CITY OF CLAYTON

Founded 1857.. Incorporated 1964

AGENDA

REGULAR JOINT MEETINGS

* * *

CLAYTON CITY COUNCIL
and
CLAYTON SUCCESSOR & SUCCESSOR HOUSING AGENCIES

* * *

TUESDAY, February 17, 2015

7:00 P.M.

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

Mayor: David T. Shuey
Vice Mayor: Howard Geller

Council Members
Jim Diaz
Keith Haydon
Julie K. Pierce

- 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 and on the City's Website at least 72 hours prior to the Council meeting.

- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at **www.ci.clayton.ca.us**

- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.

- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

* CITY COUNCIL *
February 17, 2015

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

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

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of February 3, 2015. (View Here)

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

(c) Adopt a Resolution approving a Loan Agreement in the amount of $125,000 between the City of Clayton and the Successor Agency to the former Clayton Redevelopment Agency to cover the Successor Agency's statutory administrative cost allowance for the ROPS 2014-15B time period. (View Here)

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to the Fire Services Ad-hoc Committee Members for their diligence and commitment resulting in the full time re-opening of Contra Costa County Fire Protection District's Fire Station No. 11 on Center Street, Clayton. (View Here)

(b) Certificate of Recognition to Gavin Hanratty, Troop 492, Muir District, Mt. Diablo Silverado Council of the Boy Scouts of America, for his Eagle Scout Project involving the installation of two six-foot aluminum benches in the Clayton Dog Park. (View Here)

5. **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

6. 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.

7. PUBLIC HEARINGS

(a) Public Hearing to consider the Introduction and First Reading of proposed City-initiated Ordinance No. 458 amending/updating various code sections, definitions, regulations, and permit procedures of the *Clayton Municipal Code* Chapters 5.04, 5.12, 17.04, 17.36, 17.60 and 17.70 relating to Mobile Vendors, including mobile food vendors and mobile retail vendors. (View Here)
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; **4)** Following Council discussion or any amendments to the proposed Ordinance, adopt a motion to have the City Clerk read Ordinance No. 458 by title and number only and waive further reading; and **5)** Following the City Clerk's reading, by motion approve Ordinance No. 458 for First Reading and Introduction with findings the action does not constitute a project under CEQA.

8. ACTION ITEMS

(a) Presentation of the City's Mid-Year Budget status report for Fiscal Year 2014-2015. (View Here)
(Finance Manager; Council Budget Sub-Committee)

Staff recommendation: Following presentation of the Mid-Year Report and receipt of any public comments, that Council adopt a motion accepting the City's Mid-Year Budget Report for FY 2014-15 without any mid-year adjustments.

(b) Consideration and review of local candidate streets for inclusion in the City's Fiscal Year 2015-16 Neighborhood Street Repaving Project (CIP No. 10424). (City Engineer) (View Here)

Staff recommendation: Following presentation of the proposed streets list for the FY 2015-16 Street Repaving Project and receipt of any public comments, that Council adopt a motion authorizing the candidate streets list to bid for the FY 2015-16 Street Repaving Project.

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

10. CLOSED SESSION – None.

11. ADJOURNMENT– the next regularly scheduled City Council meeting is March 3, 2015.

# # # # #

* CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES *

February 17, 2015

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

2. **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 pulled from the Consent Calendar for purpose of public comment, question or discussion may request so through the Chair.

(a) Approve the minutes of the regular meeting of September 16, 2014. (View Here)

(b) Adopt a Resolution approving a Loan Agreement in the amount of $125,000 between the City of Clayton and the Successor Agency to the Clayton Redevelopment Agency to cover the Successor Agency's statutory administrative cost allowance for the ROPS 2014-15B time period. (View Here)

(c) Adopt a Resolution approving the Successor Agency's 8th Recognized Obligation Payment Schedule for the time period covering July 1, 2015 through December 31, 2015 (ROPS 2015-16A) required by the CA Department of Finance (DOF). (View Here)

3. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

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

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

4. **PUBLIC HEARINGS** – None.

5. **ACTION ITEMS** – None.

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

7. **ADJOURNMENT** – the next regular Successor Agency meeting will be scheduled as needed.

# # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 2-17-2015

Agenda Item: 3a

TUESDAY, February 3, 2015

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 5:01 p.m. by Mayor Shuey in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller and Councilmembers Diaz, Haydon and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian (arrived 6:55 pm.), and City Clerk/HR Manager Janet Brown.

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

Six citizen applicants were interviewed in the following order for the one vacated position on the City Planning Commission (term of office ends 30 June 2015): Peter Hellman, Marc Ventura, Eric Rehn, Scott DeVenney, Bruce Albert, and Peter Cloven.

The City Council as a whole also interviewed Christopher Garcia, a citizen applicant for one of the vacant positions on the City's Trail and Landscaping Committee.

Immediately following the final interview the Council briefly discussed the applicant pool.

Mayor Shuey recessed the Council meeting at 6:53 p.m.

7:00 P.M. REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – Mayor Shuey reconvened the meeting to order at 7:01 p.m. and noted all members of the City Council were present.

4. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.

5. **CONSENT CALENDAR**

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

(a) Approved the minutes of the regular meeting of January 20, 2015.

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

(c) Accepted the City's Investment Portfolio Report for the Second Quarter of FY 2014-15 ending December 31, 2014.

6. **RECOGNITIONS AND PRESENTATIONS** – None.

7. **REPORTS**

(a) Planning Commission – Commissioner Gregg Manning reported that at its meeting of January 27, 2015 the Commission held a noticed Public Hearing on a Home Occupation Permit submitted by Cindy Jakel-Smith residing on Bloching Circle to allow a cottage food operation for baked goods. There was one concern by a nearby neighbor regarding added traffic and public safety. The Planning Commission approved the Home Occupation Permit. It also reviewed an amendment to the Zoning Ordinance relating to Mobile Vendors, including mobile food vendors and mobile retail vendors and has recommended its adoption to the City Council with several modifications.

Mayor Shuey requested at a future City Council meeting updates from Mr. Manning regarding the Contra Costa County Transportation Authority (buses).

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

(c) City Manager/Staff

The City Manager reported that Community Development Director Charlie Mullen gave written notice of his retirement this July and he wishes him well in the next chapter of his journey. Staff has initiated the process to advertise for the pending vacated Community Development Director position to hire a replacement before Mr. Mullen leaves.

Mr. Napper shared a Power Point chart depicting the City's Preliminary PCI ranking of 83 (Pavement Condition Index rating system, developed by Army Corps of Engineers) reflecting the City's overall "Very Good" local street conditions in 2014 [highest level is "Excellent" starting at an 85 PCI]. Due to its last street repaving project, the City significantly moved its PCI ranking up 5 points from 78.

(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz attended a Goals and Objectives session of the Clayton City Council, participated in a ride-along with a Clayton police officer, took a BART Police Department tour, and attended the League of California Cities' East Bay Division and CERT meetings. He also attended the Grand Re-Opening of Fire Station 11 community event and thanked the many people that helped out.

Vice Mayor Geller attended the Goals and Objectives session of the Clayton City Council and the Clayton Business and Community Association meetings. He also attended the Grand Re-Opening of Fire Station 11 community event and thanked

Councilmember Diaz for organizing this event along with the community and dignitaries that were able to attend.

Councilmember Haydon attended the Goals and Objectives session of the Clayton City Council and announced the next East Contra Costa Conservancy meeting will be hosted by Clayton on Monday, February 23rd. He also attended the Grand Re-Opening of Fire Station 11 community event, thanked Councilmember Diaz for his role in that event and was impressed by the number of emergency vehicles available to tour. Councilmember Haydon noted he continues to monitor the City's Trails System throughout the community and attended a meeting of the Clayton Business and Community Association.

Councilmember Pierce invited the community to attend a joint meeting of the Associated Bay Area Governments, Metropolitan Transportation Commission and the California Association of Counties meeting on February 11th in Sacramento. She also attended the Contra Costa Transportation Authority Leadership Dinner, a Metropolitan Transportation Commission meeting, the East Bay Leadership Council, and the Grand Re-Opening of Fire Station 11 community event. Councilmember Pierce noted she was honored with an award along with Amy Worth (Orinda City Councilmember) by the Contra Costa Building Industry Association at its Installation of Officers and Annual Awards meeting.

Mayor Shuey attended the Grand Re-Opening of Fire Station 11 community event and noted U.S. Congressman Mark DeSaulnier, County Supervisor Karen Mitchoff, and a representative from Assemblywoman Susan Bonilla's office were in attendance as well.

(e) Other – None.

8. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

Denise Pursche provided an update on statistics she has learned of "at-risk" students becoming at greater risk by not passing the new public schools "Common Core" standards. Ms. Pursche also advised she is not an expert on Common Core, merely a concerned parent who is seeking additional information on the controversial public education standards and use of information collected.

Mayor Shuey thanked Ms. Pursche for providing the information to the City Council and added he has not had the time to research more into the Common Core standards to form an opinion on either side of the matter. He also appreciates Ms. Pursche's desire to keep people honest and relaying the facts, good, bad or ugly, with regard to Common Core.

9. **PUBLIC HEARINGS** – None.

10. ACTION ITEMS

(a) City Council discussion and determination of a citizen appointment to the one vacated term of office on the City Planning Commission (term expires June 30, 2015)

Councilmember Haydon commented as a former Planning Commissioner he was impressed that six (6) residents participated and showed interest in filling the vacant Planning Commission office. He recommended Peter Hellmann to fill the vacancy for the remaining term expiring on June 30, 2015.

Vice Mayor Geller added it is a difficult decision for the City Council to recommend one person, as all the candidates had qualities, experience, and history in Clayton. Vice Mayor Geller encouraged each candidate to continue their involvement in the community and advised there are many volunteer opportunities available. He noted his support for Mr. Hellman to be appointed.

Councilmember Diaz also added all the candidates were excellent and it is a very difficult decision to choose just one person to fill the Planning Commission vacancy.

It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to approve Resolution No. 02-2015 appointing Mr. Peter Hellman to the vacant office on the Clayton Planning Commission, with a term of office to expire June 30, 2015. (Passed; 5-0 vote).

(b) Consider a Resolution regarding the Council Interview Sub-Committee's recommendations of incumbents Robert Steiner and Clayton Smith and/or Christopher Garcia for appointment to the Trails and Landscaping Committee for terms of office to expire on December 31, 2016.

Mayor Shuey announced prior to this evening's regular City Council meeting, the Council was able to meet with new resident Christopher Garcia about his interest in serving on the Trails and Landscaping committee.

It was moved by Councilmember Pierce, and seconded by Councilmember Diaz, to approve Resolution No. 03-2015 re-appointing Robert Steiner and Clayton Smith, and appointing Christopher Garcia, to the City's Trails and Landscaping Committee with terms of office to expire December 31, 2015. (Passed; 5-0 vote).

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

Mayor Shuey commented he appreciates the work the City Manager must now do to recruit a new Community Development Director but also the generous advance notice of retirement by Community Development Director Charlie Mullen.

12. **CLOSED SESSION** – None.

13. **ADJOURNMENT**– on call by Mayor Shuey, the City Council meeting adjourned at 7:39 p.m.

The next regularly scheduled City Council meeting is February 17, 2015.

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Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor

# # # # #

CITY OF CLAYTON
Founded 1857.. Incorporated 1964

Agenda Date 2/17/2015

Agenda Item: 3b

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 2/17/2015

SUBJECT: FINANCIAL OBLIGATIONS

RECOMMENDATION:

Approve the following Invoices:

2/13/2015	Cash Requirements	$136,105.64
2/3/2015	Payroll, PPE 2/1/15, Pay 2/4/15	$ 84,013.58
	Total	**$220,119.22**

Attachments:
Cash Requirements Report dated 2/13/2015 (4 pages)
ADP Report Week 06, PPE 02/01/15 (1 page)

City of Clayton
Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Ace Sierra Tow								
Ace Sierra Tow	2/17/2015	2/11/2015	3668	towing 12/15/14	$25.00	$0.00		$25.00
				Totals for Ace Sierra Tow:	*$25.00*	*$0.00*		*$25.00*
All City Management Services, Inc.								
All City Management Services, Inc.	2/17/2015	2/11/2015	37850	school crossing guard services 1/4/15-1/17/15	$509.10	$0.00		$509.10
				Totals for All City Management Services, Inc.:	*$509.10*	*$0.00*		*$509.10*
ALTEC Industries, Inc.								
ALTEC Industries, Inc.	2/17/2015	2/6/2015	5169906	Request # 2250608	$759.00	$0.00		$759.00
				Totals for ALTEC Industries, Inc.:	*$759.00*	*$0.00*		*$759.00*
Applied Concepts Inc								
Applied Concepts Inc	2/17/2015	2/11/2015	263873	order rgm120992	$508.25	$0.00		$508.25
				Totals for Applied Concepts Inc:	*$508.25*	*$0.00*		*$508.25*
Candace Bass								
Candace Bass	2/17/2015	2/11/2015	#7038	supplies for fire station re-opening	$86.70	$0.00		$86.70
				Totals for Candace Bass:	*$86.70*	*$0.00*		*$86.70*
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	2/17/2015	2/6/2015	0313578-IN	supplies - vests	$1,058.96	$0.00		$1,058.96
Bay Area Barricade Serv.	2/17/2015	2/6/2015	0313577-IN	supplies - sweatshirts	$874.71	$0.00		$874.71
Bay Area Barricade Serv.	2/17/2015	2/6/2015	0313982-IN	supplies - signs	$2,001.83	$0.00		$2,001.83
				Totals for Bay Area Barricade Serv.:	*$3,935.50*	*$0.00*		*$3,935.50*
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	2/17/2015	2/11/2015	0000844612	legal ads 1/16/15	$151.97	$0.00		$151.97
				Totals for Bay Area News Group East Bay (CCT):	*$151.97*	*$0.00*		*$151.97*
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	2/17/2015	2/13/2015	742540	January Services	$8,000.00	$0.00		$8,000.00
Best Best & Kreiger LLP	2/17/2015	2/13/2015	742541	January Services	$1,245.00	$0.00		$1,245.00
Best Best & Kreiger LLP	2/17/2015	2/13/2015	742542	January Services	$2,172.50	$0.00		$2,172.50
Best Best & Kreiger LLP	2/17/2015	2/13/2015	742543	January Services	$4,070.68	$0.00		$4,070.68
Best Best & Kreiger LLP	2/17/2015	2/13/2015	742544	TRANSPAC JPA - January 2015	$4,804.69	$0.00		$4,804.69
				Totals for Best Best & Kreiger LLP:	*$20,292.87*	*$0.00*		*$20,292.87*
Jenna or Bryan Caldwell								
Jenna or Bryan Caldwell	2/17/2015	2/6/2015	SPR-05-12	Deposit refund for SPR 05-12	$234.76	$0.00		$234.76
				Totals for Jenna or Bryan Caldwell:	*$234.76*	*$0.00*		*$234.76*
CalPERS Retirement								
CalPERS Retirement	2/17/2015	2/11/2015	PPE 2/1/15	Retirement PPE 2/1/15	$20,970.56	$0.00		$20,970.56
CalPERS Retirement	2/17/2015	2/13/2015	PPE 2/15/15	Retirement PPE 2/15/15	$20,973.36	$0.00		$20,973.36
CalPERS Retirement	2/17/2015	2/13/2015	2/24/15	City Council Retirement ending 2/24/15	$286.29	$0.00		$286.29

City of Clayton
Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
				Totals for CalPERS Retirement:	*$42,230.21*	*$0.00*		*$42,230.21*
CCWD								
CCWD	2/17/2015	2/11/2015	H Series	Water Service 12/4/14-2/4/15	$5,091.87	$0.00		$5,091.87
				Totals for CCWD:	*$5,091.87*	*$0.00*		*$5,091.87*
City of Concord								
City of Concord	2/17/2015	2/11/2015	43297	vehicle maintenance January 2015	$1,561.58	$0.00		$1,561.58
				Totals for City of Concord:	*$1,561.58*	*$0.00*		*$1,561.58*
Clean Street								
Clean Street	2/17/2015	2/11/2015	77203	monthly sweep fee January 2015	$3,500.00	$0.00		$3,500.00
				Totals for Clean Street:	*$3,500.00*	*$0.00*		*$3,500.00*
CMRTA State Treasurer								
CMRTA State Treasurer	2/17/2015	2/13/2015	976966103	SO# 349794241	$1,541.37	$0.00		$1,541.37
				Totals for CMRTA State Treasurer:	*$1,541.37*	*$0.00*		*$1,541.37*
Comcast								
Comcast	2/17/2015	2/13/2015	Auto Pay 3/1/15	High Speed Internet 2/10/15-3/9/15	$403.95	$0.00		$403.95
				Totals for Comcast:	*$403.95*	*$0.00*		*$403.95*
Contra Costa County Animal Svcs Dept								
Contra Costa County Animal Svcs Dept	2/17/2015	2/11/2015	ASD M5789	3rd Qtr Installment animal control 1/1/15-3/31	$14,726.00	$0.00		$14,726.00
				Totals for Contra Costa County Animal Svcs Dept:	*$14,726.00*	*$0.00*		*$14,726.00*
Contra Costa County Sheriff - Forensic Svc Div (Lab)								
Contra Costa County Sheriff - Forensic S	2/17/2015	2/11/2015	CLPD-1412	alcohol tests December 2014	$300.00	$0.00		$300.00
Contra Costa County Sheriff - Forensic S	2/17/2015	2/11/2015	CLPD-414	Blood withdrawal services October-December	$630.00	$0.00		$630.00
				Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):	*$930.00*	*$0.00*		*$930.00*
CR Fireline, Inc								
CR Fireline, Inc	2/17/2015	2/6/2015	101371	inspection, test - Library	$310.00	$0.00		$310.00
CR Fireline, Inc	2/17/2015	2/6/2015	101372	inspection, test - Endeavor Hall	$310.00	$0.00		$310.00
CR Fireline, Inc	2/17/2015	2/6/2015	101373	inspection, test - City Hall	$310.00	$0.00		$310.00
				Totals for CR Fireline, Inc:	*$930.00*	*$0.00*		*$930.00*
Crop Production Svcs								
Crop Production Svcs	2/17/2015	2/6/2015	26073265	Order # 3354156	$1,584.10	$0.00		$1,584.10
				Totals for Crop Production Svcs:	*$1,584.10*	*$0.00*		*$1,584.10*
Diablo Lawnscape								
Diablo Lawnscape	2/17/2015	2/6/2015	7422	Irrigation install	$800.00	$0.00		$800.00
				Totals for Diablo Lawnscape:	*$800.00*	*$0.00*		*$800.00*
Geoconsultants, Inc.								
Geoconsu' Inc.	2/17/2015	2/13/2015	18711	Well Mo' ng December 2014	$1,546.50	$0.00		$1,546.50

