care programs in communities throughout the United States; and

WHEREAS, professional and compassionate hospice staff and trained volunteers- including physicians, nurses, social workers, therapists, counselors, health aides, and clergy- provide comprehensive care making the wishes of each patient a priority; and

WHEREAS, providing high-quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every state of human life deserves to be treated with the utmost respect and care; and

WHEREAS, hospice and palliative care providers encourage all persons to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals.

NOW THEREFORE, be it resolved that I, David T. Shuey, Mayor, on behalf of the Clayton City Council, do hereby proclaim November 2011 as "Hospice/Palliative Care Month" in Clayton and encourage all residents to increase their understanding and awareness of care at the end of life, and to observe this month with appropriate activities and programs.

declaring
November 2, 2011
as
"Shelter-In-Place Education Day"

Agenda Date: 11-1-11

Agenda Item: 5b

WHEREAS, schools and childcare facilities throughout Contra Costa County are invited to participate in the annual Shelter-in-Place Drill on November 2, 2011 to promote emergency preparedness in our schools and childcare centers; and

WHEREAS, the Contra Costa Community Awareness and Emergency Response Group (CAER) is sponsoring the 10th Annual Shelter-in-Place Drill and is assisting schools with their emergency preparedness plans and drills; and

WHEREAS, Emergency Response Agencies including police, fire, sheriff and emergency services agree that "Shelter-In-Place" is the recommended action in the event of a hazardous release; and

WHEREAS, the Shelter-in-Place Drill increases public awareness about Shelter-in Place and teaches students throughout the county about this important protective procedure; and

WHEREAS, the County Office of Education has endorsed the Shelter-in-Place Drill and encourages all sites to participate.

NOW, THEREFORE, BE IT RESOLVED that, I, David T. Shuey, Mayor, on behalf of the Clayton City Council do hereby declare November 2, 2011 as "Shelter-In-Place Education Day", and urge all schools and childcare facilities in the City of Clayton to participate in the "Shelter-in-Place Drill."

Agenda Date: 11-1-11

Agenda Item: 9a

Agenda item 9a
Nov 1, 2011

The Grove Park Flagpole

Bob Hoyer and his family have requested that the Clayton City Council accept their generous offered to donate a flagpole and flag to be installed at The Grove Park in memory of Eldora Hoyer. As you will remember, the Hoyers also donated the flagpole at City Hall in 1997 on the occasion of its renovation.

The Hoyer family will pay for the flagpole and its installation by the manufacturer's contractor. In surveying the park area for an appropriate location for the flagpole, we wanted to ensure that it would not be in the way of trees as they grow and fill in. After considering several locations, we believe the best location to be near the first lightpole as one enters the park from Center/Marsh Creek. There is an existing electrical box there, so adding the requisite lighting for the flag would be relatively simple. It would be out of the way of play and pedestrian traffic while adding to the vista of the mountain behind it as seen from the interior of the park.

We are suggesting a 20' tall fiberglass pole with internal halyard. The 20' height will help maintain the pedestrian scale of the park. The light poles are 11' tall and this would be slightly less than double that height, while keeping it tall enough to avoid most vandalism.

The attached photograph is annotated to illustrate the approximate location and height with a perspective of how it blends with Mt Diablo in the background. The attached map of The Grove Park shows the location more specifically.

The flagpole would be purchased from a company in San Francisco and installed by their contractor, located in Concord. Once approved by the Council, it is anticipated that the flagpole can be installed within the next two weeks. Given the busy holiday calendar, the Hoyers would like to hold a low-key dedication ceremony after the first of the year when their family can all attend.

Bob Hoyer and his son Fred and Fred's wife Linda plan to attend the meeting Tuesday evening.

N
©2010 Google
Imagery Date 10/1/2009
1993
37°56'27.02" N 121°56'02.70" W elev 399 ft
Eye alt 664 ft

Agenda Date: 11-1-11

Agenda Item: 9b

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: November 1, 2011

SUBJECT: Presentation of the 2010-11 Annual Citizens Oversight Report by the Trails and Landscape Committee for Measure B, Citywide Landscape Maintenance District

REQUEST

Consider and accept the Annual Report for 2010-11 from the Citizens Oversight Committee [Trails and Landscape Committee (TLC)] as stipulated in Measure B as approved by the voters for the Community Facilities District Funding of the City of Clayton roadway landscaping, trail and openspace maintenance (Landscape Maintenance District).

BACKGROUND

Measure B was passed by the voters of Clayton in June 2007 which established special district funding for the Citywide Landscape Maintenance District. The measure called for the preparation of an Annual Report by the Citizens Oversight Committee to be prepared and submitted to the City Council. The Trails and Landscaping Committee (TLC) is the name used to refer to the Citizens Oversight Committee called for in the measure. The TLC has prepared the attached Annual Report for the City Councils consideration and acceptance. The TLC independently prepared the report and at their October 24th meeting reviewed and unanimously approved the report to the City Council (vote 4-0, 2 absent)).

The report provides information and highlights of the past fiscal year's activities, and provides some information as to what is expected to occur in the upcoming fiscal year.

