CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

***

TUESDAY, October 16, 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*
October 16, 2012

7:00 P.M.

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

2. **CLOSED SESSIONS** –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 October 2, 2012. (View Here)

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

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to "Do The Right Thing" public school students.

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 Resolution approving the carry-over of specific project and operational encumbrances of $155,578 from the FY 2011-12 Budget, transfer General Fund excess of $131,796 to the Trust and Agency Account, and amend the FY 2012-13 City Budget accordingly. (View Here)
(Finance Manager)

Staff recommendation: Following staff presentation and public comment, adopt the Resolution.

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

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

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MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 10/16/12

Agenda Item: 4a

TUESDAY, October 2, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 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 (arrived during Closed Session), and Councilmembers Pierce, Shuey (arrive during Closed Session), and Stratford. Staff present: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Community Development Director David Woltering (7:00 p.m.), and City Clerk Laci Jackson.

2. **CLOSED SESSION** – Mayor Geller announced the following purposes for Closed Session and then adjourned into Closed Session at 6:00 p.m.

(a) *Government Code Section 54956.9 (a),* Conference with Legal Counsel.
Pending Litigation: *City of Clayton and Oakhurst Geological Hazard Abatement District v. Municipal Pooling Authority of Northern California*, Case No. MSC10-03626, Superior Court of California, Contra Costa County.

(b) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Properties: 6055 Main Street, Clayton (APNs 118-560-010 & 119-011-003)
Instructions to City Negotiators (Council Members Pierce and Shuey) concerning terms and conditions.
Negotiating Party: Clayton Community Church.

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

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

4. **CONSENT CALENDAR**- **Mayor Geller requested Item 4(a) to be pulled for discussion. He asked staff to look at adopting the County's Noise regulations. The Community Development Director responded staff could bring back more detailed information on options and cost estimates on changes in 30 days.**

It was moved by Councilmember Stratford, seconded by Vice Mayor Medrano, to approve the Consent Calendar as submitted (Passed; 5-0 vote).

(a) Information Only
1. Request by Clayton Club Saloon business owners for the City to initiate an update and amendment to Chapter 9.30 of the *Clayton Municipal Code* and Noise Element of the City General Plan concerning allowable noise decibel levels in the Clayton Town Center area.

(b) Approved the minutes of the regular meeting of September 18, 2012.

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

(d) Adopted Resolution 62-2012 establishing and approving Local California Environmental Quality Act ("CEQA") Guidelines for the City of Clayton and superseding prior locally-adopted CEQA Guidelines.

(e) First year Status Report on the effectiveness of the City's Vandalism Accountability Rewards Program.

(f) Approved the declaration of Police vehicle no. 1723 (2001 Ford Crown Victoria) as capital equipment surplus to the City's needs, and authorize the City Manager to sell the surplus vehicle at public auction.

(g) Adopted Resolution 63-2012 approving an amendment to the Mitchell Creek Place Development Plan Permit conditions of approval to allow for on-site replacement trees to be minimum 15-gallons rather than 24-inch box size trees (DP 01-05).

5. RECOGNITIONS AND PRESENTATIONS – None.

6. REPORTS

(a) Planning Commission – Vice Chairman Gregg Manning reported on the Planning Commission meeting on September 23rd. He stated the Commission approved replacement trees for the Mitchell Creek Place subdivision, and received information on the downtown noise regulations.

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

(c) The Assistant to the City Manager had no report.

(d) City Council

Councilmember Stratford stated the "Do the Right Thing" Committee is emphasizing "Respect" in October.

Councilmember Pierce attended a CCTA meeting, ABAG and Joint Policy Committee meetings, and the 50th Anniversary of the Benicia Bridge. She also attended a Regional Prosperity Steering Committee meeting, and the Route 4 contractor celebrations. She noted pictures of the Caldecott Tunnel will be on display at the Clayton Museum soon as part of a roaming tours.

Mayor Geller attended the Clayton Valley Homecoming Parade.

(e) Other – Introduction of candidates present for City Council elected office.

Jim Diaz, City Council Candidate stated he has been attending forums and attended the Clayton Community Theater group's launch party.

No other

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS- None.

9. ACTION ITEMS

(a) Continued discussion and consideration of information submitted by the Contra Costa County Fire Protection District regarding fire protection, suppression, and first-responder emergency medical services provided by the Fire District, and consideration of a City Council position on Ballot Measure Q, a special fire district real property parcel tax on the November 6, 2012 local ballot.

Vince Wells, President of the Local Firefighters 1230 stated the cities of Concord, San Pablo, and Lafayette have already endorsed Measure Q. He stated Clayton is one of the nine cities in the District. He stated the District has 28 fire stations and 84 fire fighters on duty covering 600,000 citizens in over 305 square miles. He stated the District has been facing financial difficulty from the loss of property value. He stated he believes the Governor's pension plan will eliminate a lot of concerns. He stated the District never had pension spiking, and pay has been cut which has lowered the retirement amounts. He also noted the District is way below the standard of coverage for the community.