City of Clayton
Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
				Totals for Geoconsultants, Inc.:	*$1,546.50*	*$0.00*		*$1,546.50*
Globalstar LLC								
Globalstar LLC	2/17/2015	2/11/2015	1000000006198419	service 12/18/14-1/15/15	$54.90	$0.00		$54.90
				Totals for Globalstar LLC:	*$54.90*	*$0.00*		*$54.90*
Health Care Dental Trust								
Health Care Dental Trust	2/17/2015	2/11/2015	187949	Dental for March 2015	$2,954.88	$0.00		$2,954.88
				Totals for Health Care Dental Trust:	*$2,954.88*	*$0.00*		*$2,954.88*
Innovative Impressions								
Innovative Impressions	2/17/2015	2/6/2015	817	t-shirts for Fire Station re-opening	$769.16	$0.00		$769.16
				Totals for Innovative Impressions:	*$769.16*	*$0.00*		*$769.16*
J & R Floor Services								
J & R Floor Services	2/17/2015	2/11/2015	one	January Billing	$4,850.00	$0.00		$4,850.00
				Totals for J & R Floor Services:	*$4,850.00*	*$0.00*		*$4,850.00*
LarryLogic Productions								
LarryLogic Productions	2/17/2015	2/9/2015	1479	City Council Meeting 2/3/15	$275.00	$0.00		$275.00
				Totals for LarryLogic Productions:	*$275.00*	*$0.00*		*$275.00*
MPA								
MPA	2/17/2015	2/11/2015	February	February Life, LTD	$1,480.28	$0.00		$1,480.28
				Totals for MPA:	*$1,480.28*	*$0.00*		*$1,480.28*
Neopost Northwest								
Neopost Northwest	2/17/2015	2/11/2015	N5152425	contract 3/7/15-4/6/15	$158.20	$0.00		$158.20
				Totals for Neopost Northwest:	*$158.20*	*$0.00*		*$158.20*
PERMCO, Inc.								
PERMCO, Inc.	2/17/2015	2/11/2015	10315	Services 1/24/15-2/6/15	$3,375.00	$0.00		$3,375.00
				Totals for PERMCO, Inc.:	*$3,375.00*	*$0.00*		*$3,375.00*
PG&E								
PG&E	2/17/2015	2/11/2015	1/22/15	service 12/22/14-1/21/15	$11.44	$0.00		$11.44
				Totals for PG&E:	*$11.44*	*$0.00*		*$11.44*
Riso Products of Sacramento								
Riso Products of Sacramento	2/17/2015	2/11/2015	135446	contract 12/18/14-1/17/15	$94.86	$0.00		$94.86
Riso Products of Sacramento	2/17/2015	2/11/2015	136509	contract 1/18/15-2/17/15	$94.86	$0.00		$94.86
				Totals for Riso Products of Sacramento:	*$189.72*	*$0.00*		*$189.72*
Rock & Waterfall Co								
Rock & Waterfall Co	2/17/2015	2/6/2015	121-07	waterfall maintenance	$650.00	$0.00		$650.00
				Totals for Rock & Waterfall Co:	*$650.00*	*$0.00*		*$650.00*
Roto-Rooter Sewer/Drain Service								

City of Clayton
Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Roto-Rooter Sewer/Drain Service	2/17/2015	2/6/2015	A-1472-15	Library repair, W/O C365469	$751.50	$0.00		$751.50
Roto-Rooter Sewer/Drain Service	2/17/2015	2/6/2015	A-1624-15	City Hall repair, W/O C367218	$714.00	$0.00		$714.00
				Totals for Roto-Rooter Sewer/Drain Service:	*$1,465.50*	*$0.00*		*$1,465.50*
Sportsmen Hunting/Fishing Guide Service, LLC								
Sportsmen Hunting/Fishing Guide Servi	2/17/2015	2/11/2015	102	wild pig control	$1,500.00	$0.00		$1,500.00
				Totals for Sportsmen Hunting/Fishing Guide Service, LLC:	*$1,500.00*	*$0.00*		*$1,500.00*
SPRAYTEC								
SPRAYTEC	2/17/2015	2/6/2015	12818	maintenance for 11/7 & 11/21/14	$225.00	$0.00		$225.00
SPRAYTEC	2/17/2015	2/6/2015	12820	maintenance 12/12 & 12/23/14	$225.00	$0.00		$225.00
SPRAYTEC	2/17/2015	2/6/2015	12821	maintenance 1/16 & 1/30/15	$225.00	$0.00		$225.00
				Totals for SPRAYTEC:	*$675.00*	*$0.00*		*$675.00*
Sprint Comm (PD)								
Sprint Comm (PD)	2/17/2015	2/11/2015	703335311-158	service 12/26/14-1/25/15	$264.41	$0.00		$264.41
				Totals for Sprint Comm (PD):	*$264.41*	*$0.00*		*$264.41*
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	2/17/2015	2/6/2015	531409315-153	service 12/26/15-1/25/15	$284.76	$0.00		$284.76
				Totals for Sprint Comm (PW & ADM):	*$284.76*	*$0.00*		*$284.76*
Staples Advantage								
Staples Advantage	2/17/2015	2/11/2015	8033085889	supplies for January 2015	$286.58	$0.00		$286.58
				Totals for Staples Advantage:	*$286.58*	*$0.00*		*$286.58*
Stericycle Inc								
Stericycle Inc	2/17/2015	2/11/2015	3002892671	Qrtly Service 2/15-4/15	$340.59	$0.00		$340.59
				Totals for Stericycle Inc:	*$340.59*	*$0.00*		*$340.59*
Stevens, Ferrone & Bailey Engineering Co, Inc								
Stevens, Ferrone & Bailey Engineering C	2/17/2015	2/11/2015	555-2.2	lump sum for monitoring/report 1/13/15	$4,800.00	$0.00		$4,800.00
				Totals for Stevens, Ferrone & Bailey Engineering Co, Inc:	*$4,800.00*	*$0.00*		*$4,800.00*
US Bank Corp Pymt System (Cal Card)								
US Bank Corp Pymt System (Cal Card)	2/17/2015	2/11/2015	Stmt 1/22/15	Statement Ending 1/22/15	$9,631.49	$0.00		$9,631.49
				Totals for US Bank Corp Pymt System (Cal Card):	*$9,631.49*	*$0.00*		*$9,631.49*
Western Exterminator								
Western Exterminator	2/17/2015	2/11/2015	2718335	October 2014	$370.00	$0.00		$370.00
Western Exterminator	2/17/2015	2/11/2015	2875411	December 2014	$370.00	$0.00		$370.00
				Totals for Western Exterminator:	*$740.00*	*$0.00*		*$740.00*
				GRAND TOTALS:	**$136,105.64**	**$0.00**		**$136,105.64**

WEEK 06 BATCH 6815 42 PAYS
0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000042 Tot Docs in all:00000000045

	First No.	Last No.	Total
Checks:	ADPCHECK	ADPCHECK	00000000008
Vouchers:	00000060001	00000060034	00000000034

Earnings Statement

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

COPY

CHECK STUFFING, RECONCILIATION

COPY

84013.58	GROSS
60768.31	NET PAY (INCLUDING ALL DEPOSITS)
9555.05	FEDERAL TAX
295.46	SOCIAL SECURITY
1155.88	MEDICARE
.00	MEDICARE SURTAX
.00	SUI TAX
3002.26	STATE TAX
.00	LOCAL TAX
66578.95	DEDUCTIONS
3425.98	NET CHECK

COMPANY CODE Z7L
CITY OF CLAYTON
TOTAL DOCUMENT
LOCATION 0001

COPY COPY

TEAR HERE

VERIFY DOCUMENT AUTHENTICITY - COLORED AREA MUST CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM

VOID VOID VOID VOID

NON-NEGOTIABLE - VOID - NON-NEGOTIABLE
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NON-NEGOTIABLE - VOID - NON-NEGOTIABLE

CITY OF CLAYTON
Founded 1857.. Incorporated 1964

Agenda Date: 2-17-2015

Agenda Item: 3c

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA

DATE: February 17, 2015

SUBJECT: RESOLUTION AUTHORIZING SHORT-TERM CASH FLOW LOAN AGREEMENT FROM THE CITY OF CLAYTON TO THE SUCCESSOR AGENCY IN THE AMOUNT OF $125,000 FOR ADMINISTRATIVE EXPENSES

RECOMMENDATION

It is recommended that the City of Clayton (City) adopt the attached resolution authorizing a short-term cash flow loan agreement for administrative costs totaling $125,000 to become effective only upon approval by the California Department of Finance.

BACKGROUND

AB 1484, adopted in June 2012 as clean-up legislation to ABX1-26, allowed cities to loan funds to their successor agencies for enforceable obligations, administrative costs and project related expenses. Collectively, this legislation specified that litigation expenses are not administrative expenses and, as such, are thereby considered project related expenses (HSC34173(h)).

DISCUSSION

The State Department of Finance (DOF) Determination Letter pertaining to the Successor Agency's ROPS 2014-15B dated November 10, 2014 approved all obligations requested on the 2014-15B ROPS Detail Form. However, the DOF further directed the Successor Agency use remaining bond proceeds to pay for the approved obligations. By changing the funding source from RPTTF to bond proceeds, the DOF effectively eliminated all funding to the Successor Agency for the ROPS 2014-15B period.

Successor Agency management disputed the legality of the DOF's November 10, 2014 letter and re-examined the original and supplemental bond indentures pertaining to the 2014 refunding Tax Allocation Bonds, as well as consulted with bond counsel (Jones Hall) and special redevelopment legal counsel (Godfarb & Lipman). After internal reviews and external consultation, it was concluded that using existing bond proceeds to pay for administrative costs and bond principal would be in violation of the bond agreement. The Successor Agency also received an opinion letter from Bond Counsel supporting these claims.

The DOF administrative procedures governing "post redevelopment" administration allow for a Meet and Confer to communicate any disagreements with DOF Determination Letters. On November 24, 2014 Successor Agency management along with our legal advisor at Goldfarb & Lipman (Karen Tiedemann) held a Meet and Confer phone conference with the DOF. As part of this process, the City of Clayton provided the DOF relevant portions of the bond indentures, bond official statements, as well as the Bond Counsel letter dated December 1, 2014.

Despite the due diligence procedures described previously, the DOF issued a Final Determination Letter dated December 17, 2014 re-affirming their previous conclusions in the November 10, 2014 Determination Letter. Management of the Successor Agency and its legal advisors disagreed with this Determination Letter, concluding the use of bond proceeds in any manner that is inconsistent with the legally binding bond agreements would likely expose the Successor Agency to IRS penalties and/or litigation for which the DOF will not provide indemnification.

At the direction of the City Council, the City's Legal Counsel (BB&K) prepared a letter to the DOF offering to settle this dispute along the following lines: (1) the Successor Agency pays the fiscal agent trustee fees from bond proceeds, (2) RPTTF monies be used to pay the administrative cost allowance, and (3) the Successor Agency use bond proceeds to pay the February 1, 2015, interest only debt service payment and in future ROPS allocate principal and interest between the RPTTF and bond proceeds (to the extent any remain), respectively. This settlement offer was communicated to the DOF in a letter dated January 20, 2015.

On February 10, 2015 Ms. Shelly Renner, Senior Staff Counsel to the DOF, contacted BB&K and agreed to settle the dispute as suggested in the letter dated January 20, 2015. It was agreed the City would make a loan to the Successor Agency for the $125,000 administrative cost allowance in the 2015-16A ROPS. A new enforceable obligation line item for this loan would then be added to the 2015-16A ROPS Detail Form, which would permit the City to be paid back before the end of the fiscal year ending June 30, 2015. The DOF is currently in the process of providing a formal signed letter to the City to memorialize this agreement (which has not been received as of the date of this staff report).

FISCAL IMPACT

City approval of the Loan Agreement in an amount not to exceed $125,000 provides the City the ability to get reimbursed for administrative costs currently funded from future allocations of RPTTF received by the Successor Agency from the County Auditor-Controller. Reimbursement is contingent upon final approval of the DOF. If this loan is approved by DOF, the total amount of funds will be drawn down from the RPTTF expected to be awarded in June 2015. Adoption of the Loan Agreement would allow the Successor Agency to list the Loan on the ROPS 2015-16A as a new enforceable obligation. If it is approved by DOF on the ROPS 2015-16A, the Successor Agency will owe the City the balance of the Loan.

CONCLUSION

Staff recommends the City Council adopt the attached Resolution authorizing a short-term cash flow loan agreement from the City of Clayton to the Successor Agency in the amount of $125,000 for administrative expenses.

Respectively submitted,

Kevin Mizuno, CPA
Finance Manager

Attachment A: Resolution Approving a Loan Agreement with the Successor Agency to the Redevelopment Agency of the City of Clayton

Attachment

RESOLUTION NO.

A RESOLUTION APPROVING A LOAN AGREEMENT WITH THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON

THE CITY COUNCIL
City of Clayton, California

Whereas, in its Recognized Obligation Payment Schedule ("ROPS") 14-15B, covering the period January 1, 2015 to June 30, 2015, the Successor Agency to the Redevelopment Agency of the City of Clayton ("Successor Agency") requested its statutory allocation from the Redevelopment Property Tax Trust Fund ("RPTTF") for its administrative cost allowance in the amount of $125,000.00; and

Whereas, that request was subsequently disallowed by the State Department of Finance ("DOF") in a letter dated December 17, 2014, which determined that unspent bond proceeds held by the Successor Agency must be used to pay the Successor Agency's administrative cost allowance before RPTTF may be used for this purpose; and

Whereas, the Successor Agency disputed DOF's determination on the ground that income tax regulations governing the use of tax exempt bond proceeds prohibit the use of bond proceeds for this purpose; and

Whereas, the Successor Agency and DOF are negotiating a settlement of this dispute which will authorize the use of RPTTF to pay the Successor Agency's administrative cost allowance without recourse to the unspent bond proceeds; and

Whereas, the County Auditor-Controller previously distributed all funds from the RPTTF on January 2, 2015 and no funds currently remain in the RPTTF to pay the Successor Agency's administrative cost allowance for the ROPS 2014-15 B period. For this reason, any settlement of this dispute must proceed on a going-forward basis; and

Whereas, the City of Clayton ("City") desires to loan the Successor Agency the sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($125,000.00) to cover the Successor Agency's administrative cost allowance for the ROPS 2014-15 B period provided it be repaid prior to June 30, 2015, from the next allocation of property taxes from the RPTTF and a written loan agreement has been prepared in the form attached hereto as Exhibit A.

Now, therefore, be it resolved by the City Council of Clayton, California as follows:

1. The Loan Agreement between the City and the Successor Agency is hereby approved in the form attached hereto as Exhibit A, subject to such non-substantive changes as may be approved by the City Manager and City Attorney.

2. The Mayor of the City of Clayton is hereby authorized to execute the Loan Agreement on behalf of the City and the City Manager is herewith authorized to take all actions necessary or appropriate to implement its provisions.

PASSED, APPROVED AND ADOPTED this 17th day of February, 2015, at a regular public meeting thereof by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

____
David T. Shuey, Mayor

ATTEST:

____
Janet Brown, City Clerk

EXHIBIT A

LOAN AGREEMENT

This Loan Agreement ("Agreement") is entered into this 17th day of February, 2015, by and between the City of Clayton, a municipal corporation ("City"), and the Successor Agency to the Redevelopment Agency of the City of Clayton, a public body ("Successor Agency"), with respect to the following facts and assumptions:

A. In its Recognized Obligation Payment Schedule ("ROPS") 14-15B, covering the period January 1, 2015 to June 30, 2015, the Successor Agency requested its statutory allocation from the Redevelopment Property Tax Trust Fund ("RPTTF") for its administrative cost allowance in the amount of $125,000.00.

B. That request was subsequently disallowed by the State Department of Finance ("DOF") in a letter dated December 17, 2014, which determined that unspent bond proceeds held by the Successor Agency must be used to pay the Successor Agency's administrative cost allowance before RPTTF may be used for this purpose. The Successor Agency disputed DOF's determination on the ground that income tax regulations governing the use of tax exempt bond proceeds prohibit the use of bond proceeds for this purpose.

C. The Successor Agency and DOF have negotiated a settlement of this dispute which will authorize the use of RPTTF to pay the Successor Agency's administrative cost allowance without recourse to the unspent bond proceeds.

D. The County Auditor-Controller previously distributed all funds from the RPTTF on January 2, 2015 and no funds currently remain in the RPTTF to now pay the Successor Agency its statutory administrative cost allowance for the ROPS 2014-15 B period. For this reason, the mutually-agreeable settlement of this dispute must proceed on a going-forward basis.