Attachments:
Citizens Oversight Committee FY 10-11 Annual Report for the Citywide Landscape Maintenance District

Laura/TLC annual report10-11 ccr

City of Clayton
Trails and Landscape Committee

Annual Report
2010-11

Message from the Chair:

The trails and landscape committee is made up of every day Claytonians. We have regular jobs and typical family lives. We love our town and take pride in our beautiful surroundings. We walk our dogs, hang out at the grove, ride our bikes, attend church, coach little league, and read the Pioneer. We differ in shape, size, and gender. Some lean left some lean right. Some have full heads of hair, others not so much. Some are young while others are more experienced. The diversity of this committee mirrors that of Clayton. Though each member is different we all share strong common bonds. We are all volunteers. We each have a sense of civic responsibility. We are proud of the extensive trail network and the beautiful landscape that our community has to offer. Each member knows that by volunteering to serve on the TLC, we are doing our part to make sure Clayton remains the jewel of Contra Costa County and one of the most desirable places to live in the country.

In 2007, the citizens of Clayton approved Measure B. Measure B created a tax on each parcel located in Clayton. Measure B funds are for the sole use by the City Landscape Maintenance District which includes our trails, the fountain, roadway medians, open space fire abatement and the removal of noxious weeds in the hills of Oakhurst. Measure B also created a citizen oversight board with the purpose of making sure that the money is used for the purposes intended, hence the Trails and Landscape Committee was formed. Our #1 task is to watch the money. As chair of this committee, I can assure all of the residents in Clayton that we are watching how their hard-earned money is spent.

In May of 2011, the TLC met to discuss the proposed budget for fiscal year 2011-2012. We had a lively debate and after two hours of back and forth we were able to propose a budget that we felt would best serve the city. I was happy to be a part of that debate. To see common every day citizens questioning their local government and arguing points for and against certain aspects of the budget reaffirmed that grand concept of "Government for the people, by the people."

I would like to thank Committee members Virginia Siegel, Lorraine Mole, Kelly Marshall, Robert Erich, and Bob Steiner for their dedication. I would also like to extend a sincere thank you to Mark Janney, the City Staff, Hank Stafford, Laura Hoffmeister and the City Maintenance crew. Our meetings start at 7:00 PM. Instead of going home after work, Mark Janney and Laura Hoffmeister attend our meetings in good spirits and come well prepared with all the critical information that their respective departments generate. Talk about a long day at the office! I would like to thank everyone who participated and for the time that you sacrificed, because of your desire to improve our community.

My last point is a message to the Clayton Community at large. The TLC needs more members. A total of 11 people can serve. Currently there are only six members. Some of our members are on their second term and they will be retiring on January 1, 2012. We could then possibly be down to only three members. This committee is a vital requirement of the Measure B initiative and it needs regular citizens to participate. I encourage all who have a stake in the way our town looks, or those who simply enjoy the trails and the landscaping, to join the TLC. You will not regret it.

Thank you.

Jake Pauline

Jake Pauline
Chair

LANDSCAPE MAINTENANCE DISTRICT CELEBRATES ITS FOURTH YEAR:

The Citywide Landscape Maintenance District ("District") ended its Fourth year of operation on June 30, 2011. It operates and maintains the public roadway landscaping and its irrigation system, the trail system, and the "Clayton fountain". It also provides weed abatement and fire breaks in the open spaces. The District does not include any of the city parks/sports fields, the City Hall and Library Landscape , or the downtown Grove Park which are funded by other taxes.

Measure B, passed by voters in June 2007, established a Citizens' Oversight Committee that is commonly known as the Trails and Landscaping Committee ("TLC") which advises the City Council and staff on matters concerning the District budget, priorities, and responsibilities. The TLC consists of up to eleven 11 non-paid, volunteer citizens of Clayton and the Vice Mayor who serves as the City Council's non-voting representative in an ex-officio liaison capacity. The TLC currently meets quarterly to oversee the operation of the District.

2010-2011 TLC MEMBERS:

Citizens and their respective terms who are currently serving as members of the TLC:

Howard Geller	(Ex-Officio)
Hank Strafford	(Ex-Officio-Alternate)
Virginia Siegel	June 2009 - December 2011
Lorraine Mole	June 2009 - December 2011
Robert Erich	June 2009 - December 2011
Jake Pauline (Chair)	June 2010 – December 2012
Kelly Marshall (Vice Chair)	June 2010 - December 2012
Bob Steiner	June 2010 – December 2012

Special note:
The TLC recommended that the City Council modify the expiration of term dates of the members of the TLC from June 30 to December 31. In the past, newly appointed members joined the committee in mid-year (June). Because the district's budget operates on a fiscal year ending June 30, it was difficult for the new members of the committee to have gained the degree of background regarding the activities and responsibilities of the committee to effectively contribute to the discussions relating to the proposed upcoming budget. Going forward each new member will now serve his or her term in keeping with the modification, as approved by the City Council on March 15, 2011.

TLC Recommendations, Projects, and Work Product Review 2010-2011

- ✓ TLC regularly receives and reviews reports on maintenance staff activities see attached City Maintenance Quarterly Report Update covering the periods: 5/10/10-8/25/10, 8/25/10-1/24/11, and 1/24/11-5/23/11.

- ✓ Reviewed Incoming and outgoing correspondence between citizens and staff regarding various concerns and observations relating to landscaping and trail issues.

