CITY OF CLAYTON

Founded 1857 . . . Incorporated 1964

AGENDA

REGULAR JOINT MEETINGS

* * *

CLAYTON CITY COUNCIL
and
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

***

TUESDAY, June 18, 2013

5:30 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 18, 2013

5:30 P.M.

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

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

Three candidates for two 2-year terms of appointed office (ending June 30, 2015).

- Short Recess -

7:00 P.M.

3. **RECALL THE COUNCIL MEETING TO ORDER** - Mayor Pierce.

4. **CLOSED SESSION** – None.

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

6. **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 June 4, 2013. (View Here)

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

(c) Adopt a Resolution approving the Engineer's Report for the Diablo Estates at Clayton Benefit Assessment District (BAD), declaring the intent to levy and collect real property assessments in behalf of the BAD in FY 2013-14, and setting and giving notice of a Public Hearing to be held on July 16, 2013 regarding the levy of the proposed BAD real property assessments. (View Here)

7. **RECOGNITIONS AND PRESENTATIONS** – None.

8. **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

9. 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.

10. PUBLIC HEARINGS – None.

11. ACTION ITEMS

(a) Consider the Second Reading and Adoption 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, adopt Ordinance No. 447.

(b) Consider the adoption of a Resolution authorizing continuing appropriations and expenditures in Fiscal Year 2013-14 on the basis of the Fiscal Year 2012-13 approved budget framework until 30 August 2013, or concluding sooner upon the City Council's adoption of a City Budget for Fiscal Year 2013-14. *(View Here)*
(City Manager)

Staff recommendation: Following presentation of the staff report and opportunity for public comment, that Council adopt the Continuing Budget Resolution.

(c) City Council discussion and determination of citizen appointments to two (2) expiring vacancies on the Clayton Planning Commission: two (2) 2-year terms of appointive office from July 1, 2013 through June 30, 2015. (View Here)
(Mayor Pierce)

Staff recommendation: That Council determine the respective citizen appointments, and then adopt the Resolution appointing the two selected citizens to the respective terms of appointive office on the Clayton Planning Commission.

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

13. **ADJOURNMENT**– the next regularly scheduled City Council meeting is July 2, 2013.

# # # # #

* OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT *
June 18, 2013

1. **CALL TO ORDER AND ROLL CALL** – Chairman Shuey.

2. **PUBLIC COMMENTS**

Citizens may address the Oakhurst Geological Hazard Abatement District (GHAD) Board on items within the Board's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it to the Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chairperson's discretion. When one's name is called by the Chair, the speaker shall advance to 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. Board Members may respond to statements made or questions asked, or may 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 Oakhurst Geological Hazard Abatement District Board minutes for its regular meeting of February 5, 2013. (View Here)

4. **PUBLIC HEARINGS** – None.

5. **ACTION ITEMS**

(a) Presentation and consideration of the proposed Oakhurst Geological Hazard Abatement District (GHAD) Budget for Fiscal Year 2013-2014. *(View Here)* (District Manager)

Staff recommendations: **1)** Receive the District Manager's report; **2)** Receive public comments; **3)** Adopt the Resolution approving the District's Budget for FY 2013-2014, which action also sets July 16, 2013 as the Public Hearing date on the proposed GHAD real property assessments for FY 2013-2014.

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

7. **ADJOURNMENT** – the next meeting of the GHAD Board of Directors will be July 16, 2013.

# # # # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 6-18-13

Agenda Item: 6a

TUESDAY, June 4, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 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 and Geller. Councilmembers absent: Councilmember Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Engineer Rick Angrisani, and City Clerk Laci Jackson

2. **CLOSED SESSION**- None.

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

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

(a) Approved the minutes of the regular meeting of May 21, 2013.

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

(c) Adopted Resolution 12-2013 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.

(d) Adopted Resolution 13-2013 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.

(e) Adopted Resolution 14-2013 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.

5. **RECOGNITIONS AND PRESENTATIONS**- None.

6. **REPORTS**

(a) Planning Commission- No meeting held.

(b) Trails and Landscaping Committee – Vice Chair Ryan Lowe thanked the City Council for awarding the weed abatement contract for fire prevention in time to get weeds cut by June 9th. He noted the Committee received a number of updates at the meeting. He stated the Adopt-a-Trail sub-committee is seeking new business sponsors. The Committee also reviewed a preliminary draft Landscape Maintenance District Budget with an increase of assessment revenue by the CPI 2.4%. He noted the budget next year is not sufficient for any new major capital landscape projects. He noted a sub-committee will be working on its Annual Report and the Committee will meet again in September or October.

(c) The City Manager reported two seats on the Planning Commission will expire and the deadline to apply is Friday at 5 p.m. In response to vice Mayor Stratford's question, he noted the incumbents have reapplied.

(d) City Council

Councilmember Diaz attended the Library Volunteer Awards Luncheon, the Concert in The Grove, the VFW Memorial Day Ceremony, and started working on the next CBCA rib cook-off.

Vice Mayor Stratford attended the CERT Corps Council meeting and asked the Chief to give a report.

Chief Thorsen stated the CERT team is working to improve community awareness in hands-only CPR and First Aid. The group is doing outreach to the community and will be attending the next two Farmers' Markets. The next CPR training will be held on July 17th at 7 p.m. in the Clayton Community Library, and they will be at the Family Picnic being held in The Grove on June 29th. He stated the goal is to be a Heartsafe Community by September.

Councilmember Diaz asked if they were planning a National Night Out? The Chief responded the Department has not started planning for that event.

Vice Mayor Stratford thanked the Chief for his leadership with the CERT group, and stated the "Do the Right Thing" trait of the month for May, June and July is "Courage."

Councilmember Geller reported on the Concert in The Grove which featured Cover 2 Cover. He noted over $1,500 in donations were collected from the community. The next concert features the Tennessee River Band. He also attended the CBCA meeting last Thursday and the Memorial Day service.

Mayor Pierce attended the Concert in The Grove and the Memorial Day service. She apologized for failing to introduce colleagues at that event. She attended a Central County Mayors' meeting in Pittsburg and a press conference for ABAG and MTC. She also reminded citizens about the Family Picnic in The Grove being held on June 29th and stated the City Council will be adjourning the meeting tonight in memory of Sharon Huguet, long time City Attorney Maury Huguet's wife.

(e) Other

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS – 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.

The City Engineer stated ABAG recommends that cities take steps to be prepared for running City business after a disaster and to allow federal aid to be more easily

distributed. He stated there are four basic steps: 1) Modify purchasing and contracting in the Municipal Code to allow the City Manager to make emergency purchases; 2) Adopt a repair and reconstruction Ordinance to ensure the City is eligible for FEMA money; 3) Prepare for the claims reimbursement process; 4) Make sure the City's Local Hazard Mitigation Plan is updated and incorporated into the Safety Element of the General Plan. He stated that steps 1 and 4 have been completed. Tonight's action (after final approval) will take care of step 2. Staff can then address step 3.

No public comments were received.

Mayor Pierce stated she was very pleased to see completion of this item and wholeheartedly supports its adoption.

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to have the City Clerk read Ordinance No. 447 by title and number only and waive further reading (Passed; 4-0 vote).

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

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to approve Ordinance No. 447 for Introduction (Passed; 4-0 vote).

(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.

Councilmembers discussed summer plans and upcoming City business items requiring attention, including labor negotiations and related closed sessions.

It was moved by Councilmember Geller, seconded by Vice Mayor Stratford, to cancel the City Council meetings of August 6, 2013 and September 3, 2013 (Passed; 4-0 vote).

10. **COUNCIL ITEMS** – None.

11. **ADJOURNMENT**– on call by Mayor Pierce the meeting adjourned at 7:36 p.m. in memory of Sharon Huguet.

# # # # #

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor

Agenda Date 6/18/2013

Agenda Item: 6b

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: 6/18/2013

SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following invoices:

6/18/2013	Cash Requirements Report	$ 88,510.24
6/18/2013	US Bank - Cal Card Stmt. Dated 5/22/13	$ 9,215.00
6/18/2013	Larry Logic - prepaid	$ 325.00

Total: $ 98,050.24

Attachments:
Cash Requirements Report dated 6/14/2013 (3 pages)

City of Clayton
Cash Requirements Report
City Council 5/18/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
American Fidelity Assurance Company								
American Fidelity Assurance Company	6/18/2013	6/12/2013	845255A	June Billing	$849.10	$0.00		$849.10
				Totals for American Fidelity Assurance Company:	*$849.10*	*$0.00*		*$849.10*
Andrew Lenguel								
Andrew Lenguel	6/18/2013	6/12/2013	06.09/13	Refund CCP reservation water main break, no	$128.00	$0.00		$128.00
				Totals for Andrew Lenguel:	*$128.00*	*$0.00*		*$128.00*
Angelina Gonzalez								
Angelina Gonzalez	6/18/2013	6/12/2013	06/08/13	Refund CCP reservation water main break, no	$192.00	$0.00		$192.00
				Totals for Angelina Gonzalez:	*$192.00*	*$0.00*		*$192.00*
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	6/18/2013	6/4/2013	0294179-IN	supplies	$864.96	$0.00		$864.96
				Totals for Bay Area Barricade Serv.:	*$864.96*	*$0.00*		*$864.96*
CCC Public Works Dept								
CCC Public Works Dept	6/18/2013	4/25/2013	4893	Traffic signal maintenance March 2013	$3,392.72	$0.00		$3,392.72
				Totals for CCC Public Works Dept:	*$3,392.72*	*$0.00*		*$3,392.72*
City of Concord								
City of Concord	6/18/2013	6/7/2013	33037	business card printing City Council and Mulle	$179.00	$0.00		$179.00
				Totals for City of Concord:	*$179.00*	*$0.00*		*$179.00*
Clean Street								
Clean Street	6/18/2013	5/31/2013	70845	monthly sweep fee May 2013	$3,500.00	$0.00		$3,500.00
				Totals for Clean Street:	*$3,500.00*	*$0.00*		*$3,500.00*
Concord Garden Equipment								
Concord Garden Equipment	5/18/2013	5/7/2013	451528	supplies	$211.24	$0.00		$211.24
Concord Garden Equipment	5/18/2013	5/7/2013	451529	supplies	$54.50	$0.00		$54.50
Concord Garden Equipment	6/18/2013	5/30/2013	454207	supplies	$51.00	$0.00		$51.00
Concord Garden Equipment	6/18/2013	5/30/2013	454210	supplies	$1,003.19	$0.00		$1,003.19
Concord Garden Equipment	6/18/2013	4/19/2013	449622	supplies	$628.31	$0.00		$628.31
				Totals for Concord Garden Equipment:	*$1,948.24*	*$0.00*		*$1,948.24*
Contra Costa Water Dist.								
Contra Costa Water Dist.	6/18/2013	6/11/2013	L Series	Water Service 4/4/13-6/6/13	$23,885.85	$0.00		$23,885.85
				Totals for Contra Costa Water Dist.:	*$23,885.85*	*$0.00*		*$23,885.85*
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	6/18/2013	6/8/2013	18253112	konica contract June 2013	$432.68	$0.00		$432.68
				Totals for De Lage Landen Financial Services, Inc.:	*$432.68*	*$0.00*		*$432.68*
Gina Mortenson								

