CITY OF CLAYTON

Founded 1857 . . Incorporated 1964

AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

***

TUESDAY, FEBRUARY 21, 2012

7:00 p.m.

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

Mayor: Howard Geller
Vice Mayor: Joseph A. Medrano

Council Members
Julie K. Pierce
David T. Shuey
Hank Stratford

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

* CITY COUNCIL*

February 21, 2012

7:00 P.M.

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

2. **CLOSED SESSION** – None.

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

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 February 7, 2012. (View Here)

(b) Approve the minutes (City serving as the Successor Agency) of the last regular meeting of the Clayton Redevelopment Agency held on January 17, 2012. (View Here)

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

(d) Adopt a Resolution on Water, Ecosystem Health and other issues related to the San Francisco Bay and Sacramento-San Joaquin River Delta. (View Here)

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Presentation by the Honorable Mark DeSaulnier, State Senator – 7th District, regarding the status of the State Budget and other intergovernmental matters.

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

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

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

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

(a) Consideration of a proposal and associated details by Vice Mayor Medrano regarding allowance of up to five (5) additional public Concerts in The Grove on selected Wednesday evenings held wholly by private sponsors.
(Vice Mayor Medrano) (View Here)

Staff recommendation: Following presentation of the proposal and public comment, that Council provide policy direction regarding the request for City sponsorship and use The Grove Park for five (5) additional concerts.

(b) *Action Item of City serving as Successor Agency to the former Clayton RDA*
Consideration of a Resolution of the City acting as the Successor Agency to approve and adopt its Recognized Obligation Payment Schedule (ROPS) covering the time period from February 2012 through June 2012, pursuant to new California Redevelopment Law (ABx1 26). (View Here)
(Finance Manager)

Staff recommendation: Following staff report and public comment, that Council adopt the Resolution.

(c) Determination of Mayoral appointment of the two (2) City members to the Oversight Board of the Successor Agency, pursuant to Section 34179 of the new California Redevelopment Law (ABx1 26). (View Here)
(City Manager and Mayor Geller)

Staff recommendation: Following staff report and public comment, that Mayor Geller formally appoint the two City members to the Oversight Board.

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

11. **ADJOURNMENT**– the next regularly scheduled City Council meeting is March 6, 2012.

# # # # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 2-21-12

Agenda Item: 4a

TUESDAY, February 7, 2012

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

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

3. **CLOSED SESSION** – None.

4. **CONSENT CALENDAR- It was moved by Councilmember Pierce, seconded by Vice Mayor Medrano, to approve the Consent Calendar as amended on Item 4(d) (Passed; 4-0 vote).**

(a) Approved the minutes of the regular and special meetings of January 17, 2012 and January 30, 2012.

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

(c) Approved the rejection of a liability claim by Alec Nemon received by the City on December 19, 2011.

(d) Adopted amended Resolution 04-2012 approving the formation of the Diablo Estates at Clayton Benefit Assessment District pursuant to the provisions of the Landscaping and Lighting Act of 1972 and the Benefit Assessment District Act of 1982.

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Mayor Geller presented a Certificate of Recognition to "Do The Right Thing" student of the month Molly Avilez for exemplifying "Kindness" during November and December 2011.

(b) Mayor Geller read aloud a Proclamation declaring Saturday, February 11, 2012 as "Clayton Valley Charter High School Celebration Day." The Proclamation was accepted by the Charter High School supporters. Pat Mittendorf and Neil McChesney thanked the City Council for their support and petition meetings attendance.

The Council took a short recess.

Mayor Geller called the meeting back to order at 7:25 p.m.

6. REPORTS

(a) Planning Commission – Commissioner Dan Richardson stated at their last meeting the Commission approved changes to the building where Blockbuster used to be in the Clayton Station. He stated there will be changes to the storefront glass, accessibility work, and removal of some walls. He also thanked City staff for their accommodating solution to the ADA chickens in a single family residential zone.

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

(c) The City Manager had no report but noted the Council had before them an amended Resolution for Item 4(d) which was approved as part of the Consent Calendar.

(d) City Council

Councilmember Pierce attended Transportation Authority meetings, a League Committee meeting, ABAG meetings, Sustainable Communities Strategy workshops, a Disaster Resiliency workshop, and the Mayors' Conference in Pinole.

Councilmember Stratford attended the CERT Corp Council meeting and the Mayors' Conference.

Vice Mayor Medrano attended the League of California Cities East Bay Division meeting, and Councilmember Shuey and he attended the Mt. Diablo Unified School District Board meeting. At that meeting he asked to work together with the School Board on putting together a community type commission to meet with the School Board and build better relations. No comment were made by the School Board. He also refuted statements School District Board Member Eberhardt made in the paper about the Clayton Community Gym. He noted Mr. Eberhardt was incorrect in his statements and the City does not pay rent for the gym since there is a joint use agreement. Vice Mayor Medrano stated there is a dispute over the billings for janitorial and electricity and the City has been trying to obtain documentation for the last two years. The City advised the School District that they needed documentation or the City could not continue to pay the bills. He stated unlike the City who advised the District about their need for documentation, the School District suddenly stopped paying for the use of City owned fields which the School uses to for physical education classes. The School District decided to stop paying these fees without any notification.

Mayor Geller attended the Mayors' Club meeting with other Mayors in the County. He attended the Crabfeed at Oakhurst Country Club, the Mayors' Conference, and the City Council Goal Setting session with the City Manager. He noted Clayton resident Don Boyd, husband of Jeanne Boyd, passed away suddenly last Saturday night.

(e) Other – None.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

(a) Second Reading and Adoption of Ordinance No. 438 formally implementing an "Exclusion" to the City of Clayton's existing contract with the California Public Employees Retirement System (CalPERS) to exclude all newly elected city council members from enrollment or participation in the CalPERS pension plan.

The City Clerk presented the staff report and stated the Ordinance needed to be approved to finalize the Contract Amendment for the Exclusion of City Councilmembers from CalPERS retirement.

It was moved by Vice Mayor Medrano, seconded by Councilmember Pierce to approve the City Clerk to read Ordinance No. 438 by title and number only and waive further reading (Passed; 4-0 vote).

The City Clerk read Ordinance No. 438 by title and number only.

It was moved by Vice Mayor Medrano, seconded by Councilmember Pierce, to adopt Ordinance No. 438 to Amend the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Clayton to provide for the exclusion of city council members hired on or after the effective date of this amendment to become members of CalPERS under the City's contract (Passed; 4-0 vote).

(b) Consideration of the award of contract to Motorola Government Solutions, Inc. in the amount of $154,176.61 for the purchase of thirty-eight (38) portable and mobile radios compatible with the new two-county radio interoperability system for emergency and public safety services communications.

The Police Chief presented the staff report and stated this contract is for the purchase of 38 City radios for compatibility with the regional interoperability system. He stated on March 6, 2007 the City Council committed the City to be part of the East Bay Regional Communications System (EBRCS) joint powers authority. He stated the goal of the EBRCS was to develop a state of the art communications system so that Contra Costa and Alameda County cities, counties, police, fire, and emergency personnel can communicate during an emergency. He stated since 2007 the EBRCS has been working to get this system online and as of July 1st Clayton will need to transition to the new system. He stated on September 7th the Council approved an operating agreement for the reoccurring cost of operating this system. He stated the cost for all radios is $154,176.61, and includes mobile and portable radios for City police and maintenance vehicles and personnel.

Councilmember Pierce stated several of the peninsula agencies were impressed with this system.

No Public Comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford, to approve the award of contract to Motorola Government Solutions, Inc. as sole provider and authorize the appropriation of $154,176.61 from interest earnings in the City's Trust & Agency Fund for the capital equipment purchase (Passed; 4-0 vote).

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**– On call by Mayor Geller the meeting adjourned at 8:03 p.m. in honor of Al Liming, Clayton's second Mayor, who passed away recently.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Howard Geller, Mayor

MINUTES
OF THE
REGULAR MEETING

Agenda Date: 2-21-12

CLAYTON REDEVELOPMENT AGENCY

Agenda Item: 4b

January 17, 2012

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 10:30 p.m. by Chairperson Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Chairperson Pierce, Vice Chairman Geller, Boardmembers Medrano, Shuey and Stratford. Staff present: Executive Director Napper, Secretary Jackson, and General Counsel Subramanian.

2. **PUBLIC COMMENTS** – None.

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

(a) Approved the minutes of the regular meeting of December 6, 2011.

(a) Adopted Resolution 01-2012 in compliance with AB 936 declaring no loans between the City of Clayton and the Clayton Redevelopment Agency were forgiven in whole or in part during calendar years 2010 and 2011.

(b) Adopted Resolution 02-2012 amending and re-adopting the Agency's Enforceable Obligation Payments Schedule (EOPS) pursuant to Part 1.8 of the California Redevelopment Law.

4. **PUBLIC HEARINGS** – None.

5. **PUBLIC HEARINGS** - None

6. **ACTION ITEMS** – None.

7. **BOARD ITEMS** – None.