Councilmember Shuey stated he met for an hour with Jack Verdrame and Vince Wells today and thanked them for meeting with him and discussing Measure Q.

Vice Mayor Medrano asked how much of an impact it would have on Clayton if the District were to close 7-10 fire stations? Mr. Wells responded it would impact the City of Clayton.

Mayor Geller wanted to know what impact it will have on Clayton citizens in regards to fire insurance rates. Mr. Wells responded it takes at least 15 firefighters to respond when there is a structure fire. He stated cities that are on the outskirts would be the worst hit because the stations that would need to respond would have to come from further away. He stated that any stations closed would impact the Clayton community.

Mayor Geller stated if Measure Q passes will it fix the problems? Mr. Wells responded for the seven years of the Measure the budget will be balanced.

Councilmember Shuey stated this is not a tax that will fix a structural problem. Mr. Wells stated it would keep 28 fire stations open. Councilmember Shuey asked if the District would be working to fix its structural problems? Mr. Wells responded yes. Councilmember Shuey asked what the Union will do to help with the structural problems? Mr. Wells responded the Governor's plan will change everything and currently the firefighters are paying 26% of their salary to retirement.

Chief Louder stated he was here tonight to answer any questions. He stated in regards to the impact on Clayton, the District is only at 44% of optimal staffing capacity, so if the District closes 7-10 stations the system cannot absorb the loss. He stated the District is working on a contingency plan but it is not finalized yet. He stated the District has worked on the structural side and realizes the importance. He stated the Unions have agreed to lower starting steps and a 10% salary reduction. He also noted the OPEB liability has been brought down 50% over the last few years. He stated the numbers being presented are very conservative and that in year 10 the District will pay off the pension obligation bond. He stated before 2008 the District had a $25 million surplus.

Mayor Geller asked if the measure would do anything for facilities? Chief Louder stated the Measure would help fund one replacement engine per year.

Councilmember Shuey asked what stations the District plans to close? The Chief responded the District has not identified the stations to be closed and does not want rumors or misinformation to be dispersed. The District is researching options on closures to make the most informed decision possible. The closure plan would go to the Fire Board then to the Board of Supervisors for final action.

Chief Louder stated the District looks at performance measures for response time, and with current staff the District only meets the goal 19.9% of the time. He stated with the closure of one unit in Walnut Creek the response time increased 21 seconds. He stated the District is at bare minimum staffing and believes fire protection is a critical function.

Councilmember Stratford stated personally he recognizes there are some structural problems and he wishes those had been worked out earlier. However that thinks $75 a year buys some time and gives the District a chance to work out some problems.
Vice Mayor Medrano was in favor of not taking a position.

Councilmember Pierce stated she feels as though the Council should not take a position. She stated personally she is not as concerned about the fire issues but about the medical response.

By consensus the Council decided not to take action or take a position on Measure Q.

7. PUBLIC COMMENTS – Mayor Geller re-opened Public comment.

Brian Lawrence stated he is running for the Mt. Diablo School Board. He stated there is an opportunity for the Board and the City to work together. He stated he wants to harness the volunteerism and bringing it to the community.

9. ACTION ITEMS

(b) Consideration of a draft letter by the City Council to request state legislator submittal of a written request to the state attorney general seeking a legal opinion on whether it is an incompatible office for an elected member of the Clayton City Council to concurrently serve on the Clayton Valley Charter High School Executive [governing] Board.

The City Attorney stated the letter presented lays out the facts and the questions.

Vice Mayor Medrano asked if it makes a difference the public office elected or not and whether that should be clarified in the letter.

Councilmember Shuey asked if the request had to be made in this format? The City Attorney stated there is no specific format criteria but that all of the information needs to be provided so that the State Attorney General can make a determination.

Vice Mayor Medrano suggested Councilmember Shuey work with the City Attorney to revise the draft and bring it back at a later date.

Council consensus was to have Councilmember Shuey work with the City Attorney to revise the letter and bring back at a future City Council meeting..

10. COUNCIL ITEMS

Councilmember Shuey asked for staff to research how the Council can better document and record closed sessions. The City Attorney stated staff would research options and bring it back to a future meeting.

