



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

TUESDAY, June 4, 2013

7:00 P.M.

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

Mayor: Julie K. Pierce
Vice Mayor: Hank Stratford

Council Members

Jim Diaz
Howard Geller
David T. Shuey

- 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 ***

June 4, 2013

7:00 P.M.

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

2. **CLOSED SESSION** – None.

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

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 May 21, 2013. ([View Here](#))

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

(c) Adopt a Resolution calling for the preparation and filing of the Engineer's Annual Report for the levy of FY 2013-2014 assessments in the Diablo Estates Benefit Assessment District. ([View Here](#))

(d) Adopt a Resolution approving a three (3) month Addendum No. 6 to the base Memorandum of Understanding with the Clayton Police Officers Association (CPOA), effective July 1, 2013 through September 30, 2013. ([View Here](#))

(e) Adopt a Resolution approving a three (3) month Addendum No. 5 to the base Memorandum of Agreement with the Clayton Undesignated Miscellaneous City Employees Group, effective July 1, 2013 through September 30, 2013.
([View Here](#))

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

6. **REPORTS**

(a) Planning Commission – No meeting held.

(b) Trails and Landscaping Committee – Vice Chair Ryan Lowe.

(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 HEARING – None.

9. ACTION ITEMS

- (a) Consider the Introduction and First Reading of Ordinance No. 447 adding Chapter 15.100 to Title 100 of the *Clayton Municipal Code* concerning the Repair and Reconstruction of Buildings and Structures following a natural or civil disaster event. ([View Here](#))
(City Engineer)

Staff recommendations: **1)** Receive the staff report; **2)** Receive public comments; **3)** Approve a motion to have the City Clerk read Ordinance No. 447 by title and number only and waive further reading; and **4)** By motion, approve Ordinance No. 447 for introduction.

- (b) City Council discussion of canceling regularly-scheduled Council meetings in July, August and/or September 2013 relative to quorum availability and summer vacation plans. ([View Here](#))
(City Manager)

Staff recommendation: That Council provide direction regarding the cancellation of any regularly scheduled City Council meetings in July, August and/or September 2013.

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

11. ADJOURNMENT – the next regularly scheduled City Council meeting is June 18, 2013.

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

TUESDAY, May 21, 2013

Agenda Date: 6-4-13

Agenda Item: 4a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:01 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz, Geller, and Councilmember Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Charlie Mullen, and City Clerk Laci Jackson

2. **CLOSED SESSION**- None.

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

4. **CONSENT CALENDAR**

Councilmember Geller expressed concerns with Item 4(d). He stated the cost of the contract with PMC seems high since the last Housing Element was so recent, and this firm did that one, there would not seem to be many changes needed to warrant the high price.

The Community Development Director stated unfortunately this is the cost of doing business and following state law. He stated this is the lowest bid received and includes quite a bit of work, including another series of workshops for the community and technical revisions.

The City Manager noted when they performed the last Housing Element update the cost was in the mid \$40,000's. The Community development Director added this Housing Element will last eight years rather than 5 years.

It was moved by Councilmember Diaz, seconded by Councilmember Geller, to approve the Consent Calendar (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of May 7, 2013.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved the rejection of a liability claim filed against the City by Martha and David Claridge.
- (d) Approved the award of contract to Pacific Municipal Consultants (PMC) for preparation of the 2014-2022 Housing Element Update in an amount not to exceed \$35,398.

5. **RECOGNITIONS AND PRESENTATIONS**

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

Mayor Pierce and Mt. Diablo Elementary School teacher Mrs. Baker recognized students Caleb Briscoe and Sunny Pickett.

Mayor Pierce and Diablo View Middle School Principal Patty Banister and teacher Mrs. Clutz recognized students Konlan Rondini and Taylor Santos.

Mayor Pierce, and Clayton Valley High School teachers Kat Marzel and Amber Limelieber recognized Clayton Valley Charter High School students McKenna DeLong, Charlie Jang, Ben Morse, Madison O'Connor, and Aleksey Shimberg.

- (b) Mayor Pierce read part of the Proclamation declaring June, 2013 as "Safety Awareness Month" in the City of Clayton and urged citizens to be aware of individual safety concerns and surrounding conditions.
- (c) Mayor Pierce read the Proclamation declaring May 2013 as "Clayton Pioneer Month" in recognition of its 10th Anniversary. The Proclamation was accepted by Bob and Tamara Steiner of the Clayton Pioneer. She also presented Bob Steiner and the Clayton Pioneer with a plaque in appreciation of their five years as sponsor and organizer of the "Clayton Cleans Up" event.

6. REPORTS

- (a) Planning Commission- No meeting held.
- (b) Trails and Landscaping Committee – No report.
- (e) Other

Bob Steiner reported on the Clayton Cleans Up held April 20th. He stated 275 people signed in for the event and it was one of the largest yet. He thanked Allied Waste as the largest donor for the event and thanked Travis Credit Union for paying for half of the t-shirt costs. He also thanked Pamela Weisendager of the *Clayton Pioneer*, Linder Pinder, Gregg Manning and City staff for their work preparing for the event.

Tamara Steiner added a thank you to Patricia Crane who created the t-shirts design for the event.

- (c) The City Manager reported the Trails and Landscaping Committee met and approved the tentative FY 13-14 budget of the Landscape District, although numbers are still being finalized. He reminded citizens the Memorial Day Ceremony starts at 10am at the flag pole in downtown Clayton. He noted City Hall is closed Friday for the final furlough day of the fiscal year; furloughs represent a 4.3% loss in compensation for the employees. Mayor Pierce added employees have not had raises in 5 years or merit increases.

- (d) City Council

Councilmember Geller stated the first concert was held on May 11th and a record \$2,300 in donations was received. He noted the Farmers' Market opened that day as well. He stated he participated in the Clayton Classic Golf Tournament by CBCA and there was a huge turnout. He attended the meet and greet with Senator Mark DeSaulnier and reminded citizens the second Concert in the Grove is May 25th.

Councilmember Shuey reported on the Comcast Cares Cleanup Day at the Charter High School, and over 700 people sign up for the event.

Vice Mayor Stratford stated the "Do the Right Thing" trait of the month for May, June and July is "Courage." He also noted the East Bay Habitat Conservancy will be meeting soon.

Councilmember Diaz attended the funeral for former Chief of Police Fred Albrecht in southern California, the Farmers' Market, met with Senator DeSaulnier, and helped with the Concert in the Grove. He also stated the Fire Services Ad-hoc Committee met and will be finalizing their recommendations soon. He attended the Library Foundation meeting, and thanked Allied Waste, the Local Sheet Metal Workers Association, Travis Credit Union, and Gilled Mortgage for their support of the CBCA Clayton Classic Golf Tournament.

Mayor Pierce attended two Transportation Authority meetings, a Transpac meeting, the Farmers' Market and the first Concert in the Grove. She attended ABAG bi-monthly meeting dealing with Plan Bay Area, an ABAG policy meeting, a joint meeting with MTC, and lastly attended the Garden Tour by the Historic Society.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Second Reading and Adoption of Ordinance No. 446 amending Chapter 17.37 of the Clayton Municipal Code approving a 3-year time extension for certain waiver of on-site parking standards for specified development(s) in the Clayton Town Center.

The Community Development Director presented the staff report and stated the Ordinance was introduced on May 7th. He noted no public comments have been provided. He stated this Ordinance encourages an incentive for retail development in the town center area.

No public comments were received.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to have the City Clerk read Ordinance No. 446 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 446 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to adopt Ordinance No. 446 (Passed; 5-0 vote).

- (b) Request consideration of a proposal and associated details by Councilmember Diaz regarding allowance of up to five (5) additional public Concerts in The Grove on selected Thursday evenings sponsored by the City but set up and funded solely by private sponsors organized by Councilmember Diaz.

Councilmember Diaz stated he has commitment from five businesses to sponsor the Thursday Concerts in The Grove. He stated Allied Waste has committed to providing the porta-pottie service. He stated he will find sponsors to cover the direct cost of the concerts and that CBCA has committed to helping fund the balance of the 5 concert expense if there are insufficient donations.

Councilmember Geller asked if CBCA was really willing to cover \$3,000-4,000? Councilmember Diaz responded yes.

Councilmember Geller stated last year people did not show up until 7pm on weeknights for these concerts, and there was little benefit to the businesses. He also noted this year noise seems to be a problem and adding another event in the downtown may be problematic. Lastly he stated last year's weeknight concerts were poorly attended.