8. **ADJOURN** – on call by Chairperson Pierce the meeting adjourned at 10:32 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Redevelopment Agency Board

Julie K. Pierce, Chairperson

Agenda Date: 2-21-12

Agenda Item: 4c

City of Clayton
Obligation Schedule
City Council Meeting 2-21-12

Vendor	Amount
Wendy Hunter (Planning, SW & C&D Refund)	3,908.59
Access One	46.37
City of Concord	445.00
CCC Office of Sheriff	1,435.00
Waraner Brothers Tree Service	7,175.00
Dept of Motor Vehicles	175.13
All City Management Services	837.00
Goldfarb & Lipman Atorneys	416.50
National Signal	6,924.90
Treppa Law Group	924.00
Diamond Terrace Investors	200,000.00
Chapman Land Surveying Inc	1,400.00
Clean Street	3,500.00
Jobs Available	227.50
CCC General Services Dept	1,351.35
Employee Benefit Specialists	300.00
De Lage Landen	431.68
Spraytec	225.00
Rock & Waterfall Co.	650.00
Concord Garden Equipment	930.88
Contra Costa Topsoil Inc	74.45
Riso Products of Sacramento	94.79
Muir/Diablo Occupational Medicine	142.00
Raney Planning Mgmt	5,733.02
Jarvis Fay Doporto & Gibson LLP	22.14
Undercover Computers	1,125.00
Casey & Katherine Coakley (Cash Bond)	500.00
Rita Howe - Petty Cash Reimbursement	263.98
AT&T CalNET2	1,773.40
Health Care Employees/Dental Trust	2,822.15
Metropolitan Transportation Commission	2,712.00
US Bank (CalCard)	18,737.26
US Bank Debt Service CFD 1990-1	123,557.02
CalPERS Health Premium January	27,943.05
CalPERS Health Premium February	27,948.87
Contra Costa Water District	17,132.45
Comcast	441.48
Permco	15,681.44
TOTAL	478,008.40

Agenda Date: 2-21-12
Agenda Item: 4d

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: February 21, 2012

SUBJECT: CONSIDER RESOLUTION REGARDING WATER, ECOSYSTEM HEALTH AND OTHER ISSUES RELATED TO SAN FRANCISCO BAY AND THE SACRAMENTO/SAN JOAQUIN RIVER DELTA.

RECOMMENDATION

Approve the attached Resolution regarding Water, Ecosystem Health and other issues related to the San Francisco Bay and the Sacramento/San Joaquin River Delta and authorize a Mayor-appointed member of the City Council to work with the County on Delta issues as necessary to convey the City's interest and support to State and Federal elected officials and other committees working on Delta issues.

BACKGROUND

For the last four or five years there has been a tremendous amount of activity and interest in the Delta that will have far reaching impacts throughout the State. To provide comments and articulate the perspective of Delta counties, Contra Costa, Solano, Yolo, Sacramento, and San Joaquin counties formed the Delta Counties Coalition. The Coalition believes now is the time to reach out to their cities and other interested agencies to increase support for advocacy on Delta issues. The purpose of the attached Resolution is to increase awareness and communication on current issues in the Delta and to increase influence at legislative, political, and other levels by having a greater number of agencies that are interested and supportive on Delta issues.

Initiatives

There are several broad initiatives that are underway in the Delta that will have impacts within, around, and outside of the legal Delta boundary. In Contra Costa County the cities of Pittsburg, Antioch, Oakley, and Brentwood are within the legal Delta boundary. The following is a brief discussion of each of these initiatives and the impacts they will have on cities within Contra Costa County.

1. Central Valley Flood Protection Plan

SB 5 enacted in 2007 requires cities and the County in the Delta area to provide 200 year flood protection for new development starting in July 2015. This and other land use requirements are being incorporated into the Central Valley Flood Protection Plan, which is being prepared by the Department of Water Resources (DWR) and is to be adopted by July 2012. Once the Plan is adopted, cities and counties in the Delta will have to amend their General Plans and Zoning Ordinances to be consistent. The Plan will also include new levee design standards currently being developed by DWR. These new standards will need to be incorporated into land use entitlement processes.

2. Delta Plan

In November 2009, the legislature enacted the Delta Reform Act (SBX7-1). This legislation established the Delta Stewardship Council, an independent State agency, and required the Council to develop a Delta Plan by January 2012. The Delta Plan is a long-term management plan for the Delta and Suisun Marsh. Plan implementation is to achieve the co-equal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. These two co-equal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. The Plan generally covers six topic areas and goals:

1) Increased water supply reliability.
2) Restoration of the Delta ecosystem.
3) Improved water quality.
4) Reduced risks of flooding in the Delta.
5) Protection and enhancement of the Delta as an evolving place.
6) Regulatory changes in which some local land use decisions will be subject to review and overturning by the Delta Stewardship Council ("covered actions.")

The Council itself will not construct, own or operate any facilities; however, the Plan sets forth regulatory policies and recommendations that will influence the actions, activities, and projects of cities, counties, State, Federal and other local agencies. The Delta Plan enforces its policies through defining and processing approval of "covered actions". A covered action is any plan, program or project that meets all of the following conditions:

1) Will occur in whole or in part within the boundaries of the Delta or Suisun Marsh.
2) Will be carried out, approved or funded by the State or a local public agency.
3) Is covered by one or more provisions of the Delta Plan.
4) Will have a significant impact on achievement of one or both of the co-equal goals or the implementation of government sponsored flood control programs to reduce risks to people, property, and State interests in the Delta.

For the purposes of the Delta Plan, "project" has the same meaning as it is used for CEQA, although it does not include CEQA's exemptions (except for ministerial projects). For any "covered action" projects, the local jurisdiction must prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the

Council. Projects that an agency believes are consistent with the Delta Plan could be appealed to the Council by anyone who opposes the project.

3. Bay Delta Conservation Plan

The Bay Delta Conservation Plan (BDCP) is a plan to develop a new water conveyance project to get more water to the Central Valley and Southern California, along with habitat conservation projects in the Delta and Suisun Bay. The BDCP is co-sponsored by the state and federal governments and water agencies from around California that receive water from the Delta. The BDCP will be prepared to cover a proposed "isolated conveyance" facility. This facility will be a canal around the Delta (Peripheral Canal) or a tunnel under the Delta. The canal or tunnel will pick up Sacramento River water downstream of Sacramento and convey it to Clifton Court Forebay. When the Plan is adopted it will provide the take Permit under the Endangered Species Act for construction of the conveyance facility. It will also provide a body of studies to obtain a water quality certification and other environmental permits. Part of the BDCP effort includes planning for mitigation in the neighborhood of 100,000 acres of tidal marsh, floodplain, terrestrial, and riparian habitats.

Impacts on Cities

1. Land Use

Prior to approving land use projects, cities within the Delta boundary (Pittsburg, Antioch, Oakley and Brentwood) must show that the development has 200 year level of protection. The current maximum level of protection anywhere in Contra Costa County is 100 years. Some public projects and private projects approved by a city within the Delta boundary will have to make a determination of consistency with the Delta Plan. The amount of effort this entails depends on how the Delta Stewardship Council administers their covered action program.

2. Water Quality

The NPDES stormwater permit for each city is issued by the Regional Water Quality Control Board. The requirements of the stormwater permit are developed in part based upon the water quality of the bodies of water that our streams and creeks drain into, such as the Delta, Carquinez Straits or San Francisco Bay. If the water quality of these water bodies degrades then our stormwater permit requirements increase. There are proposed scenarios in the Delta that would re-plumb the current flow regime to direct more pollutant laden south Delta water through to San Francisco Bay and direct higher quality Sacramento River water south to the pumps at Clifton Court Forebay. This would decrease the quality of water through the Carquinez Straits and into San Francisco Bay. If water quality decreases the Regional Water Quality Control Board can adjust an existing TMDL or develop a new TMDL for a particular pollutant of concern. These requirements would be folded into our next stormwater permit. A TMDL (Total Maximum Daily Load) establishes limits or concentrations of a particular pollutant and actions to be taken that will reduce concentrations.

3. Delta Outflow

Ninety percent of the flows coming into San Francisco Bay come from the Delta. The recently released State of the San Francisco Bay 2011 Report indicated that the fresh water inflow index was "very poor" for the water year 2010. Eight of the last ten years have resulted in drought conditions for

San Francisco Bay when comparing the fresh water flows during these eight years to flows prior to the construction of dams or diversions. The State Water Resources Control Board and biologists from US Fish and Wildlife Service have both indicated recently that additional flows need to drain through the Delta and into San Francisco Bay for a healthy Delta and San Francisco Bay Estuary. As the health of the Delta goes so goes the health of San Francisco Bay. Reduced outflow is a stressor on the overall health of San Francisco Bay.

4. Economic

To a certain extent the attraction that each city in the County has for bringing in or retaining development and business is due to our location in the Bay Area. The Bay Area is fortunate to have the unparalleled resource of San Francisco Bay and the adjacent Delta, the largest estuary system on the West coast of North and South America. If this national resource diminishes in quality that impact will be felt at many levels throughout the Bay Area, including an impact to the local economy in each community in Contra Costa County.

Latest Developments

On February 2, 2012, the Contra Costa County Mayors' Conference voted unanimously to support this Resolution. On February 7, 2012 the Contra Costa County Board of Supervisors also unanimously adopted the Resolution. The Board's action further established the "Contra Costa County Delta Stakeholders Coalition" as a countywide forum for discussion of issues outlined in the Resolution. The Board also directed County staff to work with the cities/towns and special districts in Contra Costa County and encourage them in joining this stakeholders' coalition.