13. ADJOURNMENT– On call by Mayor Geller the meeting adjourned at 8:35 p.m.

Respectfully submitted,

_____
Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

_____
Howard Geller, Mayor

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

Agenda Date: 10/16/2012

Agenda Item: 4b

Approved:
for
Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **MERRY PELLETIER, FINANCE MANAGER**

DATE: **10/16/2012**

SUBJECT: **INVOICE SUMMARY**

RECOMMENDATION **Approve the following Invoices.**

10/12/2012	Cash Requirements Report	$ 88,298.90
10/12/2012	Invoices Paid in Advance of Meeting	$ 39,895.45
	1. CalPERS Retirement PPE 9/30/12	$21,734.26
	2. Mark Kelson – Claim Settlement	$93.71
	3. PG&E (supposed to be with last batch from 10/2/12)	$17,959.36
	4. Priority Payment Systems – credit card fees, September	$108.12
	TOTAL REQUEST	$ **128,194.35**

Attachments:
Cash Requirements Report dated 10/12/2012 (3 pages)
Invoice History Report dated 10/8/2012 (2 pages)

City of Clayton
Cash Requirements Report
City Council Meeting 10/16/12

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Access One								
Access One	10/16/2012	10/2/2012	1302212	September Long Distance	$53.03	$0.00		$53.03
				Totals for Access One:	*$53.03*	*$0.00*		*$53.03*
All City Management Services, Inc.								
All City Management Services, Inc.	10/16/2012	9/28/2012	28456	School Crossing Guard Services	$465.00	$0.00		$465.00
				Totals for All City Management Services, Inc.:	*$465.00*	*$0.00*		*$465.00*
American Fidelity Assurance Company								
American Fidelity Assurance Company	10/16/2012	10/1/2012	777796A	Employee Billing	$975.59	$0.00		$975.59
				Totals for American Fidelity Assurance Company:	*$975.59*	*$0.00*		*$975.59*
Arlene H. Kikkawa-Nielsen								
Arlene H. Kikkawa-Nielsen	10/16/2012	10/12/2012	October 2012	October Services - Library Volunteer Coordina	$900.00	$0.00		$900.00
				Totals for Arlene H. Kikkawa-Nielsen:	*$900.00*	*$0.00*		*$900.00*
AT&T/ CalNet 2								
AT&T/ CalNet 2	10/16/2012	9/22/2012	3720124...	Phone for September	$1,795.05	$0.00		$1,795.05
				Totals for AT&T/ CalNet 2:	*$1,795.05*	*$0.00*		*$1,795.05*
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	10/16/2012	9/24/2012	1165022	Konica contract # CN8007-01	$261.02	$0.00		$261.02
				Totals for Caltronics Business Systems, Inc:	*$261.02*	*$0.00*		*$261.02*
CCC Animal Svcs Dept								
CCC Animal Svcs Dept	10/16/2012	9/27/2012	ASD M5627	second quarter 2012 animal services	$14,525.50	$0.00		$14,525.50
				Totals for CCC Animal Svcs Dept:	*$14,525.50*	*$0.00*		*$14,525.50*
City of Concord								
City of Concord	10/16/2012	10/8/2012	30059	Vehicle maintenance and labor	$812.96	$0.00		$812.96
City of Concord	10/16/2012	10/8/2012	30033	dispatch services/computer components	$13,285.00	$0.00		$13,285.00
City of Concord	10/16/2012	10/8/2012	30034	Live scan for officer applicant	$66.00	$0.00		$66.00
				Totals for City of Concord:	*$14,163.96*	*$0.00*		*$14,163.96*
Clayton Community Church								
Clayton Community Church	10/16/2012	10/5/2012	9/1/12	Soap Box Derby Deposit Refund	$47.15	$0.00		$47.15
				Totals for Clayton Community Church:	*$47.15*	*$0.00*		*$47.15*
Clean Street								
Clean Street	10/16/2012	9/30/2012	68594	monthly sweep fee	$3,500.00	$0.00		$3,500.00
				Totals for Clean Street:	*$3,500.00*	*$0.00*		*$3,500.00*
Contra Costa Health Svc								
Contra Costa Health Svc	10/16/2012	8/9/2012	SART July 2012	SART Exam Billing July 2012	$1,000.00	$0.00		$1,000.00
				Totals for Contra Costa Health Svc:	*$1,000.00*	*$0.00*		*$1,000.00*

