



AGENDA

REGULAR JOINT MEETINGS

* * *

CLAYTON CITY COUNCIL

AND

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

TUESDAY, DECEMBER 4, 2012

6:15 p.m.

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

Mayor: Howard Geller

Council Members

Julie K. Pierce

David T. Shuey

Hank Stratford

Council Member-elect Jim Diaz

- 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 ***

December 4, 2012

6:15 P.M.

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

2. **CLOSED SESSION**

- (a) *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 Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: Clayton Community Church.

Report out of Closed Session: Mayor Geller.

7:00 P.M.

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) Information Only

1. Notice of Public Hearing on Wednesday, January 2, 2013 by Contra Costa Water District (CCWD) of its consideration of a treated water revenue rate increase of up to 3.5%. ([View Here](#))

2. Notification by Allied Waste Services that residential and commercial solid waste collection and disposal services rates will increase by 2.9% (90% of the annual October-October Consumer Price Index change, per the Franchise Agreement), effective January 1, 2013. ([View Here](#))

(b) Approve the minutes of the regular meeting of November 20, 2012. ([View Here](#))

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

(d) Adopt a Resolution declaring the results of canvass of returns in the November 2012 General Municipal Election declaring three persons elected to the City Council of Clayton, California for full four-year terms of office. ([View Here](#))

(e) Approve cancellation of January 2, 2013 City Council regular meeting. ([View Here](#))

(f) Authorize the closure of the Clayton Community Library on three (3) holiday-related Sundays in calendar year 2013. ([View Here](#))

5. RECOGNITIONS AND PRESENTATIONS

- (a) Certificates of Recognition to “Do The Right Thing” public school students exemplifying the character trait of “Respect”.

6. OATHS OF OFFICE BY NEWLY-ELECTED CITY COUNCIL MEMBERS

Julie Pierce, Howard Geller, Jim Diaz.
(City Clerk)

7. ANNUAL REORGANIZATION OF CLAYTON CITY COUNCIL[\(View Here\)](#)

- (a) Election of Mayor by the City Council [past Mayor to conduct the election].
- (b) Election of Vice Mayor by the City Council [Newly-elected Mayor to conduct the election].
- (c) Recognitions and comments by Mayor and Council Members.

8. OATH OF OFFICE BY NEW CLAYTON CHIEF OF POLICE

Christopher “Chris” Thorsen
(City Clerk)

9. 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

10. 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.

11. **PUBLIC HEARINGS** – None.

12. **ACTION ITEMS** – None.

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

14. **ADJOURNMENT** – the next regularly scheduled City Council meeting is December 18, 2012.
#

*** OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT ***
December 4, 2012

1. CALL TO ORDER AND ROLL CALL – Chairman Stratford.

2. PUBLIC COMMENTS

Members of the public may address the District Board of Directors on items within the Board'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 Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called or you are recognized by the Chair 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 Board 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 Board.

3. CONSENT CALENDAR

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

- (a) Approve the Board of Directors' minutes for its regular meeting July 17, 2012.
([View Here](#))

4. ANNUAL REORGANIZATION OF THE BOARD OF DIRECTORS([View Here](#))

- (a) Nominations and election of Chair (Chairman to conduct the election)
(b) Nominations and election of Vice Chair (New Chair to conduct the election).

5. PUBLIC HEARINGS - None.

6. ACTION ITEMS – None.

7. BOARD ITEMS – limited to requests and directives for future meetings.

8. ADJOURNMENT – the next meeting of the GHAD Board of Directors will be scheduled as needed.

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Agenda Date: 12-4-12

Agenda Item: 4a(1)

Contra Costa Water District

Notice of Public Hearing on Potential Water Rate and Charge Increases

Wednesday, January 2, 2013 at 6:30 p.m.; Board Room - 1331 Concord Avenue, Concord CA

The Contra Costa Water District (District/CCWD) wishes to notify you of a Public Hearing where a treated water revenue increase of up to 3.5% will be considered. Public comments and written protests may be submitted to the District prior to and at the Public Hearing. Following the Public Hearing, the Board will consider adoption of the proposed revenue increase. The revenue increase will apply to the quantity charge and daily service and demand components of the water rate. If a 3.5% revenue increase is approved, the increase to a single family residential customer in the District using 350 gallons per day (average customer) would be approximately \$2.27 per month. Excess Use Charges (EUC) apply to residential and landscape irrigation customers who use both in excess of 1,000 gallons per day (GPD) and exceed their historical average. A customer with a historical average of 1,000 gallons per day and using 10 hundred cubic feet (7,480 gallons) more than their historical monthly average will see an increase of \$1.52 in their monthly water costs. The increase applies only to the amount of water over 1,000 GPD in this example. Customers using less than 1,000 GPD or less than their historical average are not subject to an EUC.

Quantity and Service Charges			
	Current Charge	Potential Increase	Potential Charge
Quantity Charge per hundred cubic feet (748 gallons)	\$3.0046	\$0.1528	\$3.1574
Daily Service and Demand Charge*	\$0.5569	\$0.0040	\$0.5609
Excess Use Charge**	\$3.0046	\$0.1528	\$3.1574

* For a 5/8-inch meter; charges for larger meters are proportionate to size as generally described in Section 5.12.010 CCWD Code of Regulations.

** Represents incremental charge over and above the Quantity Charge, and is only applied to quantity of water that is both in excess of 1,000 GPD and greater than the historical average.

Water rates pay for the safe and reliable delivery of drinking water to all CCWD customers. A revenue increase of up to 3.5% is necessary to meet operation and maintenance requirements, fund capital improvements to aging infrastructure, and offset increased cost of purchasing untreated water along with power for pumping and treatment. For further information go to www.ccwater.com or call (925) 688-8044.