FISCAL IMPACT

Other than some time involved in participating in the proposed stakeholder's coalition, there will be little direct impact on the City's General Fund. County staff has indicated there is no financial cost of membership involved with joining the coalition. It is hoped the City's participation will reduce the ever-increasing, yet never-funded, demands from the Regional Water Quality Control Board being imposed as requirements on our the Municipal Stormwater Discharge Permit

CONCLUSION

Based upon the above, Staff recommends the City Council approve the attached Resolution regarding Water, Ecosystem Health and Other Issues Related to the San Francisco Bay, and Sacramento/San Joaquin River Delta, authorize joining the Contra Costa County Delta Stakeholders' Coalition, and further authorize the Mayor to make an appointment from the City Council to work with the County on Delta issues as necessary to convey the City's interest and support to State and Federal elected officials and other committees working on Delta issues.

Attachments: Resolution (2 pp.)

RESOLUTION NO. - 2012

A RESOLUTION REGARDING WATER, ECOSYSTEM HEALTH AND OTHER ISSUES RELATED TO THE SAN FRANCISCO BAY AND THE SACRAMENTO - SAN JOAQUIN RIVER DELTA

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the San Francisco Bay and the Sacramento-San Joaquin River Delta ("the Delta") are at risk from many factors and the State is proposing large-scale changes to water conveyance through and around the Delta to address state-wide water supply needs, changes to the Delta ecosystem to address declining ecosystem health and fish populations, changes to land use authority within the Delta, and changes to water rights, statewide water management and many other aspects related to the Delta that will impact the areas in and around the Delta; and

WHEREAS, each city and town in Contra Costa County (the "County") will be adversely impacted by planned actions in the Delta through reduction in water quality and health of the San Francisco Bay-Delta and the resulting increase in stormwater (NPDES) permit requirements causing further increased local unfunded mandated expenses; and

WHEREAS, the Delta stakeholders believe there is value in developing an initiative on issues concerning the Delta, its watershed and greater San Francisco Bay/Delta estuary; and

WHEREAS, the Delta stakeholders wish to collectively articulate the issues and interests from the perspective of the Delta region itself, from the people who call the Delta home and best understand the tremendous resource the Delta represents; and

WHEREAS, the Delta stakeholders recognize the efforts and value of the Delta Counties Coalition and a need for joint action and advocacy on Delta-related issues, and have identified mutual interests;

WHEREAS, this Resolution is to be effective upon passage by the Cities, Towns, Contra Costa County Board of Supervisors and other interested parties within Contra Costa County, including Special Districts and other organizations and agencies, both public and private, hereinafter collectively referred to as "Delta Stakeholders".

NOW, THEREFORE, BE IT RESOLVED the City Council of Clayton, California, as a Delta Stakeholder, does hereby adopt this Resolution for the purpose of articulating mutual interests on Bay-Delta issues. Furthermore, the Delta Stakeholders resolve to work together to defend Bay-Delta related interests at a regional perspective and to use their unified voice to advocate on behalf of local government in available forums at all levels, consistent with the following principles of mutual interest:

1. **Local Government Authority**. Recognition of the authority and responsibility given to local government related to land use, urban and agricultural water supply, waste water treatment and recycling, water resource development, flood management, public health and safety, economic development and sustainable growth, agricultural stability, recreation, and environmental protection.

2. **Delta Ecosystem**. Protection and restoration of a healthy sustainable Delta ecosystem including adequate water quality, inflows and outflow, and water supply, to support fisheries, wildlife and habitat in perpetuity.

3. **Existing System Reliability**. Support immediate improvements to the existing Through-Delta Conveyance and improvements to protect key regionally important infrastructure, such as trans-Delta

aqueducts, as part of a complete strategy for the State's water management and to ensure reliability of the existing water supply system.

4. **Delta Outflows**. Ensure adequate Delta outflows to San Francisco Bay to support fisheries, wildlife, habitat, water quality and other beneficial uses.

5. **Regional Self-Sufficiency**. Incorporation of sustainable approaches for improved water supply, water quality and reliability through the overarching principle of regional self-sufficiency to reduce reliance on exports from the Delta and reduce the current impacts on the Bay-Delta ecosystem.

6. **Delta Area Communities**. Protect the economic viability of industry, recreation, tourism, and agriculture, and the ongoing vitality of communities throughout the Delta and immediately adjacent to the Delta, and along the shoreline of the greater San Francisco Bay-Delta.

7. **Fair Representation**. Represent and include local government in any new governance structures for the Delta.

8. **Flood Protection**. Support funding and implementation of urban and non-urban flood protection, at the appropriate level of protection, through rehabilitation, improvement and maintenance of flood control levees and structures.

BE IT FURTHER RESOLVED the City Council does hereby authorize a Mayoral-appointed member of the Clayton City Council to participate in the Contra Costa County Delta Stakeholders' Coalition who will report back periodically to the City Council regarding progress and status of the Delta Stakeholders' Coalition.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 21st day of February, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____
HOWARD GELLER, Mayor

ATTEST:

_____
Laci Jackson, City Clerk

# # # # #

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at its regular public meeting held on February 21, 2012.

_____
Laci J. Jackson, City Clerk

HEALTH INDICATORS

The Freshwater Inflow Index uses six indicators to assess the amounts, timing, and patterns of freshwater inflow to the Bay from the Sacramento-San Joaquin watershed, which provides 90 percent of total inflow in most years. In order to account for the system's natural seasonal and year-to-year variability, each of the indicator measurements was made in comparison to what the freshwater inflow condition would have been if there were no dams or water diversions, referred to as "unimpaired" conditions (Figure 2). Two indicators measure how much water flows into the Bay annually and during the ecologically important spring period. Two other indicators measure the variability of freshwater inflows, both between years and the seasonal variability within each year. The fifth indicator measures how frequently the Bay receives high inflows, which are usually driven by flood conditions in the watershed. The final indicator measures how frequently the Bay experiences inflow conditions similar to what would have occurred during the driest years on record. For each year, the results of the six indicators are combined into a single score (0–4) to calculate the Freshwater Inflow Index.[11]

Figure 2. For Water Year 2010, this graph compares freshwater inflow conditions that would have occurred if there were no dam and water diversions, referred to as "unimpaired" conditions, with actual freshwater inflows.

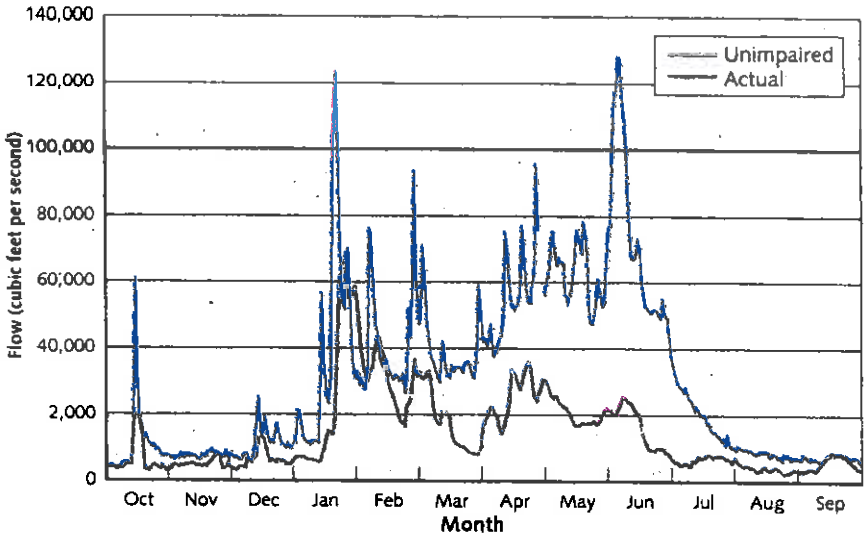
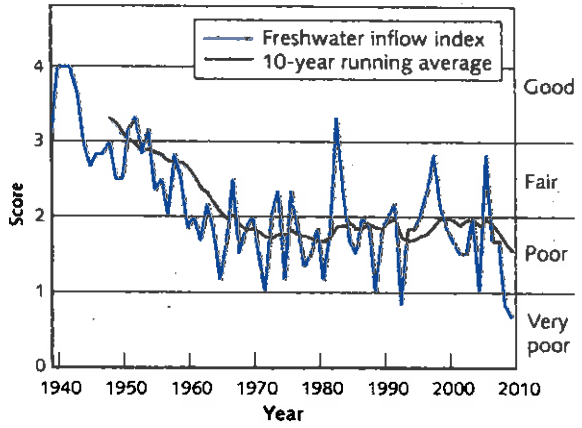
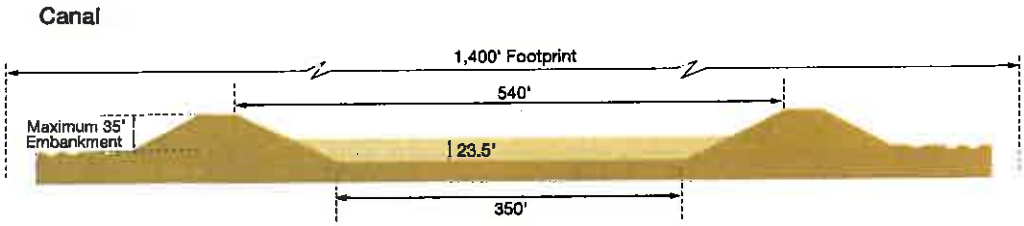
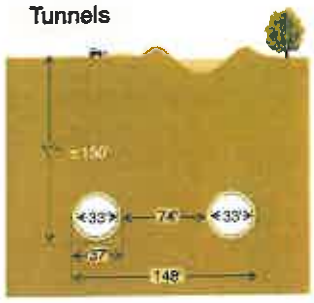


Figure 3. The amounts and variability of freshwater inflows to the San Francisco Bay declined during the 1950s and 1960s, after large dams were constructed on most of the Bay's tributary rivers. Since then, freshwater inflow conditions have been poor in most years.