City of Clayton
Cash Requirements Report
City Council 5/18/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Gina Mortenson	6/18/2013	6/12/2013	06/09/13	Refund CCP reservation water main break, no	$69.00	$0.00		$69.00
				Totals for Gina Mortenson:	*$69.00*	*$0.00*		*$69.00*
Graybar Electric Co, Inc								
Graybar Electric Co, Inc	6/18/2013	5/29/2013	966706419	lighting	$683.16	$0.00		$683.16
				Totals for Graybar Electric Co, Inc:	***$683.16***	*$0.00*		***$683.16***
John Deere Landscapes Inc								
John Deere Landscapes Inc	6/18/2013	5/24/2013	64812356	Installation	$1,507.00	$0.00		$1,507.00
John Deere Landscapes Inc	6/18/2013	5/24/2013	64812391	repair service	$746.72	$0.00		$746.72
				Totals for John Deere Landscapes Inc:	*$2,253.72*	*$0.00*		*$2,253.72*
LarryLogic Productions								
LarryLogic Productions	6/18/2013	6/5/2013	1334	VHS dub to DVD Clayton Fire Station, City C	$340.00	$0.00		$340.00
				Totals for LarryLogic Productions:	*$340.00*	*$0.00*		*$340.00*
MailFinance (Neopost Leasing)								
MailFinance (Neopost Leasing)	6/18/2013	6/5/2013	N4023195	lease payment 7/7/13-8/6/13	$113.60	$0.00		$113.60
				Totals for MailFinance (Neopost Leasing):	*$113.60*	*$0.00*		*$113.60*
Maria Perez								
Maria Perez	6/18/2013	6/12/2013	06/08/13	Refund CCP reservation water main break, no	$54.00	$0.00		$54.00
				Totals for Maria Perez:	*$54.00*	*$0.00*		*$54.00*
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	6/18/2013	5/29/2013	113-17145	Library replace water air vent on coil	$720.06	$0.00		$720.06
Marken Mechanical Services Inc	6/18/2013	5/22/2013	113-17116	Library chiller down	$2,624.13	$0.00		$2,624.13
Marken Mechanical Services Inc	6/18/2013	5/29/2013	413-1148-5	City Hall Maintenance May 2013	$368.26	$0.00		$368.26
Marken Mechanical Services Inc	6/18/2013	6/12/2013	413-1146-5	preventative maint. Library May 2013	$502.17	$0.00		$502.17
				Totals for Marken Mechanical Services Inc:	*$4,214.62*	*$0.00*		*$4,214.62*
NBS Govt. Finance Group								
NBS Govt. Finance Group	6/18/2013	5/29/2013	51300039	delinquency mgmt svcs	$261.90	$0.00		$261.90
				Totals for NBS Govt. Finance Group:	*$261.90*	*$0.00*		*$261.90*
Neopost (add postage)								
Neopost (add postage)	6/18/2013	6/7/2013	06/07/13	postage added	$300.00	$0.00		$300.00
				Totals for Neopost (add postage):	*$300.00*	*$0.00*		*$300.00*
Office Depot								
Office Depot	6/18/2013	6/5/2013	660978982001	supplies	$37.96	$0.00		$37.96
				Totals for Office Depot:	*$37.96*	*$0.00*		*$37.96*
PERMCO, Inc.								
PERMCO, Inc.	6/18/2013	6/10/2013	9999	Retainer - General Services	$2,964.00	$0.00		$2,964.00
PERMCO, Inc.	6/18/2013	6/10/2013	10000	PG&E Minor EP	$83.00	$0.00		$83.00

City of Clayton
Cash Requirements Report
City Council 5/18/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.	6/18/2013	6/10/2013	10001	Diablo Pointe Construction Inspection	$601.75	$0.00		$601.75
PERMCO, Inc.	6/18/2013	6/10/2013	10002	Construction Activity Permit	$41.50	$0.00		$41.50
PERMCO, Inc.	6/18/2013	6/10/2013	10002	Construction Activity Permit	$20.75	$0.00		$20.75
PERMCO, Inc.	6/18/2013	6/10/2013	10002	Construction Activity Permit	$20.75	$0.00		$20.75
PERMCO, Inc.	6/18/2013	6/10/2013	10002	Construction Activity Permit	$20.75	$0.00		$20.75
PERMCO, Inc.	6/18/2013	6/10/2013	10003	Diablo Estates BAD - Admin	$375.00	$0.00		$375.00
PERMCO, Inc.	6/18/2013	6/10/2013	10004	2013 Pavement Rehabilitation Project	$3,621.88	$0.00		$3,621.88
PERMCO, Inc.	6/18/2013	6/10/2013	10005	PG&E replace gas lines, Dana Hills	$1,648.75	$0.00		$1,648.75
PERMCO, Inc.	6/18/2013	6/10/2013	10006	PG&E Tower Ridge Raising _ Keller Ridge	$41.50	$0.00		$41.50
				Totals for PERMCO, Inc.:	*$9,439.63*	*$0.00*		*$9,439.63*
PG&E								
PG&E	6/18/2013	5/23/2013	5/23/13	Service 4/24/13-5/22/13	$3,232.84	$0.00		$3,232.84
				Totals for PG&E:	*$3,232.84*	*$0.00*		*$3,232.84*
Rock & Waterfall Co								
Rock & Waterfall Co	6/18/2013	5/28/2013	111-89	waterfall maintenance	$650.00	$0.00		$650.00
				Totals for Rock & Waterfall Co:	*$650.00*	*$0.00*		*$650.00*
SPRAYTEC (Sprayer Sales Co)								
SPRAYTEC (Sprayer Sales Co)	6/18/2013	5/29/2013	11835	supplies	$57.91	$0.00		$57.91
				Totals for SPRAYTEC (Sprayer Sales Co):	*$57.91*	*$0.00*		*$57.91*
Sprint Comm (PD)								
Sprint Comm (PD)	6/18/2013	4/29/2013	703335311-137	cellular service 3/26/13-4/25/13	**$1,181.55**	$0.00		**$1,181.55**
				Totals for Sprint Comm (PD):	*$1,181.55*	*$0.00*		*$1,181.55*
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	6/18/2013	5/29/2013	531409315-133	cellular service 4/26/13-5/25/13	$405.80	$0.00		$405.80
				Totals for Sprint Comm (PW & ADM):	*$405.80*	*$0.00*		*$405.80*
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	6/18/2013	5/28/2013	10448	fire abatement work 5/31/13	$29,500.00	$0.00		$29,500.00
				Totals for Waraner Brothers Tree Service:	*$29,500.00*	*$0.00*		*$29,500.00*
Western Exterminator								
Western Exterminator	6/18/2013	5/31/2013	1277064	service May 2013	$342.00	$0.00		$342.00
				Totals for Western Exterminator:	*$342.00*	*$0.00*		*$342.00*
				GRAND TOTALS:	**$88,510.24**	**$0.00**		**$88,510.24**

Agenda Date: 6-18-13
Agenda Item: 6c

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JUNE 18, 2013

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING THE ENGINEER'S REPORT FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT, DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2013-14, AND GIVING NOTICE OF THE TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS.

RECOMMENDATION

Adopt the attached Resolution approving the Engineer's Report for the Diablo Estates at Clayton Benefit Assessment District ("BAD"), declaring intention to levy and collect assessments for fiscal year 2013-14 and giving notice of the time and place for a public hearing.

BACKGROUND

At its June 4, 2013 meeting, the City Council directed the City Engineer to prepare an Engineer's Report in anticipation of levying assessments for fiscal year 2013-14.

As directed, the City Engineer prepared and submitted the attached Engineer's Report ("Report") for the Council's consideration. The Report proposes an assessment for fiscal year 2013-14 of $3,100.26 on each parcel within the District for a total assessment of $74,406.24. The proposed assessment represents a 2.4% increase (in accordance with the annual increase in the Consumer Price Index) over the FY 2012-13 assessment as allowed by the original ballot election.

FISCAL IMPACT

There is no impact to the City's General Fund as the assessments reimburse the City for all Administrative costs involved in administering the District.

CONCLUSION

Staff recommends the City Council approve the attached Resolution approving the Engineer's Report and calling for a public hearing on July 16, 2013 prior to levying of assessments for fiscal year 2013-14.

Attachments: Resolution
Notice
Engineer's Report

RESOLUTION NO. XX-2013

A RESOLUTION APPROVING ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2013-14 AND GIVING NOTICE OF THE TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS.

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 At Clayton Benefit Assessment District ("District") pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Government Code Section 22500 et seq.) and the Benefit Assessment Act of 1982 (Government Code Section 54703 et seq.); and

WHEREAS, the Benefit Assessment Act of 1982 does not require additional actions prior to levying annual assessment, the Landscaping and Lighting Act of 1972 ("Act") does require the preparation of an annual Engineer's Report and the holding of a public hearing prior to levying of annual assessment; and

WHEREAS, the City Engineer has prepared the required Engineer's Report and submitted it to the City Council for review and approval; and

WHEREAS, the City Council has reviewed the Engineer's Report at its regular meeting on June 18, 2013 and found same to be satisfactory and in compliance with the Act; and

WHEREAS, it is now necessary for the City Council to approve the Engineer's Report, establish the date for a public hearing on the levying of the proposed assessments for fiscal year 2013-14 and to direct the Clerk to give the required notice of the public hearing.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The report, dated June 18, 2013, prepared by the City Engineer as the Engineer for the District, and each part thereof, is sufficient in each particular, has fairly and properly apportioned the cost of the improvement to each parcel of land in the District in proportion to the estimated benefits to be received by each parcel respectively from such improvements, and is hereby approved as filed.

2. The City Council hereby declares its intention to levy and collect an assessment of $3,100.26 on each parcel within the District for a total assessment of $77,406.24 for fiscal year 2013-14.

3. The Assessment District includes Lots 1 through 24, inclusive, as shown on the map of Subdivision 8719 as was recorded in Book 506 of Maps at Page 45, in the Office of the County Recorder of Contra Costa County and as modified by Lot Line Adjustment Nos. 10-01 (2010-0239196) and 10-02 (2010-0239195).

4. As shown on the Engineer's Report on file with the City Clerk, the District will pay for the cost of maintaining storm drainage collection and treatment facilities, street lighting, landscaping and irrigation, and weed abatement by the proposed assessments during fiscal year 2013-14.