City of Clayton
Cash Requirements Report
City Council Meeting 10/16/12

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Contra Costa Water Dist.								
Contra Costa Water Dist.	10/16/2012	10/3/2012	D Series	Irrigation	$40,470.02	$0.00		$40,470.02
				Totals for Contra Costa Water Dist.:	*$40,470.02*	*$0.00*		*$40,470.02*
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	10/16/2012	10/6/2012	15426589	Konica Contract # 25079777	$431.68	$0.00		$431.68
				Totals for De Lage Landen Financial Services, Inc.:	*$431.68*	*$0.00*		*$431.68*
Globalstar LLC								
Globalstar LLC	10/16/2012	9/16/2012	4201398	Marchut - Cell	$43.59	$0.00		$43.59
				Totals for Globalstar LLC:	*$43.59*	*$0.00*		*$43.59*
Health Care Dental Trust								
Health Care Dental Trust	10/16/2012	10/8/2012	November 2012	November Dental	$2,811.51	$0.00		$2,811.51
				Totals for Health Care Dental Trust:	*$2,811.51*	*$0.00*		*$2,811.51*
ICMA Retirement Corporation								
ICMA Retirement Corporation	10/16/2012	10/3/2012	11277	Quarterly portion of annual plan fee Q2	$125.00	$0.00		$125.00
				Totals for ICMA Retirement Corporation:	*$125.00*	*$0.00*		*$125.00*
Jobs Available								
Jobs Available	10/16/2012	10/9/2012	1221012	Display Ad - Office Asst./Code Enforcement C	$192.50	$0.00		$192.50
				Totals for Jobs Available:	*$192.50*	*$0.00*		*$192.50*
LarryLogic Productions								
LarryLogic Productions	10/16/2012	10/3/2012	1280	City Council Meeting 10/2/12	$375.00	$0.00		$375.00
				Totals for LarryLogic Productions:	*$375.00*	*$0.00*		*$375.00*
Muir/ Diablo Occupation Medicine								
Muir/ Diablo Occupation Medicine	10/16/2012	9/25/2012	195132	Mark Janney	$45.00	$0.00		$45.00
				Totals for Muir/ Diablo Occupation Medicine:	*$45.00*	*$0.00*		*$45.00*
Neopost (add postage)								
Neopost (add postage)	10/16/2012	10/8/2012	10/8/12	Postage	$300.00	$0.00		$300.00
				Totals for Neopost (add postage):	*$300.00*	*$0.00*		*$300.00*
Neopost (Supplies)								
Neopost (Supplies)	10/16/2012	9/5/2012	13752572	Ink Cartridge Contract # 12620150	$145.06	$0.00		$145.06
				Totals for Neopost (Supplies):	*$145.06*	*$0.00*		*$145.06*
Peace Officers Research Assoc of CA								
Peace Officers Research Assoc of CA	10/16/2012	9/11/2012	50780	PORAC LDF Dues - July-Sept 2012 #12047	$15.00	$0.00		$15.00
Peace Officers Research Assoc of CA	10/16/2012	9/14/2012	43644	PORAC PRA Dues ID # 10204799/2145	$10.00	$0.00		$10.00
				Totals for Peace Officers Research Assoc of CA:	*$25.00*	*$0.00*		*$25.00*

City of Clayton
Cash Requirements Report
City Council Meeting 10/16/12

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.								
PERMCO, Inc.	10/16/2012	10/8/2012	9848	Retainer - General Services	$1,464.25	$0.00		$1,464.25
PERMCO, Inc.	10/16/2012	10/8/2012	9849	CCWD EP - Minor	$41.50	$0.00		$41.50
PERMCO, Inc.	10/16/2012	10/8/2012	9850	Diablo Pointe Plan Check	$62.25	$0.00		$62.25
PERMCO, Inc.	10/16/2012	10/8/2012	9851	Diablo Pointe Construction Inspection	$1,286.50	$0.00		$1,286.50
PERMCO, Inc.	10/16/2012	10/8/2012	9852	Diablo Estates BAD - Admin	$450.00	$0.00		$450.00
PERMCO, Inc.	10/16/2012	10/8/2012	9853	Keller Ridge Sidewalk Drains - Def. Maint. K	$324.06	$0.00		$324.06
				Totals for PERMCO, Inc.:	*$3,628.56*	*$0.00*		*$3,628.56*
Prosperitas Wealth Management								
Prosperitas Wealth Management	10/16/2012	10/11/2012	025608	library rental fees	$101.00	$0.00		$101.00
				Totals for Prosperitas Wealth Management:	*$101.00*	*$0.00*		*$101.00*
Riso Products of Sacramento								
Riso Products of Sacramento	10/16/2012	9/21/2012	97166	Contract for 9/18/12-10/17/12	$94.79	$0.00		$94.79
				Totals for Riso Products of Sacramento:	*$94.79*	*$0.00*		*$94.79*
Sprint Comm (PD)								
Sprint Comm (PD)	10/16/2012	9/29/2012	703335311-130	Nextel Invoice	$297.20	$0.00		$297.20
				Totals for Sprint Comm (PD):	*$297.20*	*$0.00*		*$297.20*
Thales Consulting Inc								
Thales Consulting Inc	10/16/2012	9/28/2012	603	Annual Street Report	$700.00	$0.00		$700.00
				Totals for Thales Consulting Inc:	***$700.00***	*$0.00*		*$700.00*
Tom Jensen								
Tom Jensen	10/16/2012	9/28/2012	SPR 02-11	Refund of Remaining Deposit Funds	$484.69	$0.00		$484.69
				Totals for Tom Jensen:	*$484.69*	*$0.00*		*$484.69*
Western Exterminator								
Western Exterminator	10/16/2012	9/30/2012	674191	September 2012	$342.00	$0.00		$342.00
				Totals for Western Exterminator:	*$342.00*	*$0.00*		*$342.00*
				GRAND TOTALS:	**$88,298.90**	**$0.00**		**$88,298.90**