Proposed Water Conveyance Facility Conceptual Design Dimensions





Improving Water Supply Reliability

The DHCCP is reviewing a number of options for potential water conveyance facilities aimed at helping solve California's water supply reliability issues in the Delta. Potential solutions under consideration include constructing a possible water conveyance facility that would move Sacramento River water around the Delta to reduce impacts on the Delta's sensitive species and their habitats.

Conceptual options under consideration include:

- An eastern isolated conveyance system around the Delta
- A western isolated conveyance system around the Delta
- A through-Delta option that takes water through the Delta using existing channels via retrofitted and/or setback levees
- A dual conveyance option that might include components of either the eastern or western alignment, combined with some components of the through-Delta solution
- An all-tunnel option that would convey water in tunnels

These conceptual water conveyance options match existing water pumping capacities of up to 15,000 cubic feet per second to allow maximum water flows during wet seasons.

Water intake options that transfer water to conveyance facilities are also under consideration. Potential locations for intake facilities range from south Sacramento to Hood. Intake design features may include screens like the ones described at right.

On-Bank Cylindrical Screen

An on-bank cylindrical screen features conduits leading to a canal and a 1,400-foot-long fish screen facility to protect fish, and meet regulatory requirements.

On-Bank Screen

An on-bank screen features screens directly on the river bank with conduits leading to the canal. It also features a 1,400-foot-long fish screen facility to protect fish and meet regulatory requirements.

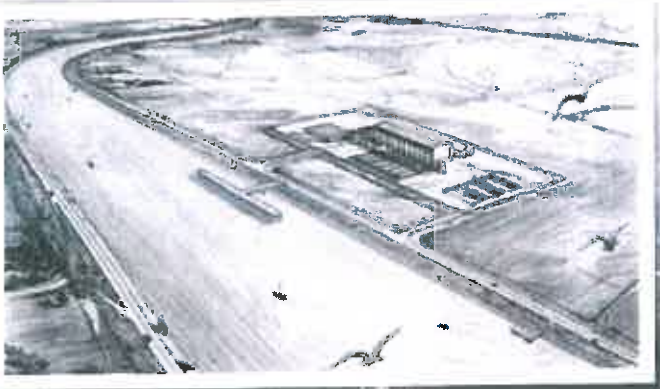
In-River Screen

An in-river screen offers more screen surface in the river at a depth of 25 feet. The screen wraps around the entire intake structure. It also has a 500-foot-long fish screen facility to protect fish and meet regulatory requirements.

Timeline

The draft EIR/EIS documents for the BDCP are being developed now and will be released to the public for comment by the end of 2009 or early in 2010. After this public comment period ends, these environmental review documents will be revised based on those comments and released again for a final public comment period.

In-river intake option.



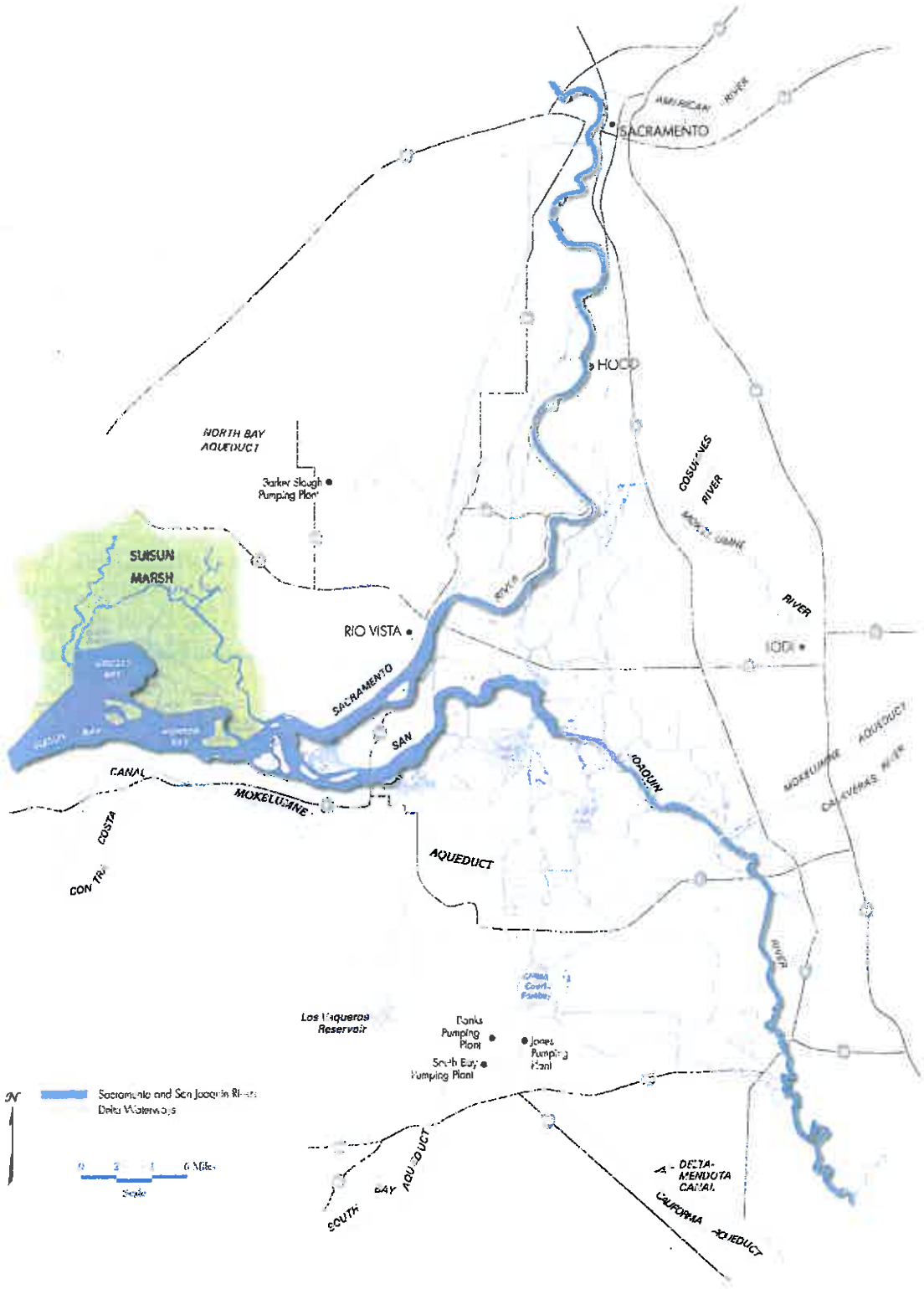


FIGURE 1-8
The Sacramento-San Joaquin River Delta
Map of the Delta showing islands, waterways, and significant infrastructure. (Source: DWR)

Agenda Date: 2-21-12

Agenda Item: 9a

City of Clayton

Wednesday Night Summer Concert Series

2012

COMING SOON
Wednesday Concerts

Objective

The City of Clayton with the support of the Passport to Communities Foundation is looking to bring concerts to 5 Wednesday nights during the summer of 2012.

Our objective for the Wednesday night concert series is to help local businesses by getting residents out of their homes and spending time in town on a weeknight when our local businesses tend to have less foot traffic. We are hoping people will shop Clayton before and/or after the Wednesday night concerts as well as learn more about new and old businesses in Clayton through promotional opportunities provided by the concert series.

Execution

We plan to build off of the already successful Saturday night concert series by utilizing some of the processes and procedures already set in place. While we plan to build from the Saturday concert series the Wednesday night concerts will have its own feel and flavor. The Saturday night concerts have been successful, but having additional concerts on Wednesday nights that will probably have fewer people attending, allows us to try new things that may or may not benefit the Saturday night concerts as well.

It is important to try new things. Some may work and some may not but you have to be open to trying them out to see. Having the Wednesday concerts organized by a different group also helps foster different ideas and approaches to accomplishing the same goals as the Saturday concerts. A fun evening for the residents of Clayton while helping support local businesses and being self-sustaining.

How to Pay for Concerts

The start-up costs and concert expenses for the 2012 Wednesday Night Concert Series will be guaranteed by the P2C Foundation. The P2C Foundation will guarantee all the costs of the 2012 concert series with the expectation that the majority of costs will be recouped through sponsorships from local businesses, selling reserved seating, selling Clayton Merchandise and selling alcohol. If sales are equal to or more than needed to cover the expenses, the P2C Foundation will still donate a minimum of $1000 to the concert series. The additional revenues above expenses will be carried over for next year's Wednesday Concerts.