Agenda Date: 12-4-12

Agenda Item: 4a(2)

Received

NOV 26 2012

City of Clayton

November 20, 2012

Mr. Gary Napper
City Manager
6000 Heritage Trail
Clayton, CA 94517

Dear Gary:

Allied Waste Services is providing notification of our intention to adjust the residential and commercial refuse collection rates by the corresponding percentage change in the Consumer Price Index (CPI) – All Urban Consumers – for San Francisco-Oakland-San Jose Bay Area through October 2012. I have attached a copy of the U.S. Department of Labor Statistics CPI calculations. The CPI increase is 3.2%.

We are allowed 90% of the CPI for 2013 so the rate increase will be 2.9%. The rate adjustment will take effect on January 1, 2013.

A copy of the historic data is attached for verification purposes. A bill message will be on the December invoice.

Feel free to contact me at (925) 671-5823 if you have any questions.

Sincerely,

Timothy M. Argenti
GENERAL MANAGER

Consumer Price Index - All Urban Consumers

Original Data Value

Series Id: CUURA422SA0
 Not Seasonally Adjusted
 Area: San Francisco-Oakland-San Jose, CA
 Item: All items
 Base Period: 1982-84=100
 Years: 2002 to 2012

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2002	191.3	193.0	193.0	193.0	193.0	193.2	193.2	193.5	194.3	194.3	194.3	193.2	193.0	192.3	193.7
2003	197.7	197.3	197.3	197.3	196.3	196.3	196.3	196.3	196.3	196.3	196.3	195.3	196.4	196.8	196.1
2004	198.1	198.3	198.3	198.3	199.0	199.0	199.0	198.7	200.3	200.3	200.3	199.5	198.8	198.2	199.5
2005	201.2	202.5	202.5	202.5	201.2	201.2	201.2	203.0	205.9	205.9	205.9	203.4	202.7	201.5	203.9
2006	207.1	208.9	208.9	208.9	209.1	209.1	210.7	210.7	211.0	211.0	211.0	210.4	209.2	207.9	210.6
2007	213.688	215.842	215.842	215.842	216.123	216.123	216.240	216.240	217.949	217.949	217.949	218.485	216.048	214.736	217.361
2008	219.612	222.074	222.074	222.074	225.181	225.181	225.411	225.411	225.824	225.824	225.824	218.528	222.767	221.730	223.804
2009	222.166	223.854	223.854	223.854	225.692	225.692	225.801	225.801	226.051	226.051	226.051	224.239	224.395	223.305	225.484
2010	226.145	227.697	227.697	227.697	228.110	228.110	227.954	227.954	228.107	228.107	228.107	227.658	227.469	226.994	227.944
2011	229.981	234.121	234.121	234.121	233.646	233.646	234.608	234.608	235.331	235.331	235.331	234.327	233.390	232.082	234.698
2012	236.880	238.985	238.985	238.985	239.806	239.806	241.170	241.170	242.834	242.834	242.834			238.099	

Δ 7.503
3.188%

2. Section 4 of the Agreement is amended in its entirety effective immediately to read as follows:

Administrative Services and Franchise Fees; Community Enhancement Fee. Effective the next collector billing cycle for customer services in Clayton following approval of this amended Agreement, and as consideration for this franchise granted by City for use of its public rights of way, and to partially reimburse the City for its costs in overseeing this agreement and for services and programs pertaining thereto, Collector shall pay to the City a total annual franchise fee of ten percent (10%) of Collector's gross receipts from customer services provided under this Agreement to residential, commercial and industrial customers within the City limits of Clayton. The franchise fee shall be paid quarterly within 30 thirty (30) days after the end of each calendar quarter and shall be based upon actual gross receipts of Collector for the proceeding calendar quarter.

As further consideration for the extension of the Term of the Agreement, Collector shall, by January 15, 2013, pay to the City a Community Enhancement Fee in the amount of \$100,000.

3. Section 6 of the Agreement is amended to insert the following new paragraph at the end of 6.A.:

Effective the next collector billing cycle for customer services in Clayton following approval of this amended Agreement, Collector will charge up to the maximum service rates as set forth in Exhibit A attached hereto. Commencing effective on January 1, 2013, and every January 1st thereafter during the Term, the Collector's maximum monthly collection rates inclusive of landfill fees shall be increased automatically by an amount equal to ninety percent (90%) of the percentage increase in the Consumer Price Index for the San Francisco Bay Area- All Urban Consumers (base year: 1982-84) during the most recent twelve month period prior to the January 1 rate adjustment date for which such data is available ("CPI"), subject to the following minimum guaranteed rate increase and the maximum rate cap: regardless of the actual applicable change in the CPI, Collector shall receive at least a one percent (1%) increase in its rates every January 1st and Contractor's rates shall not increase more than five percent (5%) at any such annual CPI adjustment.

4. Section 7 of the Agreement is replaced and amended to read in its entirety:

7. Landfill Capacity. Collector agrees to reserve and provide disposal capacity at the Keller Canyon Landfill for all Solid Waste and Yard Waste collected within the franchise area during the term of this Agreement.

5. Section 9 of the Agreement shall be amended to add a new sentence at the end as follows:

Any collection vehicles that are replaced during the term of the Agreement shall be replaced with collection vehicles that use Natural Gas fuel.

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

Agenda Date: 12-4-12

Agenda Item: 4b

TUESDAY, November 20, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:17 p.m. by Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Councilmembers Pierce, Shuey, and Stratford. Councilmembers Absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director David Woltering, and City Clerk Laci Jackson.

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

- (a) *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 Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: Clayton Community Church.

7:15 p.m. Report out of Closed Session: Mayor Geller reported the Council would return to Closed Session at the end of the meeting. There was no public report to provide at this time.

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

4. **CONSENT CALENDAR**- It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to approve the Consent Calendar as submitted (Passed; 4-0 vote).

- (a) Approved the minutes of the regular meeting of November 6, 2012.