- ✓ Reviewed concept to use/accept donated wood chips in landscape areas (both medians and non-median-edge of roadway. Committee voted not to accept or allow donated wood chips for use by the Landscape District.

- ✓ Reviewed a request that the plantings in the roadway medians be more colorful. The committee reiterated that the TLC vision and concept plan submitted and approved by the City Council in 2006, addresses the guidelines for planting and maintaining medians throughout the Landscape District, and should be followed as approved.

- ✓ Complimented the City Maintenance staff for the commendable job they do in effectively managing the available water supply and the maintaining the entire irrigation system.

- ✓ Recommended that in light of the state's position regarding the future of Redevelopment funds, that the City Council consider allocating existing funds to qualified Landscape projects as soon as practicable.

- ✓ Reviewed the proposed landscape district budget for 2011-2012 and recommended that the City allocate more funds to the Clayton Rd. median work and the Library replanting projects, rather than to resurfacing trails.

ADOPT-A-TRAIL PROGRAM:

The Adopt-a-Trail program continues to thrive with TLC members working as volunteers to support the effort. The program aims to:

- Augment financing provided by Measure B
- Provide a venue for volunteers to help Clayton maintain and enhance its trail network
- Make the trails cleaner
- Celebrate the trails' sponsors and volunteers
- Foster civic pride through volunteerism, philanthropy, and cleanliness

The TLC has identified several trail segments to adopt. Each segment can have two adopters: a financial adopter and clean-up adopter.

Please see the APPENDIX section of this report for a current listing of adopters.

TLC RECOMMENDS BUDGET FOR FISCAL YEAR 2010-2011 TO CITY COUNCIL:

In May of 2011, the TLC submitted a proposed budget to the City Council, which was based on the existing FY 2010-2011 assessment, subject to adjustment by the Consumer Price Index (CPI), but capped to a 3% maximum increase per Measure B. Subsequently, the CPI was published at an increase of 2.8% and in July 2010, the City Council adopted an annual assessment of $936,054, or $213.37 per residential parcel or non-residential parcel acre. ***A copy of the adopted budget and further explanation of Fund 210 is included in the APPENDIX section of this report.***

COMMUNITY OUTREACH:

Both the TLC and the District continue to reach out to the public to keep citizens informed of their activities in a variety of ways, which include:

- Inviting the public to attend quarterly TLC meetings
- Requesting comments and questions via email to cityinfo@ci.clayton.ca.us
- Posting meeting minutes at the City website at www.ci.clayton.ca.us
- Presenting summaries of TLC meetings at City Council meetings
- Publishing quarterly reports of maintenance staff activities
- Submitting articles about the District to the Clayton Pioneer newspaper

[Thanks to the Clayton Pioneer newspaper for publishing articles about the activities relating to Clayton's trails and landscaping. The articles, which appeared during the last fiscal year, are included in the ***APPENDIX*** section of this report].

APPENDIX

- 2011-2012 Adopted Budget
- Adopt-a-Trail Sponsors
- City Maintenance Quarterly Report(s) - Trails and Landscaping
- Articles published in the *Clayton Pioneer* during fiscal year 2010-2011
- Trails and Landscape Committee Informational brochure