Councilmember Diaz stated he has talked with some of the residents from the Easely neighborhood directly and they have stopped their objections. He noted Thursday concerts highlight local talent and stated if the Concerts are approved the first act might be "My Evergreen Soul," a local group. He stated while there was a smaller crowd last year, some of the feedback was that the businesses did receive a small benefit. He stated the Council should try this for a second year to see if there is an increase in attendance and if it benefits the community. He stated the concerts would end promptly at 8:30 p.m.

Councilmember Shuey stated there was an expectation these concerts would take time to take hold and he thinks attendance will grow. He also noted the businesses, must be interested if they continue to help sponsor the series, and it does not hurt to try for another year.

Vice Mayor Stratford stated if it doesn't cost the City any money he is interested in trying the series for another year.

Mayor Pierce stated she is happy to hear about the different types of music.

Councilmember Geller stated he is in favor as long as the funds are deposited before the concerts. The City Manager stated like last year, staff does not sign contracts until money is in hand. Councilmember Diaz expressed agreement with that process.

No public comments were received.

It was moved by Councilmember Diaz, seconded by Councilmember Shuey to approve City sponsorship and use of The Grove Park for five (5) additional concerts on Thursday nights (July 11, July 25, August 8, August 22, and September 5) (Passed; 5-0 vote).

10. COUNCIL ITEMS – None.

11. ADJOURNMENT– on call by Mayor Pierce the meeting adjourned at 8:02 p.m.

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Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor

Cash Requirements Report dated 5/31/2013 (4 pages)

City of Clayton

Cash Requirements Report

City Council Meeting 6/4/13

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.	6/4/2013	5/6/2013	31304	crossing guard services 4/21-5/4/13	\$465.00	\$0.00	\$465.00
All City Management Services, Inc.	6/4/2013	5/17/2013	31559	crossing guard services 5/5-5/18/13	\$465.00	\$0.00	\$465.00
				<i>Totals for All City Management Services, Inc.:</i>	<i>\$930.00</i>	<i>\$0.00</i>	<i>\$930.00</i>
ALTEC Industries, Inc.							
ALTEC Industries, Inc.	6/4/2013	5/20/2013	1007153	3 X 068451081	\$349.71	\$0.00	\$349.71
				<i>Totals for ALTEC Industries, Inc.:</i>	<i>\$349.71</i>	<i>\$0.00</i>	<i>\$349.71</i>
American Fidelity Assurance Company							
American Fidelity Assurance Company	6/4/2013	5/21/2013	845254A	Flex account May 2013	\$849.10	\$0.00	\$849.10
				<i>Totals for American Fidelity Assurance Company:</i>	<i>\$849.10</i>	<i>\$0.00</i>	<i>\$849.10</i>
AT&T/ CalNet 2							
AT&T/ CalNet 2	6/4/2013	5/22/2013	4381025	Phone services - 4/22/13-5/21/13	\$1,928.37	\$0.00	\$1,928.37
				<i>Totals for AT&T/ CalNet 2:</i>	<i>\$1,928.37</i>	<i>\$0.00</i>	<i>\$1,928.37</i>
Bay Area Barricade Serv.							
Bay Area Barricade Serv.	6/4/2013	5/22/2013	0294178-IN	supplies	\$323.24	\$0.00	\$323.24
				<i>Totals for Bay Area Barricade Serv.:</i>	<i>\$323.24</i>	<i>\$0.00</i>	<i>\$323.24</i>
Best Best & Kreiger LLP							
Best Best & Kreiger LLP	6/4/2013	5/8/2013	701954	April Services	\$8,000.00	\$0.00	\$8,000.00
Best Best & Kreiger LLP	6/4/2013	5/8/2013	701955	April Services	\$715.00	\$0.00	\$715.00
Best Best & Kreiger LLP	6/4/2013	5/8/2013	701956	April Services	\$5,515.30	\$0.00	\$5,515.30
				<i>Totals for Best Best & Kreiger LLP:</i>	<i>\$14,230.30</i>	<i>\$0.00</i>	<i>\$14,230.30</i>
CalPERS Health							
CalPERS Health	6/4/2013	5/15/2013	993	Health Benefits June 2013	\$29,012.60	\$0.00	\$29,012.60
				<i>Totals for CalPERS Health:</i>	<i>\$29,012.60</i>	<i>\$0.00</i>	<i>\$29,012.60</i>
CalPERS Retirement							
CalPERS Retirement	6/4/2013	5/13/2013	5/12/13	PPE 5/12/13, Pay 5/15/13	\$20,840.43	\$0.00	\$20,840.43
CalPERS Retirement	6/4/2013	5/29/2013	PPE 5/26/13	PPE 5/26/13, Pay 5/29/13	\$20,870.26	\$0.00	\$20,870.26
CalPERS Retirement	6/4/2013	5/29/2013	CC Ending 5/24/13	City Council Ending 5/24/13	\$357.28	\$0.00	\$357.28
				<i>Totals for CalPERS Retirement:</i>	<i>\$42,067.97</i>	<i>\$0.00</i>	<i>\$42,067.97</i>
Caltronics Business Systems, Inc							
Caltronics Business Systems, Inc	6/4/2013	5/15/2013	1308956	Konica contract 4/15/13-5/14/13	\$218.98	\$0.00	\$218.98
				<i>Totals for Caltronics Business Systems, Inc.:</i>	<i>\$218.98</i>	<i>\$0.00</i>	<i>\$218.98</i>
Carlson, Barbee, & Gibson, Inc							
Carlson, Barbee, & Gibson, Inc	6/4/2013	4/30/2013	62432	Field Survey Clayton Community Church Site	\$422.50	\$0.00	\$422.50
				<i>Totals for Carlson, Barbee, & Gibson, Inc.:</i>	<i>\$422.50</i>	<i>\$0.00</i>	<i>\$422.50</i>

City of Clayton

Cash Requirements Report

City Council Meeting 6/4/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
CCC Office of the Sheriff-Fiscal (Training)								
CCC Office of the Sheriff-Fiscal (Training)	6/4/2013	5/9/2013	13-1879	Range Use Marsh Creek April 2013	\$370.00	\$0.00		\$370.00
				<i>Totals for CCC Office of the Sheriff-Fiscal (Training):</i>	<i>\$370.00</i>	<i>\$0.00</i>		<i>\$370.00</i>
CCC Sheriff - Forensic Svc Div (Lab)								
CCC Sheriff - Forensic Svc Div (Lab)	6/4/2013	5/21/2013	CLPD-1304	Testing April 2013	\$5,475.00	\$0.00		\$5,475.00
				<i>Totals for CCC Sheriff - Forensic Svc Div (Lab):</i>	<i>\$5,475.00</i>	<i>\$0.00</i>		<i>\$5,475.00</i>
Challyn Rollins								
Challyn Rollins	6/4/2013	5/16/2013	025955	Deposit refund, cancelled 4/24/13	\$375.00	\$0.00		\$375.00
				<i>Totals for Challyn Rollins:</i>	<i>\$375.00</i>	<i>\$0.00</i>		<i>\$375.00</i>
City of Concord								
City of Concord	6/4/2013	5/24/2013	32941	vehicle maintenance	\$673.36	\$0.00		\$673.36
City of Concord	6/4/2013	5/24/2013	32528	Printing - envelopes	\$209.00	\$0.00		\$209.00
				<i>Totals for City of Concord:</i>	<i>\$882.36</i>	<i>\$0.00</i>		<i>\$882.36</i>
Division of the State Architect								
Division of the State Architect	6/4/2013	3/31/2013	33113	Disability Access and Education Fee 1/1/13-3/	\$21.30	\$0.00		\$21.30
				<i>Totals for Division of the State Architect:</i>	<i>\$21.30</i>	<i>\$0.00</i>		<i>\$21.30</i>
East Bay Sign Co., Inc								
East Bay Sign Co., Inc	6/4/2013	5/29/2013	EB4232	roof numbers	\$56.65	\$0.00		\$56.65
				<i>Totals for East Bay Sign Co., Inc:</i>	<i>\$56.65</i>	<i>\$0.00</i>		<i>\$56.65</i>
Globalstar LLC								
Globalstar LLC	6/4/2013	5/16/2013	100000004733718	monthly service 4/16-5/15/13	\$43.79	\$0.00		\$43.79
				<i>Totals for Globalstar LLC:</i>	<i>\$43.79</i>	<i>\$0.00</i>		<i>\$43.79</i>
Goldfarb & Lipman								
Goldfarb & Lipman	6/4/2013	5/15/2013	108500	Current Fees through 4/30/13	\$294.00	\$0.00		\$294.00
				<i>Totals for Goldfarb & Lipman:</i>	<i>\$294.00</i>	<i>\$0.00</i>		<i>\$294.00</i>
Hammons Supply Company								
Hammons Supply Company	6/4/2013	5/24/2013	77995	supplies Downtown Park	\$49.62	\$0.00		\$49.62
Hammons Supply Company	6/4/2013	5/24/2013	77994	supplies, Library	\$36.72	\$0.00		\$36.72
Hammons Supply Company	6/4/2013	5/23/2013	77954	supplies, Library	\$530.08	\$0.00		\$530.08
Hammons Supply Company	6/4/2013	5/23/2013	77957	supplies Community Park	\$60.69	\$0.00		\$60.69
Hammons Supply Company	6/4/2013	5/26/2013	77956	supplies Downtown Park	\$109.22	\$0.00		\$109.22
Hammons Supply Company	6/4/2013	5/23/2013	77955	supplies City Hall	\$585.86	\$0.00		\$585.86
				<i>Totals for Hammons Supply Company:</i>	<i>\$1,372.19</i>	<i>\$0.00</i>		<i>\$1,372.19</i>
Health Care Dental Trust								
Health Care Dental Trust	6/4/2013	5/29/2013	159877	Dental, June 2013	\$3,307.47	\$0.00		\$3,307.47
				<i>Totals for Health Care Dental Trust:</i>	<i>\$3,307.47</i>	<i>\$0.00</i>		<i>\$3,307.47</i>