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

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

6. **REPORTS**

- (a) Planning Commission – Commissioner Johnson reported on the November 13 meeting of the Planning Commission. The Commission approved an addition to a balcony in Diablo Estates and reviewed the proposed Universal Design Ordinance which will require developers to offer design features to make units more usable and safe for persons with disabilities. This action is a requirement from the City's HCD- Certified Housing Element.

The Council asked questions regarding the size of the deck addition and the reasons for its addition. Councilmember Shuey stated he did not believe it was government's place to require the ADA Universal Design features be offered by the developer. If a homebuyer wants them, they can request the information and costs at that time. The Community Development Director stated the requirements come from the adopted Housing Element.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager congratulated Mayor Geller, Councilmember Pierce, and Councilmember-Elect Jim Diaz, who is in the audience, on their successful elections. He stated December 4th will be the transition meeting of the City Council. He noted the meeting will have cake and a celebration along with the selection of the new Mayor and Vice Mayor. He stated the new Police Chief Chris Thorsen will also be at the meeting for administration of his Oath of Office. He thanked current Police Chief Dan Lawrence for his 40 years of law enforcement service and for his seven years as the Clayton Chief of Police. Police Chief Lawrence stated it had been a pleasure serving the Clayton community.
- (d) City Council
- Councilmember Stratford stated the “Do the Right Thing” trait of the month is “Kindness.”
- Councilmember Shuey attended the East Bay League of Cities Division meeting.
- Councilmember Pierce attended a Transpac meeting, an ABAG meeting, a Joint Policy Executive Committee, a Joint ABAG and MTC meeting, a Bay Area prosperity project meeting, and the MTC parking policy workshop. She attended the Focus on the Future Conference. She noted the Clayton Counts Down Committee met and because of changing demographics and lowered attendance the event will not be held this year. She stated the Committee is brainstorming about ideas of a event in the park for children. She stated as of 2010 there are only 450 children under 8 years old in Clayton and the event was only bring in 300-400 people total. She stated the event requires a tremendous amount of volunteers and they are nearly the same volunteers since 2003.
- Councilmember Shuey also noted he has been meeting with Councilmembers from other cities to assist the Mt. Diablo Unified School District. He stated they are trying to figure out a structure and method to help the District.
- Mayor Geller attended the CCC (Careers Community Collaboration) Club at Clayton Valley Charter High School. He hosted the Mayors Club meeting this month and noted the Clayton Valley Charter High School football team is in the playoffs.
- (e) Other – None.

7. PUBLIC COMMENTS

Richard Taylor thanked the City of Clayton and the Police Department for sponsoring the 32nd Annual Halloween Ghost Walk. He also thanked the Clayton Pioneer, the Concord Transcript, and Channel 2 News for their coverage of the event.

8. PUBLIC HEARINGS- None.

9. **ACTION ITEMS**

- (a) Consideration of a staff report outlining options and range of costs for updating the City's Noise Element and Noise Ordinance.

The Community Development Director stated this item arises from the October 2nd City Council meeting where Council directed staff to prepare more information about the costs of updating the City's Noise Element and Noise Ordinance. He stated the issue started as an informational item about complaints received about the noise levels at the Clayton Club Saloon. Staff worked with the Clayton Club owners to make operational modifications such as keeping the decibel levels lower outdoors, keeping the back doors closed, adding ventilation, and adding a noise monitoring device. He stated staff worked within the confines of the City's Noise Element and Chapter 9.30 of the Municipal Code-Noise Regulations. He stated the Clayton Club owners were concerned there are no consistent noise thresholds and how staff would measure compliance based on the regulations. Staff was asked by Council to come back with information regarding the cost of updating these regulations.

The Community Development Director stated the Clayton Club owners are correct; it would be helpful to update the documents by creating quantitative standards and clear direction on how to monitor noise. He stated the ultimate vision for downtown is a mixed use environment. As these uses are brought together there may be an inherit conflict in terms of noise. He checked noise documents in other communities and talked with planners and consultants that are dealing with this same issue. As he talked to consultants he tried to get sense of time frames and cost estimates. He stated Option 1 is to stick with the current Noise Element and work with property owners on a case by case basis. Option 2 is amending some of the language and the Noise Element which will take 4-6 months for public hearings and research at a cost of \$17,000-\$25,000 for the Downtown area only, or Option 3 to selectively amend the language on a City wide basis would take 6-8 months and cost \$25,000-\$32,000. He stated Option 4 is to comprehensively update both the noise regulations, Noise Element and update the noise contour maps for the community which has not been updated since 1995. That process would take 8-12 months and would cost \$32,000-\$45,000.

He stated in terms of the Clayton Club, staff and the owners agreed upon operational modifications that seem to have made a difference but the owners are concerned they suffered an undue burden. If the Council wants to move forward funding is a concern. There are many projects coming up in 2013 including the Housing Element update which cost \$44,000 in 2010. Staff recommends this task be added to the Council/ Manager tracking sheet and look for opportunities to revisit this item in the future funds become available or identified.

Mayor Geller indicated he liked Option 2 for the Downtown only.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce, to approve the staff recommendation instructing the City Manager to add updating/revising the City's noise regulations into the Council-Manager's *Staff Work in Progress* document until such time a funding source and prioritization are identified (Passed; 4-0 vote).

10. **COUNCIL ITEMS** – Mayor Geller asked for a future agenda item to discuss paying off the City's CalPERS Unfunded Liability. The City Manager stated staff can provide information but will not provide all analysis until the Council gives further direction.

Councilmember Pierce asked for the potential cancellation of the January 1st meeting to be discussed at the next meeting.

2. **CLOSED SESSION**- Mayor Geller announced the following purposes for Closed Session and then adjourned back into Closed Session at 8:25 p.m.

- (a) *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 Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: Clayton Community Church.

8:34 p.m. Report out of Closed Session: Mayor Geller reported there was no reportable action taken.