5. **A public hearing will be held on Tuesday, July 16, 2013, at the hour of 7:00 p.m., of said day, at a regular City Council meeting at Hoyer Hall in the Clayton Community Library situated at 6125 Clayton Road, Clayton, California,** the regular meeting place of the Clayton City Council; any and all persons having any interest in the lands within the Diablo Estates At Clayton Benefit Assessment District, liable to be assessed for the expenses of the District for fiscal year 2013-14, may be heard, and any such persons may also present their protests against the proposed assessments with City Clerk at or before the time set for hearing.

6. The City Clerk shall mail notice of the passage of this resolution and of the time and place of hearing to all owners of property within the District as required by Section 54954.6 of the Government Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on 18th day of June 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

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 18, 2013.

_____
Laci J. Jackson, City Clerk

Diablo Estates at Clayton Benefit Assessment District

NOTICE TO PROPERTY OWNERS FOR LEVY OF ASSESSMENT

Reason for Assessment

At the request of the project developer, Toll Bros., Inc., the City of Clayton City Council ("Council") approved Resolution No. 04-2012 on February 7, 2012, forming the Diablo Estates at Clayton Benefit Assessment District ("District") to pay for the oversight and maintenance of certain facilities such as the stormwater treatment facilities, storm drain collection system, common landscape and irrigation, street lighting and weed abatement of natural slope areas, all as described in the Engineer's Report approved by the Council on March 20, 2012.

Notice

This notice informs you, as a property owner within the Diablo Estates at Clayton Benefit Assessment District, that on June 18, 2013, the Clayton City Council adopted Resolution No. XX-2013 approving an Engineer's Report, declaring its intention to levy assessments for fiscal year 2013-14 and setting a public hearing on the issue of the proposed assessments:

PUBLIC HEARING: **7:00 p.m. July 16, 2013**
Hoyer Hall (Library Meeting Room) **6125 Clayton Road**

Assessment Information

1. Total District Assessment for the fiscal year beginning on July 1, 2013 and ending June 30, 2014: $74,406.

2. Proposed assessment per parcel: The assessment for each parcel is proposed to be $3,100.26 which is a 2.4% increase in the existing assessment of 3,027.62 per year in accordance with the annual increase in the Consumer Price Index as allowed by property owner balloting in 2012.

3. Duration of assessment: The assessment will be levied annually at the above proposed rate. The assessment may only be increased (other than the annual CPI-U increase described above) in the future by again seeking the approval of a majority of the property owners.

Questions

If you have any questions about the assessments, please contact the City Engineer Rick Angrisani, he may be reached at 363-7433.

ENGINEER'S REPORT

DATE: **JUNE 18, 2013**

TO: **CITY COUNCIL**

FROM: **CITY ENGINEER**

RE: **DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT - FISCAL YEAR 2013-14**

This report has been prepared in accordance with the requirements of the Landscaping & Lighting Act of 1972 (Section 22500 et seq. of the Government Code).

HISTORICAL REVIEW

In 2012, at the request of Toll Brothers, the developer of the Diablo Estates at Clayton project (Subd. 8719), the City Council formed the Diablo Estates at Clayton Benefit Assessment District ("District" per Resolution No. 04-2012). The purpose of the District was to generate funding for the maintenance of various improvements constructed as part of the development. The duties specified in the original Engineer's Report (prepared by SCI Consulting Group, dated March 2012) included maintenance of landscaping and irrigation, weed abatement, storm drainage facilities, and street lighting.

The District was formed under the auspices of the Landscaping and Lighting act of 1972 (Section 22500 et seq. of the Government Code) and the Benefit Assessment Act of 1982 (Section 54703 et seq. of the Government Code). The initial per lot annual assessment, approved by the property owner (Toll Bros.), was $3,027.62. The approval also allowed for an annual increase in the assessment amount equal to the annual increase in the Consumer Price Index ("CPI"), not to exceed 4% in any one year.

While the Benefit Assessment Act of 1982 does not require further action prior to levying of annual assessments, the Landscaping and Lighting Act of 1972 requires the preparation of an Engineer's Report and notice to property owners of a public hearing each year. Since no increase, other than the already approved CPI increase, is proposed, the provisions of Proposition 218 do not apply.

DETERMINATION OF SPECIAL BENEFIT, METHOD OF ASSESSMENT AND DESCRIPTION OF DISTRICT IMPROVEMENTS

See original Engineer's Report attached hereto and made a part hereof.

ESTIMATED COSTS

The original budget included maintenance and administrative costs, as well as reserve funds for future replacement of the maintained items. The CPI: increase for this past year was 2.4%. Following is a breakdown of the anticipated District costs including the CPI increase:

Item	FY 2012-13 Budget	CPI Increase (2.4%)	FY 2013-14 Budget
Maintenance:			
Common Landscaping	$17,801	$427	$18,228
Weed Abatement	$11,910	$286	$12,196
Storm Drain System	$5,500	$132	$5,632
Street Lighting	$1,210	$29	$1,239
Subtotal Maintenance	$36,421	$874	$37,295
Administration	$16,900	$406	$17,306
Reserves	$19,341	$464	$19,805
Totals Budget	$72,662	$1,744	$74,406

RESERVE FUNDS

The fund balance at the end of FY 2012/13 will be approximately $19,340. This balance will increase to approximately $39,000 at the end of FY 2013/14.

PER UNIT ALLOCATION

Based upon the proposed budget, the per unit assessment will be $3,100.26 ($74,406/24 units).

ASSESSMENT HISTORY

Proposed FY 13-14	$3,100.26
FY 12-13	$3,027.62

Attachment: Original Engineer's Report (19 pp.)

CITY OF CLAYTON

DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT
FOR LANDSCAPE AND LIGHTING AND BENEFIT ASSESSMENT

ENGINEER'S REPORT
FISCAL YEAR 2012-13

MARCH 2012

PURSUANT TO
THE LANDSCAPING AND LIGHTING ACT OF 1972,
THE BENEFIT ASSESSMENT ACT OF 1982, AND
ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
SCIConsultingGroup
4745 MANGELS BOULEVARD
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.430.4319
www.sci-cg.com

CITY OF CLAYTON

MAYOR

Howard Geller

CITY COUNCIL

Joseph A. Medrano
Julie K. Pierce
David T. Shuey
Hank Stratford

CITY MANAGER

Gary Napper

CITY ENGINEER

Rick Angrisani

CITY ATTORNEY

Malathy Subramanian

CITY CLERK

Laci Jackson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

BACKGROUND

Formation of the "Diablo Estates at Clayton Benefit Assessment District" (the "Assessment District") within the City of Clayton (the "City") is proposed to provide funding for the maintenance, operation and improvement of the landscaping, street lighting, drainage and stormwater treatment facilities to benefit the properties in the Diablo Estates at Clayton subdivision that forms the Assessment District. The Diablo Estates at Clayton subdivision consists of 24 parcels east of Regency Drive and north of Rialto Drive with an approximate area of 19 acres.

This Engineer's Report (the "Report") was prepared to establish the budget for the services and improvements that would be funded by the proposed 2012-13 assessments and to determine the benefits received from the maintenance and improvements by property within the Assessment District and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts") and Article XIIID of the California Constitution (the "Article").

Following submittal of this Report to the City of Clayton City Council (the "City Council") for preliminary approval, the City Council may call for an assessment ballot proceeding and Public Hearing on the proposed establishment of assessments for the improvements.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to form the Assessment District and approve the levy of the assessments for fiscal year 2012-13. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2012 for inclusion on the property tax roll for Fiscal Year 2012-13.

LEGISLATIVE ANALYSIS

PROPOSITION 218

The Right to Vote on Taxes Act was approved by the voters of California on November 6, 1996, and is now Article XIIIC and XIIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property. This Assessment District will be balloted and approved by property owners in accordance with Proposition 218.

SILICON VALLEY TAXPAYERS ASSOC., INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. vs. Santa Clara County Open Space Authority (*SVTA*). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in the assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish these proposed assessments for fiscal year 2012/2013 are consistent with the *SVTA* decision and with the requirements of Article XIIIC and XIIID of the California Constitution based on the following factors:

1. The Assessment District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements and Services. Thus, zones of benefit are not required and the assessment revenue derived from real property in each Assessment District is extended only on the Services in the Assessment District.

2. The Improvements which are constructed and/or maintained with assessment proceeds in the Assessment District are located in close proximity to the real property subject to the assessment. The Improvements and Services provide illumination to streets and sidewalks

enabling improved access to the owners, residents, and guests of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to of the residents of the assessed parcels by the Improvements provides a special benefit to the parcels being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements and Services financed with assessment revenues in the Assessment District benefit the properties in the Assessment District in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements and Services, and the benefits conferred on such property in the Assessment District are more extensive than a general increase in property values.

4. The assessments paid in the Assessment District are proportional to the special benefit that each parcel within that Assessment District receives from the Services because:

   a. The specific lighting Improvements and maintenance Services and utility costs thereof in the Assessment District and the costs thereof are specified in this Report; and

   b. The cost of the Services in the Assessment District is allocated among different types of property located within the Assessment District, and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, or industrial parcels.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of

the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIIIC and XIIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements and Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with Beutz and Dahms because the Improvements and Services will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with Bonander because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

PLANS & SPECIFICATIONS

The work and improvements proposed to be undertaken by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District (the "Assessment District"), and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts"), the work, services and improvements are generally described as follows:

Maintenance and servicing of public improvements, including but not limited to, storm drain system, landscaping and lighting and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, and incidental costs as applicable, for property within the Assessment District that is owned or maintained by the City of Clayton (the "Improvements"). Any plans and specifications for these improvements will be filed with the City Engineer of the City of Clayton and are incorporated herein by reference. More specifically the improvements and associated plans are the storm drain system in the Improvement Plans, Diablo Pointe by David Evans and Associates Inc., the lighting in the Joint Trench Composite Plan, Diablo Pointe by Lighthouse Design Inc., and the shared landscaping, fencing, irrigation and entry monument in the Diablo Estates at Clayton Landscape Improvements plan by Thomas Bank and Associates LLP.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the cleaning and replacement of storm drain pipes, drop inlets, catch basins and manholes.

"Servicing" means the cost of maintaining any facility used to provide any service, the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, or the maintenance of any other improvements.

The figure shown below displays the improvements, maintenance, replacement costs and services to be provided with the Diablo Estates at Clayton Benefit Assessment District.