City of Clayton

Cash Requirements Report

City Council Meeting 6/4/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
HUB Inter of CA Ins Svc								
HUB Inter of CA Ins Svc	6/4/2013	5/22/2013	Clayton-01	Insurance March-May 2013	\$276.77	\$0.00		\$276.77
				<i>Totals for HUB Inter of CA Ins Svc:</i>	<i>\$276.77</i>	<i>\$0.00</i>		<i>\$276.77</i>
Innovative Impressions								
Innovative Impressions	6/4/2013	5/22/2013	CITG53	Hats, concerts	\$393.31	\$0.00		\$393.31
				<i>Totals for Innovative Impressions:</i>	<i>\$393.31</i>	<i>\$0.00</i>		<i>\$393.31</i>
IntelliBridge Partners, LLC								
IntelliBridge Partners, LLC	6/4/2013	5/6/2013	185065	Temp Hours	\$7,425.00	\$0.00		\$7,425.00
				<i>Totals for IntelliBridge Partners, LLC:</i>	<i>\$7,425.00</i>	<i>\$0.00</i>		<i>\$7,425.00</i>
J & R Floor Services								
J & R Floor Services	6/4/2013	6/1/2013	060113	May Billing	\$4,939.47	\$0.00		\$4,939.47
				<i>Totals for J & R Floor Services:</i>	<i>\$4,939.47</i>	<i>\$0.00</i>		<i>\$4,939.47</i>
Jarvis Fay Doporto & Gibson, LLP								
Jarvis Fay Doporto & Gibson, LLP	6/4/2013	5/14/2013	March 2013	Chevron Property Tax Refund Dispute March	\$14.33	\$0.00		\$14.33
Jarvis Fay Doporto & Gibson, LLP	6/4/2013	5/15/2013	April 2013	CCC Property Tax Admin Fees (PTAF) April,	\$14.94	\$0.00		\$14.94
				<i>Totals for Jarvis Fay Doporto & Gibson, LLP:</i>	<i>\$29.27</i>	<i>\$0.00</i>		<i>\$29.27</i>
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	6/4/2013	5/15/2013	113-17070	Clayton Library - service call, boiler pump	\$1,813.26	\$0.00		\$1,813.26
				<i>Totals for Marken Mechanical Services Inc:</i>	<i>\$1,813.26</i>	<i>\$0.00</i>		<i>\$1,813.26</i>
Municipal Pooling Authority								
Municipal Pooling Authority	6/4/2013	5/22/2013	June 2013	LTD/Life June 2013	\$1,244.16	\$0.00		\$1,244.16
				<i>Totals for Municipal Pooling Authority:</i>	<i>\$1,244.16</i>	<i>\$0.00</i>		<i>\$1,244.16</i>
Neopost (add postage)								
Neopost (add postage)	6/4/2013	5/29/2013	5/29/13	Add Postage	\$300.00	\$0.00		\$300.00
				<i>Totals for Neopost (add postage):</i>	<i>\$300.00</i>	<i>\$0.00</i>		<i>\$300.00</i>
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	6/4/2013	5/22/2013	533512	Pay Phone June 2013	\$73.00	\$0.00		\$73.00
				<i>Totals for Pacific Telemanagement Svc:</i>	<i>\$73.00</i>	<i>\$0.00</i>		<i>\$73.00</i>
PERMCO, Inc.								
PERMCO, Inc.	6/4/2013	5/29/2013	9987	Retainer - General Services	\$3,126.00	\$0.00		\$3,126.00
PERMCO, Inc.	6/4/2013	5/29/2013	9988	CCWD Minor EP	\$166.00	\$0.00		\$166.00
PERMCO, Inc.	6/4/2013	5/29/2013	9989	Diablo Pointe Construction Inspection	\$539.50	\$0.00		\$539.50
PERMCO, Inc.	6/4/2013	5/29/2013	9990	PG&E Replace Gas Lines - Dana Hills	\$2,244.00	\$0.00		\$2,244.00
PERMCO, Inc.	6/4/2013	5/29/2013	9991	2013 Pavement Rehabilitation	\$5,962.75	\$0.00		\$5,962.75
PERMCO, Inc.	6/4/2013	5/29/2013	9992	PG&E Tower Ridge Raising - Keller Ridge	\$731.00	\$0.00		\$731.00
				<i>Totals for PERMCO, Inc.:</i>	<i>\$12,769.25</i>	<i>\$0.00</i>		<i>\$12,769.25</i>

City of Clayton

Cash Requirements Report

City Council Meeting 6/4/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PG&E								
PG&E	6/4/2013	5/20/2013	May 2013	Electricity and Gas May 2013	\$3,232.84	\$0.00		\$3,232.84
				<i>Totals for PG&E:</i>	<u>\$3,232.84</u>	<u>\$0.00</u>		<u>\$3,232.84</u>
R&S Erection of Concord								
R&S Erection of Concord	6/4/2013	5/21/2013	84820 COMR	Comm Repairs job tag #82479	\$339.00	\$0.00		\$339.00
				<i>Totals for R&S Erection of Concord:</i>	<u>\$339.00</u>	<u>\$0.00</u>		<u>\$339.00</u>
Red Cloud Wireless Voice & Data								
Red Cloud Wireless Voice & Data	6/4/2013	5/2/2013	30399	Batteries service	\$798.58	\$0.00		\$798.58
				<i>Totals for Red Cloud Wireless Voice & Data:</i>	<u>\$798.58</u>	<u>\$0.00</u>		<u>\$798.58</u>
Riso Products of Sacramento								
Riso Products of Sacramento	6/4/2013	5/20/2013	109199	Kyocera contract 5/18-6/17/13	\$94.86	\$0.00		\$94.86
				<i>Totals for Riso Products of Sacramento:</i>	<u>\$94.86</u>	<u>\$0.00</u>		<u>\$94.86</u>
Robert Kehrl								
Robert Kehrl	6/4/2013	5/29/2013	025635	Deposit Refund - cancelled reservation	\$250.00	\$0.00		\$250.00
				<i>Totals for Robert Kehrl:</i>	<u>\$250.00</u>	<u>\$0.00</u>		<u>\$250.00</u>
Rock & Waterfall Co								
Rock & Waterfall Co	6/4/2013	5/15/2013	111-71	repair auto fill valve	\$348.99	\$0.00		\$348.99
				<i>Totals for Rock & Waterfall Co:</i>	<u>\$348.99</u>	<u>\$0.00</u>		<u>\$348.99</u>
SPRAYTEC (Sprayer Sales Co)								
SPRAYTEC (Sprayer Sales Co)	6/4/2013	5/20/2013	11826	maintenance waste water 4/14 & 4/22/13	\$225.00	\$0.00		\$225.00
SPRAYTEC (Sprayer Sales Co)	6/4/2013	5/22/2013	11827	monthly maintenance waste water 5/1 & 5/15	\$225.00	\$0.00		\$225.00
				<i>Totals for SPRAYTEC (Sprayer Sales Co):</i>	<u>\$450.00</u>	<u>\$0.00</u>		<u>\$450.00</u>
Warner Brothers Tree Service								
Warner Brothers Tree Service	6/4/2013	5/14/2013	10430	tree work, Grove Park, pruned Chinese Elm Tr	\$1,200.00	\$0.00		\$1,200.00
Warner Brothers Tree Service	6/4/2013	5/14/2013	10431	tree work, Eagle Peak pruning/Clayton Rd Me	\$2,400.00	\$0.00		\$2,400.00
				<i>Totals for Warner Brothers Tree Service:</i>	<u>\$3,600.00</u>	<u>\$0.00</u>		<u>\$3,600.00</u>
YP (Advertising - yellow pages)								
YP (Advertising - yellow pages)	6/4/2013	5/23/2013	821759769-00800	Advertising - Directory/Internet	\$84.00	\$0.00		\$84.00
				<i>Totals for YP (Advertising - yellow pages):</i>	<u>\$84.00</u>	<u>\$0.00</u>		<u>\$84.00</u>
GRAND TOTALS:					\$140,992.29	\$0.00		\$140,992.29