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



Agenda Date: 12/4/2012

Agenda Item: 4C

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MERRY PELLETIER, FINANCE MANAGER
DATE: 12/4/2012
SUBJECT: INVOICE SUMMARY

RECOMMENDATION

Approve the following Invoices.

11/30/2012	Cash Requirements Report	\$57,280.41
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TOTAL REQUEST	\$	<u>57,280.41</u>
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Attachments:
Cash Requirements Report dated 11/30/2012 (3 pages)

City of Clayton

Cash Requirements Report

City Council Meeting 12/4/12

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount Expires On	Net Amount Due
All City Management Services, Inc.							
All City Management Services, Inc.	12/4/2012	11/16/2012	29159	School Crossing Guard Services	\$418.50	\$0.00	\$418.50
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$418.50</u>	<u>\$0.00</u>	<u>\$418.50</u>
American Fidelity Assurance Company							
American Fidelity Assurance Company	12/4/2012	11/21/2012	777798A	October Billing	\$975.59	\$0.00	\$975.59
American Fidelity Assurance Company	12/4/2012	11/14/2012	A913516	December Billing	\$256.82	\$0.00	\$256.82
				<i>Totals for American Fidelity Assurance Company:</i>	<u>\$1,232.41</u>	<u>\$0.00</u>	<u>\$1,232.41</u>
AT&T/ CalNet 2							
AT&T/ CalNet 2	12/4/2012	11/22/2012	11/8/12, 11/22/12	November Billing	\$1,780.67	\$0.00	\$1,780.67
				<i>Totals for AT&T/ CalNet 2:</i>	<u>\$1,780.67</u>	<u>\$0.00</u>	<u>\$1,780.67</u>
Banducci Assoc. Architects							
Banducci Assoc. Architects	12/4/2012	11/29/2012	022538	deposit refund for CAP 0028	\$500.00	\$0.00	\$500.00
				<i>Totals for Banducci Assoc. Architects:</i>	<u>\$500.00</u>	<u>\$0.00</u>	<u>\$500.00</u>
Caltronics Business Systems, Inc							
Caltronics Business Systems, Inc	12/4/2012	11/13/2012	1196945	Konica Contract EB0022	\$208.30	\$0.00	\$208.30
				<i>Totals for Caltronics Business Systems, Inc:</i>	<u>\$208.30</u>	<u>\$0.00</u>	<u>\$208.30</u>
City of Concord							
City of Concord	12/4/2012	11/9/2012	30290	Dispatch and Router billing for October 2012	\$13,285.00	\$0.00	\$13,285.00
				<i>Totals for City of Concord:</i>	<u>\$13,285.00</u>	<u>\$0.00</u>	<u>\$13,285.00</u>
Contra Costa Water Dist.							
Contra Costa Water Dist.	12/4/2012	11/21/2012	XHEWK94	irrigation	\$38.80	\$0.00	\$38.80
				<i>Totals for Contra Costa Water Dist.:</i>	<u>\$38.80</u>	<u>\$0.00</u>	<u>\$38.80</u>
David Cartago & Charmaine Kennedy							
David Cartago & Charmaine Kennedy	12/4/2012	11/15/2012	025163	Deposit Refund	\$2,000.00	\$0.00	\$2,000.00
				<i>Totals for David Cartago & Charmaine Kennedy:</i>	<u>\$2,000.00</u>	<u>\$0.00</u>	<u>\$2,000.00</u>
Goldfarb & Lipman							
Goldfarb & Lipman	12/4/2012	11/20/2012	106638	Current Fees through 10/31/12	\$49.00	\$0.00	\$49.00
				<i>Totals for Goldfarb & Lipman:</i>	<u>\$49.00</u>	<u>\$0.00</u>	<u>\$49.00</u>
Health Care Dental Trust							
Health Care Dental Trust	12/4/2012	10/31/2012	10/30/12	December Dental	\$2,767.19	\$0.00	\$2,767.19
				<i>Totals for Health Care Dental Trust:</i>	<u>\$2,767.19</u>	<u>\$0.00</u>	<u>\$2,767.19</u>
LarryLogic Productions							
LarryLogic Productions	12/4/2012	11/20/2012	1293	City Council Meeting 11/20/12	\$350.00	\$0.00	\$350.00
				<i>Totals for LarryLogic Productions:</i>	<u>\$350.00</u>	<u>\$0.00</u>	<u>\$350.00</u>