City of Clayton
Landscape Mtn. Dist.
CFD 2007-1 Fund 2010

CITY OF CLAYTON
SPECIAL REVENUE ADOPTED BUDGET

Account Number	Account Name	Landscape Maintenance Fund 210 2009-10 Actual	2010-11 Adopted	2010-11 Projected	2011-12 Adopted
	Beginning Fund Balance	383,729			491,149
7111	Salaries/Regular	159,865	162,632	160,360	162,632
7112	Temporary Help	73,187	94,160	85,310	94,160
7113	Overtime	-	-	-	-
7216	LTD Insurance	1,456	1,645	1,263	1,057
7220	PERS Retirement	35,367	34,527	37,673	35,592
7231	Workers Comp Insurance	5,441	5,627	5,627	2,679
7232	Unemployment Insurance	5,708	5,938	5,938	6,599
7233	FICA and Medicare	7,386	9,661	9,667	9,661
7242	Uniform Allowance	-	-	-	-
7246	Benefit Insurance	34,635	33,239	32,709	31,175
7310	Supplies & Equipment	-	-	-	-
7311	Street Maint. Supplies	32,768	38,718	38,718	40,000
7314	Postage	-	-	-	-
7315	Materials	-	-	-	-
7316	Landscape Replacement / Traffic Safety	200	20,000	20,000	20,000
7327	Arterial Street Light Supplies	-	-	-	-
7328	Park Services	-	-	-	-
7329	Park Supplies	-	-	-	-
7331	Rentals/Leases	-	-	-	-
7332	Telecommunications	-	-	-	-
7335	Gas & Electric Serv.	27,467	28,840	28,840	29,000
7336	Water Service	71,995	160,000	145,000	160,000
7339	Equipment Lease	-	-	-	-
7341	Buildings & Grounds Mtn	-	-	-	-
7342	Machinary/ Equip Maint.	10,003	8,758	10,665	9,000
7343	Vehicle Maintenance	7,665	8,334	8,334	8,334
7344	Vehicle Gas, Oil, and Supplies	8,525	8,494	9,000	9,000
7345	Traffic Signal Maintenance	-	-	-	-
7346	HVAC Mtn & Repairs	-	-	-	-
7347	Depreciation / Deferred Mtn Projects	-	-	-	-
7351	Insurance Premiums	-	-	-	-
7352	Insurance Claim Expense	-	-	-	-
7373	Education and Training	-	-	-	-
7381	Property Tax Admin Cost	3,368	3,400	3,737	3,737
7384	Legal Notices	-	-	-	-
7385	Transpac Fees	-	-	-	-
7389	Misc. Expenses	704	-	-	-
7409	Street Sweeping Services	-	-	-	-
7412	Engineering Inspection	-	-	-	-
7413	Special Legal Services	-	-	-	-
7414	Auditing Services	-	-	-	-
7417	Janitorial Services	-	-	-	-
7419	Other Prof. Services	157,801	133,355	128,600	141,181
7420	Other Outside Services	-	-	-	-
7422	Technology/Peg Grant Channel Share	-	-	-	-
7423	Business Audit / Library Aide/Congest Mgmt	-	-	-	-
7469	Loss on Sale of Asset	-	-	-	-
7481	Permit Fees	-	-	-	-
7485	Capital Equipment	-	-	-	-
7486	CERF Charges/Depreciation	12,936	12,936	12,936	13,600
7620	Project/Program/Other costs	-	260,000	260,000	330,000
7615	Property Taxes	2,292	2,300	2,332	2,370
7999	State Take Aways	-	-	-	-
8101	Transfer to General Fund	26,970	29,918	29,918	30,766
8101	Transfer to General Fund	-	-	-	-
8104	Transfer to Measure C	-	-	-	-
8111	Transfer to CIP Fund	-	-	-	50,000
	Asset Replacement				
	Reserve Fund				
	Total Expenses	685,461	1,062,272	1,056,635	1,210,723
	Revenues	918,895	915,434	930,621	941,054
	Annual Balance (Shortfall)	233,435	(166,838)	(126,014)	(269,669)
	Ending Fund Balance	617,164	450,325	491,149	221,480

B. Citywide Landscape Maintenance District – Fund No. 210

In June 2007, Clayton voters approved a replacement real property tax to continue funding the operation and maintenance of their citywide public landscaped areas. This annual tax is restricted to costs associated with: arterial and specified roadway medians and parkways, the trails system, the annual open space noxious weed abatement in Oakhurst hills, the annual open space and trails weed abatement for fire and public safety, landscape and turf irrigation and the monthly maintenance and special occasion operation of the "Clayton Fountain".

Maintenance of City Parks *is not* included as an authorized expense under the District's Act; park maintenance obligations fall to the City's General Fund. *Citywide public landscaping services have always been funded by a special revenue tax levied on private properties throughout the City.* The District is completing its 4th year of a 10-year approved operation (Measure B), and its citizens' oversight committee (Trails and Landscaping Committee, or TLC) meets periodically to ensure the promised maintenance standards and efficiencies are achieved with these special-purpose tax revenues.

Pursuant to the terms of voter-approved Measure B, the special tax rate may be modified annually by the change in the Consumer Price Index (CPI; San Francisco – Bay Area) from April to April. In no event shall the tax rate be increased by more than 3% each year. The CPI change (from April 2010 to April 2011) posted at 2.8%. The District's revenue projection has been increased by that factor accordingly and is set at $936,054 for FY 2011-12 (add interest earnings of $5,000 for total revenue budget of $941,054). Pursuant to its oversight charge, the citizens' TLC considered the CPI change and the District's budget at its meeting on May 23rd and approved a motion to recommend the City Council implement the 2.8% CPI rate adjustment.

The Landscape Maintenance District opens the fiscal year with a projected positive equity of $491,149, an amount lower than in previous years due to the approved appropriation of $260,000 from the District's reserve (May 2010) to make certain landscape renovations and improvements in the District. Many of those improvement and landscape restoration projects were completed recently; one is underway, with the balance to be completed next fiscal year:

a. Oakhurst Drive decorative pavers in narrow medians plus plants (done) $70,000

b. Tree replacements on Keller Ridge Drive (partially complete) $16,600

c. Deferred Tree Trimming (done) $20,000

d. Clayton Fountain renovation and replanting project (almost done) $70,000

e. Restore plants: Oakhurst Dr., old Marsh Creek Rd., Clayton Rd. (next) $45,000

f. Marsh Creek Circle replanting/headlight glare mitigation (done) $19,400

g. Replant Jeffry Ranch Court island (not done yet) $ 2,500

The installation and commencement of these landscape restoration and District improvement projects represent the success of the District in managing the voter's preference for a "pay-as-you-go" ballot tax measure. The defeated Measure "O" (2005) would have issued a revenue bond in its initial year to attack public improvements sooner but conservative Clayton voters disliked the higher annual assessment and the bonded indebtedness of the District. Entering the District's 5th year of operation has allowed the accumulation of reserves to accomplish many of the same objectives, just slightly later than many might have wished.