FIGURE 1 – SUMMARY OF ESTIMATED ANNUAL COSTS FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON
Diablo Estates at Clayton Benefit Assessment District
Summary of Estimated Annual Cost
Fiscal Year 2012-13

Installation, Maintenance & Servicing Costs		
Common Landscaping	$19,426.99	
Weed Abatement (On-lot)	$11,910.00	
Storm Drain System	$27,966.00	
Street Lighting	$1,460.00	
Subtotal - Installation, Maintenance and Servicing		$60,762.99
Incidental Expenses and Administration Costs		$11,900.00
Totals for Installation, Maintenance, Servicing and Incidentals		$72,662.99
Net Cost of Maintenance, Servicing and Incidentals (Net Amount to be Assessed)		$72,662.99
Budget Allocation to Property		
Total Assessment Budget		**$72,662.99**
Single Family Equivalent Benefit Units		24
Assessment per Single Family Equivalent Unit		$3,027.62

ESTIMATE OF COST AND BUDGET – FISCAL YEAR 2012-13

FIGURE 2 – COST ESTIMATE BREAKDOWN FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON
Diablo Estates at Clayton Benefit Assessment District
Estimate of Maintenance, Replacement, and Administrative Costs

Item	Units	Unit Cost	Service Life (years)	Annual Cost	Annual Cost per Lot
Common Landscaping					
Landscape Maintenance	24,600 SF	$0.30		$7,380.00	
Landscape Replacement	24,600 SF	$0.05		$1,230.00	
Tree Maintenance	33 EA	$95.00		$3,135.00	
Tree Replacement - Materials	33 EA	$285.00	40	$235.13	
Water Usage	1,476 100CF	$2.86		$4,221.36	
Meter Charges	12 Mo	$51.00		$612.00	
Irrigation Maintenance & Repair	24,600 SF	$0.03		$738.00	
Fence Maintenance & Repair	1,870 LF	$0.65		$1,215.50	
Entry Monument Maintenance	1 EA	$500.00		$500.00	
Entry Monument Repair	1 LF	$4,000.00	25	$160.00	
				$19,426.99	$809.46
Weed Abatement (On-lot)					
Weed Abatement	397,000 SF	$0.03		$11,910.00	
				$11,910.00	$496.25
Storm Drain System					
Ditch - debris removal & maint	1 LS	$1,000.00		$1,000.00	
Ditch Repair	2,038 LF	$50.00	25	$4,076.00	
Vortsentry Maintenance	1 LS	$1,500.00		$1,500.00	
Vortsentry Replacement	1 LS	$100,000.00	100	$1,000.00	
Bio-Retention Basin Maintenance*	48 EA	$ -		$0.00	
Bio-Retention Basin Replacement	48 EA	$2,000.00	10	$9,600.00	
Stormwater Reporting Fee	1 LS	$5,000.00		$5,000.00	
Annual City Report Fee	1 LS	$2,000.00		$2,000.00	
Catch Basin/Manhole Cleaning	15 EA	$200.00		$3,000.00	
CB/MH/pipe repair	1 LS	$79,000.00	100	$790.00	
				$27,966.00	$1,165.25
Street Lighting					
Maintenance and Repair	1 LS	$500.00		$500.00	
Electricity	4 EA	$240.00		$960.00	
				$1,460.00	$60.83
Annual Administration					
Property Manager	12 Mo	$600.00		$7,200.00	
Annual City Engineer Services	1 LS	$2,500.00		$2,500.00	
Legal Notice/Mailing	1 LS	$100.00		$100.00	
County Collection	1 LS	$100.00		$100.00	
General Reserve	1 LS	$2,000.00		$2,000.00	
				$11,900.00	$495.83
Total				$72,662.99	$3,027.62
Number of Lots:				24	
Cost per Lot				$3,027.62	

* homeowner responsibility
**assumes covenant with Toll Brothers, Inc for 5 year maintenance period
Unit costs per direction of City of Clayton City Engineer

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of improvements and the methodology used to apportion the total assessment to properties within the Assessment District.

The Diablo Estates at Clayton Benefit Assessment District consists of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Diablo Estates at Clayton Benefit Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the District's storm drain system, streets and sidewalks, corridor landscaping, lighting, or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

> *"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the Improvements."*

The Benefit Assessment Act of 1982 states in Government Code Section 54711:

> *"The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of service"*

Proposition 218, as codified in Article XIIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

> *"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of the Improvements to be provided with the assessment proceeds. These categories of special benefit are derived in part from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from the installation, maintenance and servicing of improvements such as those proposed by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District. These types of special benefit are summarized as follows:

- Creation of individual lots for residential use that, in absence of the services and improvements to be funded by the assessments, would not be created.
- Improved utility and usability of property
- Improved safety and security lighting for property
- Enhanced visual experience, and desirability of the area.
- Protection of views, scenery and other resources values and environmental benefits enjoyed by residents and guests and preservation of public assets maintained by the City
- Moderation of temperatures, dust control, and other environmental benefits.

These benefit factors, when applied to property in the Assessment District, specifically increase the utility of the property within the Assessment District. For example, the assessments will provide funding to maintain lighting that improves safety and access to the property after dark and landscaping that provides visual and environmental benefits to the properties within the Assessment District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability and safety of the properties. Moreover, funding for the maintenance and servicing of such public facilities is a condition of development of Diablo Estates at Clayton that is needed to mitigate the negative impacts of this development on the City. Without the Assessment District, this condition of development would not be satisfied, which could affect the approval of new homes on the property. This is another special benefit to the properties in the Assessment District.

GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the Diablo Estates at Clayton Benefit Assessment District would be used to fund improvements and increased levels of maintenance to the public facilities that serve and benefit the properties in the Assessment District. In absence of the Diablo Estates at Clayton Benefit Assessment District, such Improvements would not be properly maintained. Therefore, the Assessment District is specifically proposed to ensure that the necessary and beneficial public facilities for property in the Assessment District are properly maintained and repaired over time. The assessments will ensure that landscaping and street lighting within and adjacent to the Assessment District are functional, well maintained, clean and safe. These public resources directly benefit the property in the Assessment District and will confer distinct and special benefits to the properties within the Assessment District.

In absence of the assessments, a condition of development would not be met and future home construction in the Assessment District could be denied. The creation of residential lots and the approval for the construction of homes in Diablo Estates at Clayton is the overriding clear and distinct special benefit conferred on exclusively on property in the Assessment District and not enjoyed by other properties outside the Assessment District. Moreover, benefits to the public at large, if any, will be offset by benefits residents within the Assessment District receive from the use of other similar public facilities not funded by the Assessment District. Therefore, the assessments solely provide special benefit to property in the Assessment District (100% special benefit) over and above the general benefits conferred to the public at large or properties outside the Assessment District.

METHOD OF ASSESSMENT

This process of apportioning assessments for each property involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalent dwelling units (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

ASSESSMENT APPORTIONMENT

The proposed assessments for the Diablo Estates at Clayton Benefit Assessment District would provide direct and special benefit to properties in the Assessment District. Diablo Estates at Clayton is a residential single family development project consisting of a total of 24 single family homes, each on a separate parcel. As such, each residential property receives similar benefit from the proposed Improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single family residence basis. All improved properties or properties proposed for development are assigned an SFE factor equal to the number of dwelling units developed or planned for the property. In other words, developed parcels and vacant parcels with proposed development will be assessed 1 SFE. The assessments are listed on the Assessment Roll in Appendix A.

APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Clayton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Clayton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Clayton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City of Clayton City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City of Clayton City Engineer or her or his designee may refer their appeal to the City Council of the City of Clayton and the decision of the City Council of the City of Clayton shall be final.

CERTIFICATES

DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the City Council of the City of Clayton.

Engineer of Work, License No. C052091

2. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on March 14, 2012.

City Clerk

3. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the City Council on _____, 2012, by Resolution No. _____.

City Clerk

4. I, the City Clerk of the City of Clayton, County of Contra Costa, California, hereby certify that a copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of the County of Contra Costa, California, on _____, 2012.

City Clerk

5. I, the County Auditor of the County of Contra Costa, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year 2012-13 was filed with me on _____, 2012.

County Auditor, County of Contra Costa

And I do hereby assess and apportion said net amount of the cost and expenses of said Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Diablo Estates at Clayton Benefit Assessment District in accordance with the special benefits to be received by each parcel or lot from the Improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within the Diablo Estates at Clayton Benefit Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said Improvements.

The assessments are subject to an annual adjustment tied to the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each succeeding year, with the maximum annual adjustment not to exceed 4%. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Contra Costa for the fiscal year 2012-13. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Rolls, the amount of the assessment for the fiscal year 2012-13 for each parcel or lot of land within the said Diablo Estates at Clayton Benefit Assessment District.

Dated: March 6, 2012

Engineer of Work

By _____

John W. Bliss, License No. C052091

ASSESSMENT

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the assessment districts and an assessment of the estimated costs of the Improvements upon all assessable parcels within the assessment district;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Acts and the order of the City Council of the City of Clayton, hereby make the following assessment to cover the portion of the estimated cost of said Improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amounts to be paid for said Improvements and the expense incidental thereto, to be paid by the Diablo Estates at Clayton Benefit Assessment District for the fiscal year 2012-13, are generally as follows:

FIGURE 3 – SUMMARY COST ESTIMATES – FISCAL YEAR 2012-13

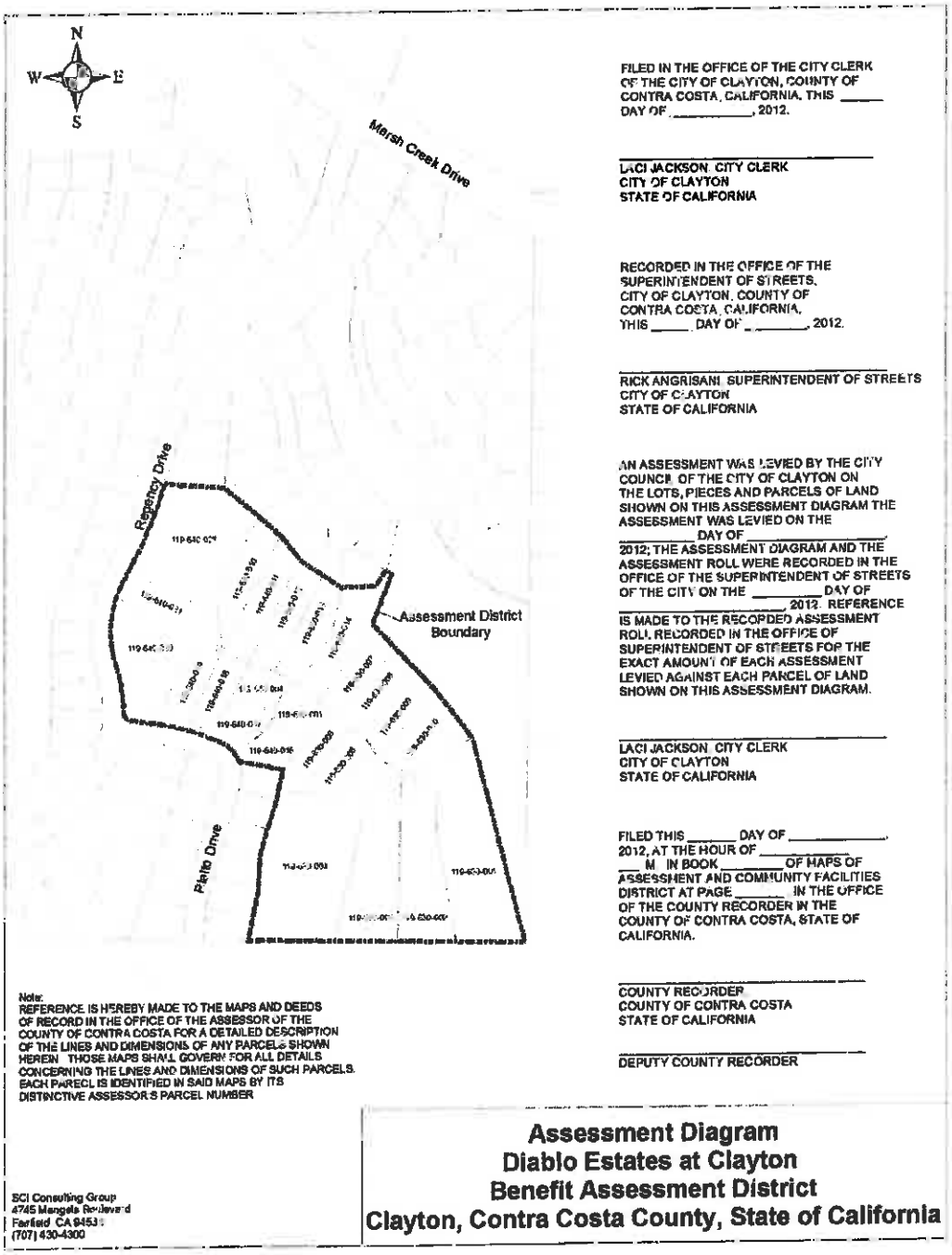
CITY OF CLAYTON
Diablo Estates at Clayton Benefit Assessment District
Summary Cost Estimate FY 2012-13

Installation, Maintenance & Servicing Costs	$60,763
Incidental Costs	$11,900
Total Budget	$72,663
Budget to Assessment	
Total Budget	$72,663
Total SFE Units	24
Rate per SFE Unit	$3,027.62

As required by the Acts, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Diablo Estates at Clayton Benefit Assessment District. The distinctive number of each parcel or lot of land in said Diablo Estates at Clayton Benefit Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

ASSESSMENT DIAGRAM

The boundaries of the Diablo Estates at Clayton Benefit Assessment District are displayed on the following Assessment Diagram.



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2012-13

An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the assessment) will be filed with the City Clerk and is, by reference, made part of this Report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

FIGURE 4 – ASSESSMENT ROLL

CITY OF CLAYTON
Diablo Estates at Clayton Assessment District
Assessment Roll

PARCEL NUMBER	OWNER	SITUS	SFE Units	ASSESSMENT
119-630-001	TOLL CA XIX L P	27 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-002	TOLL CA XIX L P	26 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-003	TOLL CA XIX L P	22 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-004	TOLL CA XIX L P	18 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-005	TOLL CA XIX L P	14 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-006	TOLL CA XIX L P	10 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-007	TOLL CA XIX L P	9 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-008	TOLL CA XIX L P	15 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-009	TOLL CA XIX L P	19 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-630-010	TOLL CA XIX L P	23 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-640-001	TOLL CA XIX L P	6 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-640-004	TOLL CA XIX L P	7 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-010	TOLL CA XIX L P	16 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-011	TOLL CA XIX L P	12 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-012	TOLL CA XIX L P	8 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-013	TOLL CA XIX L P	4 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-014	TOLL CA XIX L P	5 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-640-016	TOLL CA XIX L P	2 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-640-017	TOLL CA XIX L P	3 SEMINARY RIDGE PL CLAYTON CA 94517	1	$3,027.62
119-640-018	TOLL CA XIX L P	11 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-019	TOLL CA XIX L P	17 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-020	TOLL CA XIX L P	21 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-021	TOLL CA XIX L P	24 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
119-640-022	TOLL CA XIX L P	20 PROMONTORY PL CLAYTON CA 94517	1	$3,027.62
			24	$72,662.88

Agenda Date: 6-18-13

Agenda Item: 11a

CITY OF CLAYTON

Founded 1857 – Incorporated 1964

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JUNE 18, 2013

SUBJECT: 2ND 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.

BACKGROUND

At its June 4th meeting, the City Council introduced Ordinance No. 447 for First Reading.

The attached Ordinance assures that the City will be eligible for disaster relief funds from the federal government should a local or area-wide disaster is declared.

RECOMMENDATION

Following public comment, it is recommended that the City Council:

1. By motion, direct the City Clerk to read Ordinance No. 447 by title and number only.
2. After reading by the City Clerk, adopt Ordinance No. 447.

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 June 18, 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 June 18, 2013.

_____

Laci J. Jackson, City Clerk

Agenda Date: 6-18-13

Agenda Item: 11b

CITY OF CLAYTON
Founded 1857 - Incorporated 1964

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 18 JUNE 2013

SUBJECT: RESOLUTION AUTHORIZING THE CONTINUATION OF APPROPRIATIONS AND EXPENDITURES FROM JULY 1, 2013 THROUGH AUGUST 30, 2013

RECOMMENDATION

In the absence of the adoption of a new City Budget for Fiscal Year 2013-14 commencing 01 July 2013, it is necessary and therefore recommended the City Council adopt the prepared Resolution authorizing the continuation of current appropriations and expenditures from 01 July 2013 through 30 August 2013, or concluding sooner by the enactment of a City Budget for Fiscal Year 2013-14.

BACKGROUND

By various provisions of state law and the *Clayton Municipal Code*, the City typically prepares, introduces and seeks City Council adoption of a new fiscal plan of action for the ensuing fiscal year commencing July 1st of each year. Under normal circumstances City staff presents the annual City Budget for public review, Council consideration and adoption before the arrival of June 30th. Unfortunately, a set of aberrant and chronically-internal circumstances has caused the untimely delay of the City's proposed budget for Fiscal Year 2013-14. Among the factors impeding staff's preparation of a City Budget for the coming fiscal year are:

1. Flawed conversion of the City's financial software management system to Blackbaud Financial Edge in October 2010, including the inadequate training of City Finance staff on the new system via remote location.

2. Deficient implementation of the new financial software management system that subsequently caused a serious and ongoing backlog of the posting and entry of financial transactions that now overlaps multiple fiscal years.

3. The unexpected absence and then abrupt retirement of one-half of the City Finance Department's staffing level (Accounting Technician) that further aggravated the Department's capacity to manage the backlog in financial support services.

4. The financial software's conversion difficulties caused delays in staff's capability to prepare annual financial statements for critique by an independent auditor, commencing with Fiscal Year 2010-11 and continuing to date for Fiscal Year 2011-12 and the upcoming Fiscal Year 2012-13.

5. The imposition and state mandate for the dissolution of redevelopment agencies in California with incumbent financial tasks and strict deadlines for various reports (e.g. ROPS) and audits submitted to the California Department of Finance (DOF). To date, the Successor Agency (City) to the former and demised Clayton Redevelopment Agency must still prepare for DOF approval an overdue Due Diligence Review [audit] of the former Redevelopment Agency.

6. The development of a wrist injury to the City Finance Manager promulgated by extensive and repetitive movements of the wrist using a wireless mouse when working on a multitude of financial postings, reports and transactions on the computer. The injured wrist was deemed an on-the-job injury subject to workers compensation benefits and ultimately required outpatient surgery on the wrist prompting an off-work recovery period of 4+ weeks by the Finance Manager (April-May 2013).

7. The inherent leanness of staffing levels in a small municipality which relies heavily on the full-time presence of employed staff to stay current and up-to-date on its workloads, particularly within the 1.5 person City Finance Department.

FINANCE DEPARTMENT'S CURRENT STATUS

Singularly, each of these incidents would negatively impact support service functions of the City Finance Department. Collectively, the circumstances have led to overwhelming problems and issues with the timely flow of financial support documents and data emanating from the department. For example, the Finance Manager is responsible for statistical preparation of the City's annual budget figures plus assembly of documents and ledgers for the annual audit of the City's financial position. At this time, the following key financial products are in various stages of overdue production:

A. Closure of and audit of the City's financial statements for FY 2011-12.

B. Preparation of the Successor Agency's [former Clayton Redevelopment Agency] Due Diligence Report [audit] for the California Department of Finance.

C. Preparation of the City Budget for Fiscal Year 2013-14.

D. Upcoming closure and subsequent audit of the City's financial statements for FY 2012-13.

To help address the chronic backlog, the City Manager recently hired a retired assistant finance manager skilled in forensic accounting and intimately familiar with the protocols of the City's new Blackbaud Financial Edge software system. Mr. Richard Snyder, formerly with the City of Oakley, has been working full time at City Hall preparing entries and

documents for the tardy FY 2011-12 audit and the upcoming FY 2012-13 audit, thereby leaving the City's Finance Manager, Merry Pelletier, to concentrate on development of the FY 2013-14 City Budget. However, the protracted delays in multiple-year audits hinder and impede the City's foundation to develop its annual financial plan for Fiscal Year 2013-14, as well as to negotiate terms and conditions for its employees required by the state's collective bargaining laws (Meyers-Milias-Brown Act). Rather than attempt to create fiscal year numbers of questionable integrity at this late date for City Council and public consideration, it is staff's reluctant recommendation the City enact what is known as a "continuing budget resolution" to bridge authority to continue the operation of City services and employment for a temporary period of time beyond the July 1st new fiscal year date.

CONTINUING BUDGET RESOLUTION

While a least preferred and embarrassing option, it is necessary for the City Council to approve a Resolution authorizing limited but continuing appropriations and expenditures for City operations until a Fiscal Year 2013-14 City Budget can be adopted. City Finance staff is in the development process of preparing that budget but given the status of the above circumstances, a proposed City Budget will not be presented for adoption prior to the end of 30 June 2013. In such conditions, a local government is allowed to essentially continue the status quo of base municipal operations into July 1st for a limited period of time. This action is known as a "Continuing Budget Resolution" and of late has been a national infamy of our own federal government. In researching the matter, staff discovered other cities have enacted recent similar temporary measures to address its financial predicaments for a variety of reasons (e.g., cities of Manteca, Galt, West Covina, Loma Linda).