Revenue

Sponsorships - $6,000.00

We plan on selling 10 sponsorships to local business for $500 each plus $1,000 from the P2C Foundation. This works out to a cost of $100 per concert for each business to reach 500 to 1500 people at each concert while also having their company logo on flyers and advertising throughout the city as well as displayed and recognized at each concert. A copy of the Sponsorship benefits flyer is attached.

VIP Seating - $1,250.00

We will be setting aside an area that can hold up to 100 people for reserve seating. The cost for reserve seating will be $10 per concert or if prepaid for all five concerts $40.00. We are estimating low to be very conservative. We are estimating only 25 prepaid passes for the 5 concerts and 25 single concert passes. The single concert passes work out to 5 a concert for those who get their late and want a seat closer to the band and near the alcohol tent. The businesses who sponsor the concert receive two passes for each concert. We believe we can sell additional one day concert passes to some of the restaurants to use as a promotion for having dinner at their establishment on the night of the concert so their guest can have a nice dinner and not have to rush to get a space before the concert. But we have not included these additional sales in our estimate.

Clayton Merchandise Sales - $1,000.00

We plan on having one booth to sell Clayton Merchandise and to also have promotional materials for each of the 10 business sponsors at this booth. The plan is to have various items including blankets, acrylic wine glasses, low rise chairs, sweaters and a few other items with a Clayton and/or Concert Series logo on each item. The price of each item will be our cost plus $10 to go towards the concerts. Our goal is to sell 20 items per concert for a total of 100 items. The P2C Foundation will arrange and cover expenses and will be reimbursed from sales. The P2C Foundation will not receive any compensation or financial benefit from sales at the concerts.

Alcohol - $2,500.00

Our plan is to allow people to bring their own alcohol to the concerts just like on Saturday nights but we believe a group of residents will prefer to not have to bring their own alcohol and would prefer to purchase it at the concert knowing that the funds raised benefit the concert series. Our plan is to get two cases of wine donated for each concert. We plan on selling a glass of wine for $5.00 for a 4 ounce pour. With that we can get 144 glasses from two cases. We also plan on having one keg of beer at each concert or purchase cases of beer and sell each beer for $5.00 each. We also plan on having pre-made mixed Margaritas for $5.00 each as well. However, we only anticipate on selling 100 drinks per concert as we believe many people will still bring their own, there will be fewer people at the Wednesday concerts than Saturday and most people have to work on Thursday so they will consume less alcohol.

Expenses

Bands - $2,500.00

We will be using local bands that want to play at the concerts and will bring their fans to come support them and the concerts. Many of these bands just want to have a good time, build their resume and help the Clayton community so are willing to play for less than many of the bands on Saturday night concerts.

Music Tech - $2,500.00

We will contract with a music technician that is very experienced and filled in for one concert last year. One of the better sounding concerts and he has agreed to provide his services for $500 a night. Weeknight rates are less than weekend rates.

Advertising - $1,500.00

This is the estimate we are using for advertising, banner and flyers.

Police - $1,000.00
Maintenance - $200.00
ASCAP Fee - $100.00
Janitorial Supplies - $375.00

We took these numbers by dividing last year's Saturday night concert costs by ten than multiplying by 5

ABC Permit for Concerts - $125.00

Cost for ABC Permits for 5 concerts.

Alcohol / Supplies - $750.00

Cost for alcohol, plastic cups, soap, water, hand towels.

Misc. - $500

We are adding an additional $500 for miscellaneous supplies just to be conservative. The Saturday concert series miscellaneous expenses were lower than $500.

Summary

We have been very conservative on our estimate of revenue and expenses. We have a dedicated team who are enthusiastic to run the Wednesday night concert series. We believe this is a perfect opportunity to try a weeknight concert series with no financial risk to the city and the opportunity to try new ideas without an impact to the successful Saturday night concert series.

Attachments:

Income & Expense sheet

Sponsorship Promotional flyer

VIP Seating Pass

Park Diagram with Booths and Reserved Seating area

Email from ABC approving of sale of alcohol in park

Wednesday Night Concert Series

Expenses:	
Bands	$ 2,500.00
Music Tech	$ 2,500.00
Police	$ 1,000.00
Maintenance	$ 200.00
Advertising	$ 1,000.00
ABC Permit	$ 125.00
Alcohol / Supplies	$ 750.00
ASCAP Fee	$ 100.00
Banner / Flyers	$ 500.00
Janitorial Supplies	$ 375.00
Misc	$ 500.00
Total:	**$ 9,550.00**

Revenue:	
Sponsors:	
P2C Foundation	$ 1,000.00
	$ 500.00
	$ 500.00
	$ 500.00
	$ 500.00
	$ 500.00
	$ 500.00
	$ 500.00
	$ 500.00
	$ 500.00
	$ 500.00
Sub Total:	**$ 6,000.00**
VIP Seating:	
25 x $40	$ 1,000.00
25 x $10	$ 250.00
Subtotal:	**$ 1,250.00**
Merchandise Sales:	
100 x $10	**$ 1,000.00**
Alcohol Sales:	
500 x $5	**$ 2,500.00**
Total:	**$ 10,750.00**

Clayton Wednesday Night Summer Concert Series

Advertising & Promotional Opportunity

The City of Clayton with the support of the Passport to Communities Foundation is looking to bring concerts to 5 Wednesday nights during the summer of 2012.

Our objective for the Wednesday night concert series is to help local businesses by getting residents out of their homes and spending time in town on a weeknight when our local businesses tend to have less foot traffic. We are hoping people will shop Clayton before and/or after the Wednesday night concerts as well as learn more about new and old businesses in Clayton through promotional opportunities provided by the concert series.

We are looking for donations from local businesses to pay for the concert series.

For a $500 donation you will receive the following promotional opportunity at each of the five Wednesday night concerts:

- **Your company logo on a banner that will be displayed at all 5 concerts**
- **Your company recognized and announced as a sponsor before and after each of the 5 concerts**
- **Any promotion you may be offering will be announced**
- **Your company logo on any advertising done for the Wednesday night concerts**
- **Display your company promotional material at a booth selling Clayton Merchandise**
- **Two VIP passes for each concert for a reserved seating area at concert ($100 value)**

We anticipate between 500 and 1500 people at each concert. We anticipate 90% or more to be local Clayton residents. Your $500 donation works out to $100 per concert to reach 500 to 1500 people with the message that you are bringing these Wednesday night concerts to them for free. Without your support we will not have these concerts. We are only looking for 10 corporate sponsors in addition to the Passport to Communities Foundation. This opportunity is on a first come basis.

The P2C Foundation — a passport to communities

Clayton Grove Concerts

Summer Series

V.I.P.

Pass

Maresi's Chophouse

Wednesday Nights

2012

"Together We Can Make A Difference In Our Community"

The P2C Foundation — a passport to communities

Clayton Grove Concerts

Summer Series

V.I.P.

Pass

Pavilion Bar & Grill

Wednesday Nights

2012

"Together We Can Make A Difference In Our Community"

The P2C Foundation — a passport to communities

Clayton Grove Concerts

Summer Series

V.I.P.

Pass

Clayton Club Saloon

Wednesday Nights

2012

"Together We Can Make A Difference In Our Community"

The P2C Foundation — a passport to communities

Clayton Grove Concerts

Summer Series

V.I.P.

Pass

Oakhurst Country Club

Wednesday Nights

2012

"Together We Can Make A Difference In Our Community"

SAMPLE

SAMPLE

The area identified is only for example purposes.

Joe Medrano

From: Bailey, David@ABC <David.Bailey@abc.ca.gov>
Sent: Wednesday, February 15, 2012 8:52 AM
To: joe@claytoncouncil.com
Subject: FW: Clayton Concerts in the Park
Attachments: Map of Grove Park.pdf

Good afternoon Joe,

The concept you've described below is certainly feasible. As discussed, the City itself cannot be licensed, however a non-profit group [501(c)(3)] can make application for a one-day license to cover the event. Unless specifically conditioned otherwise, there is nothing from a statutory perspective that would prohibit the one-day licensee from continuing to allow event participants to bring their own alcoholic beverages. The one-day licensee should be cautioned though that they will ultimately be responsible for the conduct of these individuals, as well as any open alcoholic beverages that are being removed from the designated event area. The same concerns relative to the removal of open containers of alcoholic beverages from the event area would also apply to the Saturday night events currently taking place. If you have any other questions, feel free to give me a call.

David H. Bailey
District Administrator
Oakland District Office
510-622-8603

From: Joe Medrano [mailto:joe@claytoncouncil.com]
Sent: Tuesday, February 07, 2012 1:34 PM
To: Berry, Anthony@ABC
Subject: Clayton Concerts in the Park

Tony,

Thank you for taking the time to speak with me today. Per our conversation, here is what we are looking for confirmation on.

The City of Clayton would like to hold 5 Wednesday night concerts sometime between May and September 2012. The concerts would be held in our downtown Grove Park. I have attached a picture of the park. I have put a red rectangle around the park that fits in a small square block. As you can see the park is very small and easy to monitor.

For these concerts the city will allow people to bring and consume their own alcohol for the concert series. We would like to add the ability to also sell alcohol at these events. We want people to have the option to either bring their own alcohol or purchase from the City or other 501(c)3 non-profit. Because the park is so small we would like people who purchase alcohol to be able to sit anywhere in the park amongst those who brought their own. The alcohol would be contained within the park.