E. To resolve this one-time funding issue, the City desires to loan the Successor Agency the sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($125,000.00) to cover the Successor Agency's administrative cost allowance for the ROPS 2014-15 B period and be repaid prior to June 30, 2015, from the next allocation of property taxes from the RPTTF.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Successor Agency hereby agree as follows:

1. Immediately upon execution of this Agreement, the City shall loan the Successor Agency the total sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($125,000.00) (the "Loan") to cover the Successor Agency's administrative cost allowance for the ROPS 2014-15 B period.

2. The Loan shall be repaid without interest in one lump sum on or prior to June 30, 2015, from property taxes allocated to the Successor Agency from the RPTTF claimed in the Successor Agency's ROPS 2015-16A period.

3. The Successor Agency covenants to include this Agreement on its next ROPS submission in order to qualify for an allocation from the RPTTF.

In Witness Whereof, this Agreement has been executed by the parties hereto by their respective representatives thereunto duly authorized on the date first written above.

CITY OF CLAYTON, a municipal corporation

By:_________________________________
David T. Shuey, Mayor

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON, a public body

By:_________________________________
Gary A. Napper, Executive Director

CANDACE BASS

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

Agenda Date: 2-17-2015

Agenda Item: 4a

STEVE CHANDLER

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

JOHN GARRETT

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

GARY HOOD

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

JOHN HUNTER

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

BILL SAFREED

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

GEORGE SOMOFF

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

HERB YONGE

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

LON GOETSCH

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

DEBBY BRUNO

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

LISA CLOVEN

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

CARL BODIN

for

Participation on the

Clayton Fire Services Ad-hoc Committee

And

Re-Opening of Fire Station No. 11

on Center Street, Clayton

GAVIN HANRATTY

Troop 492
Muir District, Mt. Diablo Silverado Council
Boy Scouts of America

for

Installation of two six-foot aluminum benches in the Clayton Dog Park
as his
BSA Eagle Scout Project

January 2015

Agenda Date: 2-17-2015
Agenda Item: 4b

CITY OF CLAYTON
Founded 1857.. Incorporated 1964

Agenda Date: 2-17-2015

Agenda Item: 7a

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHARLIE MULLEN, COMMUNITY DEVELOPMENT DIRECTOR

DATE: FEBRUARY 17, 2015

SUBJECT: PUBLIC HEARING TO CONSIDER A CITY-INITIATED ORDINANCE AMENDING AND/OR UPDATING VARIOUS CODE SECTIONS, DEFINITIONS, REGULATIONS AND PERMIT PROCEDURES OF THE CLAYTON MUNICIPAL CODE, CHAPTERS 5.04, 5.12, 10.36, 17.04, 17.36, 17.60 and 17.70, RELATING TO MOBILE VENDORS, INCLUDING MOBILE FOOD VENDORS AND MOBILE RETAIL VENDORS (ZOA-01-15).

RECOMMENDATION

Staff recommends the City Council receive and consider the staff report, then open and conduct a Public Hearing and receive any public comment; after closure of the Public Hearing and subject to any changes by the City Council, by motion have the City Clerk read the Ordinance (see Attachment 1) by title and number only and waive further reading; and following the City Clerk's reading, the City Council by motion approve the introduction and first reading of the Ordinance.

BACKGROUND

City staff recently received inquiries relating to mobile vending, particularly mobile food vendors. These inquiries prompted staff to scrutinize various chapters of the Clayton Municipal Code pertaining to and regulating mobile vendors. After reviewing the applicable City Codes, staff determined that updating various Code Sections, definitions, regulations, and permit procedures of the Clayton Municipal Code, Chapters 5.04, 5.12, 10.36, 17.04, 17.36, 17.60 and 17.70, pertaining to Mobile Vendors, including mobile food vendors and mobile retail vendors was necessary and warranted.

In researching the current Municipal Code as it pertains to mobile vendors, staff also researched the history of the current codes and ordinances. It was determined they originate from Ordinance No. 22 adopted August 4, 1964, Ordinance No. 181 adopted May 17, 1978, and Ordinance No. 208 adopted November 4, 1981. With over 33 years since the last comprehensive review of this topic, this proactive review and update of the applicable codes would further appear to be warranted and timely.

On January 27, 2015, the Planning Commission conducted a noticed Public Hearing to consider the draft Ordinance, after which it adopted Resolution No. 01-15 (attached) recommending City Council approval of the proposed Mobile Vendor Ordinance with only four minor typographic suggestions that have been incorporated into the current draft Ordinance. Two citizens spoke in support of the Ordinance and in support of the City being open to considering requests from upscale mobile food vendors.

DISCUSSION

Periodically, cities are prompted by inquiries from businesses and/or the general public to review their Municipal Code as it pertains to certain matters or topics. Recent inquires pertaining to the permitting of mobile vendors, particularly mobile food vendors, have prompted such a review. Upon conducting a thorough review of the applicable Clayton Municipal Code Chapters relating to Mobile Vendors, specifically Chapters 5.04, 5.12, 10.36, 17.04, 17.36, 17.60, and 17.70 of Titles 5, 10, and 17, staff has determined that Ordinance amendments to these Chapters are warranted in order to modernize and integrate the various code sections, definitions, regulations, and permit procedures.

As part of its research and review process, staff also examined mobile vending regulations of approximately 14 other communities, particularly the cities of San Ramon, Lathrop, Davis Woodland, and Santa Cruz. Reviewing other community regulations was very beneficial in updating and crafting particular components and regulations in the proposed Ordinance to best suit the City of Clayton. The City Attorney provided critical review and input into the proposed Mobile Vendor Ordinance. The City Attorney further advised staff that pursuant to State Law and recent court decisions, cities may establish and impose reasonable regulations for mobile food vendors, but cities cannot outright prohibit them.

EXECUTIVE SUMMARY

The following is a summary of the proposed Ordinance amendments by numerical Title and Chapter or Section. Please refer to the attached draft Ordinance that shows deleted text in strikeout and new text in red-font underline.

Title 5
BUSINESS LICENSES & TAXES

Sections 5.04.540 and 5.12.340 are being renamed "Mobile food vendor" for internal consistency and to cover a broader definition of uses and activities.

Section 5.12.010.E is the definition for "Mobile food vendor" and is being amended and updated for internal consistency and to cover a broader definition of uses and activities.

Title 10
VEHICLES & TRAFFIC

Section 10.36.120 is being deleted in its entirety as it will be covered by the general definition of "Mobile Vending".

Section 10.36.130 is the definition for "Mobile vending" and is being amended and updated for internal consistency and to cover a broader definition of uses and activities to include both mobile food vending and mobile retail vending. The permit process and reviewing body is also proposed to be change from an ambiguous "written permit" from the City Engineer subsequent to City Council authorization to a discretionary "Use Permit" from the Planning Commission. The Use Permit process has a clearly defined and tractable process and processing fee. This land use process provides for public hearing review before the Planning Commission, while still allowing for City Council review of appeals or referrals.

Section 10.36.150 is being amended to add administrative citation authority in addition to the revocation authority and adds cross references to the applicable provisions of the Clayton Municipal Code.

Title 17
ZONING

Chapter 17.04 Definitions is being amended to add new definitions for "Mobile Food Vendor," "Mobile Retail Vendor," and "Mobile Vendor." Renumbering of some existing definitions is also required. The mobile food vendor definition is specific to food sales and uses only, while mobile retail food vendor basically covers all non-food retail sales. The mobile vendor definition is the preferred broader use category that includes all mobile food vendors and all mobile retail vendors.

Chapter 17.36 General Regulations is being amended to add new Section 17.36.084 for Mobile Vendors, to establish the permit process and regulations for all mobile vendors, including mobile food vendors and mobile retail vendors. The primary permit process for year-round mobile vendors will be the discretionary Use Permit process. Use Permits are considered by the Planning Commission at a Public Hearing, and will end there unless appealed or referred to the City Council.

An exception to the Use Permit process will apply to mobile vendors that desire to obtain a Temporary Use Permit for not more than a combined total of 45 days or 4 individual events per calendar year (per existing Code). An exception will also apply to mobile vendors that are part of a primary special event that is approved by the City, for example the Art and Wine Festival or Oktoberfest.

Section 17.36.084 also includes minimum submittal requirements, standards, and conditions that clarify the information needed for Use Permit and Temporary Use Permit submittals and the standards and conditions that will apply to mobile vendors. The standards and conditions are established to protect and promote the health, safety, and general welfare of the community.

Chapter 17.60 Use Permits is amended to add "Mobile Vendors" to the list of uses that require a Use Permit.

Chapter 17.70 Temporary Use Permits is amended to add "Mobile Vendors" to the list of uses that require a Temporary Use Permit.

It is the professional opinion of staff and the City Attorney the proposed Ordinance language will provide an efficient and effective update of the Clayton Municipal Code Chapters as related to Mobile Vendors.

CEQA

Pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3) it can be seen with certainty there is no possibility the proposed text amendments and updates to the Clayton Municipal Code may have a significant effect on the environment, and therefore it is not subject to CEQA.

ATTACHMENTS

1. Draft Mobile Vendor Ordinance (in strikeout/red-underline changes)
2. Planning Commission Resolution No. 01-15 (without Exhibit)

X:\Com Dev\Z O A\2015\ZOA-01-15 - Mobile Vendors Ord\CC Mtg. - 2-17-15\SRCC- ZOA-01-15 - MobileVendorOrd - CC mtg 2-17-15(Final).docx

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 5.04, 5.12, 10.36, 17.04, 17.36, 17.60 AND 17.70 OF THE CLAYTON MUNICIPAL CODE RELATING TO MOBILE VENDORS (ZOA-01-15)

THE CITY COUNCIL
City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON, CALIFORNIA DOES HEREBY FIND AS FOLLOWS:

WHEREAS, this Ordinance will amend and/or update various code sections, definitions, regulations and permit procedures of the Clayton Municipal Code pertaining to mobile vendors, including mobile food vendors and mobile retail vendors, to help protect the public health, safety and general welfare; and

WHEREAS, the Clayton Planning Commission held a duly-noticed public hearing on January 27, 2015, at which they adopted Resolution No. 01-15 recommending City Council approval of the proposed Ordinance to amend the Clayton Municipal Code relating to Mobile Vendors of food products and non-food products; and

WHEREAS, the Clayton City Council, at its regular public meetings on February 17, 2015 and March 3, 2015, held duly-noticed public hearings to review and consider an Ordinance to amend the Clayton Municipal Code relating to Mobile Vendors of food products and non-food products; and

WHEREAS, the City Council has determined that, pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3), it can be seen with certainty that there is no possibility that these amendments and/or updates to the Clayton Municipal Code may have a significant effect on the environment and, therefore, is not subject to CEQA; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Clayton City Council has reviewed and considered all written evidence and oral testimony presented to date on this local matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment. Sections 5.04.540, 5.12.010, and 5.12.340 of Chapters 5.04 and 5.12 of Title 5 Business Licenses & Taxes of the Clayton Municipal Code are hereby amended in part to read as set forth in Exhibit A, incorporated herein by this reference.

Section 3. **Amendment.** Section 10.36.120 of Chapter 10.36 of Title 10 Vehicles & Traffic of the Clayton Municipal Code is hereby amended in part to read as set forth in the attached Exhibit B, incorporated herein by this reference.

Section 4. **Amendment.** Specified Sections of Chapter 17.04 Definitions, Chapter 17.36 General Regulations, Chapter 17.60 Use Permits and Chapter 17.70 Temporary Use Permits of Title 17 Zoning of the Clayton Municipal Code are hereby either amended or amended in part to read as set forth in the attached Exhibit C, incorporated herein by this reference.

Section 5. **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 6. **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 7. **Effective Date and Publication.** This Ordinance shall become effective thirty (30) days from and after the date of its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause 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. Further, the City Clerk is directed to cause Sections 2, 3 and 4 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a duly-noticed public hearing during a regular public meeting of the City Council of the City of Clayton held on February 17, 2015.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on March 3, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

____

David T. Shuey, Mayor

ATTEST

Janet Brown, 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 meeting of the City Council of the City of Clayton held on February 17, 2015, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on March 3, 2015.

Janet Brown, City Clerk

DRAFT

EXHIBIT A

Title 5
BUSINESS LICENSES & TAXES

Amendment. Sections of Chapter 5.04 Business Licenses and Taxes Generally of the Clayton Municipal Code is hereby amended in part to read as set forth below:

Sections:
5.04.540 Mobile food vendor.~~Lunch wagon, catering truck.~~

Amendment. Section 5.04.540 of Chapter 5.04 Business Licenses and Taxes Generally of the Clayton Municipal Code is hereby amended in part to read in full as set forth below:

5.04.540 Mobile food vendor.~~Lunch wagon, catering truck.~~

Amendment. Sections of Chapter 5.12 Food Handling Activities of the Clayton Municipal Code is hereby amended in part to read as set forth below:

Sections:
5.12.340 License fees—Mobile food vendor. ~~Retail food vehicle—food peddler.~~

Amendment. Section 5.12.010.E. of Definitions of Chapter 5.12 Food Handling Activities of the Clayton Municipal Code is hereby amended to read in full as set forth below:

E. "Mobile food vendor~~Retail food vehicle~~" means any vehicle, pushcart, trailer, wagon, portable stand or temporary location, designed or used or intended to be used, by or for any one or more of, but not limited to, the following persons and/or uses: bakery distributor, fish or meat peddler, food salvage distributor, fruit, nut and/or vegetable distributor, grocery distributor, commercial or industrial catering, ~~mobile~~ food cooking and/or preparation unit, and itinerant restaurant. It includes, but is not limited to, any vehicle, pushcart, trailer, wagon, portable stand or temporary location, from which animal food, bakery products, fish, shell fish, seafood, fruits and nuts, vegetables, meats, poultry, preserves, jelly, relish, milk or any other dairy products, fresh, frozen or non-perishable food or food products, ice cream, shaved ice or yogurt products, ice or beverages, whether in bulk, canned, wrapped, bottled, packaged, or any other form, are sold or kept for sale at retail, or are distributed to the consumer.

Amendment. Section 5.12.340 of Chapter 5.12 Food Handling Activities of the Clayton Municipal Code is hereby amended in part to read as set forth below:

5.12.340 License fees—Mobile food vendor.~~Retail food vehicle—Food peddler.~~

EXHIBIT B

Title 10
VEHICLES & TRAFFIC

Amendment. Sections of Chapter 10.36 Stopping Standing Parking of the Clayton Municipal Code is hereby amended in part to read as set forth below:

Sections:
~~10.36.120 Vending from vehicle.~~

10.36.130 Mobile vending ~~Selling food from parked vehicle~~-Permit required.

Amendment. Section 10.36.120 of Chapter 10.36 Stopping Standing Parking of the Clayton Municipal Code is hereby deleted in its entirety as set forth below:

~~10.36.120 Vending from vehicle. Except with written permission from the city engineer, subsequent to city council authorization, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, or food stuffs are sold, displayed, solicited or offered for sale or bartered or exchanges, or any lunch wagon or eating car or vehicle, on any portion of any street within this city. In issuing a permit, the city council may impose such conditions as they deem appropriate to preserve the public peace, safety and welfare. The provisions of this section shall not apply to persons delivering such articles upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution. Notwithstanding the foregoing, the city council shall not issue any permit permitting any type of vending from any vehicle, wagon or pushcart parked upon a city arterial street. (Ord. 208, 1981; Ord. 148, 1975; Ord. 71, 1969; Ord. 22, 1964).~~

Amendment. Section 10.36.130 of Chapter 10.36 Stopping Standing Parking of the Clayton Municipal Code is hereby amended in part to read as set forth below:

10.36.130 Mobile vending ~~Selling food from parked vehicle~~ Permit required. No person, vehicle, pushcart, trailer, wagon, portable stand or temporary location, designed or used or intended to be used, by or for any one or more of, but not limited to, mobile food vendors and/or mobile retail vendors (as defined in Chapter 17.04 of the Clayton Municipal Code) shall park, ~~or~~ stand or locate permanently or temporarily on any public or private street, sidewalk, parking lot, easement or right-of-way ~~any lunch wagon, eating cart or vehicle, or pushcart from which articles of food or drink are sold or offered for sale~~ without first obtaining ~~a~~ Use Permit approval from the Planning Commission for a Mobile Food Vendor and/or Mobile Retail Vendor, as specified and required under Section 17.36.084 of the Clayton Municipal Code. ~~written permit to do so from the city engineer, subsequent to city council authorization, which shall designate the specific location in which such cart shall stand. In issuing a permit, the city council may impose such conditions as they deem appropriate to preserve the public peace, safety and welfare. Notwithstanding the foregoing, the city council shall not issue any permit permitting any type of vending from any vehicle, wagon, or pushcart parked upon a city arterial street. (Ord. 208, 1981).~~

Amendment. Section 10.36.150 of Chapter 10.36 Stopping Standing Parking of the Clayton Municipal Code is hereby amended in part to read as set forth below:

10.36.150 Permits—Cited or Revoked ~~when~~. Whenever any permit is granted under the provisions of Sections ~~10.36.120 through~~ 10.36.130 and 10.36.140 such permits may be administratively cited or revoked in accordance with the applicable provisions of the Clayton Municipal Code, including but not limited to Chapters 1.14 and 17.64. ~~and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section and Sections 10.36.120 through 10.36.140, such permit shall be forthwith revoked by the city engineer upon the filing of the record of such conviction with such officer and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Ord. 148, 1975; Ord. 71, 1969, Ord. 22, 1964).~~

DRAFT

EXHIBIT C

Title 17
ZONING

Amendment. Sections of Chapter 17.04 Definitions of the Clayton Municipal Code is hereby amended in part to read as set forth below:

Sections:

17.04.142 Mobile Food Vendor

17.04.143 Mobile Retail Vendor

17.04.144 Mobile Vendor

17.04.145~~2~~ Non Conforming Use

17.04.146~~5~~ Off-Street Loading Facility

17.04.147~~6~~ Off-Street Parking Facility

Amendment. Chapter 17.04 Definitions of the Clayton Municipal Code is hereby amended in part to read as set forth below:

17.04.142 Mobile Food Vendor. "Mobile Food Vendor" means any vehicle, pushcart, trailer, wagon, portable stand or temporary location, designed or used or intended to be used, by or for any one or more of, but not limited to, the following persons and/or uses: bakery distributor, fish or meat peddler, food salvage distributor, fruit, nut and/or vegetable distributor, grocery distributor, commercial or industrial catering, food cooking and/or preparation unit, and itinerant restaurant. It includes, but is not limited to, any vehicle, pushcart, trailer, wagon, portable stand or temporary location, from which animal food, bakery products, fish, shell fish, seafood, fruits and nuts, vegetables, meats, poultry, preserves, jelly, relish, milk or any other dairy products, fresh, frozen or non-perishable food or food products, ice cream, shaved ice or yogurt products, ice or beverages, whether in bulk, canned, wrapped, bottled, packaged, or any other form, are sold or kept for sale at retail, or are distributed to the consumer. See Section 17.36.084 for permits required and regulations.