Noteworthy expenses of the District include its annual weed abatement Citywide ($35,000 for the fire season), and the huge expense of $53,416 to abate noxious and exotic weeds in the Oakhurst Hills (a condition of project approval for the Oakhurst residential development). Metered water service is set at its historical expense of $180,000 per year by the lifting of the drought restriction last year; this expense can fluctuate wildly depending on seasonal climates and strange weather patterns. Personnel services for this labor-intensive work accounts for 30% of the District's budget this year ($343,845), down slightly from last year's portion of 33%. A gradual shift in labor deployment for services in the District to temporary/seasonal workers from the City's permanent workforce of five (5) has lessened the expense burden, which allows the availability of more funds to install beautification and improvement projects in the Landscape District.

As approved by Measure "B" voters, the District's budget includes an annual expense of $20,000 (Account 7316) for the purchase of replacement plants. The District also contributes its annual allocation of $13,500 to the City's Capital Equipment Replacement Fund (CERF), from which Maintenance vehicles and equipment are purchased for use in maintaining the Landscape District. An expense of $30,756 (3.3% of annual District revenue) is transferred to the City's General Fund to pay for administration and overhead of the City (e.g. telephones; payroll processing; accounts receivable and payable; District direction) attributable to the District's annual operations.

Consistent with the District's stated mission to maintain and improve the Landscape District, it is recommended we continue our aggressive program to further enhance the appearance and sustainability of the District's plants and landscaping. Therefore, the proposed FY 2011-12 Budget calls for an allocation of $330,000 from the District's reserves this year to perform the following enhancements:

1. Median and Roadway Re-Landscaping Projects		$230,000
a. Clayton Road, Oakhurst to old Marsh Creek Road	$115,000	
b. Clayton Road, old Marsh Creek Road to Mitchell Canyon Road	$115,000	
2. Trail Resurfacing (remainder of Bruce Lee Trail)		$ 50,000
3. Master Remote Computer Controller for all Irrigation Systems		$ 30,000
4. Trail Crack-Sealing and Minor Repairs		$ 10,000
5. Tree Replacement and Trimming		$ 10,000
Total:		$330,000

Further, it is proposed the District transfer an additional $50,000 from its reserves to the City's Capital Improvement Project Budget (CIP No. 10421) to design and install the necessary repairs on a portion of the Cardinet Trail that is being eroded by the scouring of Mt. Diablo Creek. This Cardinet Trail Restoration Project will require the involvement and permit approvals issued by the CA Fish and Game Department and other environmental regulators to ensure proper treatment of the sensitive habitat.

With all of these actions, the District's ending fund balance on 30 June 2012 will still be a healthy $221,480, which equates to a reserve of 24% of the annual revenue. The reserve status is confirmation the City does not siphon "surplus" monies of the District into its General Fund and uses the special tax revenues for the intended purposes.

Adopt a Trail updated as of 10/12/11

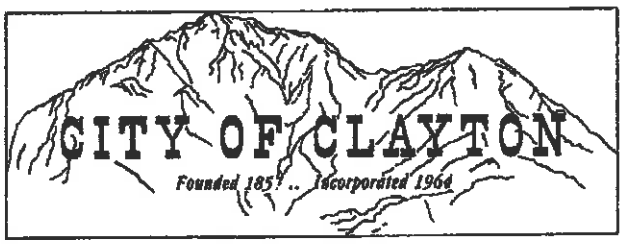
Adopters/Revenues

Name Date	Sponsor Type	Trail Section	Amount Recvd	Date $ Recvd	Ag. recvd	Start Date	Renewal
Pauline Family	Volunteer Labor	Cardinet Trail (Library Lydia Ln Pk)	$200	2/1/2011	Yes	3/1/2011	3/1/2013
Black Diamond Electric	Financial	Cardinet Trail (Library – Lydia Ln Pk)	$1000	2/1/2011		3/1/2011	3/1/2013
Passport2Clayton (P2C)	Volunteer Labor	Bruce Lee Trail (Upper Easley Trail)	$200	2/1/2011	Yes	3/1/2011	3/1/2013
Passport2Clayton (P2C)	Financial Sponsor	Bruce Lee Trail (Upper Easley Trail)	$1000	2/1/2011		3/1/2011	3/1/2013
Employees of							
CD Federal Credit Union	Volunteer Labor	Blue Oak Trail	$200	2/9/2011	Yes	3/1/2011	3/1/2
Discovery Builders	Financial Sponsor	Blue Oak Trail	$1000	2/17/2011		3/1/2011	3/1/20
Siegel Family	Volunteer Labor	Lower Easley Trail	$200	2/1/2011	Yes	3/1/2011	3/1/2013
Diablo Ford	Financial Sponsor	Lower Easley Trail	$1000	2/1/2011		3/1/2011	3/1/2013
Available	Volunteer Labor	Donner Creek Trail					
Available	Financial Sponsor	Donner Creek Trail					
Dan Pauline	Volunteer Labor	Cardinet Trail (Safeway – Lydia Ln Pk)	$200	2/1/2011	Yes	3/1/2011	3/1/2013
Banister Electric	Financial Sponsor	Cardinet Trail (Safeway – Lydia Ln Pk)	$1000	2/1/2011		3/1/2011	3/1/201