Background – We have had 10 concerts each summer for the past 3 years on Saturday nights and have allowed people to bring their own alcohol for all of these events, which most if not all attendees do bring their own alcohol. We have never had a problem with allowing alcohol consumption during the Saturday concerts which run about 2 ½ hours.

We are wanting to add 5 Wednesday concerts to help bring people downtown to support our local businesses during the week when they are slower. The Wednesday concerts will also run about 2 ½ hours. We need the concerts to be self-sustaining and by allowing people the option to bring their own alcohol or buy from the event we believe a portion of

people will buy instead of bringing their own knowing that the proceeds go to helping support the concert series. Because the concerts are on Wednesdays nights we also anticipate less consumption of alcohol then is consumed on our Saturday concerts because most people will have to be at work on Thursday. **Clayton's unemployment rate is only 2.5%**

What I would like is an email from you confirming it is ok for us to sell alcohol at the event and allow people who purchase alcohol to be mixed in with people who bring their own alcohol and not require a separate seating area.

Please confirm with an email back to me as soon as possible so I may report back to the rest of our city council.

Thank you,
Joe

Joseph A. Medrano, ARM, CWCA
Vice Mayor
City of Clayton
P: 925-673-2210
F: 925 673-2212
E: joe@claytoncouncil.com

PLEASE NOTE:
This E-Mail message and any documents accompanying this transmission may contain privileged and/or confidential information and is intended solely for the addressee(s) named above. If you are not the intended addressee/recipient, you are hereby notified that any use of, disclosure, copying, distribution, or reliance on the contents of this E-Mail information is strictly prohibited and may result in legal action against you. Please reply to the sender advising of the error in transmission and immediately delete/destroy the message and any accompanying documents. Thank you.

Agenda Date: 2-21-12

Agenda Item: 9b

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

DATE: 21 FEBRUARY 2012

SUBJECT: CONSIDER A RESOLUTION, AS THE SUCCESSOR AGENCY, APPROVING AND ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) PREPARATORY TO FINAL DISSOLUTION OF THE FORMER CLAYTON REDEVELOPMENT AGENCY

RECOMMENDATION

It is recommended the City Council, serving as the Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency, adopt the prepared Resolution approving a "Recognized Obligation Payment Schedule" (ROPS) in accordance with the California Supreme Court-ruled constitutionality of AB1X 26 (the "Dissolution Act").

BACKGROUND

On 11 August 2011, the California Supreme Court agreed to review a petition challenging the constitutionality of AB1x 26 (the "Dissolution Act") and AB1x 27 (the "Voluntary Redevelopment Program Act"). The Court's order also stayed specified portions of these Redevelopment Restructuring Acts, indefinitely postponing certain provisions' implementation and effectiveness. During that period of suspension, the Clayton Redevelopment Agency was still required to prepare a list of contractual and indebtedness obligations of the Agency and to adopt and submit the "schedule" by 28 August 2011. Our Agency complied with this requirement by adopting RDA Resolution No. 03-2011 at a regular public meeting on 16 August 2011. Pursuant to the regulations available at that time, the Agency's EOPS was only effective through 31 December 2011.

On 29 December 2011 the California Supreme Court ruled in its decision on this controversial subject that the State of California did indeed have the authority to terminate the existing redevelopment agencies in the state but did not have the constitutional authority (under Prop 22) to enact a voluntary redevelopment program (AB1X 27), which program instituted "pay to play" provisions for agencies to continue to operate if they each "paid" pre-designated amounts of money to the state in FY 2011-12 and each year thereafter.

Since the Court's decision shifted the termination date of all redevelopment agencies one additional month to 01 February 2012, the Board of Directors of the former Clayton Redevelopment Agency did, on 17 January 2012, amend and re-adopt its Enforceable Obligation Payment Schedule (EOPS) to add the additional full month of January 2012 to the table of current and future debts and obligations of the Clayton Redevelopment Agency. In this manner, reviewing regulatory and other public taxing entities were placed on notice of the Agency's continuing fiduciary responsibilities to be paid from January 2012 through June 2012.

Under the law, "enforceable obligations" of a redevelopment agency include the following financial arrangements (the ROPS of a city or county):

Bonds
Loans
Payments required by state or federal government
Obligations to employees
Judgments or settlements
Binding and legally enforceable agreements entered into before AB1x 26
Contracts for RDA administration, Successor Agency administration (new), and Oversight Board administration (new)

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

At is public meeting on 17 January 2012 the Clayton City Council opted to exercise its right to become the successor agency to the expiring Clayton Redevelopment Agency. In its new capacity as "Successor Agency" and "Successor Housing Agency", by 01 March 2012 the City must prepare an initial draft of its ROPS for the time period of February 2012 through June 2012. This ROPS is subject to review and certification by an external auditor (def., that auditor commissioned by the Contra Costa County Auditor-Controller) as to accuracy, and must also be approved by the respective Oversight Board yet to be established to oversee Clayton's Successor Agency administration and responsibilities.

Attached hereto as Exhibit A is the Recognized Obligation Payment Schedule (ROPS) prepared by the City's Finance Manager. Essentially mirroring previously-adopted EOPS, the ROPS now becomes the fiscal template for continued receipt of tax increment revenues issued by the County to our City's newly-established "Redevelopment Obligation Retirement Fund." As its name implies, this new Fund replaces the former Redevelopment Agency Funds and functions as the repository for sufficient tax increment revenues in the amounts identified and approved in the ROPS to effectively "retire" all former Clayton Redevelopment Agency debts and contractual obligations over a multi-year period. Once all identified and certified debts and obligations have been satisfied, the Successor Agency is dissolved having fulfilled its mandate to administer the final fiscal affairs of the Clayton Redevelopment Agency.

With recommended adoption of the attached Resolution, a review of the intended timetable makes it clear the unformed Oversight Board will not be immediately available to critique and approve the ROPS. However, legal counsels recommend Successor Agencies launch forward with adoption of the draft ROPS before 01 March 2012 to protect and preserve the

Successor Agency's interest in receiving tax increment revenue in sufficient amounts from Contra Costa County to properly make timely debt service payment dates and other contractual obligations. By applicable law, a successor agency's certified ROPS shall be submitted to the State Controller's Office and the State Department of Finance by 15 April 2012. It is expected the County will release ROPS-associated tax increment revenues to each successor agency by mid-May 2012.

Subsequent six-month ROPS must then be generated by each successor agency and tendered for approval and certification by one's respective oversight board and the county auditor-controller's office. By law, the California Department of Finance also has overseer responsibilities to review each ROPS and to presumably override local approvals and/or settle disagreements between the various bureaucratic layers examining the financial details. For Clayton's Successor Agency, the next ROPS after this one will cover the time period of 01 July 2012 through 31 December 2012, and each six-month interval thereafter.

Attachment: 1. ROPS Resolution [3 pp.]

Exhibit A: Recognized Obligation Payment Schedule (ROPS) [1 pp.]

RESOLUTION NO. - 2012

A RESOLUTION OF THE CITY OF CLAYTON, CALIFORNIA, ACTING AS THE SUCCESSOR AGENCY TO THE FORMER CLAYTON REDEVELOPMENT AGENCY, APPROVING AND ADOPTING ITS RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE TIME PERIOD OF FEBRUARY 1, 2012 THROUGH JUNE 30, 2012, PURSUANT TO SECTION 31471(h) AND 34177(l)(2)(A) OF THE CALIFORNIA REDEVELOPMENT LAW

THE CITY COUNCIL (AS SUCCESSOR AGENCY)
City of Clayton, California

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Clayton (the "City") adopted in accordance with the California Community Redevelopment Law, City Ordinance No. 243 on 20 July 1987 adopting the Redevelopment Plan for the Clayton Redevelopment Project Area (the "Redevelopment Plan"), as amended from time to time; and

WHEREAS, the Redevelopment Agency of the City of Clayton (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to said Redevelopment Law; and

WHEREAS, Assembly Bill 1X 26 (the "Dissolution Act") and Assembly Bill 1X 27 (the "Alternative Redevelopment Program Act") were enacted by the State of California on June 28, 2011, to significantly modify the Community Redevelopment Law and to end the existence of or modify continued operation of redevelopment agencies throughout the state (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

WHEREAS, on August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of these Redevelopment Restructuring Acts; and

WHEREAS, on December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

WHEREAS, the Court's decision means that all California redevelopment agencies, including the Clayton Redevelopment Agency, are now terminated and have been automatically dissolved on February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, on 17 January 2012 by Resolution No. 03-2012, the Clayton City Council did exercise its priority right and became the Successor Agency and the Successor Housing Agency of the former Clayton Redevelopment Agency; and

WHEREAS, pursuant to Section 34177(l)(2)(A) of the Redevelopment Law, each Successor Agency is required to prepare a Recognized Obligation Payment Schedule (ROPS) by 01 March 2012 setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period, with the initial ROPS covering that time period from 01 February 2012 through 30 June 2012; and

WHEREAS, under Title 14 of the California Code of Regulations, Section 15378(b)(4), the approval of the ROPS is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project, but instead consists of the continuation of an existing governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program because it merely lists enforceable obligations previously entered into and approved by the former Clayton Redevelopment Agency; and

WHEREAS, the Clayton City Council has reviewed and duly considered the Staff Report, the draft Recognized Obligation Payment Schedule, and documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby find the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED that the City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this action and Resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project. The City Council therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Contra Costa, California in accordance with the CEQA guidelines.