17.04.143 Mobile Retail Vendor. "Mobile Retail Vendor" means any vehicle, pushcart, trailer, wagon, portable stand or temporary location, designed or used or intended to be used, by or for any one or more of, but not limited to, the following persons and/or uses: sales of non-perishable goods, items or merchandise, new or used, including but not limited to art or art objects, auto parts or equipment, candles, electronic equipment, handmade crafts, housewares, household goods, flowers, flags, furniture, jewelry, landscape plants and goods, rugs, sports equipment or memorabilia, yard ware and yard accessories, or other similar items which are sold or kept for sale at retail, or are distributed to the consumer. See Section 17.36.084 for permits required and regulations.

17.04.144 Mobile Vendor. "Mobile Vendor" means any business, person or use defined as either a Mobile Food Vendor or as a Mobile Retail Vendor.

17.04.145~~2~~ Non Conforming Use.

17.04.146~~5~~ Off-Street Loading Facility.

17.04.147~~6~~ Off-Street Parking Facility.

Amendment. Sections of Chapter 17.36 General Regulations of the Clayton Municipal Code is hereby amended in part to read as set forth below:

Sections:
17.36.084 Mobile Vendor – Permits and Regulations.

Amendment. Chapter 17.36 General Regulations of the Clayton Municipal Code is hereby amended in part to add new Section 17.36.084 to read as set forth below:

17.36.084 Mobile Vendor – Permits and Regulations. The purpose of these regulations is to promote the health, safety, convenience, prosperity, and general welfare by requiring that mobile food vendors and mobile retail vendors provide the community and customers with a minimum level of cleanliness, quality, safety, security and comply with all applicable licensing and permitting requirements of the City of Clayton and Contra Costa County.

A. Use Permit Required. In order to conduct a mobile vendor business operation within the City of Clayton all mobile vendors, including mobile food vendors and mobile retail vendors, shall be required to obtain Use Permit approval from the Planning Commission, in accordance with the Use Permit processing provisions of Chapter 17.60. All mobile vendors applying for individual Use Permits shall also be required to comply with the following applicable Subsection C. Minimum Use Permit Submittal Requirements, Standards and Conditions. Notwithstanding the foregoing, a mobile vendor exclusively operating in the right-of-way in compliance with all terms and conditions of this chapter and other applicable law shall be granted a Use Permit.

B. Exceptions. The exception to the Use Permit requirement shall only apply when either a mobile food vendor and/or mobile retail vendor applies and receives administrative approval of a Temporary Use Permit or is part of a special event that applies and receives administrative approval of a Temporary Use Permit, in accordance with the Temporary Use Permit processing provisions of Chapter 17.70. All mobile vendors applying for individual Temporary Use Permits shall also be required to comply with the following applicable Subsection C. Minimum Use Permit Submittal Requirements, Standards and Conditions.

C. Minimum Use Permit Submittal Requirements, Standards and Conditions.

1. Any business or person(s) desiring to conduct in a mobile vendor operation, as defined by Chapter 17.04 of this code, shall submit a completed Use Permit application, including a written description of their mobile vending operation, applicable plans and information as deemed necessary, and pay a Use Permit processing fee as established from time to time by City Council resolution.

2. The mobile vending operation or activity as proposed by the applicant shall comply with all applicable laws including, but not limited to, the applicable building, fire, health, safety and zoning, regulations under state law, county codes and this code.
3. If applicable, provide a copy of the vehicle's current registration and of the vehicle insurance policy, and maintain current validity of the documentation with the City during the full term of the Use Permit.
4. Provide at least two photographs (showing different exterior views) of each vehicle, pushcart, trailer, wagon, portable stand or temporary location.
5. Each mobile vendor business operation must supply a Live Scan background check of each individual person working for said business in the City of Clayton to the Clayton Police Department and a California identification card to prove that he or she is the person in the background check.
6. Prior to commencement of business operations all mobile food vendors shall provide the city with a copy of their approved Contra Costa County Mobile Food Facility Application/Permit.
7. Prior to commencement of business operations each mobile vendor business operation shall obtain a city Business License and display it prominently at all times when conducting business in the city.
8. For mobile food vendors shall provide to and maintain with the City a list of all food items that will be offered for sale. Nonfood items are not allowed for sale from mobile food vendors.
9. For mobile retail vendors shall provide to and maintain with the City a list of all goods, items and merchandise that will be offered for sale. Food items are not allowed for sale from mobile retail vendors.
10. Permitted hours of operation for mobile vendors operating in a public right-of-way are from dawn to 9:00 pm. Permitted hours of operation for mobile vendors in all residential zoning districts locations are from dawn to dusk, unless otherwise restricted or allowed under an approved Use Permit or Temporary Use Permit.
11. Mobile vendors shall not operate within one hundred (100) feet of any street intersection controlled by a crosswalk, traffic light, or stop sign.
12. Mobile vendors shall not operate within five hundred (500) feet of another mobile vendor.
13. Mobile vendors shall not stop in one location for more than three (3) hours, except in residential zoning districts in which case mobile vendors shall not stop for more than ninety (90) minutes in one location. Mobile vendors shall not return to the same location on the same calendar day.
14. No mobile vendor shall locate within three hundred (300) feet of the property line of a school between seven a.m. and four p.m. on days when school is in service or during a school event.
15. No mobile vendor shall locate, park or stop in a location on or along an arterial street or on a public or private street, sidewalk, parking lot, easement or right-of-way that prohibits parking or stopping of vehicles or conflicts with other signed or designated restrictions.
16. No mobile vendor shall interfere with access, driveways, aisles, or circulation, and shall not operate in a place where the operation will create a traffic hazard.

17. No mobile vendor shall locate on a sidewalk, trail or any area that may impede foot traffic or interfere with pedestrian movement or create a pedestrian hazard.
18. Vending from a vehicle, wagon, pushcart or trailer is prohibited on the exposed street and/or traffic side of the vehicle, wagon, pushcart or trailer.
19. Portable tables, chairs, shade structures and signs are prohibited.
20. Mobile vendors shall provide waste containers and take away all waste generated or associated with their activity, and properly and legally dispose of said waste.
21. No mobile vendor shall use live or amplified music or sound, unless otherwise allowed under an approved but Use Permit or Temporary Use Permit for an ice cream truck.
22. Mobile vendors shall comply with all applicable fire protection and safety requirements prescribed by the Contra Costa County Fire Protection District.
23. Additional Use Permit conditions of approval may be imposed and/or required based on the specifics of each individual request.

Amendment. Chapter 17.60 Use Permits of the Clayton Municipal Code is hereby amended in part to add new Subsection 20. of Section 17.60.030.C. to read as set forth below:

17.60.030 Use Permits Required.

C. Commercial Related Uses.

20. Mobile Vendors (as specified and regulated in Section 17.36.084).

Amendment. Chapter 17.70 Temporary Use Permits of the Clayton Municipal Code is hereby amended in part to add new Section G. of Section 17.70.020 to read as set forth below:

17.70.020 Conditionally permitted uses.

G. Mobile Vendors (as specified and regulated in Section 17.36.084).

H.~~G.~~ Other similar temporary uses.

CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 01-15

RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING CHAPTERS 5.04, 5.12, 10.36, 17.04, 17.36, 17.60 AND 17.70 OF THE CLAYTON MUNICIPAL CODE RELATING TO MOBILE VENDORS (ZOA-01-15)

WHEREAS, this Ordinance will amend and/or update various code sections, definitions, regulations and permit procedures of the Clayton Municipal Code pertaining to mobile vendors, including mobile food vendors and mobile retail vendors to help protect the public health, safety and general welfare; and

WHEREAS, the Clayton Planning Commission held a duly-noticed public hearing on January 27, 2015, at which they adopted Resolution No. 01-15 recommending City Council approval of the proposed Ordinance to amend the Clayton Municipal Code relating to Mobile Vendors of food products and non-food products; and

WHEREAS, the Planning Commission has determined that, pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3), it can be seen with certainty that there is no possibility that the proposed amendments and/or updates to the Clayton Municipal Code may have a significant effect on the environment and, therefore, is not subject to CEQA; and

WHEREAS, the Planning Commission has determined that the proposed amendments and/or updates to the Clayton Municipal Code do not conflict with and are in general conformance with the Clayton General Plan; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Clayton based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend City Council approval of the proposed Ordinance to amend the Clayton Municipal Code relating to Mobile Vendors, attached hereto as Exhibit A and incorporated herein by this reference.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 27th day of January, 2015.

ATTACHMENT - 2

Planning Commission
Resolution No. 01-15

APPROVED:

Dan Richardson
Chair

ATTEST:

Charlie Mullen
Community Development Director

ATTACHMENTS
Exhibit A – Draft Ordinance pertaining to Mobile Vendors

X:\Com Dev\Z O A\2015\ZOA-01-15 - Mobile Vendors Ord\PC Reso. 01-15 - Mobile Vendor Ord..docx

CITY OF CLAYTON
Founded 1857... Incorporated 1964

Agenda Date: 2-17-2015

Agenda Item: 8a

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA

DATE: February 17, 2015

SUBJECT: MID-YEAR BUDGET REVIEW AS OF DECEMBER 31, 2014

STAFF RECOMMENDATION

1. By motion, accept the Mid-Year Budget staff report of the City's General Fund and Special (Restricted-Use) Funds for Fiscal Year 2014-15 with no mid-year budget adjustments.

BACKGROUND

Following a public hearing the City's budgets for fiscal year 2014-15 were adopted by the City Council on June 17, 2014. The adopted Budget for the City's General Fund included projected revenues of $3,879,561 and total appropriations of $3,852,275. This resulted in anticipated budgetary surplus of $27,286.

FISCAL YEAR-TO-DATE BUDGETARY CHANGES

1. On December 16, 2014 the City Council approved the award of a contract to Miracle PlaySystems for the removal and replacement of the resilient play surface at the tot lot of the downtown Grove Park for an amount not to exceed $54,606. Resolution No. 46-2014 approving this contract also spelled out an increase in estimated funding sources of $45,000 resulting from a favorable latent defect settlement with the Grove Park construction general contractor. As such the fiscal year 2014-15 Grove Park (Fund No. 211) budget was amended to reflect the approved increase in appropriations of $54,606 and an increase in estimated revenues of $45,000.

2. Also on December 16, 2014 the City Council approved Resolution No. 47-2014 authorizing the transfer of $59,297 from the Parkland Dedication fee account in the Development Impact Fee Fund (No. 304) to the Capital Improvement Fund (No. 303) to help eliminate project deficits remaining in the 2010 Neighborhood Street Program (CIP No. 10409). Pursuant to this City Council action, the fiscal year 2014-15 Development Impact Fee and Capital Improvement Funds were amended to reflect the increase inter-fund transfers.

DISCUSSION

The revenue and expenditure figures for the second quarter of fiscal year 2014-15 are now compiled, offering a view of the fiscal picture for half an operating year. Attached is a mid-year financial report of General Fund expenditures and revenues through December 31, 2014.

1. General Fund Revenues
General Fund revenues for mid-year are at 55.3% of budget compared to 51.58% in the prior year (fiscal year 2013-14) Mid-Year Budget Review. The following table summarizes significant revenue sources compared with results from the past two mid-year budget review reports:

Description	2014-15	2013-14	2012-13
Total Mid-Year Revenue	$ 2,144,221	$ 1,913,118	$ 1,764,582
Inter Fund Transfers	139,829	216,854	182,008
Property Taxes	922,799	848,831	788,931
RPTTF Distribution	166,339	120,050	116,527
Sales and Use Tax	126,110	115,122	112,154
Business Licenses	109,548	93,095	103,701
Building Permit Fees	21,090	19,426	34,616
Planning Project Fees	3,908	21,172	15,616
Real Property Transfer Tax	35,452	33,650	25,310
Mid-Year Actual to Projected Revenue	55.27%	51.58%	49.15%

An analysis of our mid-year General Fund status reveals that actual General Fund revenues presently exceed General Fund expenditures by **$121,747**. Generally, mid-year results yield temporary negative variances as a result of the difference in timing between governmental revenues and expenditures at the beginning of the fiscal year. However, an analysis of revenues illustrates this positive variance is largely explained by three revenue sources in the General Fund in fiscal year 2014-15:

A. The first non-recurring revenue source derives from a transfer from the Clayton Community Gym Enterprise Fund (No. 702) totaling $88,793. This results from a resolution of the dispute with the Mt. Diablo Unified School District during the current year over the shared use of gym and field facilities. The resolution of this dispute also results in additional facility rental revenues to the General Fund approximating $26,000 on a prospective basis.

B. The second non-recurring revenue source arose from the City's cost recovery involved in the successful issuance of the 2014 refunding Tax Allocation Bonds totaling $25,000.

C. The third difficult to predict and non-recurring revenue source was an increase in SB90 state mandated reimbursements of $21,817 over the prior year.

Eliminating the impact of these "one time" revenue sources totaling $135,610, results in mid-year General Fund revenues falling short of expenditures by **$13,863**. As outlined previously, this paints a better picture of normal operations as expenditures typically "outpace" revenues by mid-year. Large expenditures incurred up front include organizational and professional annual dues, subscriptions and insurance premiums. Significant delayed revenue sources include monthly allocations of sales taxes and the County public safety funds that are received 2 months in arrears. Regardless, the current position of the General Fund is encouraging considering the prior two Mid-Year Reports reported temporary shortfalls of $257,897 and $47,549 for fiscal year 2013-14 and fiscal year 2012-13 respectively.

When applying actual mid-year revenue results to year-end projections, it is reasonably possible that revenues may come in $165,000 higher than budgeted. This estimate incorporates certain operational revenues coming in higher than originally anticipated (i.e. property taxes growing at 8% versus 4%), other revenues now estimated to come in slightly lower than anticipated, as well as the non-recurring revenues outlined previously. Despite this good news, the higher than projected surplus will be <u>critical</u> in helping fund the statutory payment required to be made to the Redevelopment Successor Agency pursuant to the Due Diligence Reviews (DDRs) completed pursuant to Assembly Bill 1484 (AB1484). The General Fund's AB1484 liability is described in more detail in the following General Fund Expenditures section.

2. <u>General Fund Expenditures</u>
General Fund expenditures for mid-year are at $2,012,187 (52.2% of budget) compared to $2,171,015 (54.69% of budget) in the prior year (2013-14) Mid-Year Budget Review report. The table below summarizes departmental expenditures compared with results from the past two Mid-Year Budget Reviews:

Description	2014-15	2013-14	2012-13
Legislative	$ 39,294	$ 28,605	$ 26,376
Administration / Finance	428,666	542,429	397,861
Public Works / Community Park	210,346	184,643	167,259
Planning & Community Development	151,576	162,035	139,913
General Services	89,437	88,870	81,832
Police	996,943	964,421	911,474
Library	56,473	63,935	45,841
Engineering	45,372	56,922	41,846
Total	$ 2,018,106	$ 2,091,861	$ 1,812,402

3. <u>Successor Agency</u>
As noted above, the DDRs were completed during fiscal year 2014-15. The DDRs as well as the State Controller's Office (SCO) Asset Transfers Review report dated December 23, 2014 conclude that the General Fund's exposure resulting from the AB 1484 State law "claw-back" is $200,000 pertaining to budgeted transfers to the General Fund for administering the former RDA. The "claw-back" provision of AB 1484 required that all asset transfers from the former RDA to City occurring between January 1, 2011 and January 31, 2012 be returned to the Successor Agency. The payment to the Successor Agency has not yet been made as City management intends to wait until formal notification is received from the Department of Finance that the DDRs have been approved. Approval from the Department of Finance is expected 60 days after the expected submission date of March 3, 2015. Upon receiving final

approval of the DDRs, management intends to propose budgetary action to the City Council to address the obligation at that time.

At this point no General Fund budget amendments are deemed necessary as operational General Fund expenditures are expected to come in under budget. The necessity to amend the General Fund budget will be re-addressed towards the end of the fiscal year during the preparation of the fiscal year 2015-16 budget.