Agenda Date: 6-4-13
Agenda Item: 4c

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JUNE 4, 2013

SUBJECT: RESOLUTION CHANGING THE ENGINEER OF WORK AND DIRECTING THE PREPARATION OF AN ENGINEER'S REPORT FOR THE DIABLO ESTATES BENEFIT ASSESSMENT DISTRICT.

RECOMMENDATION

Adopt the attached resolution.

BACKGROUND

At the request of Toll Bros., Inc., the developer of the Diablo Estates project, the City Council, by passage of Resolution 04-2012 on February 7, 2012, formed the Diablo Estates Benefit Assessment District in accordance with the requirements of Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982. The purpose of the District is to provide funding for the maintenance of various improvements constructed as part of the project. The Engineer of Work for the preparation of the initial Engineer's Report was the Developer's consultant, SCI Consulting Group. The initial assessment was approved via a Proposition 218 ballot election and included an annual CPI increase in the assessment amount.

While the Benefit Assessment Act of 1982 does not require further action prior to levying of the annual assessment if the assessments are not increased (other than any increase due a CPI increase), the Landscaping & Lighting Act of 1972 requires the filing and approval of an annual Engineer's Report prior to levying of the annual assessment. Rather than contracting with an outside consultant each year, staff is recommending that the duties of the Engineer of Work be transferred to the City Engineer.

For the purpose of continuing to levy annual assessments, the process must be initiated by the Council officially calling for such an annual report. After enactment of this resolution, the next step will be for the Engineer of Work (City Engineer) to submit, and the City Council to accept, the Engineer's Report for this District. Following that submittal will be a single public

Subject: Diablo Estates BAD – Call for Engineer's Report

Date: June 4, 2013

Page 2 of 2

hearing prior to setting next year's assessments in sufficient time to be collected via the property tax bills issued by the County in 2013-2014.

This resolution does not commit the Council to any action but is just the first administrative step required by the Landscaping & Lighting Act of 1972.

FISCAL IMPACT

None.

Attachment: Resolution [2 pp.]

RESOLUTION NO. - 2013

**A RESOLUTION DIRECTING THE FILING OF AN ANNUAL REPORT
FOR THE DIABLO ESTATES BENEFIT ASSESSMENT DISTRICT (PURSUANT TO THE
LANDSCAPING AND LIGHTING ACT OF 1972).**

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

WHEREAS, by Resolution No. 04-2012, adopted February 7, 2012, the Clayton City Council formed the Diablo Estates Benefit Assessment District pursuant to both the Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982; and

WHEREAS, an initial Engineer's Report was prepared by the project developer's consultant, SCI Consulting Group; and

WHEREAS, an initial annual assessment, along with an allowable increase in accordance with increases in the Consumer Price Index ("CPI"), was approved by the affected property owners in a Proposition 218 ballot election; and

WHEREAS, while the Benefit Assessment Act of 1982 requires no further action to continue levying the annual assessment, the Landscaping & Lighting Act of 1972 requires that the City Council direct the Engineer of Work to prepare an Annual Engineer's Report prior to the levying of an assessment;

NOW THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. The City Engineer is hereby designated by this Council as the Engineer of Work for the Diablo Estates Benefit Assessment District.
2. The City Engineer is hereby directed to file an Annual Engineer's Report in accordance with the provisions of the Landscaping & Lighting Act of 1972.
3. This resolution is adopted pursuant to Section 23622 of the Streets and Highways Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 4th day of June 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

ABSENT:

JULIE K. PIERCE, Mayor

ATTEST:

Laci J. Jackson, City Clerk

#

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on June 4, 2013.

Laci J. Jackson, City Clerk



Agenda Date: 6-4-13

Agenda Item: 4d

Approved: _____

Gary A. Nappel
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 04 JUNE 2013

**SUBJECT: PROPOSED 3-MONTH TIME EXTENSION TO EMPLOYMENT TERMS
CLAYTON POLICE OFFICERS ASSOCIATION (CPOA)**

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution approving a three (3) month extension to the existing terms and conditions of employment and compensation with the Clayton Police Officers Association (CPOA), effective 01 July 2013 through 30 September 2013.

BACKGROUND

By state law the City and its employee units must meet and confer over matters related to compensation, benefits and terms of public employment. In September 2012, the City and it's the CPOA (i.e. sworn law enforcement personnel, except the chief of police) agreed to a nine (9)-month extension of existing terms and conditions of employment that included a continuing freeze on salary merit advances and suspension of premium pay when working various City holidays. The latter concession equated to a continuous 4.1% pay reduction for all employees of this unit.

That nine month extension expires on 30 June 2013. In anticipation of its expiration the parties expectantly rely on the release of the proposed City Budget each year to determine the financial status of the City for framework during the collective bargaining process. Due to organizational delays, the proposed City Budget for FY 2013-14 is not yet prepared for release and the parties recognize its delay impacts the opportunity for meaningful negotiation as to new or revised terms of public employment in FY 2013-14.

Therefore, the City Manager and the CPOA have agreed it would be beneficial to extend the existing terms and conditions of public employment, set to expire on 30 June 2013, for an additional three (3) month time period through 30 September 2013. It is expected this time extension will allow adequate time for each party to determine respective positions on a subsequent Memorandum of Understanding (MOU) without disrupting current compensation and employment terms.

FISCAL IMPACT

The expiring MOU contains a number of CPOA concessions as well as City [Employer] continuation of compensation and Employer-paid benefits. During this transitional period the parties agreed the least-disruptive approach would be to maintain the status-quo, including members of this Group agreeing to accept the approximate 4.1% reduction to employee compensation relative to the suspension of premium pay for the eleven (11) City-recognized holidays per fiscal year (note: sworn police personnel must work holidays, 24/7 operation). In addition, employees of this Unit have experienced frozen pay advancements for meritorious salary adjustments over the last four years (5 of 11 officers).

The upcoming negotiations between the parties must address the issue of retroactivity for any modifications to the MOU.

Attachments: 1. City Resolution and Exhibit [4 pp.]

RESOLUTION NO. - 2013

**A RESOLUTION APPROVING A THREE (3) MONTH ADDENDUM NO. 6
TO THE BASE MEMORANDUM OF UNDERSTANDING WITH
THE CLAYTON POLICE OFFICERS ASSOCIATION
EFFECTIVE JULY – SEPTEMBER 2013**

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

WHEREAS, authorized representatives of the City of Clayton and the Clayton Police Officers Association (CPOA) conferred in good faith recently regarding the status of certain matters including, but not limited to, wages, hours, and terms and conditions of employment with the City, pursuant to *California Government Code* Section 3500, et. seq.; and

WHEREAS, due to organizational delays in assembling and providing financial data for preparation and consideration of a City Budget for FY 2013-14, both parties mutually acknowledged it is beneficial to await the outcome of the City's current financial status before negotiating and obligating oneself to new or revised terms and conditions of public employment and compensation with the City of Clayton; and

WHEREAS, in consideration thereof the parties to the aforementioned discussions have set forth a three (3) month Addendum No. 6 to bridge the expiration of Addendum No. 5 to the base Memorandum of Understanding (MOU), which document does encompass the full and complete agreements reached between the parties for the time period of July 1, 2013 through September 30, 2013; and

WHEREAS, the City Manager, as the City's designated labor negotiator, does herein recommend approval of proposed Addendum No. 6 to this Unit's base MOU, as outlined in its entirety in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept and approve Addendum No. 6 (Exhibit "A") to the underlying Memorandum of Understanding between the City and the Clayton Police Officers Association during the term thereof, effective July 1, 2013 through September 30, 2013, unless replaced sooner by mutual agreement, and does duly authorize and instruct its City Manager to implement the agreed-upon terms and conditions accordingly.