Adopt a Trail Expenses

Date	purpose	Amount
3/8/2009	19.5 hrs maintenance temp labor make/ install signs	$219.00
4/17/2009	materials for sign posts	$1527.34
6/23/2009	signs printing (bay area barricade)	$98.87
6/30/2009	t-shirts	$289.51
8/9/2009	wood for future sign posts (Dolan's Lumber)	$595.15
8/9/2009	sign printing (Bay Area Barricade)	$10.93
5/14/10	Clayton Pioneer Ad	$200.00
Total Expenses to date		$2940.08
Renewal and New as of 2/1/11	$5050	
Prior balance	$4200	

5/1/2011 **Account Balance:** $4200 - $2940.08 + $5,050 = **$6309.92**



CITY MAINTENANCE QUARTERLY REPORT UPDATE TRAILS AND LANDSCAPING DISTRICT

5/15/10 to 8/25/10

- Completed the second trim of the landscape for the last fiscal year and started on the first trim of fiscal year 2010/11. The following areas have been trim over the past quarter; Old Marsh Creek Road, Oakhurst Drive, Eagle Peak Ave, Clayton Road inbound from city limits to Mt Zion, and Clayton Road out bound from Library to Mitchell Canyon Road.

- Spot spray herbicides and pull weeds in the Landscape District Citywide

- Sprayed broad leaf herbicide on the lawns in the Landscape District

- All irrigation systems are turn on and we continued to make repairs to the irrigation systems within the Landscape District.

- Completed the weed abatement for fire breaks in the Landscape Districts open space. Work was completed by the end of June.

- Completed more contract work on trimming trees along Clayton Road from City Hall to Mitchell Canyon Road. Also trim the median trees on Clayton Road from City limits to El Camino Drive.

- Started the bricking of noses along Oakhurst Drive. We have removed the remaining plants and dug the soil out in preparation for the installation of base rock, sand, and brick.

- Started the irrigation inventory and evaluation report with field testing of irrigation systems to gather all needed information for the report.

City of Clayton Maintenance Staff
LANDSCAPE MAINTENANCE DISTRICT
STATUS REPORT
UPDATE
TRAILS & LANDSCAPING

PERIOD COVERING 1/24/11 to 5/23/11

- Spot spray herbicides and pull weeds in the Landscape District Citywide.
- Completed additional contract work on safety trimming of trees along Clayton Road from Peacock Drive to the Middle School that were hanging into the Trail.
- Trimmed all the median trees along Old Marsh Creek Road from Center Street to the Middle School, trimmed all median trees on Peacock Drive, and the north side of Oakhurst Drive from Eagle to Eagle Avenue.
- Completed the Oakhurst Road median bricking project with the spot planting of new ground cover and replacement trees
- Near Completion of the Marsh Creek Circle re-plant. Still have several trees to plant and some spot placement of shrubs around trees to be installed.
- Started the replant of the Water Fountain with completion by the beginning of June. Installed bio-filter planter areas and concrete mow strips and decorative moss rock boulders.
- Started to do our second Trim of the Landscape with Eagle Peak Avenue completed.
- Started to turn on irrigation systems and make irrigation repairs within the Landscape District City Wide.
- Started the weed abatement for fire control with the tilling of Hoyer Hill. Weed cutting behind homes and mowing will start after the threat of rain stops.

QUARTERLY REPORT
UPDATE
TRAILS & LANDSCAPING

8/25/10 to 1/24/11

- Completed the winter trimming of Crape Myrtle Trees City wide
- Spot spray herbicides and pull weeds in the Landscape District Citywide
- Sprayed pre-emergent herbicide in the Landscape District for winter and spring weed control.
- Sprayed pre-emergent and post emergent herbicide along the main trails for winter and spring weed control.
- All irrigation systems are turn off within the Landscape District.
- Completed more contract work on safety trimming of trees along Oakhurst Drive from Yolanda Circle to City limits that were hanging into the sidewalk and traffic lanes. Safety removal of dead trees on the hillside at the Main Street off ramp. Trimmed the trees along Keller Ridge Drive and Marsh Creek Circle as part of the replant projects.
- Completed the bricking of noses along Oakhurst Drive. We have started a replant along Oakhurst Drive in the median. This includes the installation of a new irrigation system from Eagle Peak Dr to Indian Head Way including bubblers to the trees. These systems meet the new water ordinance guidelines.
- Had some minor storm damage within the Landscape District with a tree falling on Clayton Road in front of City Hall, a large Oak and Willow tree falling on the trail by Lydia Lane Park.
- Spread wood chips in some dirt areas in the Landscape District one area was along Lydia Lane and the other area on Marsh Creek Road in the medians islands by Diablo Parkway (these wood chips were donated by Warner Tree Experts)
- Had the Peacock Creek sign lettering replaced existing lettering had deteriorated and was not staying mounted to the landscape planter wall (see attached photo)

Clayton fountain gets new look

Tamara Steiner/Clayton Pioneer

CITY WORKERS MANEUVER A BOULDER INTO PLACE AT THE CLAYTON FOUNTAIN as part of the new design and replanting effort to replace drought-damaged landscaping with lower-maintenance hardscape and shrubs.

TAMARA STEINER
Clayton Pioneer

The city's fountain at Oakhurst Blvd. and Clayton Road will have a whole new look in a few weeks as the city moves away from the high water use and labor intensive lawns and annuals that were severely damaged during the last drought.