In fact, the *Clayton Municipal Code* envisioned the complexities of developing an annual city budget may at some time in the future cause a city budget not to be adopted on time (ref. Section 3.02.040; 1992). In such event, the Municipal Code specifies the City Council shall adopt a resolution setting forth expenditure policies until such time as a final budget is adopted; in any case, the final budget shall be adopted no later than sixty (60) days following close of a fiscal year for the budget year then in progress.

The attached Resolution has been prepared with the financial objective to limit continuing operations to the base services and employees presently authorized in the City's approved Fiscal Year 2012-13. It excludes the expenditure of funds for new public programs, capital improvement projects, capital equipment acquisitions (e.g. new police patrol vehicle), and/or any staffing level increases (note: none are under consideration), and provides that all such minimal obligations and expenses must conform to City and state laws in the interim period. All expenses incurred during this 60-day time period will post to and be an obligation of the prospective Fiscal Year 2013-14, except those expenses associated with subject matters still under the purview of delayed collective bargaining negotiations and replacement memoranda of understanding and agreements (MOU; MOA).

FISCAL IMPACT

While a reader of this recommended action and its underlying reasons may infer the City of Clayton is in a troubled financial condition, such inference would be an incorrect assumption of fact. The causes for the delay in this city budget for next fiscal year are not for the lack of resources or the misappropriation of funds. The City's last independently-audited financial statements (FY 2010-11) confirmed the favorable overall financial condition of the City and its accounting practices, which earned it the auditor's "unqualified opinion", the highest confident ranking awarded by an auditor. Although our City suffers as most other municipalities from constrained annual revenue flows to its General Fund, caused by the lingering impacts of the Great Recession and associated effects of plummeted real property tax assessed valuations (the primary base for Clayton's general taxes), the delay of a Fiscal Year 2013-14 City Budget rests solely on the combination of the above-noted set of internal circumstances leading to the present bottleneck in the City's Finance Department.

It is the professional judgment of the Finance Manager and the City Manager that our City has sufficient funds to continue its existing base of municipal operations for the next 60 days following 01 July 2013.

Attachments: 1. City Resolution [2 pp.]

RESOLUTION NO. - 2013

A RESOLUTION AUTHORIZING CONTINUING APPROPRIATIONS AND EXPENDITURES FOR FISCAL YEAR 2013-14 ON THE BASIS OF THE APPROVED FISCAL YEAR 2012-13 BUDGET FRAMEWORK, UNTIL 30 AUGUST 2013 OR SOONER UPON THE CITY COUNCIL'S ADOPTION OF A CITY BUDGET FOR FISCAL YEAR 2013-14

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by provisions of state law, municipalities and local governments are to have enacted and adopted an annual fiscal plan of revenues, operations and expenditures for the coming fiscal year by June 30th of each year; and

WHEREAS, the City staff is in the process of developing such an annual budget for Fiscal Year 2013-14 to commence 01 July 2013 but has been hampered in that process by the internally deficit conversion to and implementation of the City's financial software management system to Blackbaud's Financial Edge product in October 2010, followed by an unexpected retirement, delays, new workloads (i.e. dissolution of redevelopment agencies) and workers' compensation issues within the 1.5 person City Finance Department; and

WHEREAS, due to such operational issues the introduction and City Council adoption of a City Budget for Fiscal Year 2013-14 is delayed beyond the 30 June 2013 date to allow staff sufficient time for the completion of the budget development process; and

WHEREAS, during the delay and interim, the City of Clayton is required to make routine and monthly payments for goods, services and miscellaneous maintenance and operations to continue the day-to-day functions and services of the municipality; and

WHEREAS, the Clayton City Council desires to provide for the continued base operations of the City on and after 01 July 2013 and until such time as a new City Budget for Fiscal Year 2013-14 is adopted but not past 30 August 2013 without further public review and approval of the City Council for additional authorization of base operations; and

WHEREAS, Section 3.02.040 of the *Clayton Municipal Code* specifies that should the City not adopt its annual budget prior to the start of the fiscal year, the City Council shall adopt a resolution setting forth expenditure policies until such time a final budget is adopted; and

WHEREAS, to ensure the continued efficient operations of the City with the least disruption to the provision of its existing public services and employees, the City Council recognizes and acknowledges the City must at a minimum continue operation of its municipality based on the current level of expectant revenues and base operations for the interim period of time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clayton, California as follows:

Section 1. The above Recitals are true and correct and are incorporated herein by reference and constitute a partial basis for the City Council's action in this regard.

Section 2. That during the time period of 01 July 2013 through 30 August 2013, or concluding sooner by adoption of a City Budget for Fiscal Year 2013-14, the City Council does hereby appropriate and authorize the payment of expenses and receipt of revenues for the base and general operations of the City at the current public service and staffing levels, excluding the expenditure of funds for new public programs, capital projects, capital equipment and/or staffing level increases.

Section 3. All obligations and expenditures shall be incurred and made in the manner provided by the provisions of state law and City resolutions applicable to purchases and contracts.

Section 4. No warrant shall be issued or indebtedness incurred which exceeds the unexpended balance of funds therein, unless such has been amended by a supplemental appropriation duly enacted by resolution of the Clayton City Council.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of June 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CALIFORNIA

_____

Julie K. Pierce, Mayor

ATTEST:

_____

Laci J. Jackson, City Clerk

CITY OF CLAYTON
Founded 1857 . . . Incorporated 1964

Agenda Date: 6-18-13

Agenda Item: 11c

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: **HONORABLE MAYOR AND COUNCILMEMBERS**

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

DATE: **June 18, 2013**

SUBJECT: **Consider applicants for appointment to the Planning Commission.**

BACKGROUND

The terms of office for existing Planning Commissioners Keith Haydon and Dan Richardson will end on June 30, 2013.

Staff advertised for Planning Commission applications in the Clayton Pioneer, on the City's website, and at the City's three (3) posting areas. The applications were due on June 7, 2013 and three (3) applications were received by the filing date.

Earlier in this meeting the City Council interviewed the three candidates. Official appointments to the Planning Commission require City Council public vote.

RECOMMENDATION

Adopt the attached Resolution appointing two (2) individuals to the Planning Commission vacancies for two year terms July 1, 2013 through June 30, 2015.

FISCAL IMPACT

None.

Attachments: Resolution -1page
Applications (3)- 6 pages

RESOLUTION NO. XX-2013

A RESOLUTION APPOINTING TWO CITIZENS TO APPOINTIVE OFFICES ON THE CLAYTON PLANNING COMMISSION

THE CITY COUNCIL
City of Clayton, California

WHEREAS, in 1964 the City Council of Clayton adopted Ordinance No. 20 establishing the City of Clayton Planning Commission; and

WHEREAS, the terms of office for two current Commissioners, Keith Haydon and Dan Richardson, will end on June 30, 2013; and

WHEREAS, staff advertised the upcoming vacancy of two positions on the Planning Commission and set a deadline of June 7, 2013 for citizens to submit an application to serve; and

WHEREAS, three interested citizens submitted timely applications expressing willingness to serve in the appointed capacity; and

WHEREAS, the City Council interviewed the three applicants on June 18, 2013 during a scheduled open public meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby appoint two citizens as follows to the Planning Commission of the City of Clayton for full two-year terms:

_____: July 1, 2013 through June 30, 2015

_____: July 1, 2013 through June 30, 2015

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 18th 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

Received

JUN 05 2013

City of Clayton

PLANNING COMMISSION APPLICATION

All information contained on this application is public record. This includes home address and all phone numbers. This position is required by state law to complete and file an annual Financial Statement of Economic Interest.

Name: Joseph F. Aguilar

Date: 6-4-2013

Home address: 440 Grenache circle Contact phone (925) 698-2138 Cell

Length of residence in Clayton: 10 yrs

Email address: javajoe51@Yahoo.Com

Present employer: Retired from 28 yrs. of Service with Farmer Brothers Coffee Company

Occupation: First 11 yrs. Warehouse / Service man / Last 17 yrs. as a Salesman

Education and special training: Attended: Devry University in Phoenix, Az.
: Special Training
① Service & Sales with Farmer Bros. Coffee Company
② Restanrant Mgr. with Carnation Company 10 yr. in charge of 30 employee's

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission.
My entire working Career has been Working with the Public and Service of the issues at hand. Had to Solve Customer Problems at a moments notice. I spent yrs. learning how to ask the right Questions To be able to Solve There Problem as soon as Possible. Experience in Electrical, Gas, and Plumbing. Always been happy working with Business Owners!

How do you perceive the role of a Planning Commissioner?
My Preception of a planning Commissioner, is to look at the cities future needs and to come up with ideas to meet those needs, Hand in Hand with the Suggestions of Clayton City Residences

Other interests and hobbies:
I enjoy going Fishing and spend time fix things around the house. Especially the things I broke. I'm willing to help my neighbors in a moments notice.
My retirement Part time job is Serving as a "Public Notary," my Commission is good through December of 2016.

List three references with phone numbers:

Ms. Tamara L. Steiner (925) 672-0500
Mr. Robert Moody (925) 673-8900
Mr. Tevis T. Thompson (925) 228-0120

Joseph F. Aguilera

Signature

Received

MAY 10 2013

City of Clayton

PLANNING COMMISSION APPLICATION

All information contained on this application is public record. This includes home address and all phone numbers. This position is required by state law to complete and file an annual Financial Statement of Economic Interest.

Name: Keith Haydon

Date: 5/9/13

Home address: 1542 O'Hara Ct Contact phone: 672-8262

Length of residence in Clayton: 28 years

Email address: KHaydon@pacbell.net

Present employer: Retired

Occupation: Attorney

Education and special training:

B.S. in Law and Juris Doctor, Western St University
Corporate Executive Program, Columbia University
Planning Commissioner Training Program, U.C. Davis, Cal Plng Institute

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission.

Clayton resident for over 28 years
Clayton Planning Commissioner for over 13 years
Knowledge of Clayton's Town Center Specific Plan
Current President of the Clayton Business & Community Assn. and Westwood Property Owners Assn.

How do you perceive the role of a Planning Commissioner?

- Enforce and apply Clayton's ordinances, General Plan, Housing Element, codes and specific Plan
- Provide direction and recommendations to the City Council on Clayton Planning issues and future development.

Other interests and hobbies:

Hiking
Mountain biking
Traveling
Studying history
Spending time with family & friends

List three references with phone numbers:

Julie Pierce, 925-518-4446
Howard Geller, 925-323-4913
David Shuey, 510-390-0478
Jim Diaz, 925-672-0535
Hank Stratford, 925-672-9200

Keith Hayden

Signature

Received

MAY 07 2013

City of Clayton

PLANNING COMMISSION APPLICATION

All information contained on this application is public record. This includes home address and all phone numbers. This position is required by state law to complete and file an annual Financial Statement of Economic Interest.