Resolution No. - 2013
3-Month Addendum No. 6 to Base MOU with Clayton Police Officers Association
04 June 2013

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 4th day of June 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk

ADDENDUM NO. 6

This Addendum No. 6 is a three (3) month time extension to that 1-year underlying Memorandum of Understanding (MOU) entered into by and between the City of Clayton ("City") and the Clayton Police Officers Association ("CPOA"), previously approved and authorized by the Clayton City Council at a regular public meeting thereof held on the 18th day of September 2012, and as further amended by Addenda Nos. 1-5 adopted by the City Council.

WHEREAS, by California Government Code section 3500, et seq., the City is required by law to negotiate in good faith with recognized collective bargaining units and groups of the City organization concerning certain public employment matters including, but not limited to, wages, hours, benefits, and other terms and conditions of employment with the City; and

WHEREAS, the Clayton Police Officers Association (CPOA) is a recognized public employee collective bargaining unit within the City public agency; and

WHEREAS, by City Resolution No. 59-2012 the Clayton City Council did adopt, at a regular public meeting thereof on 18 September 2012, Addendum No. 5 by and between the City and the CPOA that modified or restated specific employment terms and conditions for the CPOA for a nine (9) month term; and

WHEREAS, all terms and conditions of public sector employment by and between the City and the CPOA will expire on 30 June 2013; and

WHEREAS, the City and the CPOA have not yet met together as required by California Government Code section 3500, et seq., to discuss or negotiate in good faith matters involving the continuation or modification of terms and conditions of public employment for the CPOA, and it is unlikely such discussions will commence or be completed before the expiration occurs of said public employment terms and conditions for the CPOA on 01 July 2013; and

WHEREAS, each party to the underlying MOU and Addenda desires to meet in good faith and are willing within the next three (3) month time period to negotiate and hopefully arrive at acceptable successor terms and conditions of public employment between the City and the CPOA on or before 30 September 2013.

NOW, THEREFORE, BE IT RESOLVED by and between the City of Clayton and the Clayton Police Officers Association as follows:

1. ARTICLE 20: TERM

Addendum No. 6 is effective on 01 July 2013 and continues through 30 September 2013, at which time it ends effective midnight on 30 September 2013 unless terminated sooner by mutual agreement and approval of the City and the CPOA.

2. All other and existing terms and conditions of the underlying MOU and Addenda Nos. 1-5 by and between the parties remain in full force and effect through 30 September 2013 to the extent each are not in conflict with Addendum No. 6 provisions recited above. In the event such a conflict arises, Addendum No. 6 does and shall prevail in effect and implementation.

IN WITNESS THEREOF, this Addendum No. 6 is entered into this 31st day of May 2013 pursuant to the provisions of California Government Code section 3500, et seq., for presentation and recommendation for approval by the City Council of Clayton, CA at its regular public meeting thereof to be held on 04 June 2013.

CLAYTON POLICE OFFICERS ASSOCIATION (CPOA)

By:



Bud Stone, CPOA Representative

Date: 5/31/13

CITY OF CLAYTON, CA (CITY)

By:



Gary A. Napper, City Manager

Date: 31 MAY 2013

#####



Agenda Date: 6-4-13

Agenda Item: 4e

Approved: 

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 04 JUNE 2013

**SUBJECT: PROPOSED 3-MONTH TIME EXTENSION TO EMPLOYMENT TERMS
CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES GROUP**

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution approving a three (3) month extension to the existing terms and conditions of employment and compensation with the City's Undesignated Miscellaneous City Employees Group, effective 01 July 2013 through 30 September 2013.

BACKGROUND

By state law the City and its employee units must meet and confer over matters related to compensation, benefits and terms of public employment. In July 2012, the City and its Undesignated Miscellaneous City Employees Group (i.e. all non-sworn personnel) agreed to a one-year extension of existing terms and conditions of employment that included a continuing freeze on salary merit advances and imposition of eleven (11) unpaid furlough days per fiscal year. The latter concession equated to a continuous 4.3% pay reduction for all employees of this unit.

That one-year extension expires on 30 June 2013. In anticipation of its expiration the parties expectantly rely on the release of the proposed City Budget each year to determine the financial status of the City for consideration during the collective bargaining process. Due to organizational delays, the proposed City Budget for FY 2013-14 is not yet prepared for release and the parties recognize its delay impacts the opportunity for meaningful negotiation as to new or revised terms of public employment in FY 2013-14.

Therefore, the City Manager and the Miscellaneous City Employees Group have agreed it would be beneficial to extend the existing terms and conditions of public employment, set to expire on 30 June 2013, for an additional three (3) month time period through 30 September 2013. It is expected this time extension will allow adequate time for each party to determine respective positions on a subsequent Memorandum of Agreement (MOA) without disrupting current compensation and employment terms.

FISCAL IMPACT

The expiring MOA contains a number of Miscellaneous City Employees Group concessions as well as City [Employer] continuation of compensation and Employer-paid benefits. During this transitional period the parties agreed the least-disruptive approach would be to maintain the status-quo, including members of this Group agreeing to accept the approximate 4.3% reduction in annualized employee compensation relative to the City-imposed eleven (11) unpaid furlough days per fiscal year. Concurrently, the parties have agreed not to impose or take any unpaid furlough days during this contract time extension, which concession actually temporarily favors the employer since affected employees accept the reduced pay without the corresponding furlough days.

However, an inherent component of employment contract extensions includes the negotiated aspect of "retroactivity". The Miscellaneous City Employees Group has clearly stated its interim agreement to extend current terms and concessions does not bind or deny its rights to meet and consult over all employment terms and conditions, including retroactivity, continuation or suspension of unpaid furlough days, or restoration of interim reduced pay and other compensation benefits.

The same reservation of rights also affixes to the City by this process and agreement.

Attachments: 1. City Resolution and Exhibit [5 pp.]

RESOLUTION NO. - 2013

**A RESOLUTION APPROVING A THREE (3)- MONTH ADDENDUM TO
THE BASE MEMORANDUM OF AGREEMENT AND SUBSEQUENT ADDENDA
WITH THE CLAYTON UNDESIGNATED MISCELLANEOUS CITY
EMPLOYEES GROUP EFFECTIVE JULY – SEPTEMBER 2013**

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

WHEREAS, authorized representatives of the City of Clayton and the Clayton Undesignated Miscellaneous City Employees Group met and consulted in good faith regarding certain matters including, but not limited to, wages, hours, and terms and conditions of employment with the City, pursuant to *California Government Code* Section 3500, et. seq.; and

WHEREAS, due to the organizational delay in assembling and providing financial data for preparation and consideration of a City Budget for FY 2013-14, both parties mutually agree it is beneficial to await the outcome of the City's current financial status before negotiating and obligating oneself to new or revised terms and conditions of public employment and compensation with the City of Clayton; and

WHEREAS, in consideration thereof the parties to the aforementioned discussions have set forth a three (3) - month Addendum No. 5 to bridge the expiring 1-year Addendum No. 4 that does encompass the full and complete agreements reached between the parties for the time period of July 01, 2013 through September 30, 2013; and

WHEREAS, the City Manager, as the City Council's designated labor negotiator, does herein recommend approval of the proposed Addendum No. 5 to this Group's base Agreement and past Addenda, as outlined in its entirety in "Exhibit 1".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept and approve the attached Addendum No. 5 ("Exhibit 1") to the base Memorandum of Agreement and past Addenda Nos. 1-4 by and between the City and the Clayton Undesignated Miscellaneous City Employees Group during the term hereof, effective July 01, 2013 through September 30, 2013, and does hereby authorize and instruct the City Manager to implement the agreed-upon terms and conditions accordingly.