City of Clayton

Cash Requirements Report

City Council Meeting 12/4/12

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Lexipol LLC								
Lexipol LLC	12/4/2012	11/1/2012	7784	LE Policy Update KMS 12/12-11/13	\$2,450.00	\$0.00		\$2,450.00
				Totals for Lexipol LLC:	\$2,450.00	\$0.00		\$2,450.00
Mt Diablo Interpretive Association								
Mt Diablo Interpretive Association	12/4/2012	11/16/2012	024873	Deposit refund 11/10/12	\$200.00	\$0.00		\$200.00
				Totals for Mt Diablo Interpretive Association:	\$200.00	\$0.00		\$200.00
Muir/ Diablo Occupation Medicine								
Muir/ Diablo Occupation Medicine	12/4/2012	11/20/2012	202378	Charles, Andre W	\$436.00	\$0.00		\$436.00
				Totals for Muir/ Diablo Occupation Medicine:	\$436.00	\$0.00		\$436.00
NBS Govt. Finance Group								
NBS Govt. Finance Group	12/4/2012	11/20/2012	11120029	ROPS III Bond Series 1996A 11/96-11-12	\$1,200.00	\$0.00		\$1,200.00
				Totals for NBS Govt. Finance Group:	\$1,200.00	\$0.00		\$1,200.00
Neopost Leasing (Mail Finance)								
Neopost Leasing (Mail Finance)	12/4/2012	11/23/2012	N3658323	Lease pmt. 12/25/12-1/24/13	\$222.02	\$0.00		\$222.02
				Totals for Neopost Leasing (Mail Finance):	\$222.02	\$0.00		\$222.02
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	12/4/2012	11/20/2012	468486	courtyard pay phone	\$73.00	\$0.00		\$73.00
				Totals for Pacific Telemanagement Svc:	\$73.00	\$0.00		\$73.00
PERMCO, Inc.								
PERMCO, Inc.	12/4/2012	11/26/2012	9876	Retainer- General Services	\$2,009.25	\$0.00		\$2,009.25
PERMCO, Inc.	12/4/2012	11/26/2012	9877	PG&E EP (minor)	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	12/4/2012	11/26/2012	9878	General Stormwater Tasks/Inspections	\$404.13	\$0.00		\$404.13
PERMCO, Inc.	12/4/2012	11/26/2012	9879	Diablo Pointe Plan Check	\$581.00	\$0.00		\$581.00
PERMCO, Inc.	12/4/2012	11/26/2012	9880	Diablo Pointe Construction Inspection	\$643.25	\$0.00		\$643.25
PERMCO, Inc.	12/4/2012	11/26/2012	9881	Construction Activity Permit Insp. Non Utility	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	12/4/2012	11/26/2012	9881	Construction Activity Permit Insp. Non Utility	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	12/4/2012	11/26/2012	9882	GHAD Kelok Dewatering Well Inst.	\$175.00	\$0.00		\$175.00
				Totals for PERMCO, Inc.:	\$3,937.13	\$0.00		\$3,937.13
PG&E								
PG&E	12/4/2012	11/21/2012	11/21/12	November Billing	\$382.10	\$0.00		\$382.10
PG&E	12/4/2012	11/21/2012	11/21/12	November Billing	\$2,125.04	\$0.00		\$2,125.04
PG&E	12/4/2012	11/16/2012	11/16/12	November Billing	\$507.53	\$0.00		\$507.53
PG&E	12/4/2012	11/15/2012	11/15/12	November Billing	\$18,509.72	\$0.00		\$18,509.72
				Totals for PG&E:	\$21,524.39	\$0.00		\$21,524.39
WK McLellan Co								
WK McLellan Co	12/4/2012	11/16/2012	20684	Mitchell Canyon/Clayton Road repairs	\$4,608.00	\$0.00		\$4,608.00

City of Clayton
Cash Requirements Report
City Council Meeting 12/4/12

Totals for WK McLellan Co:	<u>\$4,608.00</u>	<u>\$0.00</u>	<u>\$4,608.00</u>
GRAND TOTALS:	\$57,280.41	\$0.00	\$57,280.41



Agenda Date: 12-4-12

Agenda Item: 4d

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laci J. Jackson, City Clerk

DATE: December 4, 2012

SUBJECT: Adopt a Resolution declaring the results of canvass of returns in the November 2012 General Municipal Election declaring three persons elected to the City Council of Clayton, California for full four-year terms of office.

RECOMMENDATION

Adopt a Resolution declaring the results of canvass of returns in the November 2012 General Municipal Election declaring three persons elected to the City Council of Clayton, California for full four-year terms of office.

BACKGROUND

The final Canvas of the 2012 Municipal Election is expected to be approved by the Contra Costa County Board of Supervisors on December 4, 2012. After the approval County staff will fax the City Clerk the final official canvas information and that information will be benched for Council approval.

FISCAL IMPACT

None.

Attachments: 1. Resolution (2 pages)

RESOLUTION NO. XX-2012

**A RESOLUTION DECLARING RESULTS OF CANVASS OF RETURNS IN
THE 2012 GENERAL MUNICIPAL ELECTION, DECLARING THREE PERSONS
ELECTED TO THE CITY COUNCIL OF THE CITY OF CLAYTON**

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

WHEREAS, a duly noticed General Municipal Election was held in the City of Clayton on November 6, 2012 for the purpose of voting for candidates for three (3) full-term offices of Council Member on the City Council of the City of Clayton; and

WHEREAS, following the canvass of returns by the Contra Costa County Clerk and receipt of his report by the City Clerk, the City Council met in a regular public meeting on December 4, 2012 to consider the canvassed returns of the election pursuant to and accordance with applicable provisions of the California Elections Code; and

WHEREAS, the City Council finds that there were ten precincts in the City of Clayton established for holding the November 2012 General Municipal Election; and

WHEREAS, the City Council finds that the number of votes cast in the City of Clayton at the General Municipal Election was and is _____, an _____% turnout; and

WHEREAS, the City Council finds that the names of the persons voted for and the number of votes given said persons in the General Municipal Election at each of the above noted precincts and by absentee ballot as candidates for the offices of Council Member on the Clayton City Council and the total votes cast for each candidate, are as set forth in the computer printout by the Contra Costa County Election Department, attached hereto as "Exhibit A" and incorporated herein by such reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton, California that the following candidates (listed in order of most votes) for the three available elected offices of Council Member of the City Council of the City of Clayton did receive the three highest number of votes and are herewith declared to be the three (3) Council Members duly elected to serve on the Clayton City Council for a four-year term of office and until the results of the November 2016 General Municipal election are canvassed and accepted:

Julie Pierce

Howard Geller

Jim Diaz

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 4th day of December 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Laci J. Jackson, City Clerk



Agenda Date: 12-4-12

Agenda Item: 4e

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 04 DECEMBER 2012

SUBJECT: CONSIDER CANCELLATION OF THE JANUARY 2, 2013 COUNCIL MEETING

RECOMMENDATION

It is recommended the City Council provide policy direction concerning its collective desire to cancel its upcoming regular public meeting to be held on Wednesday, 02 January 2013.