Name: DANIEL RICHARDSON

Date: MAY 7, 2013

Home address: 5565 MORNINGSIDE DR Contact phone: 672-3712

Length of residence in Clayton: 25 YEARS

Email address: DCKPCKDAN@COMCAST.NET

Present employer: RETIRED

Occupation: PUBLIC SERVICE

Education and special training:
25 YEARS OF PUBLIC SERVICE THAT INCLUDED EXTENSIVE TRAINING REGARDING PLANNING, ETHICS, ENGINEERING, CONFLICT RESOLUTION, TEAM BUILDING AND WORKING WITH THE PUBLIC.

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission.

- CLAYTON PLANNING COMM. – 4 YEARS (CURRENT)
- CLAYTON TRAILS & LANDSCAPE COMM. – CHAIR
- CLAYTON BLUE RIBBON LANDSCAPE COMM – CHAIR
- CLAYTON REDEVELOPMENT SUCCESSOR AGENCY – CHAIR
- NUMEROUS CIVIC COMMITTEES – 4th JULY, OKTOBERFEST, ART & WINE

How do you perceive the role of a Planning Commissioner?
THE PLANNING COMMISSION IS THE CITY COUNCIL'S ADVISOR ON LAND USE PLANNING. IT SERVES AS AN INTERMEDIARY BETWEEN THE PUBLIC AND THE CITY COUNCIL. AS A COMMISSIONER, ONE WOULD SORT THROUGH THE FACTS REGARDING THE ISSUE AT HAND, AND PROVIDE A THOUGHTFUL RECOMMENDATION TO COUNCIL.

Other interests and hobbies:

- WINE MAKING
- BACK PACKING
- GARDENING
- COOKING

List three references with phone numbers:

FRANK CASTELLO – 689-2086

WALT HOWARD – 672-7669

CHRIS BAZELL – 672-9720

Signature

Agenda Date: 6-18-13

Agenda Item: 3aGHAD

MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

February 5, 2013

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 9:12 p.m. by Chairman Shuey at 9:12 p.m. Boardmembers present: Chairman Shuey, Vice Chairman Diaz, Boardmembers Geller, Pierce and Stratford. Staff present: City Manager Napper, General Legal Counsel Subramanian, and Code Enforcement Officer/ Office Assistant Boscacci.

2. **PUBLIC COMMENTS** - None.

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

(a) Approved the minutes from the regular meetings of December 4, 2012.

4. **PUBLIC HEARINGS**- None.

5. **ACTION ITEMS**

(a) Consider a Resolution approving the Notice of Completion for the Kelok Way Dewatering Wells Project, and discussion of the expectant cost for annual monitoring and maintenance of the installed dewatering wells.

The District Manager presented the staff report and recommended the approval of the Resolution.

It was moved by Boardmember Pierce, seconded by Boardmember Stratford, to adopt the Resolution 01-2013 (Passed; 5-0 vote).

6. **BOARD ITEMS** – None.

7. **ADJOURN**- on call by Chairman Shuey the meeting adjourned at 9:27 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Approved by the Board of Directors
Geological Hazard Abatement District

David T. Shuey, Chairman

Agenda Date: 6-18-13
Agenda Item: 5a GHAD

GHAD STAFF REPORT

TO: HONORABLE CHAIRPERSON AND BOARD MEMBERS

FROM: RICK ANGRISANI, DISTRICT MANAGER

DATE: JUNE 19, 2012

SUBJECT: CONSIDERATION OF DISTRICT BUDGET FOR FY 2012-13 AND RESOLUTION OF INTENTION TO LEVY ASSESSMENTS

RECOMMENDATION

Approve budget and resolution of intention.

BACKGROUND

The attached Budget Report for FY 2012-13 has been prepared and submitted for the Board's consideration.

If the proposed budget and assessments are acceptable to the Board, it is recommended that the Board approve the attached resolution approving the budget, announcing the Board of Directors' intention to levy assessments, setting July 17, 2012 as the public hearing date, and directing the mailing of notices to affected property owners.

FISCAL IMPACT

Since the property owners within the GHAD voted against any significant increases in the annual assessment several years ago, the GHAD has only been able to levy minimal assessments which cover little more than administrative costs and minor maintenance tasks in the City-owned open space areas.

While the proposed budget again does not include funds for slope monitoring work below Pebble Beach Drive, it does include anticipated legal defense costs related to the homeowner lawsuits. Again, this year the District is forced to include a budget figure of more than $13,000 to cover the significant surcharge in insurance premiums due to the potential exposure and defense costs related to the various property owner lawsuits.

Since the ongoing maintenance of drainage facilities (v-ditches, catch basins, etc.) in the open space parcels should not be deferred, failure to impose the proposed assessments could cause the Clayton City Council to consider the use of General Fund monies to accomplish the work.

CONCLUSION

In order to avoid yet another impact to the City's General Fund, Staff recommends approval of the attached budget and the Resolution of Intention.

Attachments: 2012-13 Budget Report
Resolution of Intention
Notice of Public Hearing

GHAD BUDGET REPORT

DATE: **JUNE 18, 2013**

TO: **BOARD OF DIRECTORS**

FROM: **RICK ANGRISANI, DISTRICT MANAGER**

RE: **FISCAL YEAR 2013-14**

BACKGROUND

In April 2000, the property owners within the Oakhurst Geological Hazard Abatement District (GHAD) approved, by ballot, assessments to cover the routine maintenance and operations needs of the District. The ballot measure also allowed increases in the annual assessment not to exceed the CPI. These annual assessments are the only source of revenues to the District as it is solely funded by the private property owners within the District. Without the real property owners' approval, the District cannot create or mandate additional revenues to fund hazard abatement or prevention services.

As reported last year, due to the minimal income from assessments, the District has ceased monitoring of slope below Pebble Beach Drive near Inverness Way.

Kelok Way Dewatering Wells

A settlement agreement was reached last calendar year to satisfy numerous lawsuits related to ongoing movement throughout the Oakhurst Country Club development area. As part of the agreement, funds were provided for the installation of six large dewatering wells and inclinometers in Kelok Way in order to increase the stability of the large slope between Kelok Way and North Valley Park. The work was completed within the anticipated budget and the GHAD was able to deposit excess funds of almost $11,500 into its reserves.

Unfortunately, the inclinometers will require ongoing monitoring on a semiannual basis to ensure that dewatering wells have slowed or halted the slope movement as well as continuing to function as designed. The geotechnical engineer has provided a proposal for the monitoring with a cost of $11,700 the first year and approximately $9,600 each year thereafter. This cost has been included in this year's proposed budget. The excess settlement funds will cover most of the first year's cost. However, future year expenditures will have to come out of the annual assessments and any reserve funds the GHAD may possess.

Fund Balance (reserves)

The GHAD's fund balance is expected to have a surplus of $23,506 at the end of FY 2012-13, and there will be approximately $119,200 in remaining funds from the original Presley lawsuit settlement (2003). The proposed assessments will not cover all of the District's operations due primarily to the addition of monitoring costs for the

Kelok Way Dewatering Wells. We anticipate that the fund balance will be reduced by $2,583 to $20,922 at the end of FY 2013-14.

It was, of course, originally intended that the remaining original Presley lawsuit settlement funds be used to rehabilitate the street pavement in the Keller Ridge area once the ongoing movement ceased. While some pavement work has been accomplished, having no other reserves and no interest by the property owners in raising the annual assessments, the District has no choice but to eventually use these funds to cover any of the District's funding shortfalls that may occur for as long as possible.

FY 2013-14 BUDGET

This Budget proposes to continue funding just the routine operations, along with the ongoing monitoring and legal defense costs, of the District through the allowable annual assessments. The year to year increase allowable per the most current CPI is 2.40% (April 2012 to April 2013, San Francisco, All Items, All Urban Consumers Index).

Following is the recommended budget for the GHAD for FY 2013-14:

EXPENSES

Postage	$700.00
Legal Notices	95.00
Insurance Premium Surcharge (transfer to General Fund)	13,750.00
County Collections Charge	1,400.00
Engineering Services	3,000.00
Kelok Way Monitoring	11,700.00
Legal Services	1,000.00
Miscellaneous	267.00
Administration (transfer to General Fund)	6,323.00
TOTAL EXPENSES	*$38,235.00*

INCOME

Property Assessments	$35,521.52
Interest on Funds	130.00
TOTAL INCOME	*$35,651.52*
Funds from GHAD Fund Balance	$ 2,583.48

FY 2013-14 PROPERTY ASSESSMENTS

As stated above, the annual assessment will be the same as last year except for an increase consistent with the increase in the CPI. Exhibit A explains the methodology of the assessments and provides a summary of the proposed assessment for this year.

EXHIBIT A

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT

METHOD OF ASSESSMENT

A Geological hazard abatement district is essentially a benefit assessment district. Therefore, the assessments must be apportioned to individual parcels according to the benefit received.

Based upon discussions with the City's consultant, Randy Leptien of Leptien, Cronin & Cooper, the various areas and types of development in Oakhurst require that the assessments be broken down by area as well as type of unit. The areas have been broken down to reflect, as much as possible, units with an equal amount of risk and benefit.

The total development has been divided into three areas for assessment:

Area 1	Lower 6000's, lower 5000's, Duets, and Townhouses
Area 2	Upper 6000's, upper 5000's, 8,000's, condominiums
Area 3	10000's

After reviewing the needs of each area and the benefits of the District to each area, we have assigned each area the following share of the District's costs (including reserves);

Area 1	25%
Area 2	50%
Area 3	25%

As will be noted, the number of units in each area is not considered a factor and the amount of assessment per unit will vary greatly from area to area. Since there are different types of housing mixed in Areas 1 and 2, we have assigned different assessment units to each type of housing as follows:

Single Family (regardless of size)	1.00
Duets	0.75
Multi-family	0.50

District Boundaries

As of FY 1999-00, the District was complete and consisted of 200 single family homes, 226 duets, and 169 townhouses in Area 1; 612 single family homes and 136 condos in Area 2; and 141 single family homes in Area 3.