Designed by city maintenance supervisor John Johnston, the new landscaping will incorporate boulders and stonework among drought tolerant and low maintenance shrubs and trees. A narrow strip of lawn will stretch across the front of the fountain. The half-circle of flowers will go, says Johnston. "They only look good for a little while. Then the spot is just full of dead flowers."

The $70,000 fountain project is one of seven Landscape Maintenance District projects slated for completion this year. The District allocated $260,000

See Fountain, page 7

Fountain, from page 1

for all seven projects, which include replacement of drought damaged plants and pavers in the medians along Clayton Rd. and Oakhurst Blvd. Keller Ridge Drive will get some new trees and Marsh Creek Circle across from DVMS was replanted last month.

The city's gateway, locally known as Daffodil Hill, at Marsh Creek and Clayton Roads is a Clayton Business and Community Association Project.

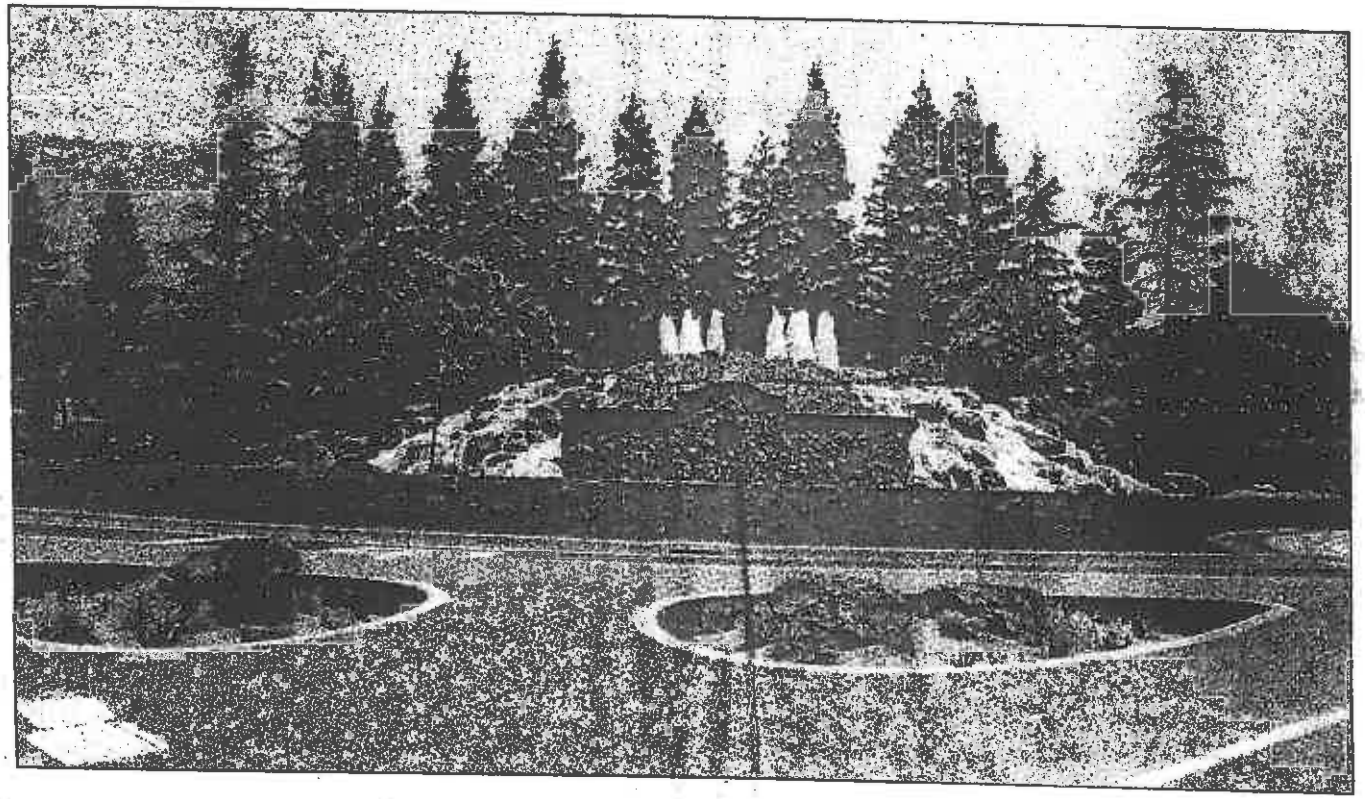
The hardscape and new monument sign were installed in the summer of 2009.

A well on the library grounds will provide irrigation for the hill plants, but the city wanted to wait until after the drought to install new landscaping. "Putting in new plants during a drought sends a mixed message to the public," explained Gary Napper of the city's decision to wait.

Plans for the hill's design are complete and are ready to go out for bid, according to CBCA committee chair Maryann Lawrence. Pending review by the city and CBCA approval of the cost, the hill could be finished by summer.

Clayton Pioneer 4/15/11

Clayton Fountain still green, less thirsty



Tamara Steiner/Clayton Pioneer

THE NEW FOUNTAIN LANDSCAPING AT THE CORNER OF CLAYTON ROAD AND OAKHURST BLVD., was finished last week. The landscaping is low-maintenance, drought tolerant and complies with water conservation and stormwater management requirements. The fountain is a favorite spot for local photographers.