BACKGROUND

Section 2.04.010 of the *Clayton Municipal Code* specifies that regular meetings of the Clayton City Council shall be held on the first and third Tuesdays of each and every month. Application of this Code section to the 2013 calendar means the first City Council meeting in January 2013 will fall on New Year's Day, Tuesday, January 1st. The *Municipal Code* further specifies that, "When the Tuesday set for a regular meeting shall be a legal holiday, then said meeting shall be held on the next following day at the same time and place."

Therefore, the Tuesday, January 1, 2013 City Council meeting by Code would automatically be held the following evening on Wednesday, January 2, 2013. Members of the City Council at its meeting on November 20th expressed interest in the possible cancellation of the January 2nd meeting due to related time-honored holiday events, family celebrations and/or out-of-town travel plans over the holiday season.

Complicating the preparation of the Council Agenda Packet for the January 2nd scheduled meeting this year is the fact Clayton City Hall will be closed the entire week before the New Year's holiday weekend (December 24th through January 1st). This lengthy closure is due to the combination of two (2) recognized City holidays (December 25th and January 1st) plus five (5) of the eleven (11) unpaid employee furlough days in Fiscal Year 2012-13 (December 24th, 26th – 28th, and 31st). This set of facts means staff preparation of any January 2nd Council Agenda Packet must be produced and released by Friday, December 21st.

POTENTIAL JANUARY 2nd AGENDA ITEMS

In consideration of this recommendation staff examined its tracking list of potential items scheduled for placement on the January 2nd City Council meeting. At this time the only matter tracking for or requiring City Council attention is its receipt and acceptance of the Clayton Financing Authority's (CFA) Annual Report for the 2012 activities. According to the By-Laws of the CPA, its Annual Report for the preceding year is to be submitted and approved on the same date as the Clayton City Council's first regular meeting in January of each year. Therefore, should the City Council not hold its first regular meeting in January 2013 until January 15th the CPA Annual Report is timely action at that meeting. Conversely, the City Council acting as the Board of Directors of the CFA could meet on January 2nd to handle that sole item should it so direct.

In order to provide optimum notice of meeting cancellation to interested members of the public and to our community as well as to arrange scheduling of agenda matters for January 15th, this subject has been placed on this Agenda for discussion and direction purposes. The action of canceling one or more regularly-scheduled public meetings is a matter to be taken in open public session by the City Council.

FISCAL IMPACT

There is no direct financial impact to the City for cancellation of City Council meetings, except nominal savings for expenses incurred in the preparation, publication and holding of a Council meeting (e.g. staff time, paper and copying expenses, meeting room utilities, contractor video taping of the meeting for cable television replay). City Hall and its operations will reopen during normal business hours on Wednesday, January 2nd.

If necessity or an emergency arises between cancelled meetings, a special Council meeting may always be called by the Mayor with proper notice to members of the City Council, the press, and with fully-required public postings of the Agenda.

Attachment: 1. Calendar Month of January 2013 (1 pg.)

~ January 2013 ~							Feb 2013 ▶
◀ Dec 2012	Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 Holiday- New Year's Day City Council Meeting	2	3	4	5
6		7	8 Planning Commission Meeting	9	10	11	12
13		14	15 City Council Meeting	16	17	18	19
20		21 Holiday- Birthday of Martin Luther King Jr.	22 Planning Commission Meeting	23	24	25	26
27		28	29	30	31	Notes:	

More Calendars from WinCalendar: February, March, April



Agenda Date: 12-4-12

Agenda Item: 4f

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 04 DECEMBER 2012

SUBJECT: CLOSURE OF COMMUNITY LIBRARY ON CERTAIN SUNDAYS - 2013

RECOMMENDATION

It is recommended the City Council authorize the closure of the Clayton Community Library on the following Sundays in 2013, due to historically-low patronage or recognized government holidays by the County of Contra Costa (which staffs our Library):

- | | | | |
|----|--------|-------------------|----------------------|
| 1. | Sunday | 31 March 2013 | Easter Sunday |
| 2. | Sunday | 26 May 2013 | Memorial Day weekend |
| 3. | Sunday | 01 September 2013 | Labor Day weekend |

BACKGROUND

In Fiscal Year 2002-2003, the City of Clayton began its partnership with the Contra Costa County Library System in offering the availability of the Clayton Community Library to patrons on Sunday afternoons. Sunday operations commenced on 14 April 2002 and ever since that time Sunday afternoon (1:00 p.m. – 5:00 p.m.) has resulted in the highest patrons-per-hour day at our Clayton Community Library.

In calendar year 2004, the City Council commenced approval for the closure of its Library on certain Sunday afternoons that constituted actual government holidays or holiday weekends, which typically produced low patron turnout based on previous years' experience. Since the City pays separately for the addition of Sunday operational hours the County defers to our authority on which Sundays to be closed during a calendar year, provided County employee paid holidays are observed per their collective bargaining agreements. Not all holiday-related weekends are closed since several holiday-weekend Sundays often generate patronage or student access needs arising from school homework assignments over that weekend.

For example:

Holiday
Martin Luther King, Jr. weekend

Date in 2012
Sunday, Jan. 15th

Patrons Per Hour
67 (in 2012)

Our Branch Librarian (Karen Hansen-Smith) recommends the Library remain open on this holiday-weekend Sunday due to past experience of high-volume patronage days. During fiscal year 2011-2012, Sundays remained the highest patrons-per-hour day of the six (6) days our Library is open during the week. The average hourly count for a Sunday was 74 patrons per hour, a three-year decrease from the high 2009 average of 82 (-9.8%). The next highest patron day continues to be the mid-week Wednesday (64 per hour; drop from 68 in 2010 but up from 63 in 2011). Tuesday is third at 60 patrons per hour followed again by Saturday at 59 patrons per hour for each day (last year, each of those days was tied at 62 patrons per hour).