City of Clayton
Invoice History Report

Checks cut early CC 10/16/12

Vendor Name	Transaction Date	Transaction Number	Transaction Type	Description	Transaction Amount	Post Date	Invoice Balance
AT&T/ CalNet 2							
AT&T/ CalNet 2	9/22/2012	3720124...	Invoice	Phone for September	$1,795.05	10/8/2012	$1,795.05
				Totals for AT&T/ CalNet 2:			*$1,795.05*
CalPERS Retirement							
CalPERS Retirement	10/8/2012	PPE 9/30/12	Invoice	Retirement PPE 9/30/12 Pay 10/3/12	$21,734.26	10/9/2012	$21,734.26
CalPERS Retirement	10/9/2012	9100180	Payment		($21,734.26)	10/9/2012	$0.00
				Totals for CalPERS Retirement:			*$0.00*
Clayton Community Church							
Clayton Community Church	10/5/2012	9/1/12	Invoice	Soap Box Derby Deposit Refund	$132.15	10/5/2012	$132.15
				Totals for Clayton Community Church:			*$132.15*
Clean Street							
Clean Street	9/30/2012	68594	Invoice	monthly sweep fee	$3,500.00	10/8/2012	$3,500.00
				Totals for Clean Street:			*$3,500.00*
Contra Costa Health Svc							
Contra Costa Health Svc	8/9/2012	SART July 2012	Invoice	SART Exam Billing July 2012	$1,000.00	10/5/2012	$1,000.00
				Totals for Contra Costa Health Svc:			*$1,000.00*
Globalstar LLC							
Globalstar LLC	9/16/2012	4201398	Invoice	Marchut - Cell	$43.59	10/5/2012	$43.59
				Totals for Globalstar LLC:			*$43.59*
Health Care Dental Trust							
Health Care Dental Trust	10/8/2012	November 2012	Invoice	November Dental	$2,811.51	10/5/2012	$2,811.51
				Totals for Health Care Dental Trust:			*$2,811.51*
Mark Kelson							
Mark Kelson	10/8/2012	10/8/12	Invoice	Claim Settlement	$93.71	10/8/2012	$93.71
Mark Kelson	10/8/2012	28895	Payment		($93.71)	10/8/2012	$0.00
				Totals for Mark Kelson:			*$0.00*
Muir/ Diablo Occupation Medicine							
Muir/ Diablo Occupation Medicine	9/25/2012	195132	Invoice	Mark Janney	$45.00	10/5/2012	$45.00
				Totals for Muir/ Diablo Occupation Medicine:			*$45.00*

City of Clayton
Invoice History Report

Vendor Name	Transaction Date	Transaction Number	Transaction Type	Description	Transaction Amount	Post Date	Invoice Balance
Peace Officers Research Assoc of CA							
Peace Officers Research Assoc of CA	**9/11/2012**	**50780**	**Invoice**	**PORAC LDF Dues - July-Sept 2012 #120479/**	**$15.00**	**10/5/2012**	**$15.00**
Peace Officers Research Assoc of CA	**9/14/2012**	**43644**	**Invoice**	**PORAC PRA Dues ID # 10204799/2145**	**$10.00**	**10/5/2012**	**$10.00**
				Totals for Peace Officers Research Assoc of CA:			*$25.00*
PG&E							
PG&E	**9/14/2012**	**September 2012**	**Invoice**	**September Service**	**$17,959.36**	**10/3/2012**	**$17,959.36**
PG&E	10/3/2012	28894	Payment		($17,959.36)	10/3/2012	$0.00
				Totals for PG&E:			*$0.00*
Priority Payment Systems (Merchant Bankcard System)							
Priority Payment Systems (Merchant Bankcard Systen	**10/3/2012**	**9/30/12**	**Invoice**	**Bankcard Fees for September 2012**	**$108.12**	**10/3/2012**	**$108.12**
Priority Payment Systems (Merchant Bankcard System)	10/3/2012	9100179	Payment		($108.12)	10/3/2012	$0.00
				Totals for Priority Payment Systems (Merchant Bankcard System):			*$0.00*
Riso Products of Sacramento							
Riso Products of Sacramento	**9/21/2012**	**97166**	**Invoice**	**Contract for 9/18/12-10/17/12**	**$94.79**	**10/5/2012**	**$94.79**
				Totals for Riso Products of Sacramento:			*$94.79*
Thales Consulting Inc							
Thales Consulting Inc	**9/28/2012**	**603**	**Invoice**	**Annual Street Report**	**$700.00**	**10/5/2012**	**$700.00**
				Totals for Thales Consulting Inc:			*$700.00*
Tom Jensen							
Tom Jensen	**9/28/2012**	**SPR 02-11**	**Invoice**	**Refund of Remaining Deposit Funds**	**$484.69**	**10/5/2012**	**$484.69**
				Totals for Tom Jensen:			*$484.69*