BE IT FURTHER RESOLVED that the City Council does hereby approve and adopt the Recognized Obligation Payment Schedule (ROPS), attached hereto as "Exhibit A" and incorporated herein as if fully set forth in this Resolution.

BE IT FURTHER RESOLVED that the City Council authorizes and directs its City Manager or the City Manager's designee to: (1) post the Recognized Obligation Payments Schedule (Exhibit A) on the City website; (2) designate a City representative to whom all questions related to the Recognized Obligation Payment Schedule can be directed; (3) notify, by mail or electronic means, the County Auditor-Controller, the State Department of Finance, and the State Controller of the City's action to adopt the Recognized Obligation Payment Schedule and to provide those persons with the internet website location of the posted schedule and the contact information for the City's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule on behalf of the City.

AND BE IT FURTHER RESOLVED that this Resolution shall and does take immediate effect upon its adoption.

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 February 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

_____
Howard Geller, Mayor

ATTEST:

_____
Laci J. Jackson, Secretary

# # # # #

I certify that the foregoing is a true and correct copy of the original Resolution on file in the office of the City Clerk of and for the City of Clayton.

_____
Laci J. Jackson, Secretary

EXHIBIT A

Name of Redevelopment Agency: Clayton Redevelopment Agency

Project Area(s) All

RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169

	Project Name / Debt Obligation	Payee	Description	Funding Source	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	PAYMENTS BY MONTH						PAYMENTS BY YEAR			
							Jan	Feb	Mar	Apr	May	June	2012/13	2013/14	2014/15	Total
1)	City Loan entered into on 12/1/1990	Diamond Terrace Investors	Loan - 8th Anniversary disbursement	Low and Moderate Income Housing Fund	400,000	200,000		200,000					200,000			400,000
2)	1996 Tax Allocation Bonds Series A	US Bank	Bonds issued to fund non-housing projects	Redevelopment Property Tax Trust Fund	1,682,220	724,994		724,994					677,238	279,988		1,682,220
3)	1999 Tax Allocation Bonds	US Bank	Bonds issued to fund non-housing projects	Redevelopment Property Tax Trust Fund	6,675,000	121,360		121,360					1,278,787	2,637,426	2,637,427	6,675,000
4)	City Loan entered into on 6/17/1999	City of Clayton	Loan for Fire Station Construction	Redevelopment Property Tax Trust Fund	475,000	30,875	2,573	2,573	2,573	2,573	2,573	2,573	30,875	30,875	397,813	475,000
5)	City Loan entered into on 2/16/2010	City of Clayton	2% Election payments per Section 33676	Redevelopment Property Tax Trust Fund	301,139	100,380	16,730	16,730	16,730	16,730	16,730	16,730	100,380	100,379	0	301,139
6)	City Loan entered into on 2/16/2010	City of Clayton	2% Election payments per Section 33676	Low and Moderate Income Housing Fund	75,285	25,095	4,183	4,183	4,183	4,183	4,183	4,183	25,095	25,095	0	75,285
7)	City Loan entered into on 5/19/10	Clayton RDA LMI Housing	Loan for S.E.R.A.F. payment	Redevelopment Property Tax Trust Fund	592,412	148,103	14,810	14,810	14,810	14,810	14,810	14,810	177,724	177,724	148,103	592,412
8)	Contract for Consulting Services	Thales Consulting	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	4,320	1,440			1,440				1,440	1,440		4,320
9)	Contract for Consulting Services	Thales Consulting	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	1,080	360			360				360	360		1,080
10)	Contract for Consulting Services	Cropper Accountancy	RDA Audit 2010-11	Redevelopment Property Tax Trust Fund	9,898	3,299			3,299				3,299	3,299		9,898
11)	Contract for Consulting Services	Cropper Accountancy	RDA Audit 2010-11	Low and Moderate Income Housing Fund	2,474	825			825				825	825		2,474
12)	Contract for Consulting Services	NBS Local Gov't Solution	Arbitrage Reporting	Redevelopment Property Tax Trust Fund	8,700	2,900				2,900			2,900	2,900		8,700
13)	Contract for Consulting Services	US Bank	Paying Agent Fee	Redevelopment Property Tax Trust Fund	16,095	5,365						5,365	5,365	5,365		16,095
14)	Contract for Consulting Services	Raney Planning	Housing Element Implementation (EIR)	Low and Moderate Income Housing Fund	154,744	35,294		5,733				15,000	74,286	59,725		154,744
15)	Contract for Consulting Services	Goldfarb&Lipman/ Turner/ BB&K	Legal advice	Redevelopment Property Tax Trust Fund	36,000	12,000		2,000	2,000	2,000	2,000	2,000	13,000	13,000		36,000
16)	Contract for Consulting Services	Goldfarb&Lipman/ Turner/ BB&K	Legal advice	Low and Moderate Income Housing Fund	9,000	3,000		500	500	500	500	500	3,250	3,250		9,000
17)	Administrative overhead	City of Clayton	Overhead for Agency's Operations	Redevelopment Property Tax Trust Fund	750,000	250,000	41,667	41,667	41,667	41,667	41,667	41,667	250,000	250,000		750,000
19)	Section 33676 Payments	Comm College	Payments per former CRL 33676	Redevelopment Property Tax Trust Fund	132,789	44,263					0	44,263	44,263	44,263		132,789
20)	Section 33676 Payments	Comm College	Payments per former CRL 33676	Low and Moderate Income Housing Fund	33,197	11,066					0	11,066	11,066	11,065		33,197
21)	Section 33676 Payments	County Supt Schools	Payments per former CRL 33676	Redevelopment Property Tax Trust Fund	27,671	9,224					0	9,224	9,224	9,224		27,671
22)	Section 33676 Payments	County Supt Schools	Payments per former CRL 33676	Low and Moderate Income Housing Fund	6,918	2,306					0	2,306	2,306	2,306		6,918
23)	Section 33676 Payments	County Res Consv	Payments per former CRL 33676	Redevelopment Property Tax Trust Fund	466	155					0	155	155	155		466
24)	Section 33676 Payments	County Res Consv	Payments per former CRL 33676	Low and Moderate Income Housing Fund	117	39					0	39	39	39		117
25)	Section 33676 Payments	City of Clayton	Payments per former CRL 33676	Redevelopment Property Tax Trust Fund	174,250	58,083					0	58,083	58,083	58,083		174,250
26)	Section 33676 Payments	City of Clayton	Payments per former CRL 33676	Low and Moderate Income Housing Fund	43,563	14,521					0	14,521	14,521	14,521		43,563
27)	Section 33676 Payments	County	Payments per former CRL 33676	Redevelopment Property Tax Trust Fund	2,620,963	873,654					0	873,654	873,654	873,654		2,620,963
28)	Pass Through Agreement	County	Payments per former CRL 33401	Low and Moderate Income Housing Fund	655,241	218,414					0	218,414	218,414	218,414		655,241
29)	Pass Through Agreement	Flood Control Dist	Payments per former CRL 33401	Redevelopment Property Tax Trust Fund	5,263	1,754					0	1,754	1,754	1,754		5,263
30)	Pass Through Agreement	Flood Control Dist	Payments per former CRL 33401	Low and Moderate Income Housing Fund	1,316	439					0	439	439	439		1,316
31)	Pass Through Agreement	Library	Payments per former CRL 33401	Redevelopment Property Tax Trust Fund	209,530	69,843					0	69,843	69,843	69,843		209,530
32)	Pass Through Agreement	Library	Payments per former CRL 33401	Low and Moderate Income Housing Fund	52,382	17,461					0	17,461	17,461	17,460		52,382
33)	Pass Through Agreement	County Fire	Payments per former CRL 33401	Redevelopment Property Tax Trust Fund	378,260	126,087					0	126,087	126,087	126,086		378,260
34)	Pass Through Agreement	County Fire	Payments per former CRL 33401	Low and Moderate Income Housing Fund	94,565	31,522					0	31,522	31,522	31,522		94,565
35)	Pass Through Agreement	County	Payments per former CRL 33401/AB860	Redevelopment Property Tax Trust Fund	401,112	133,704					0	133,704	133,704	133,704		401,112
36)	Pass Through Agreement	County	Payments per former CRL 33401/AB860	Low and Moderate Income Housing Fund	100,278	33,426					0	33,426	33,426	33,426		100,278
37)	Statutory Payments	County	Property Tax Administrative Cost	Redevelopment Property Tax Trust Fund	127,200	42,400					0	42,400	42,400	42,400		127,200
38)	Statutory Payments	County	Property Tax Administrative Cost	Low and Moderate Income Housing Fund	31,800	10,600					0	10,600	10,600	10,600		31,800
	Grand total - All Pages				16,290,248	3,364,251	79,962	1,134,549	88,386	85,362	82,462	1,801,789	4,543,785	5,290,609	3,183,343	16,290,248

Agenda Date: 2-12-12

Agenda Item: 9c

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 21 FEBRUARY 2012

SUBJECT: MAYORAL APPOINTMENTS TO NEW OVERSIGHT BOARD FOR THE CITY AS THE SUCCESSOR AGENCY TO THE FORMER CLAYTON RDA

RECOMMENDATION

Following staff report and any City Council discussion, it is recommended that Mayor Geller formally appoint his two mayoral appointments to a new Oversight Board of the City as Successor Agency to the former Clayton Redevelopment Agency (RDA) regarding the conclusion of fiduciary responsibilities of the former Clayton RDA.