4. Other Fund Revenues and Expenditures

Annual revenues and expenditures of the City's Other Funds each appear to be on target as originally budgeted. Consistent with prior years, Measure J revenues (CCTA) are unsurprisingly under budget at mid-year as Measure J revenues for this fiscal year are not expected to be received until October 2015. Revenues currently reported in the Measure J fund pertain primarily to revenues for the Sub-regional Transportation Needs Program 28a, which was not originally included in our adopted fiscal year 2014-15 Measure J budget as its availability arose after budget adoption.

Below is a mid-year revenue budget-to-actual comparison schedule of the City's Other Funds:

Fund	Budgeted Revenue FY 2014-15	Mid-Year Actual Revenue	% Realized
Gas Tax	$ 319,921	$ 156,753	49.0%
Landscape Maintanance District	1,009,224	814,109	80.7%
The Grove Park	178,506	124,770	69.9%
Oakhurst GHAD	36,909	20,204	54.7%
Street Light Assessment District	127,871	69,924	54.7%
Stormwater Assessment District	126,077	23,070	18.3%
Measure J	236,223	94,741	40.1%
Grants	143,805	77,726	54.0%
Development Impact Fees	8,700	3,306	38.0%

Below is a mid-year expenditure budget-to-actual comparison schedule of the City's Other Funds:

Fund	Budgeted Expenditures FY 2014-15	Mid-Year Actual Expenditures	% Realized
Gas Tax	$ 316,088	$ 57,046	18.0%
Landscape Maintanance District	1,084,757	345,343	31.8%
The Grove Park	226,180	64,673	28.6%
Oakhurst GHAD	38,805	34,817	89.7%
Street Light Assessment District	134,764	53,248	39.5%
Stormwater Assessment District	195,031	109,088	55.9%
Measure J	189,129	2,056	1.1%
Grants	137,322	58,927	42.9%
Development Impact Fees	59,297	114,521	193.1%

5. Budget Sub-Committee Review
Prior to the City Council meeting on February 17, 2015, the City Manager and the Finance Manager met with Vice Mayor Howard Geller and Council Member Keith Haydon to review the Mid-Year Budget results. The Council Budget Sub-Committee, following its same date meeting, may have further recommendations than contained in this Staff Report.

CONCLUSION

Staff recommends no budgetary action is necessary at this time. As outlined previously, the General Fund is projected to report a higher than anticipated surplus for fiscal year 2014-15. However, the results of the Redevelopment Agency dissolution procedures indicate this surplus will be crucial to offsetting the AB1484 eventual repayment to the Redevelopment Successor Agency.

It is noted City staff has done everything possible to reduce costs and operate on a tight budget over the past several years. Uncertainties that could impact costs are related to fluctuations in energy, water, vehicle operating costs, unforeseen building maintenance costs, unfunded state mandates or state-mandated shifts in revenue, and the aforementioned continued uncertainty involved in redevelopment agency dissolution.

The necessity to amend the General Fund and other fund budgets will be re-addressed towards the end of the fiscal year.

Respectively submitted,

Kevin Mizuno, CPA
Finance Manager

Attachments:

A. Mid-Year Budget-to-Actual Report (23 pages)
   i. General Fund – Pages 1 – 8
   ii. Other Funds – Pages 9 – 23

City of Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

101 - General Fund

Revenues

		Actual	Budget	Variance ($)	Budget Realized (%)
101-4101-00	Property Taxes - Secured	$874,791	$1,596,400	($721,609)	54.80 %
101-4102-00	Property Taxes - Unsecured	$40,505	$41,300	($795)	98.07 %
101-4103-00	Property Taxes - Unitary Tax	$6,781	$12,780	($5,999)	53.06 %
101-4104-00	Property Taxes - Supplemental	$722	$19,310	($18,588)	3.74 %
101-4106-00	Property Taxes - Other	$0	$10,710	($10,710)	0.00 %
101-4108-00	Redevelopment Property Tax Trust Fund - Distribution	$166,339	$247,400	($81,061)	67.23 %
101-4301-00	Sales and Use Tax	$126,110	$296,000	($169,890)	42.60 %
101-4502-00	Real Property Transfer Tax	$35,452	$62,420	($26,968)	56.80 %
101-5101-00	Business Licenses	$109,548	$116,500	($6,952)	94.03 %
101-5103-00	CCC Building Permit Remit Fees	$21,090	$45,250	($24,160)	46.61 %
101-5106-00	Engineering/Alcohol/Noise Permit Fees	$2,229	$5,910	($3,681)	37.72 %
101-5109-00	Stormwater Permit Fees	$2,086	$4,200	($2,115)	49.65 %
101-5201-00	Public Safety Allocation	$27,031	$75,800	($48,769)	35.66 %
101-5202-00	Abandoned Veh Abate (AVA)	$0	$4,630	($4,630)	0.00 %
101-5203-00	Motor Vehicle In Lieu	$4,590	$4,700	($110)	97.66 %
101-5205-00	Other In Lieu	$75,908	$151,816	($75,908)	50.00 %
101-5214-00	Post Reimbursements	$203	$2,680	($2,477)	7.58 %
101-5217-00	State Mandated Cost Reimbursement	$23,229	$0	$23,229	0.00 %
101-5301-00	Planning Services	$3,564	$6,760	($3,196)	52.72 %
101-5302-00	Police Services	$6,075	$11,430	($5,355)	53.15 %
101-5303-00	City Hall Rental Fees	$330	$0	$330	0.00 %
101-5304-00	Planning Fees (Public Hearing)	$3,908	$25,000	($21,092)	15.63 %
101-5306-00	Well Water Usage Charge	$19,352	$41,000	($21,648)	47.20 %
101-5319-00	Misc. City Services	$625	$495	$130	126.22 %
101-5322-00	City Fiduciary Fund Overhead Recovery	$164,451	$303,900	($139,450)	54.11 %
101-5401-00	Franchises - Comcast Cable	$100,219	$201,900	($101,681)	49.64 %
101-5402-00	Franchises - Garbage Fees	$89,242	$192,000	($102,758)	46.48 %
101-5403-00	Franchises - PG&E	$0	$116,200	($116,200)	0.00 %
101-5404-00	Franchises - Equilon Pipe	$12,290	$12,300	($10)	99.92 %
101-5405-00	AT&T Mobility Francise Fees	$5	$100	($95)	4.58 %

City of Clayton
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		Actual	Budget	Variance ($)	Budget Realized (%)
101-5501-00	Fines and Forfeitures	$7,735	$24,780	($17,045)	31.21 %
101-5601-00	Interest	$18,711	$37,600	($18,889)	49.76 %
101-5602-00	Park Use Fee	$19,201	$42,730	($23,529)	44.94 %
101-5603-00	Meeting Room Fee	$2,247	$1,830	$417	122.79 %
101-5608-00	Cattle Grazing Lease Rent	$9,418	$9,417	$1	100.01 %
101-5609-00	SBA Communications (formerly Sprint/ Nextel) Lease F	$19,474	$33,540	($14,066)	58.06 %
101-5701-00	Reimbursements/Refunds	$0	$5,100	($5,100)	0.00 %
101-5790-00	Other Revenues	$5,990	$3,600	$2,390	166.39 %
101-5791-00	Overhead cost recovery	$4,944	$10,000	($5,056)	49.44 %
101-6002-00	Trx. From Measure J Fund	$2,056	$4,112	($2,056)	50.00 %
101-6004-00	Trx. From Gas Tax	$3,437	$6,874	($3,437)	50.00 %
101-6005-00	Trx. From St. Lights	$5,284	$10,568	($5,284)	50.00 %
101-6006-00	Trx. From GHAD	$3,318	$6,635	($3,318)	50.00 %
101-6007-00	Trx. From Landscape Mtnce.	$16,528	$33,056	($16,528)	50.00 %
101-6011-00	Trx From Grove Park Fund	$3,358	$6,716	($3,358)	50.00 %
101-6016-00	Trx.From Stormwater Asses.	$17,056	$34,112	($17,056)	50.00 %
101-6030-00	Transfer from Community Gym Fund	$88,793	$0	$88,793	0.00 %
Totals for Department(s) 00 - City:		$2,144,221	$3,879,561	($1,735,340)	55.27 %
Total Revenues		**$2,144,221**	**$3,879,561**	**($1,735,340)**	**55.27 %**

Expenses

		Actual	Budget	Variance ($)	Budget Realized (%)
101-7115-01	Council/Commission Compensatio	$11,700	$23,400	$11,700	50.00 %
101-7220-01	PERS Retirement	$1,608	$3,881	$2,273	41.44 %
101-7231-01	Workers' Compensation	$1,021	$990	($31)	103.16 %
101-7232-01	Unemployment Compensation	$0	$1,116	$1,116	0.00 %
101-7233-01	FICA and Medicare	$305	$630	$325	48.41 %
101-7324-01	Dues and Subscriptions	$11,192	$12,074	$882	92.69 %
101-7362-01	City Promotional Activity	$2,402	$5,550	$3,148	43.28 %
101-7363-01	Business Entertainment Expense	$0	$100	$100	0.00 %
101-7382-0	Election Services	$8,016	$10,500	$2,484	76.34 %

Cit, f Clayton
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		Actual	Budget	Variance ($)	Budget Realized (%)
101-7419-01	Other Professional Services	$3,050	$7,500	$4,450	40.67 %
	Totals for Department(s) 01 - Legislative:	$39,294	$65,741	$26,447	59.77 %
101-7111-02	Regular Salaries	$246,178	$480,560	$234,382	51.23 %
101-7218-02	Life and LTD Insurance	$1,961	$3,870	$1,909	50.68 %
101-7220-02	PERS Retirement	$39,439	$80,580	$41,141	48.94 %
101-7231-02	Workers' Compensation	$20,807	$20,170	($637)	103.16 %
101-7232-02	Unemployment Compensation	$0	$2,604	$2,604	0.00 %
101-7233-02	FICA and Medicare	$3,838	$6,920	$3,082	55.47 %
101-7241-02	Auto Allowance/Mileage	$5,370	$10,740	$5,370	50.00 %
101-7246-02	Benefit Insurance	$39,271	$79,880	$40,609	49.16 %
101-7324-02	Dues and Subscriptions	$156	$1,931	$1,775	8.08 %
101-7332-02	Telephone	$2,737	$7,000	$4,263	39.10 %
101-7364-02	Employee Recognition	$1,382	$2,000	$618	69.11 %
101-7371-02	Travel	$0	$100	$100	0.00 %
101-7411-02	Professional Services Retainer	$28,381	$53,000	$24,619	53.55 %
101-7413-02	Legal Services	$3,302	$500	($2,802)	660.40 %
101-7414-02	Audit & Financial Reporting Services	$28,023	$28,000	($23)	100.08 %
101-7415-02	Computer Services	$7,819	$13,026	$5,207	60.03 %
101-7419-02	Other Professional Services	$0	$4,505	$4,505	0.00 %
	Totals for Department(s) 02 - Administration:	$428,666	$795,386	$366,720	53.89 %
101-7111-03	Regular Salaries	$7,510	$11,230	$3,720	66.88 %
101-7112-03	Temporary Salaries	$182	$1,330	$1,148	13.70 %
101-7113-03	Overtime	$20	$0	($20)	0.00 %
101-7218-03	Life and LTD Insurance	$43	$91	$48	47.46 %
101-7220-03	PERS Retirement	$1,315	$2,730	$1,415	48.15 %
101-7231-03	Workers' Compensation	$548	$531	($17)	103.16 %
101-7232-03	Unemployment Compensation	$0	$131	$131	0.00 %
101-7233-03	FICA and Medicare	$117	$264	$147	44.24 %
101-7246-03	Benefit Insurance	$1,065	$2,760	$1,695	38.58 %
101-7311-03	General Supplies	$2,140	$4,350	$2,210	49.20 %
101-7332-03	Telephone	$1,188	$2,000	$812	59.38 %

City of Clayton
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		Actual	Budget	Variance ($)	Budget Realized (%)
101-7335-03	Gas & Electricity	$17,088	$30,000	$12,912	56.96 %
101-7338-03	Water Services	$5,106	$15,450	$10,344	33.05 %
101-7341-03	Buildings/Grounds Maintenance	$12,759	$13,566	$807	94.05 %
101-7342-03	Machinery/Equipment Maintenanc	$2,186	$3,000	$814	72.88 %
101-7343-03	Vehicle Maintenance	$5,067	$5,500	$433	92.13 %
101-7344-03	Vehicles: Gas, Oil & Supplies	$6,239	$11,100	$4,861	56.21 %
101-7346-03	HVAC Mtn & Repairs	$4,677	$17,000	$12,323	27.51 %
101-7347-03	Deferred Mtn Projects	$989	$25,077	$24,088	3.94 %
101-7363-03	Business Entertainment Expense	$0	$160	$160	0.00 %
101-7373-03	Education & Training	$420	$690	$270	60.87 %
101-7411-03	Professional Services Retainer	$351	$9,600	$9,249	3.65 %
101-7417-03	Janitorial Service	$4,190	$8,400	$4,210	49.88 %
101-7419-03	Other Professional Services	$400	$400	$0	100.00 %
101-7429-03	Animal Control	$0	$525	$525	0.00 %
101-7486-03	CERF Charges	$15,000	$15,000	$0	100.00 %
Totals for Department(s) 03 - Public Works:		$88,599	$180,885	$92,286	48.98 %
101-7111-04	Regular Salaries	$79,666	$164,170	$84,504	48.53 %
101-7115-04	Council/Commission Compensatio	$3,600	$7,200	$3,600	50.00 %
101-7218-04	Life and LTD Insurance	$606	$1,320	$714	45.93 %
101-7220-04	PERS Retirement	$9,069	$19,920	$10,851	45.52 %
101-7231-04	Workers' Compensation	$7,108	$6,890	($218)	103.16 %
101-7232-04	Unemployment Compensation	$0	$868	$868	0.00 %
101-7233-04	FICA and Medicare	$1,022	$2,360	$1,338	43.31 %
101-7241-04	Auto Allowance/Mileage	$2,070	$4,240	$2,170	48.82 %
101-7246-04	Benefit Insurance	$17,054	$35,000	$17,946	48.73 %
101-7323-04	Books/Periodicals	$0	$100	$100	0.00 %
101-7324-04	Dues and Subscriptions	$0	$675	$675	0.00 %
101-7332-04	Telephone	$230	$560	$330	41.10 %
101-7384-04	Legal Notices	$1,084	$2,500	$1,416	43.35 %
101-7385-04	TRANSPAC Fees	$21,438	$22,641	$1,203	94.69 %
101-7411-(	Professional Services Retainer	$1,187	$19,200	$18,013	6.18 %
101-7419-04	Other Professional Services	$7,443	$3,210	($4,233)	231.88 %

City of Clayton
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Account	Description	Actual	Budget	Variance ($)	Budget Realized (%)
Totals for Department(s) 04 - Community Development:		$151,576	$290,854	$139,278	52.11 %
101-7119-05	Furloughs	$0	($9,160)	($9,160)	0.00 %
101-7231-05	Workers' Compensation	$1,738	$869	($869)	200.05 %
101-7232-05	Unemployment Compensation	$3,674	$0	($3,674)	0.00 %
101-7247-05	OPEB Contributions (Health Plan)	$3,427	$8,640	$5,213	39.67 %
101-7312-05	Office Supplies/Expense	$4,126	$6,000	$1,874	68.76 %
101-7314-05	Postage	$2,101	$4,000	$1,899	52.53 %
101-7331-05	Rentals/Leases	$5,927	$12,670	$6,743	46.78 %
101-7351-05	Insurance Premiums	$57,833	$69,407	$11,574	83.32 %
101-7381-05	Property Tax Admin. Costs	$0	$8,940	$8,940	0.00 %
101-7419-05	Other Professional Services	$9,861	$17,870	$8,009	55.18 %
101-7420-05	Administrative Costs	$749	$2,000	$1,251	37.45 %
Totals for Department(s) 05 - General Support:		$89,437	$121,236	$31,799	73.77 %
101-7111-06	Regular Salaries	$413,388	$858,300	$444,912	48.16 %
101-7113-06	Overtime	$40,439	$100,000	$59,561	40.44 %
101-7116-06	Part-time Salaries	$1,594	$4,200	$2,606	37.95 %
101-7218-06	Life and LTD Insurance	$3,270	$7,050	$3,780	46.39 %
101-7220-06	PERS Retirement	$145,338	$277,400	$132,062	52.39 %
101-7231-06	Workers' Compensation	$38,169	$37,000	($1,169)	103.16 %
101-7232-06	Unemployment Compensation	$0	$5,942	$5,942	0.00 %
101-7233-06	FICA and Medicare	$7,063	$14,400	$7,337	49.05 %
101-7241-06	Auto Allowance/Mileage	$2,220	$4,440	$2,220	50.00 %
101-7242-06	Uniform Allowance	$9,138	$9,000	($138)	101.54 %
101-7246-06	Benefit Insurance	$80,210	$147,300	$67,090	54.45 %
101-7311-06	General Supplies	$6,649	$5,000	($1,649)	132.98 %
101-7312-06	Office Supplies/Expense	$1,115	$2,350	$1,235	47.45 %
101-7314-06	Postage	$97	$500	$403	19.39 %
101-7324-06	Dues and Subscriptions	$3,763	$5,500	$1,737	68.42 %
101-7325-06	EBRCSA System Subscription	$8,900	$9,000	$100	98.89 %
101-7332-06	Telephone	$4,105	$11,000	$6,895	37.32 %
101-7342-06	Machinery/Equipment Maintenanc	$1,579	$1,500	($79)	105.25 %