Agenda Date: 10-16-12

Agenda Item:

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

FROM: **Merry Pelletier, Finance Manager**

DATE: **October 16, 2012**

SUBJECT: **Approval of Prior Fiscal Year Encumbrances into FY 2012-2013 Budget**

RECOMMENDATION

It is recommended the City Council adopt the prepared Resolution approving the June 30, 2012 encumbrances of unexpended or incurred capital outlays and operational expenses into the Fiscal Year 2012-2013 Budget.

BACKGROUND

On June 30, 2012 our fiscal year ended leaving some General Fund Department budgets with several line items open, which is a common occurrence in all budgets. Many of the open items recommended for future payment have not been incurred as of June 30, 2012, but are anticipated or desired for completion within the next fiscal year. The City traditionally evaluates each year the necessity of "rolling over" (i.e., encumbering) planned expenditures into the current fiscal year for completion and the City Council formally approves such fiscal action by adoption of the corresponding encumbrance Resolution.

In addition to General Fund items, the Gas Tax Fund (201), Landscape Maintenance District Fund (210), Grove Park Fund (211), Stormwater Fund (216), and the Capital Improvement Project Fund (303), each have open line items that must be paid in the subsequent fiscal year (i.e., FY 2012-13).

It now appears the City's unaudited General Fund final revenues will actually exceed our original budget by $287,374, a remarkable occurrence in today's times. The excess is detailed below:

General Fund Revenue Variance 2011-12	
Actual General Fund Revenue over Budgeted Revenue	**$287,374**

Specific accounts of higher-than-expected key revenues:

Property Taxes	**$ 35,997**
Redevelopment Property Tax Trust Fund Distribution	**$128,417**
Sales Tax	**$ 9,746**
Well Water Useage (Oakhurst Country Club)	**$ 25,446**
Franchise Fees	**$ 62,594**
Real Property Transfer Taxes	**$ 1,922**
CCC Building Permit Fees	**$ 57,151**
Business License Taxes	**$ 15,748**

Offsetting such positive news is that Motor Vehicle In Lieu fees came in lower than expected ($21,326), Park Use Fees ($27,612) [due to American Soccer League (ASL) declined player base not needing as many fields, and unusual high amount of rain out dates] as well as Fines and Forfeitures ($3,307), and Planning Services ($886).

General Fund expenditures are projected to come in as budgeted with encumbrances. Therefore, the General Fund is in an unaudited position to realize a surplus of $287,374 when matching actual revenues received ($4,031,864) less actual expenses paid ($3,744,490) during last fiscal year.

RECOMMENDED ENCUMBRANCES

Following analysis by staff, it is recommended **$155,578** in encumbrances for the General Fund (101) be approved as follows:
City promotional activity (4th of July Parade) $4,368; Audit Services $3,581; Computer Services $4,171; Public Works water services $1,868; machinery & equipment maintenance $2387; vehicle maintenance $4,887; deferred maintenance project account $102,140; planning legal notices $1,064; other professional services-HDL software maintenance and State mandate contract $4,802; Police general supplies $2,087; Police office supplies $1,241; Police radio system $7,379; Police office equipment repair $1,280; Police employee recognition $283; Police computer services $850; Police emergency services $135; Integrated Justice System $1,522; Library gas & electricity $1,618; and Library janitorial service $1,316.

Encumbrances for the Gas Tax Fund (201) total **$28,228** and involve planned or upcoming expenses for street maintenance supplies and labor, crack sealing, sidewalk repairs, and illuminated street name sign replacements.

Encumbrances for the Landscape Maintenance District Fund (210) total **$191,899** and cover costs for general supplies, gas & electricity, professional services, water services, and approved but yet to be completed landscape replacement and tree trimming projects.

Encumbrances for The Grove Park Fund (211) total **$22,610** and cover costs for deferred maintenance of the park's wood structures to include painting and resealing.

Encumbrances for the Stormwater Fund (216) total **$30,418** and cover costs for salaries and benefit costs to perform stormwater inlet, culvert and creek cleaning; and Engineering services.