Resolution No. - 2013
3-Month Addendum to Base Agreement with Miscellaneous City Employees Group
04 June 2013

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 4th day of June 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk

ADDENDUM NO. 5

This Addendum No. 5 is a modification to that 3-year Memorandum of Agreement (MOA) entered into by and between the City of Clayton ("City") and the Undesignated Miscellaneous City Employees Group, previously approved and authorized by the Clayton City Council at a regular public meeting thereof held the 5th day of December 2006, and as amended in subsequent years by City Council adoption of Addenda Nos. 1-4. Addendum No. 5 has been negotiated in good faith between the two named parties, pursuant to the Section 3500, et. seq. of the *California Government Code*, and intends to and does hereby modify only the following employment terms and conditions sections of the underlying MOA and as thereafter modified by Addenda Nos. 1-4, as herein contained below:

1. **ARTICLE 12: TERM OF AGREEMENT**

Addendum No. 5 is effective on 01 July 2013 and continues up to and through 30 September 2013, unless terminated sooner by mutual consent and agreement of the City and the Miscellaneous Employees Group.

2. **ARTICLE 8: HOLIDAYS AND LEAVES**

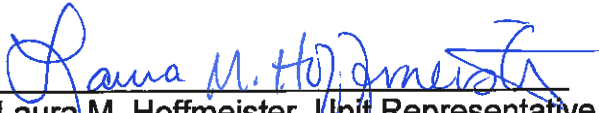
Section 8.7 Work Furlough Days. Unpaid work furlough days are herein suspended during the term of Addendum No. 5. The parties hereto understand and agree that despite the absence of work furlough days during this contract extension, members of this Group explicitly agree to maintain the corresponding annualized reduction in employee compensation (approx. 4.3%) relative to the effect of eleven (11) unpaid work furlough days but only during the term of this Addendum.

3. All other and existing terms and conditions of the underlying Memorandum of Agreement (MOA) and associated Addenda Nos. 1-4 by and between the parties remain in full force and effect through 30 September 2013, to the extent such are not in conflict with the provisions of Addendum No. 5 outlined above. In the event such a conflict arises, Addendum No. 5's terms and conditions shall and do hereby prevail in effect and implementation.

IN WITNESS THEREOF, this Addendum No. 5 is entered into this 29th day of May 2013, pursuant to the provisions of *California Government Code* Section 3500, et. seq., for presentation to and recommendation for approval by the City Council of the City of Clayton, CA.

CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES (GROUP)

By:



Laura M. Hoffmeister, Unit Representative

Date: 5/29/13

CITY OF CLAYTON LABOR NEGOTIATOR

By:



Gary A. Napper, City Manager

Date: 29 May 2013

#

Received

MAY 29 2013

City of Clayton

Date: May 29, 2013

To: Gary Napper, City Manager

From: Undesignated Misc. Employees Group

RE: Expiration of Memorandum of Agreement for FY 12/13

Given the delay of the city financial budget numbers, the Misc. Employees Group is hereby offers a 90 day extension of the current contract terms. During the extension no furlough days will be scheduled. All other terms of pay and benefits will continue as the current FY 12/13 contract.

During this period the Misc. Employees Group will undertake the bargaining process for a new Memorandum of Agreement with the City. The Misc. Group reserves all bargaining rights including retroactivity as part of meet and confer bargaining.



Laura Hoffmeister

Authorized Representative of the Undesignated Misc. Employees Group



Agenda Date: 6-4-13
Agenda Item: 9a

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JUNE 4, 2013

SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE NO. 447 ADDING CHAPTER 15 TO THE CLAYTON MUNICIPAL CODE CONCERNING THE REPAIR AND RECONSTRUCTION OF BUILDINGS AND STRUCTURES DAMAGED FOLLOWING A NATURAL OR CIVIL DISASTER EVENT.

RECOMMENDATION

Approve Ordinance No. 447 for introduction.

BACKGROUND

The Association of Bay Area Governments (ABAG) has recommended that cities take the following certain steps to ensure that disaster relief funds from the federal government move more smoothly to a local government after a disaster and potentially adding millions of dollars for the local economic recovery:

- (1) Modify the purchasing and contracting portion of the Municipal Code to allow the city manager (or county administrator) to make emergency purchases.
- (2) Adopt a repair and reconstruction ordinance to make sure that the city or county receives public assistance dollars from FEMA after disasters that will not only repair buildings damaged in the community to their pre-existing condition, but also repair them to a standard that reduces the likelihood of future damage in a flexible, cost-effective, manner.
- (3) Prepare for the claims reimbursement process by:
 - Designating the organization in the local government responsible for tracking claims, the status of reimbursements, and interfacing with various state and federal government agencies.
 - Formulating documentation procedures. FEMA requires meticulous paperwork of all expenditures for which the local government expects reimbursement.
 - Preparing for delays in reimbursement. FEMA Public Assistance is not the same as insurance in that it requires local governments to fund initial repairs before the reimbursement funds begin to flow.

Date: June 4, 2013

Page 2 of 2

- Pre-planning for coordination with special districts within one's jurisdiction during the claims reimbursement process.
- (4) Have either an annex to the ABAG multi-jurisdictional Local Hazard Mitigation Plan (LHMP) that has been approved by FEMA, or a "stand alone" LHMP adopted as part of the safety element of its General Plan. Then the jurisdiction to be eligible for additional FEMA funds.

This last step is critical. Federal law (the Disaster Mitigation Act of 2000 or DMA 2000) requires that local governments have either an annex to the ABAG multi-jurisdictional Local Hazard Mitigation Plan (LHMP) that has been approved by FEMA, or a "stand alone" LHMP for the jurisdiction to be eligible for FEMA mitigation funds after disasters.

In addition, State law provides an additional financial incentive for local governments who have adopted either of these types of LHMPs into the Seismic Safety Element of their General Plan, typically as an "implementation appendix" to the Safety Element. After a disaster, Public Assistance costs are typically split 75% federal-25% state-local. The 25% state share is then split 75% state – 25% local. The State law (Govt. Code Sec. 8685.9) allows the state share to be up to the full 100% with no 25% local match providing two conditions are met:

- a.) the local agency is located within a city, county, or city and county that has adopted a local hazard mitigation plan in accordance with federal DMA 2000 as part of the safety element of its General Plan; and
- b.) the state legislature passes special, disaster-specific legislation waiving the local share (something the legislature has done for virtually every federal major disaster declaration since 1983).

Thus, a local government could potentially save 25% of 25% - or 6¼% of the cost of Public Assistance. Most Bay Area local governments who adopted an annex to the regional multi-jurisdictional Local Hazard Mitigation Plan noted that they planned to adopt their annex as part of the safety element

Recommendations 1 and 4 have already been completed. Adoption of this ordinance will satisfy recommendation 2, thus leaving only recommendation 3 needing implementation.

FISCAL IMPACT

None.

Attachment: Ordinance 447 [10 pp.]

ORDINANCE NO. 447

AN ORDINANCE ADDING CHAPTER 15.100 TO TITLE 15 OF THE CLAYTON MUNICIPAL CODE RELATING TO DISASTER REPAIR AND RECONSTRUCTION

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

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance act, as amended ("Stafford Act") authorizes the Federal Emergency Management Agency ("FEMA") to fund the repair and restoration of eligible government and non-profit facilities damaged in a Presidentially declared disaster;

WHEREAS, Section 406(e) of the Stafford Act requires that the repair and restoration be "on the basis of the design of such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications and standards";

WHEREAS, FEMA has interpreted the Stafford Act to mean that a facility that is being repaired or restored to its pre-disaster construction will only be eligible for FEMA financial assistance if there are codes and standards adopted and in place to govern the repair of those facilities that meet the criteria for those codes established by FEMA, and as interpreted by FEMA;

WHEREAS, adoption of the California Building Code ("CBC") by itself does not necessarily constitute having codes and standards in place so as to satisfy FEMA because the CBC is primarily a code for new construction; and

WHEREAS, the adoption of this ordinance will provide the triggering mechanism that allows building owners to use the appropriate sections of the CBC and remain eligible for FEMA public assistance.