City of Clayton
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		Actual	Budget	Variance ($)	Budget Realized (%)
101-7343-06	Vehicle Maintenance	$9,044	$17,000	$7,956	53.20 %
101-7344-06	Vehicles: Gas, Oil & Supplies	$17,375	$34,600	$17,225	50.22 %
101-7345-06	Office Equip-Maint/Repairs	$719	$1,860	$1,141	38.64 %
101-7364-06	Employee Recognition	$0	$500	$500	0.00 %
101-7365-06	CC Volunteer Recognition	$0	$300	$300	0.00 %
101-7373-06	Education & Training	$5,540	$13,000	$7,460	42.62 %
101-7389-06	Misc. Expense	$0	$500	$500	0.00 %
101-7408-06	Crossing guard services	$3,920	$9,164	$5,244	42.78 %
101-7411-06	Professional Services Retainer	$5,278	$19,200	$13,922	27.49 %
101-7417-06	Janitorial Service	$1,350	$2,700	$1,350	50.00 %
101-7419-06	Other Professional Services	$9,414	$3,233	($6,181)	291.19 %
101-7424-06	Dispatch Services	$85,666	$178,500	$92,834	47.99 %
101-7425-06	Crime Lab	$16,536	$13,903	($2,633)	118.94 %
101-7427-06	CAL ID	$12,263	$12,265	$2	99.98 %
101-7429-06	Animal Control	$29,452	$61,686	$32,234	47.75 %
101-7432-06	Emergency Services	$0	$100	$100	0.00 %
101-7433-06	Integrated Justice System	$8,350	$13,465	$5,115	62.01 %
101-7486-06	CERF Charges	$25,000	$25,000	$0	100.00 %
Totals for Department(s) 06 - Police:		$996,943	$1,906,859	$909,916	52.28 %
101-7111-07	Regular Salaries	$5,509	$17,460	$11,951	31.55 %
101-7112-07	Temporary Salaries	$996	$1,340	$345	74.29 %
101-7113-07	Overtime	$68	$0	($68)	0.00 %
101-7218-07	Life and LTD Insurance	$46	$142	$96	32.41 %
101-7220-07	PERS Retirement	$1,397	$4,230	$2,833	33.02 %
101-7231-07	Workers' Compensation	$820	$795	($25)	103.16 %
101-7232-07	Unemployment Compensation	$0	$177	$177	0.00 %
101-7233-07	FICA and Medicare	$164	$355	$191	46.11 %
101-7246-07	Benefit Insurance	$1,152	$4,280	$3,128	26.92 %
101-7332-07	Telephone	$985	$2,190	$1,205	44.96 %
101-7335-07	Gas & Electricity	$17,232	$48,000	$30,768	35.90 %
101-7338-0(	Water Services	$790	$1,630	$840	48.46 %
101-7341-07	Buildings/Grounds Maintenance	$5,654	$8,740	$3,086	64.69 %

City Clayton
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		Actual	Budget	Variance ($)	Budget Realized (%)
101-7346-07	HVAC Mtn & Repairs	$3,492	$13,813	$10,321	25.28 %
101-7417-07	Janitorial Service	$14,311	$31,320	$17,009	45.69 %
101-7423-07	Library Additional Hours	$3,859	$22,819	$18,960	16.91 %
Totals for Department(s) 07 - Library:		$56,473	$157,291	$100,818	35.90 %
101-7324-08	Dues and Subscriptions	$174	$630	$456	27.70 %
101-7332-08	Telephone	$0	$830	$830	0.00 %
101-7411-08	Professional Services Retainer	$45,197	$80,000	$34,803	56.50 %
Totals for Department(s) 08 - Enginerring:		$45,372	$81,460	$36,088	55.70 %
101-7111-09	Regular Salaries	$26,571	$52,340	$25,769	50.77 %
101-7112-09	Temporary Salaries	$9,470	$14,780	$5,310	64.07 %
101-7113-09	Overtime	$224	$2,000	$1,776	11.21 %
101-7218-09	Life and LTD Insurance	$219	$424	$205	51.59 %
101-7220-09	PERS Retirement	$6,517	$12,690	$6,173	51.36 %
101-7231-09	Workers' Compensation	$2,930	$2,840	($90)	103.16 %
101-7232-09	Unemployment Compensation	$0	$920	$920	0.00 %
101-7233-09	FICA and Medicare	$1,161	$1,920	$759	60.48 %
101-7246-09	Benefit Insurance	$6,074	$12,830	$6,756	47.34 %
101-7311-09	General Supplies	$980	$13,000	$12,020	7.54 %
101-7331-09	Rentals/Leases	$0	$500	$500	0.00 %
101-7335-09	Gas & Electricity	$562	$1,500	$938	37.44 %
101-7338-09	Water Services	$59,047	$118,560	$59,513	49.80 %
101-7417-09	Janitorial Service	$6,614	$13,000	$6,386	50.88 %
101-7419-09	Other Professional Services	$498	$1,060	$562	47.00 %
101-7429-09	Animal Control	$880	$4,200	$3,320	20.95 %
Totals for Department(s) 09 - Clayton Community Park:		$121,747	$252,564	$130,817	48.20 %
Total Expenses		**$2,018,106**	**$3,852,275**	**$1,834,169**	**52.39 %**
BEGINNING FUND BALANCE		**$5,148,737**	**$5,148,737**	**$0**	**100.00 %**

City of Clayton
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	Actual	Budget	Variance ($)	Budget Realized (%)
NET SURPLUS/(DEFICIT)	$126,115	$27,286	$98,829	462.19 %
ENDING FUND BALANCE	$5,274,852	$5,176,023	$98,829	101.91 %

City . Clayton
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Pa

201 - Gas Tax Fund

Revenues

		Actual	Budget	Variance ($)	Budget Realized (%)
201-4607-00	Street Light Assessment	$15,753	$26,500	($10,747)	59.45 %
201-5209-00	State Gasoline 2105	$29,859	$54,928	($25,069)	54.36 %
201-5210-00	State Gasoline 2106	$22,017	$47,547	($25,530)	46.30 %
201-5211-00	State Gasoline 2107	$35,948	$67,492	($31,545)	53.26 %
201-5212-00	State Gasoline 2107.5	$3,000	$3,000	$0	100.00 %
201-5216-00	State Gaseline 2103	$49,055	$119,854	($70,799)	40.93 %
201-5601-00	Interest	$1,122	$600	$522	187.02 %
Totals for Department(s) 00 - City:		$156,753	$319,921	($163,168)	49.00 %
Total Revenues		**$156,753**	**$319,921**	**($163,168)**	**49.00 %**

Expenses

		Actual	Budget	Variance ($)	Budget Realized (%)
201-7111-00	Regular Salaries	$7,824	$6,640	($1,184)	117.83 %
201-7112-00	Temporary Salaries	$1,593	$1,830	$237	87.03 %
201-7218-00	Life and LTD Insurance	$63	$60	($3)	105.40 %
201-7220-00	PERS Retirement	$1,890	$1,610	($280)	117.38 %
201-7231-00	Workers' Compensation	$371	$360	($11)	103.16 %
201-7232-00	Unemployment Compensation	$0	$120	$120	0.00 %
201-7233-00	FICA and Medicare	$246	$240	($6)	102.53 %
201-7246-00	Benefit Insurance	$1,728	$1,630	($98)	106.03 %
201-7311-00	General Supplies	$93	$12,000	$11,907	0.78 %
201-7327-00	Park & Street Supplies	$1,775	$1,500	($275)	118.35 %
201-7335-00	Gas & Electricity	$17,430	$44,000	$26,570	39.61 %
201-7340-00	Traffic Safety Supplies	$0	$3,000	$3,000	0.00 %
201-7349-00	Traffic Signal Maintenance	$6,357	$26,000	$19,643	24.45 %
201-7381-00	Property Tax Admin. Costs	$0	$310	$310	0.00 %
201-7419-00	Other Professional Services	$200	$406	$206	49.26 %
201-8101-00	Transfer To General Fund	$3,437	$6,874	$3,437	50.00 %
201-8111-00	Transfer to CIP Fund	$14,039	$209,508	$195,469	6.70 %

City of Clayton
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For Six Month Period Ending December 31, 2014

	Actual	Budget	Variance ($)	Budget Realized (%)
Totals for Department(s) 00 - City:	$57,046	$316,088	$259,042	18.05 %
Total Expenses	**$57,046**	**$316,088**	**$259,042**	**18.05 %**
BEGINNING FUND BALANCE	**$219,017**	**$219,017**	**$0**	**100.00 %**
NET SURPLUS/(DEFICIT)	**$99,708**	**$3,833**	**$95,874**	**2,601.15 %**
ENDING FUND BALANCE	**$318,724**	**$222,850**	**$95,874**	**143.02 %**

City . Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

210 - Landscape Maintenance CFD

		Actual	Budget	Variance ($)	Budget Realized (%)
Revenues					
210-4604-00	Clayton LMD Assessment	$552,920	$1,005,224	($452,304)	55.00 %
210-5601-00	Interest	$1,485	$4,000	($2,515)	37.13 %
210-6003-00	Trx. From CIP Fund	$259,704	$0	$259,704	0.00 %
Totals for Department(s) 00 - City:		$814,109	$1,009,224	($195,115)	80.67 %
Total Revenues		**$814,109**	**$1,009,224**	**($195,115)**	**80.67 %**
Expenses					
210-7111-00	Regular Salaries	$57,199	$159,880	$102,681	35.78 %
210-7112-00	Temporary Salaries	$27,057	$98,110	$71,053	27.58 %
210-7113-00	Overtime	$201	$0	($201)	0.00 %
210-7218-00	Life and LTD Insurance	$472	$1,300	$828	36.34 %
210-7220-00	PERS Retirement	$13,950	$38,750	$24,801	36.00 %
210-7231-00	Workers' Compensation	$12,141	$11,420	($721)	106.32 %
210-7232-00	Unemployment Compensation	$0	$4,700	$4,700	0.00 %
210-7233-00	FICA and Medicare	$3,158	$9,830	$6,672	32.13 %
210-7246-00	Benefit Insurance	$13,723	$39,180	$25,457	35.03 %
210-7311-00	General Supplies	$8,216	$43,000	$34,784	19.11 %
210-7316-00	Landscape Replacement	$0	$20,000	$20,000	0.00 %
210-7335-00	Gas & Electricity	$11,221	$25,000	$13,779	44.88 %
210-7338-00	Water Services	$91,620	$187,000	$95,380	48.99 %
210-7342-00	Machinery/Equipment Maintenanc	$16,433	$10,000	($6,433)	164.33 %
210-7343-00	Vehicle Maintenance	$13,887	$12,000	($1,887)	115.73 %
210-7344-00	Vehicle Gas, Oil, and Supplies	$7,698	$15,300	$7,602	50.31 %
210-7381-00	Property Tax Admin. Costs	$0	$3,800	$3,800	0.00 %
210-7419-00	Other Professional Services	$19,151	$148,419	$129,268	12.90 %
210-7486-00	CERF Charges/Depreciation	$13,500	$13,500	$0	100.00 %
210-7520-00	Landscape Projects	$15,700	$207,000	$191,300	7.58 %
210-7615-00	CCC Property Tax	$2,576	$2,600	$24	99.06 %

City of Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

		Actual	Budget	Variance ($)	Budget Realized (%)
210-8101-00	Transfer To General Fund	$16,528	$33,056	$16,528	50.00 %
210-8113-00	Transfer to Stormwater Fund	$912	$912	$0	100.00 %
Totals for Department(s) 00 - City:		$345,343	$1,084,757	$739,414	31.84 %
Total Expenses		**$345,343**	**$1,084,757**	**$739,414**	**31.84 %**
BEGINNING FUND BALANCE		**$340,162**	**$340,162**	**$0**	**100.00 %**
NET SURPLUS/(DEFICIT)		**$468,766**	**($75,533)**	**$544,299**	**(620.61)%**
ENDING FUND BALANCE		**$808,928**	**$264,629**	**$544,299**	**305.68 %**

City . Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

211 - The Grove Park CFD 2006-1

Revenues

		Actual	Budget	Variance ($)	Budget Realized (%)
211-4613-00	Clayton DT Park Assessment	$66,056	$120,106	($54,050)	55.00 %
211-5601-00	Interest	$1,236	$3,400	($2,164)	36.37 %
211-5602-00	Park Use Fee	$478	$0	$478	0.00 %
211-5701-00	Reimbursements/Refunds	$12,000	$0	$12,000	0.00 %
211-5702-00	Donations/Contributions	$0	$10,000	($10,000)	0.00 %
211-5790-00	Other Revenues	$45,000	$45,000	$0	100.00 %
Totals for Department(s) 00 - City:		$124,770	$178,506	($53,736)	69.90 %
Total Revenues		**$124,770**	**$178,506**	**($53,736)**	**69.90 %**

Expenses

		Actual	Budget	Variance ($)	Budget Realized (%)
211-7111-00	Regular Salaries	$11,463	$19,930	$8,467	57.52 %
211-7112-00	Temporary Salaries	$4,950	$8,650	$3,700	57.22 %
211-7218-00	Life and LTD Insurance	$98	$162	$64	60.19 %
211-7220-00	PERS Retirement	$2,936	$4,830	$1,894	60.79 %
211-7231-00	Workers' Compensation	$1,248	$1,210	($38)	103.16 %
211-7232-00	Unemployment Compensation	$0	$460	$460	0.00 %
211-7233-00	FICA and Medicare	$582	$960	$378	60.66 %
211-7246-00	Benefit Insurance	$2,555	$4,890	$2,335	52.24 %
211-7310-00	Supplies and Equipment	$214	$0	($214)	0.00 %
211-7311-00	General Supplies	$1,834	$3,920	$2,086	46.78 %
211-7331-00	Rentals/leases	$0	$500	$500	0.00 %
211-7335-00	Gas & Electricity	$592	$1,400	$808	42.26 %
211-7338-00	Water Services	$4,795	$11,000	$6,205	43.59 %
211-7342-00	Machinery/Equipt Maintenance	$771	$800	$29	96.33 %
211-7343-00	Vehicle Maintenance	$0	$1,000	$1,000	0.00 %
211-7344-00	Vehicle Gas, Oil and Supplies	$0	$1,500	$1,500	0.00 %
211-7381-00	Property Tax Admin. Costs	$0	$3,900	$3,900	0.00 %
211-7382-00	Election Services	$1,140	$19,200	$18,060	5.94 %

City of Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

		Actual	Budget	Variance ($)	Budget Realized (%)
211-7411-00	Professional Services Retainer	$14,499	$0	($14,499)	0.00 %
211-7417-00	Janitorial Services	$6,795	$12,600	$5,805	53.93 %
211-7419-00	Other Professional Services	$1,830	$6,205	$4,375	29.50 %
211-7420-00	Administrative Costs	$1,855	$3,800	$1,945	48.81 %
211-7484-00	Capital Outlay - Structures and Improvements	$0	$84,607	$84,607	0.00 %
211-7485-00	Capital Equipment	$0	$23,000	$23,000	0.00 %
211-7486-00	Cerf Charges	$2,700	$2,700	$0	100.00 %
211-7615-00	CCC Property Tax	$459	$2,240	$1,781	20.47 %
211-8101-00	Transfer To General Fund	$3,358	$6,716	$3,358	50.00 %
Totals for Department(s) 00 - City:		$64,673	$226,180	$161,507	28.59 %
Total Expenses		**$64,673**	**$226,180**	**$161,507**	**28.59 %**
BEGINNING FUND BALANCE		**$275,460**	**$275,460**	**$0**	**100.00 %**
NET SURPLUS/(DEFICIT)		**$60,097**	**($47,674)**	**$107,771**	**(126.06)%**
ENDING FUND BALANCE		**$335,557**	**$227,786**	**$107,771**	**147.31 %**

City / Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

212 - Oakhurst GHAD

		Actual	Budget	Variance ($)	Budget Realized (%)
Revenues					
212-4606-00	Oakhurst GHAD Assessment	$20,088	$36,509	($16,421)	55.02 %
212-5601-00	Interest	$117	$400	($283)	29.14 %
	Totals for Department(s) 00 - City:	$20,204	$36,909	($16,705)	54.74 %
Total Revenues		**$20,204**	**$36,909**	**($16,705)**	**54.74 %**
Expenses					
212-7314-00	Postage	$0	$700	$700	0.00 %
212-7351-00	Liability Insurance	$14,000	$14,000	$0	100.00 %
212-7381-00	Property Tax Admin. Costs	$0	$1,400	$1,400	0.00 %
212-7384-00	Legal Notices	$0	$100	$100	0.00 %
212-7389-00	Misc. Expense	$267	$270	$3	99.00 %
212-7412-00	Engineering/Inspection Service	$2,102	$3,000	$899	70.05 %
212-7413-00	Legal Services	$1,616	$1,000	($616)	161.59 %
212-7520-00	Projects	$13,515	$11,700	($1,815)	115.51 %
212-8101-00	Transfer To General Fund	$3,318	$6,635	$3,318	50.00 %
	Totals for Department(s) 00 - City:	$34,817	$38,805	$3,988	89.72 %
Total Expenses		**$34,817**	**$38,805**	**$3,988**	**89.72 %**
BEGINNING FUND BALANCE		**$37,867**	**$37,867**	**$0**	**100.00 %**
NET SURPLUS/(DEFICIT)		**($14,612)**	**($1,896)**	**($12,716)**	**770.70 %**
ENDING FUND BALANCE		**$23,255**	**$35,971**	**($12,716)**	**64.65 %**