Encumbrances for the Capital Equipment Replacement Fund (CERF 502) total **$27,415** and covers costs to complete computer and phone replacement/upgrades.

Encumbrances for Capital Improvement Projects Fund (303) total **$1,618,831**, and involve monies set aside for our Downtown Economic Development Project #3001 account $1,166,581; ADA Compliance Project #3003 account $10,190; 2012 Neighborhood Street project #10410 & #10411 account $316,060; 2012 Collector St Project #10425 account $76,000; and Cardinet Trail Restoration Project #10421account $50,000.

Even with approval of these recommended encumbrances, none of the respective funds will be placed in a negative fund equity position.

DISPOSITION OF GENERAL FUND ANNUAL SURPLUS

As noted above, the City's General Fund is expected to end last fiscal year with an annual excess of $287,374 prior to recommended encumbrances. After recommended encumbrances of the general

fund, there remains a surplus of $131,796 that staff recommends be placed in the Trust and Agency Fund (601).

CONCLUSION

Staff concludes that budgeted funds are available in the General Fund Operations Budget to encumber the $155,578 necessary to cover these expenditures in the current fiscal year. The projected revenue earned for fiscal year ending June 30, 2012 is $4,031,864 and projected expenditures are $3,744,490.

Respectively submitted,

Merry Pelletier
Finance Manager

Attachment: City Resolution with Exhibit A – June 30, 2012 Encumbrances

EXHIBIT A

CITY OF CLAYTON
JUNE 30, 2012
ENCUMBRANCES

Description	Account Number	Amount	Explanation
City Promotional Activity	101-7362-01	4,368	4th of July Parade
Audit	101-7414-02	3,581	Audit services
Computer Services	101-7415-02	4,171	Contingency
Water Services	101-7338-03	1,868	Contingency
Machinery & Equipment Maintenance	101-7342-03	2,387	Contingency
Vehicle Maintenance	101-7343-03	4,887	Contingency
Deferred Maintenance Project Account	101-7347-03#4139	102,140	Future projects
Conferences & Training	101-7373-05	8,599	Council Action 6/30/11
Legal Notices	101-7384-04	1,064	Contingency
Other Professional Services	101-7419-05	4,802	HDL Software Mtn- State Mandated Contract
General Supplies	101-7311-06	2,087	Contingency
Office Supplies	101-7312-06	1,241	Contingency
Telephone/Radios	101-7332-06	7,379	Contingency
Office Equipment Repair	101-7344-06	1,280	Contingency
Employee Recognition	101-7364-06	283	Service recognition supplies
Computer Services	101-7415-06	850	Contingency
Emergency Services	101-7432-06	135	Contingency
Integrated Justice System	101-7433-06	1,522	Contingency
Gas & Electricity	101-7335-07	1,618	Contingency
Janitorial Service	101-7417-07	1,316	Contingency
TOTAL GENERAL FUND - 101		155,578	
Regular Salaries	201-7111-00	10,753	Crack Sealing & sidewalk repairs
Temporary Salaries	201-7112-00	3,179	Crack Sealing & sidewalk repairs
Benefits - Life & LTD	201-7218-00	179	Crack Sealing & sidewalk repairs
Benefits - PERS Retirement	201-7220-00	2,208	Crack Sealing & sidewalk repairs
Benefits - FICA & Medicare	201-7233-00	465	Crack Sealing & sidewalk repairs
Benefit Insurance	201-7246-00	2,090	Crack Sealing & sidewalk repairs
General Supplies	201-7311-00	3,000	Crack Sealing & sidewalk repairs
Street Maintenance Supplies	201-7327-00	932	Crack Sealing & sidewalk repairs
Traffic Signal Maintenance	201-7349-00	4,022	Contingency
Congestion Management Agency Fees	201-7419-00	1,400	Contingency
TOTAL GAS TAX FUND - 201		28,228	
General Supplies	210-7311-00	6,718	Contingency
Gas & Electricity	210-7335-00	3,089	Contingency
Water Services	210-7338-00	70,380	Contingency
Other Professional Services	210-7419-00	17,086	Weed Abatement Services
Other Professional Services	210-7520-00	3,164	Landscape Services
Clayton Road Median Landscape Project #3016	210-7520-00#3016	22,362	Complete Landscape Project
Trail Crack sealing /repair	210-7520-00	10,000	Future Project
Irrigation Central Controller System	210-7520-00	30,000	Future Project
Tree Replacement Trimming	210-7520-00	10,000	Future Project
Jeffrey Ranch Relandscaping	210-7520-00	2,500	Future Project
Keller Ridge Tree Replacement	210-7520-00	16,600	Future Project
TOTAL LANDSCAPE FUND - 210		191,899	
Regular Salaries	211-7111-00	6,241	Deferred Maintenance-Paint & Resealing Wood
Temporary Salaries	211-7112-00	9,177	Deferred Maintenance-Paint & Resealing Wood
Benefits - Life & LTD	211-7218-00	176	Deferred Maintenance-Paint & Resealing Wood
Benefits - PERS Retirement	211-7220-00	2,460	Deferred Maintenance-Paint & Resealing Wood
Benefits - FICA & Medicare	211-7233-00	881	Deferred Maintenance-Paint & Resealing Wood
Benefit Insurance	211-7246-00	2,491	Deferred Maintenance-Paint & Resealing Wood
Janitorial	211-7417-00	1,184	
TOTAL GROVE PARK FUND - 211		22,610	
Regular Salaries	216-7111-00	9,185	Stormwater inlet, culvert & creek cleaning
Temp Salaries	216-7112-00	1,739	Stormwater inlet, culvert & creek cleaning
Benefits - Life & LTD	216-7218-00	159	Stormwater inlet, culvert & creek cleaning
Benefits - PERS Retirement	216-7220-00	2,636	Stormwater inlet, culvert & creek cleaning
Benefits - FICA & Medicare	216-7233-00	181	Stormwater inlet, culvert & creek cleaning
Benefit Insurance	216-7246-00	2,517	Stormwater inlet, culvert & creek cleaning
Street Sweeping	216-7409-00	3,500	Contingency
Engineering Inspection Service	216-7412-00	4,789	Engineering services for NPDES Report
Other Professional Services	216-7419-00	5,712	Drain services & tree trimming
TOTAL STORMWATER FUND - 216		30,418	
Computer Upgrades & VOIP Equipment City Hall WiFi			
TOTAL CAPITAL EQUIPMENT REPLACEMENT FUND - 5(	502-7485-00	27,415	Complete computer & phone upgrades-VOIP
Downtown Economic Development	303-7520-00#3001	1,166,581	Future Project
ADA Compliance Program	303-7520-00#3003	10,190	Future Project
2012 Neighborhood St Project #10411 & 10410	303-7520-00	316,060	Future Project
2012 Collector St Project #10425	303-7520-00	76,000	Future Project
Cardinet Trail Restoration Project #10421	303-7520-00	50,000	Future Project (LMD)
TOTAL CAPITAL IMPROVEMENT FUND - 303		1,618,831	