In previous years, Mondays always experienced the lowest historical patronage count (59 per hour last year). However, in a two-year trend downward, Thursday and Mondays tied for the cellar at 57 patrons per hour per day. Our Library has always been closed on Fridays. The reduction in Library patronage per hour monitors some watching to determine if the economy, vacant homes, home Internet access and read book-tablets are each causing an influence on declining physical patronage of our Library.

DISCUSSION

Our Branch Librarian, Karen Hansen-Smith, requested the City examine the above-noted Sundays as acceptable closure days in 2013. In 2003, the Library was kept open on several of these holiday weekends and the facility generated very little patron traffic. Since 2004 these types of holiday weekends have been closed and the Branch Librarian indicates no complaints have been received lamenting denial of Library access. The selected holiday weekends for 2013 now match public expectations and acceptance of certain holiday closures. In addition this coming year, many significant holiday observances (e.g. Christmas; New Year's) fall mid-week removed from the Sunday impact. In calendar year 2012 there were six (6) closures of the Clayton Library on select Sundays due to holidays.

FISCAL IMPACT

Under the partnership with the County, the City of Clayton expects to pay approximately \$115.00 per Sunday to match the County's contribution. The associated City expenses for utility costs and custodial services are further estimated at \$206 per Sunday afternoon (4 hours; 1 p.m. to 5 p.m.). Therefore, the total savings in General Fund monies will be about \$963 for the 3 proposed closures, or about \$321 per Sunday. Conversely, the City will pay more in calendar year 2013 by keeping 3 more Sundays open over last year (\$963). The County would expect to save approximately \$857 with the same 3 days of closure.

Clearly this policy question is one of what makes sense for this public service to our community when addressing certain holiday weekend closures, in contrast to this action constituting a critical budget-cutting measure. Fortunately the City was able to retain Sunday operational hours in its tight budget for FY 2012-13 after negotiation once again with the new County Librarian.



Agenda Date: 12-4-12

Agenda Item: 7

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE COUNCIL MEMBERS

FROM: CITY MANAGER

DATE: 04 DECEMBER 2012

SUBJECT: NOMINATION AND ELECTION OF MAYOR AND VICE MAYOR

RECOMMENDATION

It is recommended the City Council elect its Mayor and Vice Mayor for the ensuing twelve (12) month period.

BACKGROUND

According to Section F.4. – Mayor Selection, of the *Council Guidelines and Practices* (page 4, copy attached), the Mayorship and Vice Mayorship are one-year terms of office in the City of Clayton. The local electorate does not directly elect its mayor or vice mayor. The election of these officers from within the membership of the City Council commences each year at the first regularly-scheduled Council meeting in December.

Mayor Howard Geller and former Vice Mayor Joe Medrano were elected to their current Council offices at a City Council regular public meeting held 06 December 2011. The following chart lists those serving as mayor in the last twelve (12) years:

2012	Howard Geller
2011	David Shuey
2010	Hank Stratford
2009	Julie Pierce
2008	Gregory Manning
2007	William Walcutt
2006	David Shuey
2005	Gregory Manning
2004	Julie Pierce
2003	Pete Laurence
2002	Gregory Manning
2001	Julie Pierce

NOMINATION AND ELECTION PROCEDURES

Pursuant to Chapter 2.04 – *Council Meetings* of the *Clayton Municipal Code*, our City uses the most recent version of *Robert's Rules of Order* to govern the conduct of City business meetings. Therefore, to assist in the procedure of nominating and selecting the next mayor and vice mayor at this meeting, the following rules* have been extracted and outlined below:

1. The nomination/election of the next Mayor is to be conducted by the current Mayor. Once the next Mayor has been elected by the City Council, the newly-elected Mayor immediately presides over and conducts the remainder of the business items on the agenda, including its election of a Vice Mayor.
2. The method of nomination in this respect is an "open nomination" solely by and from within the membership of the presently-seated Clayton City Council. Nominations cannot be accepted from members of the public.
3. No "second" is required for a nomination, although sometimes one or more members will "second" a nomination to indicate endorsement.
4. In no event may one member nominate more persons than there are offices to fill in the respective selection.
5. When it appears no one else wishes to make a nomination, the chair of the meeting asks one (1) final time if there are additional nominations. If there is no response, the chair then declares..." the nomination for [Mayor; Vice Mayor, as applicable] is closed."

It is unnecessary to have a motion to officially close the nominations; yet, if such a motion is made, that motion then requires an affirmative 2/3rds vote of the Council present [4 of 5]. After nominations are closed, a majority vote is required to re-open them.

6. Nominees are voted on in the order in which they are nominated. As soon as one of the nominees receives a majority vote [in this case, 3 or more votes], the chair then declares that person elected to that respective office, and no vote is taken on the remaining nominee(s).

MAYOR SELECTION

In accordance with the adopted *Council Guidelines and Procedures* [February 2007], the City Council has established six (6) guidelines pertaining to the annual selection of Mayor. Reference is made to the attachment to this Staff Report for the review of those guidelines.

FISCAL IMPACT

No financial impact. The offices of Mayor and Vice Mayor receive the same monthly stipend as other members of the City Council.

Attachment: Page 4 of *Council Guidelines and Procedures* [1 pg.]

*Reference: Chapter XIV – *Nominations and Elections*, *Robert's Rules of Order* [RONR, 10th Edition, pp. 418-430]

2. Staff in General.

- a. Council may make reasonable requests for information directly from Department Heads.
- b. An informal system of direct communication with staff is used but not abused by Council.
- c. Staff will inform Council immediately when an unusual event occurs that the public would be concerned about [e.g., major vehicular accidents; major police activities; areas cordoned off by police or fire, etc.].
- d. The Council and staff will not intentionally blind side each other in public; if there is an issue or a question a Council Member has regarding an agenda item, that Member will contact staff prior to the meeting.

E. COUNCIL RESPONSIBILITIES FOR KEEPING INFORMED

1. Read Commission minutes and staff reports to find out issues being addressed.
2. Read documents on planning items.
3. Read City Manager "goal updates" list for Council.
4. Do homework diligently and thoroughly.