City of Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

		Actual	Budget	Variance ($)	Budget Realized (%)
214 - Street Lighting Assessment					
Revenues					
214-4607-00	Street Light Assessment	$69,295	$125,991	($56,696)	55.00 %
214-5601-00	Interest	$629	$1,880	($1,251)	33.46 %
Totals for Department(s) 00 - City:		$69,924	$127,871	($57,947)	54.68 %
Total Revenues		**$69,924**	**$127,871**	**($57,947)**	**54.68 %**
Expenses					
214-7113-00	Overtime	$6,589	$12,500	$5,911	52.71 %
214-7311-00	General Supplies	$251	$4,000	$3,749	6.26 %
214-7335-00	Gas & Electricity	$40,658	$102,310	$61,652	39.74 %
214-7381-00	Property Tax Admin. Costs	$0	$3,710	$3,710	0.00 %
214-7389-00	Misc. Expense	$267	$270	$3	99.00 %
214-7412-00	Engineering/Inspection Service	$0	$1,200	$1,200	0.00 %
214-7419-00	Other Professional Services	$200	$206	$6	97.09 %
214-8101-00	Transfer To General Fund	$5,284	$10,568	$5,284	50.00 %
Totals for Department(s) 00 - City:		$53,248	$134,764	$81,515	39.51 %
Total Expenses		**$53,248**	**$134,764**	**$81,515**	**39.51 %**
BEGINNING FUND BALANCE		**$150,048**	**$150,048**	**$0**	**100.00 %**
NET SURPLUS/(DEFICIT)		**$16,676**	**($6,892)**	**$23,568**	**(241.94)%**
ENDING FUND BALANCE		**$166,724**	**$143,155**	**$23,568**	**116.46 %**

City . Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

216 - Stormwater Assessment

Revenues

		Actual	Budget	Variance ($)	Budget Realized (%)
216-4602-00	Stormwater Assessment	$0	$82,973	($82,973)	0.00 %
216-4603-00	Stormwater O&M Annual Fee	$1,716	$1,716	$0	100.00 %
216-5320-00	Misc. Service Charge	$456	$456	$0	100.00 %
216-5324-00	Street Sweeping Fees	$19,335	$38,720	($19,385)	49.93 %
216-5601-00	Interest	$652	$1,300	($648)	50.18 %
216-6007-00	Trx. From Landscape Mtnce.	$912	$912	$0	100.00 %
	Totals for Department(s) 00 - City:	$23,070	$126,077	($103,006)	18.30 %
Total Revenues		**$23,070**	**$126,077**	**($103,006)**	**18.30 %**

Expenses

		Actual	Budget	Variance ($)	Budget Realized (%)
216-7111-00	Regular Salaries	$24,997	$19,150	($5,847)	130.54 %
216-7112-00	Temporary Salaries	$9,619	$6,580	($3,039)	146.18 %
216-7218-00	Life and LTD Insurance	$218	$160	($58)	136.41 %
216-7220-00	PERS Retirement	$6,889	$4,640	($2,249)	148.48 %
216-7231-00	Workers' Compensation	$1,124	$1,090	($34)	103.16 %
216-7232-00	Unemployment Compensation	$0	$400	$400	0.00 %
216-7233-00	FICA and Medicare	$1,138	$790	($348)	144.10 %
216-7246-00	Benefit Insurance	$4,168	$4,700	$532	88.69 %
216-7311-00	General Supplies	$1,905	$11,800	$9,895	16.15 %
216-7373-00	Education & Training	$0	$5,000	$5,000	0.00 %
216-7389-00	Misc. Expense	$0	$500	$500	0.00 %
216-7409-00	Street Sweeping	$17,500	$43,260	$25,760	40.45 %
216-7412-00	Engineering/Inspection Service	$1,155	$10,000	$8,845	11.55 %
216-7419-00	Other Professional Services	$14,576	$38,349	$23,773	38.01 %
216-7481-00	Permit Fees	$8,740	$10,000	$1,260	87.40 %
216-7520-00	Projects	$0	$4,500	$4,500	0.00 %
216-8101-00	Transfer To General Fund	$17,056	$34,112	$17,056	50.00 %
	Totals for Department(s) 00 - City:	$109,088	$195,031	$85,943	55.93 %

City of Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

	Actual	Budget	Variance ($)	Budget Realized (%)
Total Expenses	$109,088	$195,031	$85,943	55.93 %
BEGINNING FUND BALANCE	$178,450	$178,450	$0	100.00 %
NET SURPLUS/(DEFICIT)	($86,018)	($68,955)	($17,063)	124.75 %
ENDING FUND BALANCE	$92,433	$109,496	($17,063)	84.42 %

Cit f Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

220 - Measure J Fund

		Actual	Budget	Variance ($)	Budget Realized (%)
Revenues					
220-5223-00	Measure J Funds	$0	$235,723	($235,723)	0.00 %
220-5225-00	Measure J Program 28a	$94,277	$0	$94,277	0.00 %
220-5601-00	Interest	$464	$500	($36)	92.79 %
Totals for Department(s) 00 - City:		$94,741	$236,223	($141,482)	40.11 %
Total Revenues		**$94,741**	**$236,223**	**($141,482)**	**40.11 %**
Expenses					
220-7419-00	Other Professional Services	$0	$1,000	$1,000	0.00 %
220-8101-00	Transfer To General Fund	$2,056	$4,112	$2,056	50.00 %
220-8111-00	Transfer to CIP Fund	$0	$184,017	$184,017	0.00 %
Totals for Department(s) 00 - City:		$2,056	$189,129	$187,073	1.09 %
Total Expenses		**$2,056**	**$189,129**	**$187,073**	**1.09 %**
BEGINNING FUND BALANCE		**$98,909**	**$98,909**	**$0**	**100.00 %**
NET SURPLUS/(DEFICIT)		**$92,685**	**$47,094**	**$45,591**	**196.81 %**
ENDING FUND BALANCE		**$191,594**	**$146,003**	**$45,591**	**131.23 %**

City of Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

		Actual	Budget	Variance ($)	Budget Realized (%)
230 - Restricted Grants					
Revenues					
230-5220-00	Restricted Grants	$73,191	$138,525	($65,334)	52.84 %
230-5222-00	Avoid the 25 Grant	$3,311	$2,800	$511	118.24 %
230-5601-00	Interest Income	$1,224	$2,480	($1,256)	49.36 %
Totals for Department(s) 00 - City:		$77,726	$143,805	($66,079)	54.05 %
Total Revenues		**$77,726**	**$143,805**	**($66,079)**	**54.05 %**
Expenses					
230-7332-00	Telephone	$0	$6,000	$6,000	0.00 %
230-7424-00	Dispatch Services	$0	$1,600	$1,600	0.00 %
230-7485-00	Capital Equipment	$2,672	$10,987	$8,316	24.32 %
230-7520-00	Projects	$16,049	$22,475	$6,426	71.41 %
Totals for Department(s) 00 - City:		$18,720	$41,062	$22,342	45.59 %
230-7111-06	Regular Salaries - COPS	$22,780	$67,800	$45,020	33.60 %
230-7113-06	Overtime - COPS	$4,781	$0	($4,781)	0.00 %
230-7218-06	Life and LTD Insurance - COPS	$158	$530	$372	29.90 %
230-7220-06	PERS Retirement - COPS	$2,720	$13,270	$10,550	20.50 %
230-7231-06	Workers' Compensation - COPS	$2,837	$2,750	($87)	103.16 %
230-7232-06	Unemployment Compensation COPS	$0	$440	$440	0.00 %
230-7233-06	FICA and Medicare - COPS	$429	$950	$521	45.20 %
230-7242-06	Uniform Allowance - COPS	$900	$900	$0	100.00 %
230-7246-06	Benefit Insurance COPS	$2,313	$9,620	$7,307	24.05 %
230-7311-06	Field Equip COPS	$2,674	$0	($2,674)	0.00 %
230-7485-06	Capital Outlay - Equipment & Machinery	$613	$0	($613)	0.00 %
Totals for Department(s) 06 - Police:		$40,207	$96,260	$56,053	41.77 %
Total Expens		**$58,927**	**$137,322**	**$78,395**	**42.91 %**

Cit, f Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

	Actual	Budget	Variance ($)	Budget Realized (%)
BEGINNING FUND BALANCE	$290,495	$290,495	$0	100.00 %
NET SURPLUS/(DEFICIT)	$18,799	$6,483	$12,316	289.99 %
ENDING FUND BALANCE	$309,294	$296,977	$12,316	104.15 %

City of Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

		Actual	Budget	Variance ($)	Budget Realized (%)
303 - Capital Improvements Fund					
Revenues					
303-5220-00	Restricted Grants	$0	$385,000	($385,000)	0.00 %
303-5601-00	Interest	$9,495	$0	$9,495	0.00 %
303-6002-00	Trx. From Measure J Fund	$0	$184,017	($184,017)	0.00 %
303-6003-00	Trx. From CIP Fund	$80	$0	$80	0.00 %
303-6004-00	Trx. From Gas Tax Fund	$14,039	$208,438	($194,399)	6.74 %
303-6023-00	Transfer from Dev Impact Fund	$103,336	$59,297	$44,039	174.27 %
Totals for Department(s) 00 - City:		$126,949	$836,752	($709,803)	15.17 %
Total Revenues		**$126,949**	**$836,752**	**($709,803)**	**15.17 %**
Expenses					
303-7520-00	CIP Project Expenses	$16,008	$771,455	$755,447	2.08 %
303-8109-00	Transfer to LMD Fund	$259,704	$0	($259,704)	0.00 %
303-8111-00	Transfer to CIP Fund	$80	$0	($80)	0.00 %
Totals for Department(s) 00 - City:		$275,793	$771,455	$495,662	35.75 %
Total Expenses		**$275,793**	**$771,455**	**$495,662**	**35.75 %**
BEGINNING FUND BALANCE		**$2,162,970**	**$2,162,970**	**$0**	**100.00 %**
NET SURPLUS/(DEFICIT)		**($148,843)**	**$65,297**	**($214,140)**	**(227.95)%**
ENDING FUND BALANCE		**$2,014,127**	**$2,228,267**	**($214,140)**	**90.39 %**

City of Clayton
Budget-to-Actual Report
For Six Month Period Ending December 31, 2014

304 - Clayton Development Impact Fees		Actual	Budget	Variance ($)	Budget Realized (%)
Revenues					
304-5601-00	Interest	$3,306	$8,700	($5,394)	37.99 %
Totals for Department(s) 00 - City:		$3,306	$8,700	($5,394)	37.99 %
Total Revenues		**$3,306**	**$8,700**	**($5,394)**	**37.99 %**
Expenses					
304-7311-00	General Supplies	$8,606	$0	($8,606)	0.00 %
304-7520-00	Projects	$2,580	$0	($2,580)	0.00 %
304-8111-00	Transfer to CIP Fund	$103,336	$59,297	($44,039)	174.27 %
Totals for Department(s) 00 - City:		$114,521	$59,297	($55,224)	193.13 %
Total Expenses		**$114,521**	**$59,297**	**($55,224)**	**193.13 %**
BEGINNING FUND BALANCE		**$709,863**	**$709,863**	**$0**	**100.00 %**
NET SURPLUS/(DEFICIT)		**($111,216)**	**($50,597)**	**($60,619)**	**219.81 %**
ENDING FUND BALANCE		**$598,647**	**$659,266**	**($60,619)**	**90.81 %**

CITY OF CLAYTON
Founded 1857 . . Incorporated 1964

Agenda Date: 2-17-2015

Agenda Item: 8b

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: FEBRUARY 17, 2015

SUBJECT: DISCUSSION REGARDING THE SCOPE OF WORK FOR THE 2015 NEIGHBORHOOD STREET PAVEMENT REHABILITATION PROJECT (CIP PROJECT NO. 10424)

RECOMMENDATION

Provide direction to Staff regarding the scope of work for the 2015 Neighborhood Street Pavement Rehabilitation Project.

BACKGROUND

Prior to 1990, Clayton's street conditions were ranked as one of the worst in Contra Costa County. Since 1999, the City Council has directed staff to undertake numerous pavement rehabilitation projects throughout the City (see attached history). We were also able to underground the overhead utilities and reconstruct the downtown streets in 2000 - 2002 using Redevelopment Agency funds. In addition, we have been able to improve our arterial streets using Federal and Measure C (CCTA) funds. Our latest pavement condition survey in 2014 revealed Clayton's overall Pavement Condition Index (PCI) has increased to 83 (out of 100) – one of the best ratings in the County.

Based upon this last survey, the worst street currently is Mt. Sequoia Place with a PCI of 39 (very poor). Our remaining neighborhood streets are rated at 53 and above. Our decision tree in the pavement study calls for thin overlays (1.5") for streets with a PCI of 70 or less (a thick overlay – 2.5" – is required for those streets below a PCI of 50).

AVAILABLE FUNDING

The project as shown in the latest 5-year Capital Improvement Program (CIP) indicated a budget of $341,410 comprised of approximately $157,000 in Gas Tax funds and $184,000 in Measure J funds).

Finance Manager Kevin Mizuno has spent quite a lot time reconciling the City's various fund accounts and found significant Gas Tax and Measure J funds available for use. In addition, this is the first year that we received funds from the Measure J 28A Program (CCTA).

The following table details available funds

Source	Amount
Gas Tax (per CIP)	$157,393
Gas Tax (per CIP reconciliation)	$161,941
Gas Tax (increase per League of Cities Report)	<u>$31,473</u>
Gas Tax Subtotal	*$350,807*
Measure J (per CIP)	$184,017
Measure J (per CIP reconciliation)	$98,908
Measure J 28A Program	<u>$94,227</u>
Measure J Subtotal	*$377,152*
Project Total:	**<u>$727,959</u>**

<u>DISCUSSION OF CANDIDATE STREETS</u>

Staff has prepared the attached spreadsheet showing the Pavement Condition Index ("PCI") recently provided for all streets with a ranking of 69 or below (a total of 26 streets).

After setting aside approximately $75,000 for some miscellaneous repairs, as well as City Engineer design, bidding, construction inspection and contract administration, there will be $650,000 remaining for construction. We have not included Keller Ridge Drive as that street will be eligible for the federal funded "collector street" project anticipated this year.

The spreadsheet shows that we will be able to overlay 19 of the 26 streets shown (orange shaded cells). Of course, the number may vary depending upon the unit prices bid.

<u>FISCAL IMPACT</u>

All of the neighborhood pavement rehabilitation work presented for the Council's consideration utilizes funds which has already been allocated and cannot be used for any purpose other than pavement rehabilitation and maintenance. There is no use of or impact to the City's General Fund.

CONCLUSION

In conclusion, staff recommends the Council approve the proposed list of streets presented and direct staff to prepare construction plans and specifications and advertise for bids for the chosen option.

By this action, staff expects that the Project can go to competitive bid by the middle of March, with Council award of contract on 4/21/15, initiation of the Neighborhood Street Rehabilitation Project by 5/18/15 and completion by 8/15/15.

ALTERNATIVE

If the Council should wish to delay this project until the beginning of next fiscal year (July 1st), we could increase the construction funding by $370,000 to approximately $1,000,000 (described funding above plus the budget for the 2016 pavement project and another 28A payment).

This would allow us to rehabilitate all of the residential streets having a PCI less than 70 (see attached spreadsheet in green).

Attachments:
1) Pavement Rehabilitation History
2) PCI Spreadsheet with list of streets & costs
3) Alternative PCI Spreadsheet with list of streets & costs

PAVEMENT REHABILITATION HISTORY

1999

CLAYTON WOODS
SOUTHBROOK SUBD.
MITCHELL CANYON ESTATES
MITCHELL CANYON ROAD

2002

Thin Overlay

EL MOLINO DRIVE

Thick Overlay

LYDIA LANE
REGENCY DRIVE
WEATHERLY DRIVE

Base Repairs

ALEF CT
BERENDSEN CT
BETTENCOURT DR.
BLOCHING CIRCLE
CABERNET CT
CHARDONNAY CIRCLE
CLAYTON ROAD (6")
CLIFFORD CT
COLOMBARD WAY
DIABLO CREEK CT
E. MYRICK CT.
EBERHARDT CT.
EL MOLINO DR.
EL PORTAL DR.
EL PUEBLO PL
GAMAY DR.
GOETHAL CT.
LASSEN CT.
LONDON CT.
MARSH CREEK CIRCLE
MARSH CREEK RD. (6")
MEREDITH CT.
MIRANGO CT
MOUNTAIRE PARKWAY
MOUNTAIRE PL.
MT. DAVIDSON CT
MT. DELL DR.
MT. DUNCAN DR

MT. EDEN PL.
MT. EVEREST CT
MT. HAMILTON CT
MT. OLIVET CT
MT. OLIVET PL.
MT. PALOMAR PL
MT. SEQUOIA CT.
MT. SEQUOIA PL.
MT. SIERRA PL.
MT. TAMALPAIS CT
MT. TRINITY CT
MT. WHITNEY WAY
MT. WILSON WAY
N. LYDIA LANE
OAK ST.
OAK ST
OAKHURST DRIVE (6")
OHMAN PLACE
PETAR CT.
PINE HOLLOW RD.
REGENCY DRIVE
SAR ALAZCT.
SAMUEL CT.
SEMILLION CT.
TARA DR.
W. MYRICK CT.
WHITT CT
WRIGHT CT.
YOLANDA CIRCLE

2004

OAKHURST DRIVE
EAGLE PEAK AVENUE
EAGLE PEAK PLACE
BRANDYWINE PLACE
FOREST HILL DRIVE
INVERNESS WAY
INDIAN WELLS WAY
PEACOCK CREEK DRIVE
LONE PINE COURT
JOSCOLO VIEW
PEBBLE BEACH DRIVE
SILVERADO COURT
TORREY PINES PLACE
OHLONE HEIGHTS
HERRIMAN DRIVE
NO. MITCHELL CANYON ROAD
DIABLO PARKWAY
EL PORTAL DRIVE