TAMARA STEINER
Clayton Pioneer

City crews finished the relandscaping of the Clayton Fountain last week with a splash of green sod across the front.

The new design is drought-tolerant and low maintenance and reduces the previous lawn area by 65 percent. Bioswales in the median and at the east end of the fountain are designed to manage storm water, filtering it and sending it back into the ground instead of allowing it to run off into the storm drains.

The new landscaping replaces the high maintenance, water thirsty lawns and annuals that died in last year's drought.

After some initial criticism of the starkness of the design, public reaction to the finished product has been overwhelmingly positive, says Maintenance Supervisor Mark Janney.

See Fountain, page 17

Clayton Pioneer 6/24/11

Fountain, from page 1

"I know that there were some negative comments about the boulders in the Pioneer Letters to the Editor," says Clayton resident Linda Pinder. "But now that the actual plantings are in I think it looks terrific. I think this will once again be a lovely setting for prom and wedding photos."

The fountain project is one of seven Landscape Maintenance District projects slated for completion this year. The city has allocated $260,000 for all seven which will include median landscaping and pavers along Clayton Road and Oakhurst Blvd and new trees on Keller Ridge Drive.

The city's gateway, known as Daffodil Hill, is a project of the CBCA which is currently in the design and bidding process.

Clayton Pioneer 6/24/11

WHAT IS YOUR TRAILS AND LANDSCAPE COMMITTEE?

The TLC (Trails and Landscape Committee) is made up of 6 volunteers, your neighbors & friends, from the Clayton community. The TLC was formed by the Clayton City Council in August 2007 to help the City implement the voter-approved plan to manage the current and future needs of the City-wide Landscape Maintenance District (the CCLMD).

The TLC serves as the financial oversight committee and provides short-, mid-, and long-term implementation guidance to the City Staff and City Council regarding the spending of the special voter approved funds that can only be used for spending within and for the Landscape Maintenance District.

The Landscape Maintenance District consists of the roadway edge and roadway median landscaping, trail maintenance and fire abatement on trails and open space. City parks & the running of the Clayton Fountain are not included in the District.

The TLC in Action!

The Trails and Landscape Committee meets on a quarterly basis on the 3rd Monday evenings of the month (7pm) at the City Library (Hoyer Hall Meeting Room) 6125 Clayton Road. Residents of Clayton are encouraged to attend these meetings to hear what is being proposed and to provide input and get their questions answered.

The TLC will be evaluating use of targeted hardscape and limited replacement planting options for drought loses as funds and water restrictions allow.

Meeting agendas are posted on:
City web site at www.ci.clayton.ca.us
City Hall, 6000 Heritage Trail;
Clayton Library, 6125 Clayton Road;
Ohm's Bulletin Board, 1028 Diablo St

Please direct any questions or concerns to the City of Clayton via the website or address above.

Your Trails and Landscape Committee Members

Jake Pauline (Chair)
Robert Erich
Kelly Marshall
Lorraine Mole

Virginia Siegel
Bob Steiner

IMPORTANT INFORMATION

FROM YOUR

CLAYTON TRAILS and LANDSCAPE COMMITTEE

2010 - 2011

WHAT are the STANDARDS and PRIORITIES of the District and the TLC?

- Firebreaks are Mandatory.
- Weeds are now cut along major trails and creeks twice yearly.
- Trees are trimmed for safety purposes first.
- Irrigation breaks are repaired as needed.
- Public roadway landscaping is trimmed twice yearly.
- Landscape areas are now fertilized one time a year as needed.
- Limited funds for targeted improvements of $20,000 each year.

TLC'S STRTATEGIC FOCUS

- Take Care of what we have before planting something new
- Remove unwanted expenditures and control costs with strict oversight.
- Create Equity in the District.
- Implement Cost-Effective measures to improve irrigation and infrastructure and functions.
- Invest in improved equipment as a means to increase maintenance efficiency and effectiveness.
- Implement Seasonal and situational based labor to minimize costs.

HOW IS THE DISTRICT FUNDED ?

The District is funded by a special 10-year special parcel tax "Measure B" passed by the Clayton voters in June 2007 that is currently $ 207.56 per year that appears on your property tax bill. This assessment can only be increased for inflation with a maximum annual increase cap of 3% per year. This is the only source of funding for the Landscape District supplies, electricity, irrigation, water, and labor. All funds are kept separate and only used for the voter approved Landscape District expenses. *(The operation of the Clayton Fountain was not approved by voters to be included in the District).*

QUICK FACTS of Your Landscape Maintenance DISTRICT –YOUR "FRONT YARD"

- The District landscape covers over 2,000,000 sq. ft.
- There are 40,700 sq. ft. of lawns and flowerbeds.
- There are over 2,871 trees in the City.
- There are 515 acres of open space.
- There are 7 miles of creek side trails and 20 miles of open space trails.
- There are about 50 street islands and medians.
- The District uses equivalent of only three full time staff and includes the use of some seasonal and volunteer workers as needed.
- From May 2008 to May 2010 the Contra Costa Water District had mandatory water reductions of 45% for the Landscape District. The District priorities was to preserve trees, then shrubs and to eliminate watering of lawns and groundcovers to stay within the limits and to avoid financial penalties through even higher water costs.
- Adopt-A- Trail program established to encourage trail maintenance funding and volunteering.