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

Section 1. **Amendment.** Chapter 15.100, entitled "Disaster Repair and Reconstruction," is hereby added to Title 15 of the Clayton Municipal Code, entitled "Building and Construction," to read as follows:

"Chapter 15.100

DISASTER REPAIR AND RECONSTRUCTION

Sections:

15.100.010	Intent
15.100.020	Application of Provisions
15.100.030	Definitions
15.100.040	Repair Criteria
15.100.050	Repair Criteria for Chimneys
15.100.060	Repair Criteria for Historic Buildings or Structures
15.100.070	Board of Appeals

15.100.010 Intent. This chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of an uncontrollable event for which a local emergency has been declared by the City Council.

15.100.020 Application of Provisions. The provisions of this chapter are applicable to all damaged buildings and structures of all occupancies regulated by the City of Clayton following each uncontrollable event when a local emergency has been declared by the City Council. When approved by the building official, the requirements of this chapter may be waived in favor of repair recommendations included in an engineering evaluation as deemed in section 15.100.040.

15.100.030 Definitions. For the purposes of this chapter, the following definitions apply:

A. “Architect” is an individual licensed by the State of California to practice architecture as defined in the State of California Business and Professions Code.

B. “Civil Engineer” is an individual registered by the State of California to practice civil engineering as defined in the State of California Business and Professions Code.

C. “Current code” shall mean the edition of the California Building Standards Code as adopted by the City of Clayton, including any amendments, in effect at the time of the declaration of a local emergency by the City Council.

D. “Dangerous” shall mean any building or structure or any individual member with any of the structural conditions or defects described below shall be deemed dangerous:

(1) The stress in a member or portion thereof due to all factored dead and live loads is more than one and one third the nominal strength allowed in the current code.

(2) Any portion, member of the building or structure, or any appurtenance within the building damaged to the extent that could potentially fail, detached or dislodged, or to collapse under normal operational condition or loading and thereby cause health and safety hazard.

(3) Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof with insufficient strength or stability, or attachment to resist lateral loading equal to two thirds of that specified in the current code for similar buildings or structure without exceeding the nominal strength permitted in the current code.

(4) The building or any portion thereof, is likely to collapse partially or completely due to damages caused by an uncontrollable event, fire, earthquake, wind, or flood; or any other similar cause.

(5) The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

E. “Engineering evaluation and analysis” is an evaluation and analysis of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural/civil engineer or architect retained by the owner of the building or structure. Engineering evaluations and analysis shall, at a minimum, contain recommendations for repair with an estimate of construction cost for those repairs.

F. "Essential Service Facility" shall mean those buildings or structures which have been designated by the City Council to house facilities which are necessary for the emergency operations subsequent to a disaster, or an essential service facility as defined in the current code as an essential building.

G. "Structural/Civil Engineer" is an individual registered by the State of California to practice civil engineering and who has experience in design of structures.

H. "Substantial Damage" shall mean, for the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

I. "Substantial Improvement" shall mean, for the purpose of determining compliance with the flood provisions of this code, any repair, alteration, addition, or improvement of a building or structure whose cost equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include either:

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the code official and that is the minimum necessary to assure safe living conditions, or

(2) Any alteration of a historic structure provided that the alteration would not preclude the structure's continued designation as a historic structure.

J. "Substantial Structural Damage" shall mean a condition where:

(1) In any story, the vertical elements of the lateral-force-resisting system, have suffered damage such that the lateral load-carrying capacity of the structure in any direction has been reduced by more than 20 percent from its pre-damaged condition, or

(2) The capacity of any vertical gravity load-carrying component, or any group of such components, that supports more than 30 percent of the total area of the structure's floor(s) and roof(s) has been reduced more than 20 percent from its pre-damaged condition, and the remaining capacity of such affected elements with respect to all dead and live loads is less than 75 percent of that required by the current code for new buildings of similar structure, purpose, and location.

K. "Work Area" shall mean that portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by this code.

15.100.040 **Repair Criteria.** The following repair provisions, excerpted and amended from the below-specified sections of the 2006 Edition of the International Existing Building Code (IEBC), as published by the International Code Council, shall apply:

International Existing Building Code Section 401 – General
(Amended)

401.2 Work area. The work area as defined in Chapter 15 shall be identified on the construction documents.

401.3 Occupancy and use. When determining the appropriate application of the referenced sections of this code, the occupancy and use of a building shall be determined in accordance with the California Building Code.

401.4 Scope. Repairs shall comply with the requirements of this chapter. Repairs to historic buildings shall comply with this chapter.

401.5 Permitted materials. Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted provided no hazard to life, health or property is created.

401.6 Conformance. The work shall not make the building less conforming than it was before the repair was undertaken.

401.7 Flood hazard areas. In flood hazard areas, repairs that constitute substantial improvement shall require that the building comply with the California Building Code and ASCE 24 "Flood Resistant Design and Construction."

International Existing Building Code Section 403 – Building Elements and Materials (Amended)

403.1 Hazardous materials. Hazardous materials that are no longer permitted, such as asbestos and lead-based paint, shall not be used.

403.2 Glazing in hazardous locations. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the California Building Code as applicable. (Exception: Glass block walls, louvered windows and jalousies repaired with like materials.)

International Existing Building Code Section 404 – Fire Protection (Amended)

404.1 General. Repairs shall be done in a manner that maintains the integrity of fire protection provided by the element being repairs.

International Existing Building Code Section 405 – Means of Egress (Amended)

405.1 General. Repairs shall be done in a manner that maintains the level of protection provided for means of egress.

International Existing Building Code Section 406 – Accessibility (Amended)

406.1 General. Repairs shall be done in a manner that maintains the level of accessibility provided.

International Existing Building Code Section 407 – Structural (Amended)

407.1 General. Repairs of structural elements shall comply with this section.

407.1.1 Seismic and Wind evaluation and design. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

407.1.1.1 Evaluation and design procedures. The seismic evaluation and design shall be based on the procedures specified in the California Building Code, Appendix A of the International Existing Building Code (GSREB), or ASCE 41. For Category III and IV buildings, the procedures specified in Chapters A1, A2, A3, and A4 of Appendix A (GSREB) shall not be permitted. The procedures contained in Appendix A of the International Existing Building Code shall be permitted to be used as specified in Section 407.1.1.3.

407.1.1.2 CBC level seismic forces. When seismic forces are required to meet the California Building Code level, they shall be one of the following:

1. 100 percent of the values in the California Building Code. The R factor used for analysis in accordance with Chapter 16 of the California Building Code shall be the R factor specified for structural systems classified as “Ordinary” in accordance with the International Building Code Table 1617.6.2 unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as “Intermediate” or “Special”.

2. Those associated with the BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 407.1.1.2.

Table 407.1.1.2 ASCE 41 Performance Levels^a

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note a	Note a
IV	Immediate Occupancy (IO)	Life Safety (LS)

407.1.1.3 Reduced CBC level seismic forces. When seismic forces are permitted to meet reduced California Building Code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the California Building Code. The R factor used for analysis in accordance with Chapter 16 of the California Building Code shall be the R factor as specified in Section 407.1.1.2.

2. In accordance with the applicable chapters in Appendix A of the International Existing Building Code as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced California Building Code force levels.

2.1 The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

a. Performance Levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and Occupancy Category IV.

2.2 Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3 Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4 Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5 Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

1. Those prescribed by ASCE 31 based on the applicable performance level as shown in Table 407.1.1.2.

2. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 407.1.1.2.

407.2 Reduction of strength. Repairs shall not reduce the structural strength or stability of the building, structure, or any individual member thereof. (Exception: Such reduction shall be allowed provided the capacity is not reduced to below the California Building Code levels.)

407.3 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section.

407.3.1 Dangerous conditions. Regardless of the extent of structural damage, dangerous conditions shall be eliminated.

407.3.2 Substantial structural damage to vertical elements of the lateral-force-resisting system. A building that has sustained substantial structural damage to the vertical elements of its lateral force resisting system shall be evaluated and repaired in accordance with the applicable provisions of Section 407.3.2.1 through 407.3.2.3.

407.3.2.1 Evaluation. The building shall be evaluated by a registered design professional, and the evaluation findings shall be submitted to the building inspector. The evaluation shall establish whether the damaged building, if repaired to its pre-damage state, would comply with the provisions of the California Building Code. Wind forces for this evaluation shall be those prescribed in the California Building Code. Seismic forces for this evaluation are permitted to be the reduced level seismic forces specified in Code Section 407.1.1.3.