RESOLUTION NO. __ – 2012

A RESOLUTION APPROVING CARRY-OVER/ENCUMBRANCE OF UNEXPENDED OPERATING BUDGET, CAPITAL IMPROVEMENT AND CAPITAL OUTLAY FUNDS FROM FISCAL YEAR 2011-2012, AMENDING THE 2012-2013 CITY BUDGET ACCORDINGLY AND DIRECTING THE DISPOSITION OF EXCESS GENERAL FUND MONIES FROM FY 2011-2012

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on 19 June 2012, the Clayton City Council adopted the Fiscal Year 2012 – 2013 annual City Budget; and

WHEREAS, upon the completion of the fiscal year on 30 June 2012, certain funds unexpended in the 2011 – 2012 annual City Budget remain available and must be carried over into the next fiscal year for the necessary completion of specified and authorized City projects, operations and contingencies; and

WHEREAS, City staff has identified the essential operational and capital outlay services that require completion in Fiscal Year 2011 – 2012, the Finance Manager has verified the monies are available in the maximum amounts outlined in "Exhibit A" – June 30, 2012 Encumbrances, attached hereto and incorporated herein, and the Assistant to the City Manager has reviewed the list and recommends the carry-over/encumbrance of said funds; and

WHEREAS, the carry-over and encumbrance of prior year unexpended funds requires the appropriation approval by the City Council; and

WHEREAS, the unaudited General Fund annual excess, after accounting for all encumbrances, is projected to be $287,384 and the City Council within its full discretion wishes to direct the disposition of these one-time monies.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby approve the encumbrances listed in "Exhibit A" attached hereto and incorporated herein by reference, and does herewith amend the 2012 – 2013 City Budget accordingly with the noted maximum carry-over appropriations from Fiscal Year 2011 – 2012; and

BE IT FURTHER RESOLVED the City Council does hereby approve, authorize and direct that after accounting for FY 11-12 General Fund encumbrances of $155, 578; the remaining FY 11-12 General Fund excess of $131, 796 be placed in the Trust in Agency Fund of the City; and

BE IT FURTHER RESOLVED that the City Manager of Clayton is hereby authorized to expend said funds in accordance with the laws of the State of California and the ordinances of the City of Clayton, pursuant to the adopted and amended Fiscal Year 2012 – 2013 Budget.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 20th day of October 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____
Howard Geller, Mayor

ATTEST:

_____
Laci J. Jackson, City Clerk