BACKGROUND

The state's misguided dissolution of California's redevelopment agencies and tax increment financing has foisted a whole new set of bureaucracy and expense upon local governments everywhere, as well as on the state. Under AB1x 26, all redevelopment agencies were dissolved effective 01 February 2012 and replaced by "Successor Agencies" responsible for winding down the affairs of each redevelopment agency including liquidation and disposal of assets. By action at its public meeting on 17 January 2012, the Clayton City Council exercised its priority right to become the "Successor Agency" and the "Successor Housing Agency" to the former Clayton Redevelopment Agency.

Successor Agencies became operative on February 1st and on that date all assets, properties, contracts, and leases of the former redevelopment agency were transferred to the Successor Agency. The City of Clayton therefore is the Successor Agency of the Clayton Redevelopment Agency and hereafter manages and administers the fiduciary responsibilities of the former RDA pursuant to the enforceable obligations identified of the former RDA. Such matters as debt retirement, contractual obligations, loan payments and ensuring all rights are preserved of the various public taxing entities (including those of the City of Clayton) are charges within the Successor Agency's purview. While the former Clayton RDA did not own title to any real properties, it still has significant debt obligations to retire and contracts to honor over the next several years.

OVERSIGHT BOARDS

Among the host of new tasks, the redevelopment legislation calls for the establishment of Oversight Boards to each Successor Agency. Stipulated by law, the respective Oversight Board to the Clayton Successor Agency is composed of seven (7) members with each member appointed as follows:

a. One member appointed by the Contra Costa County Board of Supervisors.
   Our County Supervisor, the Honorable Karen Mitchoff, has indicated she will be this member to Clayton's Oversight Board.
b. One member appointed by the mayor of the community (i.e., by Mayor Geller).
c. One member appointed by the largest Special District, determined by property tax share, with territory within the territorial jurisdiction of the former Clayton Redevelopment Agency (which has been determined to be the Contra Costa County Fire Protection District for Clayton's purpose). As governing board of that Special District, the Contra Costa County Board of Supervisors must also make this appointment to Clayton's Oversight Board.
d. One member appointed by an elected county supervisor of education or the county board of education if there is no elected supervisor of education (i.e., by elected County Board of Education Superintendent Joseph A. Ovick, Ed. D.).
e. One member appointed by the Chancellor of the California Community Colleges.
f. One member of the public appointed by the Contra Costa County Board of Supervisors.
g. One member representing the employees of the former redevelopment agency, appointed by Mayor Geller, from the largest recognized employee organization from that community (City of Clayton).

Any individual may simultaneously be appointed to up to five (5) Oversight Boards and may hold an office in a city, county, special district or community college district. No member appointed to an Oversight Board receives any compensation or remuneration for their time and service fulfilling responsibilities or attending meetings on an Oversight Board.

Oversight Boards must report their chairperson and members to the California Department of Finance by 01 May 2012. It is the responsibility of each respective Successor Agency to be the catalyst to the establishment and function of its Oversight Board.

CLAYTON'S OVERSIGHT BOARD

The purposes of this Agenda item are to: 1. Inform the City Council and the public as to the creation of a new Oversight Board to oversee and approve the actions of the City's Successor Agency's multi-year dissolution of the former Clayton Redevelopment Agency; and 2. Seek Clayton Mayor Geller's formal designation of his legislated two appointees to the Clayton Oversight Board.

Oversight Board members shall have personal immunity from suit for their actions taken within the scope of their responsibilities as Oversight Board members, and each Oversight Board member serves at the pleasure of one's appointing entity or person. Oversight Board

actions are subject to review by the State Department of Finance, and an Oversight Board for a given Successor Agency ceases to exist once all of the indebtedness of the dissolved redevelopment agency (i.e., Clayton Redevelopment Agency) has been repaid. Oversight Board meetings are subject to the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974.

By AB1x 26, Mayor Geller's appointments rest solely within his determination to make as the law clearly states the appointments are to be made by the mayor of the respective community. Naturally, Mayor Geller may seek the advice of his colleagues on the Clayton City Council concerning his two appointments as the interests of the City in getting former RDA debt properly retired, contracts and loans honored, and Successor Agency administrative services incurred during the term of full dissolution are matters of paramount concern to the City of Clayton.

Therefore, in consideration of the two appointments to be made by Mayor Geller, the following information is provided as a guide:

1. One Member of the Community appointed by the Mayor

The law is silent on providing any further guidance or credentials associated with this particular appointment. Due to its brevity, legal counsels have general opined this particular mayoral appointment may be anyone the respective mayor of that community desires. The appointment does not require city council action.

Therefore, Mayor Geller may appoint any elected official from the City of Clayton or from any other public agency, any employee of the City of Clayton or other public entity, any person from anywhere, or may appoint himself to the Oversight Board. From staff's perspective, it will be beneficial to have this member be someone who is familiar with the operation of redevelopment agencies, and in particular the former Clayton RDA, such that effectiveness of service on the Oversight Board is realized.

2. One Member representing Employees of the former Clayton RDA

For Clayton and many others public entities having small redevelopment agencies, this particular appointment is slightly more problematic. The Clayton Redevelopment Agency did not have any employees; existing City employees provided each year numerous and varied operational, professional and programmatic services for and on behalf of the Clayton RDA. The City was reimbursed for its staff time spent in that regard via an annual transfer of monies from the Clayton RDA to the City's General Fund (FY 11-12 budgeted at $400,000). Consequently, there is no person that expressly matches the qualifying definition provided by AB1x 26 as it pertains to Clayton's situation. In the Legislature's vision of these Oversight Boards the concept template was likely large redevelopment agencies that separately employed their own paid staff.

However, in attempt to maintain the integrity of the Oversight Board's intended membership composition, several options evolve for consideration of this Mayoral appointment:

A. While the Clayton Redevelopment Agency did not have any employees, it did have two (2) named officers: an Executive Director and a Secretary, with Gary Napper and Laci Jackson, respectively, serving as former incumbents in those RDA offices. Appointment of either of these two individuals could satisfy the criteria, according to legal counsels.

B. Routinely there were several City of Clayton employees that spent time working on a variety of tasks and responsibilities to and for the former Clayton RDA. In present day, the following City employees primarily provided those services:

Gary Napper	City Manager
Laci Jackson	City Clerk/HR Manager
David Woltering	Community Development Director
Merry Pelletier	Finance Manager
Laura Hoffmeister	Assistant to the City Manager
Lynn Cupit	Accounting Technician

Once again, appointment of any of these City employees could satisfy the criteria.

C. And finally, the language specifying this membership does conclude with an added qualifier of, *"... from the largest recognized employee organization."* Application of this condition suggests it may have been the Legislature's intent this particular membership would fall to a former RDA employee holding a job classification within the largest employee bargaining unit working for the RDA [or City?].

Embracing that possible intent, the City Manager of Clayton, although an officer of the former Clayton RDA, does not belong to any employee bargaining unit. For that matter, the only "recognized" employee bargaining organization of the City of Clayton is the Clayton Police Officers Association (CPOA), which entity had no individual working for or in behalf of the former Clayton RDA. The Clayton Miscellaneous Employees Group is not a "recognized" employee bargaining unit (definition under the Meyers Milias Brown Act) of the City, although the City does "negotiate" with this informal loose-knit group for purpose of satisfying public employment law to bargain in "good-faith."

However, of the two possible lists noted above, our City Clerk/HR Manager Laci Jackson is the only employed individual that draws closest to matching the dual intended qualifications for Mayoral appointment in this category. Ms. Jackson was an officer of the former Clayton RDA and she is a member of the largest employee bargaining unit of the City (although once again it is not an officially "recognized" organization pursuant to the applicable Meyers Milias Brown Act). Therefore, in the absence of any clearer legislative guidance in this situation, and to provide the safest harbor for the City's Mayoral appointment in this category to defend against any remote challenge of qualification to serve on the Clayton Oversight Board, it is staff's recommendation that Ms. Jackson is the City's strongest candidate for appointment in this category. Such action would also remove the awkwardness and potential ethical question of the City Manager or the Finance Manager participating in writing Successor Agency reports and financial data, presenting associated recommendations to the Oversight Board, and then voting on them as a member of the Oversight Board.

FISCAL IMPACT

As noted previously, members appointed to the Clayton Oversight Board do not receive any compensation or stipend for their service. City staff time spent on administering the affairs of the Successor Agency is subject for payment under AB1x 26 in an amount not less than $250,000 for any fiscal year. Furthermore, staff understands that all costs incurred servicing the meetings and activities of its respective Oversight Board (e.g. printing and posting agendas; preparing reports and financial analyses and data to the Board; copying services; computer and equipment usage; facility utilities; maintenance, repairs and custodial services; general administrative overhead; insurance, etc.) are also reimbursable to the Successor Agency [city], subject to lower priority use of available tax increment revenues after addressing indebtedness and enforceable obligations (contracts; loans) of the former Clayton RDA.

Attachments: None