→ F. MAYOR SELECTION

1. Election to Vice Mayor and Mayor requires supporting votes of three (3) Council Members, but in the interest of harmony unanimous consensus is to be sought and encouraged.
2. Any Council Member wanting or not wanting a role has a responsibility to tell all other Members.
3. As far as possible and until otherwise decided, Council Members will take turns as Mayor.
4. Mayorship will be a one-year term, commencing with the first meeting in December.
5. Selection of a Mayor is not a lock-step system. The Vice Mayor is generally expected to ascend to Mayor.
6. All Council Members are peers, and the Mayor and Vice Mayor serve at the pleasure of the Council.

**MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)**

July 17, 2012

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order by Vice Chairman Medrano at 6:16 p.m. in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Vice Chairman Medrano, Boardmembers Geller and Shuey. Boardmembers Absent: Chairman Stratford and Boardmember Pierce. Staff present: District Manager Rick Angrisani, City Manager Napper, General Legal Counsel Subramanian, and Secretary Jackson.
2. **CLOSED SESSION** – Vice Chairman Medrano announced the purpose for Closed Session and adjourned into Closed Session at 6:16 p.m.
 - (a) Conference with Legal Counsel
Government Code Section 54956.9 (a)
Pending Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court, Contra Costa Co.

Report Out from Closed Session: Vice Chairman Medrano stated there was no reportable action.
3. **RECESS THE GHAD BOARD OF DIRECTORS MEETING** – 7:00 p.m. Vice Mayor Medrano recessed the meeting until after the completion of the City Council's regular meeting.
4. **RECONVENE THE MEETING** 7:38 p.m.
3. **CONSENT CALENDAR**- It was moved by Boardmember Shuey, seconded by Boardmember Geller, to approve the Consent Calendar as submitted (Passed; 3-0 vote).
 - (a) Information Only
 1. Proposed GHAD News Release notifying Oakhurst Development property owners of the Kelok Way Dewatering Well Project.
 - (b) Approved the Oakhurst Geological Hazard Abatement District Board minutes for its regular meeting of June 19, 2012.
 - (c) Adopted Resolution 02-2012 approving the two (2) Settlement Agreements resolving the Oakhurst Country Club Development construction defects and hillside movement-related various litigation:
 1. Settlement Agreement and Partial Release of All Claims (between the City of Clayton, the Oakhurst Geological Hazard Abatement District, The Presley Companies, Presley Homes and William Lyon Homes, Inc.); and
 2. Settlement Agreement, Release, and Covenant Not to Sue (between various named Plaintiffs and various named Defendants, including the Oakhurst Geological Hazard Abatement District).

- (d) Adopted Resolution 03-2012 awarding contract in the amount of \$648,873.00 to Engineered Soil Repairs, Inc. for construction of the Kelok Way Dewatering Well Project.
- (e) Adopted Resolution 04-2012 awarding contract in the amount of \$30,000.00 to Stevens, Ferrone & Bailey Engineering Company, Inc. for field inspection services related to the Kelok Way Dewatering Well Project.

4. **PUBLIC HEARINGS**

- (a) Public Hearing on the Geological Hazard Abatement District (GHAD) proposed real property assessments for Fiscal Year 2012-2013.

The District Manager presented the staff report recommending increasing the annual real property assessment by the allowed amount of 2.1% per parcel, reflecting the period adjustment of the Consumer Price Index (CPI).

Vice Chairman Medrano opened the Public Hearing at 7:44 p.m. No public comments were received and he closed the Public Hearing at 7:45 p.m.

It was moved by Boardmember Shuey, seconded by Boardmember Geller, to adopt Resolution 05-2012 approving the District's levy of real property assessments for FY 2012-2013 (Passed; 3-0 vote).

5. **ACTION ITEMS-** None.

6. **BOARD ITEMS** – None.

7. **ADJOURN-** on call by Vice Chairman Medrano the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Approved by Board of Directors
Geological Hazard Abatement District

Hank Stratford, Chairman



Agenda Date: 12-4-12
Agenda Item: 4

GHAD REPORT

TO: HONORABLE CHAIRMAN AND BOARDMEMBERS
FROM: GENERAL MANAGER
DATE: DECEMBER 4, 2012
SUBJECT: SELECTION OF CHAIRMAN AND VICE CHAIRMAN

RECOMMENDATION

It is recommended the Board of Directors select a new Chairman and Vice Chairman for next year.

BACKGROUND

Similar to the Clayton City Council's annual reorganization, the Board of Directors of the Oakhurst Geological Hazard Abatement District (GHAD) also annually changes its chairman and vice chairman.

Since the December 6, 2011 Board meeting, Boardmember Hank Stratford has served as Chairman of GHAD with Boardmember Joe Medrano serving as Vice Chairman. At this time, the Board should conduct the nomination and selection of its chair and vice chair to serve for the next twelve months. In recent years the following individuals have served as officers of GHAD:

2012	Chair Hank Stratford	Vice Chair Joe Medrano
2011	Chair Hank Stratford	Vice Chair Joe Medrano
2010	Chair Howard Geller	Vice Chair David Shuey
2009	Chair Hank Stratford	Vice Chair Howard Geller
2008	Chair Bill Walcutt	Vice Chair Julie Pierce
2007	Chair Julie Pierce	Vice Chair Gregg Manning
2006	Chair Bill Walcutt	Vice Chair Gregg Manning
2005	Chair David Shuey	Vice Chair Bill Walcutt
2004	Chair Bill Walcutt	Vice Chair Gregg Manning
2003	Chair Bill Walcutt	Vice Chair Julie Pierce

FISCAL IMPACT

None. Boardmembers do not receive any stipend for their time and effort expended in these offices.

Respectfully submitted,

Rick Angrisani
General Manager