407.3.2.2 Extent of repair for compliant buildings. If the evaluation establishes compliance of the pre-damage building in accordance with Section 407.3.2.1, then repairs shall be permitted that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage.

407.3.2.3 Extent of repair for non-compliant buildings. If the evaluation does not establish compliance of the pre-damage building in accordance with Section 407.3.2.1, then the building shall be rehabilitated to comply with applicable provisions of the California Building Code for load combinations including wind or seismic forces.

The wind design level for the repair shall be as required by the building code in effect at the time of original construction unless the damage was caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the California Building Code, whichever is greater.

Seismic forces for this rehabilitation design shall be those required for the design of the pre-damaged building, but not less than the reduced level seismic forces specified in Section 407.1.1.3. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the California Building Code for new buildings of similar structure, purpose, and location.

407.3.3 Substantial structural damage to vertical load-carrying components. Vertical load-carrying components that have sustained substantial structural damage shall be rehabilitated to comply with the applicable provisions for dead and live loads in the California Building Code. Undamaged vertical load-carrying components that receive dead or live loads from rehabilitated components shall also be rehabilitated to carry the design loads of the rehabilitation design. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the California Building Code for new buildings of similar structure, purpose, and location.

407.3.3.1 Lateral force-resisting elements. Regardless of the level of damage to vertical elements of the lateral force-resisting system, if substantial structural damage to vertical load-carrying components was caused primarily by wind or seismic effects, then the building shall be evaluated in accordance with Section 407.3.2.1 and, if noncompliant, rehabilitated in accordance with Section 407.3.2.3.

407.3.4 Less than substantial structural damage. For damage less than substantial structural damage, repairs shall be allowed that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage. New structural members and connections used for this repair shall comply with the detailing provisions of the California Building Code for new buildings of similar structure, purpose, and location.

407.3.4 Flood hazard areas. In flood hazard areas, buildings that have sustained substantial damage shall be brought into compliance with Section 1612 of the California Building Code.

707.7 Voluntary lateral-force-resisting system alterations. Alterations of existing structural elements and additions of new structural elements that are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure and that are not required by other sections of this code shall not be required to be designed for forces conforming to the California Building Code provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced;
2. Either the lateral loading to existing structural elements is not increased beyond their capacity, or the lateral loading to existing structural elements is not increased by more than 10%;
3. New structural elements are detailed and connected to the existing structural elements as required by the California Building Code;
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by the California Building Code; and
5. A dangerous condition as defined in this code is not created.

Voluntary alterations to lateral-force-resisting systems conducted in accordance with Appendix A of the International Existing Building Code and the referenced standards of this code shall be permitted.

International Existing Building Code Section 408 – Electrical
(Amended)

408.1 Material. Existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material.

International Existing Building Code Section 409 – Mechanical
(Amended)

409.1 General. Existing mechanical systems undergoing repair shall not make the building less conforming than it was before the repair was undertaken.

International Existing Building Code Section 410 – Plumbing
(Amended)

410.1 Materials. Plumbing materials and supplies shall not be used for repairs that are prohibited in the California Plumbing Code.

15.100.050 Repair Criteria for Chimneys. All damaged chimneys shall be reconstructed to comply with the requirements of Chapter 31 of the current code. In addition, damaged portions of chimneys shall be removed or replaced in accordance with Appendix A. (Note: Appendix A is Los Angeles Regional Uniform Code Program Information Bulletin/Public Building Code P/BC 2002-70 Revised: 08-17-01, [Previously issued as SP-2].)

15.100.060 Repair Criteria for Historic Buildings or Structures.

A. Buildings or structures which are included on a national, state or local register of historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of an uncontrollable event, shall have an engineering evaluation performed.

B. The minimum criteria for repair shall be as included in section 15.100.040 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code of Regulations, the State of California Historic Building Code, shall apply.

C. Where conflicts exist between the standards contained herein and the State of California Historic Building Code, the Historic Building Code shall govern.

15.100.070 Board of Appeals. Any action taken pursuant to this chapter may be appealed to the City Council.”

Section 2. Action to Challenge This Ordinance. Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after the effective date of this ordinance.

Section 3. Severability. Each of the provisions of this ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance is for

any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this ordinance, are hereby repealed. The provisions of this ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this ordinance.

Section 5. CEQA. The City Council finds that adoption of this ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

Section 6. Notice of Exemption. The City Council directs staff to prepare and file a Notice of Exemption no more than five (5) working days after adoption of this ordinance.

Section 7. Effective Date and Publication. This ordinance shall become effective thirty (30) days after it is adopted by the City Council. Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause a copy of the ordinance, including the names of the City Council members voting for and against it, to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Clayton, California held on the 4th day of June, 2013, and

PASSED, ADOPTED AND ORDERED posted by the City Council of Clayton, California at a regular meeting thereof on _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

Malathy Subramanian, City Attorney

APPROVED BY ADMINISTRATION:

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of Clayton, California held on June 4, 2013 and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on _____, 2013.

Laci J. Jackson, City Clerk



Agenda Date: 6-4-13

Agenda Item: 9b

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 04 JUNE 2013

**SUBJECT: CONSIDER CANCELLATION OF ANY REGULAR COUNCIL MEETINGS
DURING SUMMER OF 2013**

RECOMMENDATION

It is recommended the City Council provide policy direction concerning its collective desire to cancel any regularly-scheduled City Council meetings during the upcoming summer months of July, August or September 2013.

BACKGROUND

Clayton Municipal Code Section 2.04.010 specifies the regular meetings of the Clayton City Council shall be held on the first and third Tuesdays of each and every month.

In previous years, the City Council has canceled one or more of its regularly-scheduled meetings during summer months to accommodate various vacation plans of its elected officials. In addition, the workload of City Council business items for action often decreases in the summer months following formal adoption of the annual City and CIP Budgets and the associated procedures to levy the annual special taxes for our several assessment and maintenance districts administered by the City. Various key members of the City Management Staff also take planned vacations during the summer months.

In order to provide optimum notice of meeting cancellation to interested members of the public and the development community as well as to arrange placement of agenda matters around the vacation plans of the City Council, this item has typically been placed on a June agenda for discussion and direction purposes. The action of canceling one or more regularly-scheduled meetings is a matter to be taken in open public session by the City Council.

SUMMER 2013 REGULAR MEETINGS

The following table outlines the upcoming dates for regular City Council meetings in the summer months of 2013:

MEETING DATE	COMMENTS
Tuesday, July 2 nd (Independence Day week)	Introduce ordinance banning medical marijuana dispensaries; Introduce ordinance to implement state law AB 1616 – Cottage Industry land uses; potential labor negotiations. <i>(all could be deferred)</i>
Tuesday, July 16 th	Agenda handles the host of annual assessment levies for existing tax districts in FY 2013 – 14, including previously-set & noticed Public Hearings on Street Light & GHAD assessments; City response to Civil Grand Jury Report No. 1302; potential labor negotiations.
Tuesday, August 6 th	No pressing Agenda Items at this time.
Tuesday, August 20 th	No pressing Agenda Items at this time.
Tuesday, September 3 rd (Labor Day holiday is Monday, September 2 nd)	No pressing Agenda Items at this time.

FISCAL IMPACT

There is no real 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, video taping of the meeting for cable television re-broadcast).

If necessary or if an emergency arises between cancelled meetings, a special meeting of the City Council 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.

Attachments: 1. Calendar Months of July, August & September 2013 (3 pp.)

~ July 2013 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	Concert
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	Notes:		

More Calendars from WinCalendar: August, September, October

~ August 2013 ~							Sep 2013 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
				1	2	3 Concert	
4	5	6 City Council Meeting	7	8 Concert	9	10	
11	12	13 Planning Commission Meeting	14	15	16	17 Concert	
18	19	20 City Council Meeting	21	22 Concert	23	24	
25	26	27 Planning Commission Meeting	28	29	30	31 Concert	

More Calendars from WinCalendar: Sep 2013, Oct 2013, Nov 2013

~ September 2013 ~							Oct 2013 ▶
◀ Aug 2013	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1		2 Labor Day City Hall Closed	3 City Council Meeting	4	5 Concert	6	7
8		9	10 Planning Commission Meeting	11	12	13	14 Concert
15		16	17 City Council Meeting	18	19	20	21
22		23	24 Planning Commission Meeting	25	26	27	28
29		30	Notes:				

More Calendars from WinCalendar: October, November, December