Summary of Assessments

AREA I 2013-14 ASSESSMENT			Total =	$8,900.64		
Subarea	# Units	Type	Factor	Ass. Units	13/14 Asses	Total
Tr. 6990	92	sfd	1.00	92.00	$19.60	$1,803.20
Tr. 7065	108	duets	0.75	81.00	$14.68	$1,585.44
Tr. 7066	117	multifamily	0.50	58.50	$9.84	$1,151.28
Tr. 7303	52	multifamily	0.50	26.00	$9.84	$511.68
Tr. 7311	118	duets	0.75	88.50	$14.68	$1,732.24
Tr. 7768	55	sfd	1.00	55.00	$19.60	$1,078.00
Tr. 7769	53	sfd	1.00	53.00	$19.60	$1.038.80
Subtotals	595			454.00		$8,900.64
AREA II 2013-14 ASSESSMENT			Total =	$17,754.80		
Subarea	# Units	Type	Factor	Ass. Units	13/14 Asses	Total
Tr. 7256	70	sfd	1.00	70.00	$26.10	$1,827.00
Tr. 7257	60	sfd	1.00	60.00	$26.10	$1,566.00
Tr. 7260	75	sfd	1.00	75.00	$26.10	$1,957.50
Tr. 7261	70	sfd	1.00	70.00	$26.10	$1,827.00
Tr. 7262	99	sfd	1.00	99.00	$26.10	$2,583.90
Tr. 7263	101	sfd	1.00	101.00	$26.10	$2,636.10
Tr. 7264	102	sfd	1.00	102.00	$26.10	$2,662.20
Tr. 7766	35	sfd	1.00	35.00	$26.10	$913.50
Tr. 7766	60	multifamily	0.50	30.00	$13.10	$786.00
Tr. 7767	76	multifamily	0.50	38.00	$13.10	$995.60
Subtotals	748			680.00		$17,754.80
AREA III 2013-14 ASSESSMENT			Total =	$8,666.08		
Subarea	# Units	Type	Factor	Ass. Units	13/14 Asses	Total
Tr. 7249	69	sfd	1.00	69.00	$62.68	$4,338.72
Tr. 7255	72	sfd	1.00	72.00	$62.68	$4,527.36
Subtotals	141			141.00		$8,866.08
Grand Totals	1,484			1,275.00		$35,521.52

GHAD RESOLUTION NO. - 2012

A RESOLUTION APPROVING A BUDGET AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT FOR FISCAL YEAR 2012-13, AND GIVING NOTICE OF THE TIME AND PLACE FOR HEARING ON THE LEVY OF THE PROPOSED ASSESSMENT.

THE BOARD OF DIRECTORS
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT
City of Clayton, California

WHEREAS, by Resolution No. 5-89, the Clayton City Council formed the Oakhurst Geological Hazard Abatement District (herein "GHAD"), pursuant to Division 17, Geological Hazard Abatement Districts, of the Public Resources Code, Section 26500 et seq.; and

WHEREAS, the District Manager has prepared and filed a Budget Report with the Board of Directors setting forth, among other things, the proposed assessments upon assessable lots and parcels of land within the GHAD for fiscal year 2012-13, which report is dated June 19, 2012; and

WHEREAS, the proposed assessments do not represent an increase in excess of the latest annual increase in the Bay Area CPI (CPI-U), such annual increase formula having been approved by the voters of GHAD on April 18, 2000; and

WHEREAS, the Board of Directors reviewed the Budget Report at its regular meeting on June 19, 2012, and found same to be satisfactory and in compliance with Section 26651 of the Public Resources Code; and

WHEREAS, it is now necessary for the Board of Directors to establish the date for the public hearing on levying of the proposed assessments for fiscal year 2012-13 and to direct the Secretary to give the required notice of such hearing;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the GHAD as follows:

1. The Budget Report, dated June 19, 2012, prepared by the District Manager and each part thereof, is sufficient in each particular, has fairly and properly apportioned the cost of the maintenance and improvement to each parcel of land in the GHAD in proportion to the estimated benefits to be received by each parcel respectively from such maintenance and improvements, is hereby approved as filed and is, by reference, included herein.

2. The Board of Directors hereby declares its intention to levy and collect assessments within the GHAD for fiscal year 2012-13, as follows:

GHAD AREA	SUBD	# UNITS	TYPE	$ ASSESS PER LOT	TOTAL $ PER SUBD
I	6990	92	Sfd	$19.12	$1,759.04
I	7065	108	Duets	$14.34	$1,548.72
I	7066	117	multi-family	$9.58	$1,120.86
I	7303	52	multi–family	$9.58	$498.16
I	7311	118	Duets	$14.34	$1,692.12
I	7768	55	Sfd	$19.12	$1,051.60
I	7769	53	Sfd	$19.12	$1.013.36
II	7256	70	Sfd	$25.50	$1,785.00
II	7257	60	Sfd	$25.50	$1,530.00
II	7260	75	Sfd	$25.50	$1,912.50
II	7261	70	Sfd	$25.50	$1,785.00
II	7262	99	Sfd	$25.50	$2,524.50
II	7263	101	Sfd	$25.50	$2,575.50
II	7264	102	Sfd	$25.50	$2,601.00
II	7766	35	Sfd	$25.50	$892.50
II	7766	60	multi-family	$12.78	$766.80
II	7767	76	multi-family	$12.78	$971.28
III	7249	69	Sfd	$61.40	$4,236.60
III	7255	72	Sfd	$61.40	$4,420.80
	Total	1484 lots		TOTAL	$34,685.34

3. The GHAD consists of a portion of the City of Clayton as shown on the GHAD Diagram on file with the Secretary.

4. The Budget Report of the District Manager on file with the Secretary contains a fully detailed description of the proposed maintenance and improvements, consisting

of open space inspection and the maintenance thereof, with the estimated cost of the maintenance and improvements, a diagram of the District, and a proposed assessment of the estimated cost of such maintenance and improvements.

5. **On Tuesday, July 17, 2012, at or near the hour of 7:00 p.m., of said day, at a regular Board of Directors meeting at Hoyer Hall in the Clayton Community Library situated at 6125 Clayton Road, Clayton, California,** the regular meeting place of the GHAD Board of Directors, any and all persons having any interest in the lands within the GHAD, liable to be assessed for the expenses of the GHAD for fiscal year 2012-13, may be heard, and any such persons may also present any objections that they may have by written protest, filed with Secretary at or before the time set for hearing.

6. The Secretary shall give notice of the passage of this resolution and of the time and place of hearing of protests as herein designated by causing a notice of the passage of this resolution and of the time and place of hearing of protests to be mailed to all owners of property within the GHAD as required by Section 26652 of the Public Resources Code.

Passed, Approved and Adopted by the Board of Directors of the GHAD at a regular public meeting thereof held on June 19, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE BOARD OF DIRECTORS OF GHAD

_____

HANK STRATFORD, Chairman

ATTEST:

_____

Laci J. Jackson, Secretary

* * * * * *

I hereby certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the GHAD at a regular meeting held on June 19, 2012.

_____

Secretary

NOTICE OF PUBLIC HEARING ON THE LEVYING OF ASSESSMENTS ON PROPERTY IN THE OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT PURSUANT TO PUBLIC RESOURCES CODE SECTION 26652.

KNOW ALL INTERESTED PARTIES BY THIS NOTICE THAT:

1. The District Manager did present on June 19, 2012, to the Board of Directors, his report dated June 19, 2012, indicating a total budget for FY 2012-13 of $31,385.00 and recommending the assessments shown on the attached table to pay for the obligations of the Oakhurst Geological Hazard Abatement District ("District") during the 2012-13 fiscal year.

2. The Board of Directors accepted and approved the report on June 19, 2012, by adopting GHAD Resolution No. XX-2012, which set forth, among other things:

a. The Board's intent to levy and collect a per unit assessment in accordance with the recommendations of the District Manager as specified to pay for the obligations of said District during the 2012-13 fiscal year.
b. The date of Tuesday, July 17, 2012, at 7:00 p.m., at Hoyer Hall in the Clayton Community Library, situated at 6125 Clayton Road, Clayton, California, as the date, time and place for hearing protests against the levying of said assessments in the District for the cost of operating in fiscal year 2012-13.

3. The per unit assessments for the 2011-12 fiscal year were as shown on the attached table. The proposed per unit assessments, representing an increase of less than the latest annual increase in the San Francisco, All Items, All Urban Consumers Index (2.10%; April '11 – April '12) and therefore within the formula limits previously approved by ballot, do not constitute an increase in assessments.

4. A general description of the items to be maintained and operated in the District and paid for by the assessment is as follows: open space areas and Geological hazard mitigation devices and improvements.

5. All interested parties may obtain further particulars concerning the proposed per unit assessments in the District and a description and map of the boundaries of the District by referring to GHAD Resolution XX-2012, and the report of June 19, 2012, which are on file with the Secretary in the Clayton City Office. In addition, interested parties may contact the District Manager directly by phone at (925) 363-7433 or in person at 5375 Clayton Road, Concord, California, or view the reports at www.ci.clayton.ca.us.

NOW, THEREFORE, any and all persons having any interest in lands within the District liable to be assessed for the expenses of the district for fiscal year 2012-13, may appear at the public hearing, the time and place thereof being set forth above, and offer protest to said assessments, and any of said persons may also present any objections that they may have by written protest filed with the Secretary, Oakhurst Geological Hazard Abatement District, City of Clayton, 6000 Heritage Trail, Clayton, California, 94517, at or before the time set for public hearing.

LACI J. JACKSON
Secretary
Oakhurst Geological Hazard Abatement District

DATED: June 20, 2012

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT
PROPOSED ANNUAL ASSESSMENTS
FISCAL YEAR 2012/13

GHAD AREA	SUBD. NAME	SUBD. #	# UNITS	TYPE	PROPOSED ASSESS.	2011-2012 ASSESS.	ANNUAL $ INCREASE
I	Windmill Canyon I	6990	92	6,000 sf	$19.12	$18.72	0.40
I	Black Diamond I	7065	108	Duets	$14.34	$14.04	0.30
I	Chaparral Springs I	7066	117	Multi-family	$9.58	$9.38	0.20
I	Chaparral Springs II	7303	52	Multi-family	$9.58	$9.38	0.20
I	Black Diamond II	7311	118	Duets	$14.34	$14.04	0.30
I	Oak Hollow IIA	7768	55	5,000 sf	$19.12	$18.72	0.40
I	Oak Hollow IIB	7769	53	5,000 sf	$19.12	$18.72	0.40
II	Eagle Peak I	7256	70	8,000 sf	$25.50	$24.98	0.52
II	Eagle Peak II	7257	60	8,000 sf	$25.50	$24.98	0.52
II	Falcon Ridge I	7260	75	8,000 sf	$25.50	$24.98	0.52
II	Falcon Ridge II	7261	70	8,000 sf	$25.50	$24.98	0.52
II	Windmill Canyon II	7262	99	6,000 sf	$25.50	$24.98	0.52
II	Windmill Canyon III	7263	101	6,000 sf	$25.50	$24.98	0.52
II	Windmill Canyon IV/Ironwood	7264	102	6,000 sf	$25.50	$24.98	0.52
II	Oak Hollow I	7766	35	5,000 sf	$25.50	$24.98	0.52
II	Diablo Ridge I	7766	60	Multi-family	$12.78	$12.52	0.26
II	Diablo Ridge II	7767	76	Multi-family	$12.78	$12.52	0.26
III	Peacock Creek I	7249	69	10,000 sf	$61.40	$60.14	1.26
III	Peacock Creek II	7255	72	10,000 sf	$61.40	$60.14	1.26