NO. EL CAMINO DRIVE
ATCHISON STAGE ROAD
BRIDLEWOOD COURT
EASLEY DRIVE
MOUNTAIRE PARKWAY

2006

ALEXANDER PLACE
BARCELONA WAY
BERENDSEN COURT
BETTENCOURT DRIVE
BIGELOW STREET
CAPISTRANO COURT
CASA VERDE PLACE
CLIFFORD COURT
DOUGLAS COURT
E. MYRICK
EBERHARDT COURT
EL PORTAL COURT
FLEMING COURT
FLEMING DRIVE
FOUR OAKS LANE
FRANK PLACE
GOETHALS COURT
GRENACHE CIRCLE
HAMBURG CIRCLE
HURD PLACE
LONDON COURT
MALIBU COURT
MEREDITH COURT
MIRANGO COURT
MITCHELL CANYON COURT
MOUNTAIRE CIRCLE
MOUNTAIRE COURT
MT. EDEN COURT
MT. EMORY COURT
MT. HAMILTON COURT
MT. LEE COURT
MT. OLYMPUS COURT
MT. RUSHMORE COURT
MT. SCOTT COURT
MT. SHASTA COURT
MT. SHASTA PLACE
MT. TAMALPAIS COURT
MT. TAMALPAIS PLACE
MT. TETON COURT
MT. TETON PLACE
MT. TRINITY COURT
MT. VERNON DRIVE

MT. WHITNEY WAY
MT. WILSON WAY
PINOT COURT
REISLING COURT
RHINE COURT
RHINE COURT
SALAZAR COURT
SAVIGNON COURT
SOUTHBROOK COURT
SYLVANDER COURT
WRIGHT COURT

2007

MT. PALOMAR PLACE
MT. SEQUOIA PLACE
MT. SIERRA PLACE
MT. WILSON WAY
OAKHURST DRIVE
BLACK POINT PLACE
BLOCHING CIRCLE
CABERNET COURT
CAUFIELD DRIVE
CHARDONNAY CIRCLE
CLAYTON ROAD
DIABLO CREEK COURT
DIABLO PARKWAY
LYDIA LANE
MARSH CREEK ROAD
MT. ALPINE PLACE
MT. DUNCAN DRIVE
MT. ETNA DRIVE
OHMAN PLACE
PEACOCK CREEK DRIVE
ROUNDHILL PLACE
SAMUEL COURT
TARA DRIVE
WIDMAR COURT
YOLANDA CIRCLE
ZINFANDEL CIRCLE

2008

CLAYTON ROAD
MARSH CREEK ROAD

2010

ALEF COURT

PAVEMENT REHABILITATION HISTORY (cont'd)

BLOCHING CIRCLE
CASEY GLEN COURT
CAULFIELD COURT
CHARDONNAY CIRCLE
CROW PLACE
DIABLO CREEK COURT
DIABLO CREEK PLACE
GOLDEN EAGLE PLACE
HUMMINGBIRD PLACE
HUMMINGBIRD WAY
MOUNTAIRE PARKWAY
MOUNTAIRE PLACE
MT. ALPINE PLACE
MT. DELL DRIVE
MT. ETNA DRIVE
MT. MCKINLEY COURT
MT. PALOMAR PLACE
MT. RAINIER COURT
MT. SEQUOIA COURT
MT. VERNON DRIVE
MT. WILSON PLACE
N. LYDIA LANE
OHMAN PLACE
PANADERO WAY
PETAR COURT
RAVEN WAY
RIALTO DRIVE
ROUNDHILL COURT
ROUNDHILL PLACE
SOUTHBROOK DRIVE
WHITT COURT
WINDMILL CANYON PLACE
OLD MARSH CREEK ROAD

2013

AHWANEE LANE
BLACKPOINT COURT
BLACKPOINT PLACE
CAULFIELD DRIVE
DEL TRIGO LANE
GAMAY DRIVE
JEFFRY RANCH COURT
JEFFRY RANCH PLACE
MARSH CREEK CIRCLE
MT. DAVIDSON COURT
MT. DUNCAN DRIVE
MT. EVEREST COURT
MT. SIERRA PLACE
MT. WASHINGTON WAY

PAVEMENT REHABILITATION HISTORY (cont'd)

MT. WHITNEY COURT
OAK COURT
PINE HOLLOW COURT
RAVEN PLACE
REGENCY DRIVE
SAMUEL COURT
SEMILLON CIRCLE
W. MYRICK COURT
WAWONA LANE
WINDMILL CANYON DRIVE
XAVIER PLACE
YOLANDA CIRCLE

2015 PAVEMENT REHABILITATION PROJECT

COST ESTIMATE

Street Name	Functional Class	Area	PCI	treatment	unit cost	total	cumulative	comments
MT. SEQUOIA PLACE - 4061	R - Residential/Local	18,300	39	Thick overlay	$ 2.00	$ 36,600.00	$ 36,600.00	
KELLER RIDGE DRIVE - KELLER	C - Collector	165,279	53	None	$ -	$ -	$ 36,600.00	federal funding
MT. OLIVET COURT - 4063	R - Residential/Local	20,730	54	Thin Overlay	$ 1.30	$ 26,949.00	$ 63,549.00	
LA ENCINAL COURT - LAENCI	R - Residential/Local	21,257	54	Thin Overlay	$ 1.30	$ 27,634.10	$ 91,183.10	
ZINFANDEL CIRCLE - 4034	R - Residential/Local	47,668	55	Thin Overlay	$ 1.30	$ 61,968.40	$ 153,151.50	
FOUR OAKS LANE - 3018	R - Residential/Local	11,825	56	Thin Overlay	$ 1.30	$ 15,372.50	$ 168,524.00	
MT. OLIVET PLACE - 4064	R - Residential/Local	17,700	56	Thin Overlay	$ 1.30	$ 23,010.00	$ 191,534.00	
EL TORO COURT - 4093	R - Residential/Local	2,250	56	Thin Overlay	$ 1.30	$ 2,925.00	$ 194,459.00	
TUYUSHTAK COURT - TUYUSH	R - Residential/Local	9,250	56	Thin Overlay	$ 1.30	$ 12,025.00	$ 206,484.00	
MT. WILSON WAY - 4049	R - Residential/Local	65,552	58	Thin Overlay	$ 1.30	$ 85,217.60	$ 291,701.60	
BLUE OAK LANE - BLUEOA	R - Residential/Local	63,122	58	Thin Overlay	$ 1.30	$ 82,058.60	$ 373,760.20	
MICHIGAN BLVD - 2007	R - Residential/Local	6,528	59	Thin Overlay	$ 1.30	$ 8,486.40	$ 382,246.60	
MT. ZION - 3019	R - Residential/Local	13,125	59	Thin Overlay	$ 1.30	$ 17,062.50	$ 399,309.10	
VERNA WAY EAST - 2017	R - Residential/Local	11,760	61	Thin Overlay	$ 1.30	$ 15,288.00	$ 414,597.10	
PANADERO COURT - 3003	R - Residential/Local	7,448	61	Thin Overlay	$ 1.30	$ 9,682.40	$ 424,279.50	
GOLDEN EAGLE WAY - GOLDEW	R - Residential/Local	43,290	63	Thin Overlay	$ 1.30	$ 56,277.00	$ 480,556.50	
OBSIDIAN WAY - OBSIDW	R - Residential/Local	39,072	65	Thin Overlay	$ 1.30	$ 50,793.60	$ 531,350.10	
INDIAN HEAD WAY - INDHEW	R - Residential/Local	24,024	66	Thin Overlay	$ 1.30	$ 31,231.20	$ 562,581.30	
MIWOK WAY - MIWOKW	R - Residential/Local	55,833	66	Thin Overlay	$ 1.30	$ 72,582.90	$ 635,164.20	
HAVILAND PLACE - 1008	R - Residential/Local	15,224	68	Thin Overlay	$ 1.30	$ 19,791.20	$ 654,955.40	
WALLACE DRIVE - 1031	R - Residential/Local	36,000	68	Thin Overlay	$ 1.30	$ 46,800.00	$ 701,755.40	
EL PUEBLO PLACE - 4096	R - Residential/Local	39,000	68	Thin Overlay	$ 1.30	$ 50,700.00	$ 752,455.40	
MITCHELL CANYON ROAD - 7001	A - Arterial	100,080	68	Thick overlay	$ 2.00	$ 200,160.00	$ 952,615.40	
OAK STREET - OAKSTR	R - Residential/Local	27,720	68	Thin Overlay	$ 1.30	$ 36,036.00	$ 988,651.40	
PINE HOLLOW ROAD - PINEHO	A - Arterial	46,740	68	Thick overlay	$ 2.00	$ 93,480.00	$ 1,082,131.40	
TARA COURT - 1005	R - Residential/Local	6,204	69	Thin Overlay	$ 1.30	$ 8,065.20	$ 1,090,196.60	
TARA DRIVE - 1006	R - Residential/Local	20,592	69	Thin Overlay	$ 1.30	$ 26,769.60	$ 1,116,966.20	
SHASTA COURT - 2003	R - Residential/Local	4,620	69	Thin Overlay	$ 1.30	$ 6,006.00	$ 1,122,972.20	
WIDMAR COURT - 3009	R - Residential/Local	8,816	69	Thin Overlay	$ 1.30	$ 11,460.80	$ 1,134,433.00	
KELOK WAY - KELOKW	R - Residential/Local	62,436	69	Thin Overlay	$ 1.30	$ 81,166.80	$ 1,215,599.80	

2015 PAVEMENT REHABILITATION PROJECT

COST ESTIMATE
ALTERNATIVE

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KELOK WAY - KELOKW	R - Residential/Local	62,436	69	Thin Overlay	$ 1.30	$ 81,166.80	$ 921,959.80	

MINUTES
OF THE
REGULAR MEETING

CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES

September 16, 2014

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 8:43 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Board Members present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz, Geller and Pierce. Board Members absent: None. Staff present: City Manager Gary Napper, Assistant City Attorney Christopher Diaz, City Clerk/Secretary Janet Brown, Finance Manager Kevin Mizuno.

2. **CONSENT CALENDAR- It was moved by Board Member Geller, seconded by Board Member Pierce, to approve the Consent Calendar as submitted (Passed; 5-0 vote).**

(a) Approved the minutes of the regular public meetings of May 5, 2014.

(b) Adopted Resolution No. 03-2014SA approving the Successor Agency's 7th Recognized Obligation Payment Schedule for the time period covering January 1, 2015 through June 31, 2015 (ROPS 14-15B) as required by the State Department of Finance.

3. **PUBLIC COMMENT ON NON-AGENDA ITEMS** – None.

4. **PUBLIC HEARINGS** – None.

5. **ACTION ITEMS** – None.

6. **BOARD ITEMS** – None.

7. **ADJOURNMENT** – on call by Mayor Stratford the meeting adjourned at 8:46 p.m.

###

Respectfully submitted,

Janet Brown, Secretary

Approved by the
Clayton Successor and Successor Housing
Agencies Board

Hank Stratford, Mayor

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

Agenda Date: 2-17-2015

Agenda Item: 2b SA

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA

DATE: February 17, 2015

SUBJECT: RESOLUTION AUTHORIZING SHORT-TERM CASH FLOW LOAN AGREEMENT FROM THE CITY OF CLAYTON TO THE SUCCESSOR AGENCY IN THE AMOUNT OF $125,000 FOR ADMINISTRATIVE EXPENSES

RECOMMENDATION

It is recommended that the Board of Directors of the Successor Agency to the Redevelopment Agency of the City of Clayton adopt the attached resolution authorizing a short-term cash flow loan agreement for administrative costs totaling $125,000 to become effective only upon approval by the California Department of Finance.

BACKGROUND

AB 1484, adopted in June 2012 as clean-up legislation to ABX1-26, allowed cities to loan funds to their successor agencies for enforceable obligations, administrative costs and project related expenses. Collectively, this legislation specified that litigation expenses are not administrative expenses and, as such, are thereby considered project related expenses (HSC34173(h)).

DISCUSSION

The State Department of Finance (DOF) Determination Letter pertaining to the Successor Agency's ROPS 2014-15B dated November 10, 2014 approved all obligations requested on the 2014-15B ROPS Detail Form. However, the DOF further directed the Successor Agency use remaining bond proceeds to pay for the approved obligations. By changing the funding source from RPTTF to bond proceeds, the DOF effectively eliminated all funding to the Successor Agency for the ROPS 2014-15B period.

Successor Agency management disputed the legality of the DOF's November 10, 2014 letter and re-examined the original and supplemental bond indentures pertaining to the 2014 refunding Tax Allocation Bonds, as well as consulted with bond counsel (Jones Hall) and special redevelopment legal counsel (Godfarb & Lipman). After internal reviews and external consultation, it was concluded that using existing bond proceeds to pay for administrative costs and bond principal would be in violation of the bond agreement. The Successor Agency also received an opinion letter from Bond Counsel supporting these claims.

The DOF administrative procedures governing "post redevelopment" administration allow for a Meet and Confer to communicate any disagreements with DOF Determination Letters. On November 24, 2014 Successor Agency management along with our legal advisor at Goldfarb & Lipman (Karen Tiedemann) held a Meet and Confer phone conference with the DOF. As part of this process, the City of Clayton provided the DOF relevant portions of the bond indentures, bond official statements, as well as the Bond Counsel letter dated December 1, 2014.

Despite the due diligence procedures described previously, the DOF issued a Final Determination Letter dated December 17, 2014 re-affirming their previous conclusions in the November 10, 2014 Determination Letter. Management of the Successor Agency and its legal advisors disagreed with this Determination Letter, concluding the use of bond proceeds in any manner that is inconsistent with the legally binding bond agreements would likely expose the Successor Agency to IRS penalties and/or litigation for which the DOF will not provide indemnification.

At the direction of the City Council, the City's Legal Counsel (BB&K) prepared a letter to the DOF offering to settle this dispute along the following lines: (1) the Successor Agency pays the fiscal agent trustee fees from bond proceeds, (2) RPTTF monies be used to pay the administrative cost allowance, and (3) the Successor Agency use bond proceeds to pay the February 1, 2015, interest only debt service payment and in future ROPS allocate principal and interest between the RPTTF and bond proceeds (to the extent any remain), respectively. This settlement offer was communicated to the DOF in a letter dated January 20, 2015.

On February 10, 2015 Ms. Shelly Renner, Senior Staff Counsel to the DOF, contacted BB&K and agreed to settle the dispute as suggested in the letter dated January 20, 2015. It was agreed the City would make a loan to the Successor Agency for the $125,000 administrative cost allowance in the 2015-16A ROPS. A new enforceable obligation line item for this loan would then be added to the 2015-16A ROPS Detail Form, which would permit the City to be paid back before the end of the fiscal year ending June 30, 2015. The DOF is currently in the process of providing a formal signed letter to the City to memorialize this agreement (which has not been received as of the date of this staff report).

FISCAL IMPACT

Successor Agency approval of the Loan Agreement in an amount not to exceed $125,000 provides the City the ability to get reimbursed for administrative costs currently funded from future allocations of RPTTF received by the Successor Agency from the County Auditor-Controller. Reimbursement is contingent upon final approval of the DOF. If this loan is approved by DOF, the total amount of funds will be drawn down from the RPTTF expected to be awarded in June 2015. Adoption of the Loan Agreement would allow the Successor Agency to list the Loan on the ROPS 2015-16A as a new enforceable obligation. If it is approved by DOF on the ROPS 2015-16A, the Successor Agency will owe the City the balance of the Loan.

CONCLUSION

Staff recommends the Successor Agency Board of Directors adopt the attached Resolution authorizing a short-term cash flow loan agreement from the City of Clayton to the Successor Agency in the amount of $125,000 for administrative expenses.

Respectively submitted,

T. Kevin Mizuno

Kevin Mizuno, CPA
Finance Manager

Attachment A: Resolution Approving a Loan Agreement with the City of Clayton

RESOLUTION NO.

A RESOLUTION APPROVING A LOAN AGREEMENT WITH THE CITY OF CLAYTON, CA

The Successor Agency to the Redevelopment Agency of the City of Clayton

Whereas, in its Recognized Obligation Payment Schedule ("ROPS") 14-15B, covering the period January 1, 2015 to June 30, 2015, the Successor Agency to the Redevelopment Agency of the City of Clayton ("Successor Agency") requested its statutory allocation from the Redevelopment Property Tax Trust Fund ("RPTTF") for its administrative cost allowance in the amount of $125,000.00; and

Whereas, that request was subsequently disallowed by the State Department of Finance ("DOF") in a letter dated December 17, 2014, which determined that unspent bond proceeds held by the Successor Agency must be used to pay the Successor Agency's administrative cost allowance before RPTTF may be used for this purpose; and

Whereas, the Successor Agency disputed DOF's determination on the ground that income tax regulations governing the use of tax exempt bond proceeds prohibit the use of bond proceeds for this purpose; and

Whereas, the Successor Agency and DOF are negotiating a settlement of this dispute which will authorize the use of RPTTF to pay the Successor Agency's administrative cost allowance without recourse to the unspent bond proceeds; and

Whereas, the County Auditor-Controller previously distributed all funds from the RPTTF on January 2, 2015 and no funds currently remain in the RPTTF to pay the Successor Agency's administrative cost allowance for the ROPS 2014-15 B period. For this reason, any settlement of this dispute must proceed on a going-forward basis; and

Whereas, the City of Clayton ("City") desires to loan the Successor Agency the sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($125,000.00) to cover the Successor Agency's administrative cost allowance for the ROPS 2014-15 B period provided it be repaid prior to June 30, 2015, from the next allocation of property taxes from the RPTTF and a written loan agreement has been prepared in the form attached hereto as Exhibit A.

Now, therefore, be it resolved by the Successor Agency to the Redevelopment Agency of the City of Clayton as follows:

1. The Loan Agreement between the City and the Successor Agency is hereby approved in the form attached hereto as Exhibit A, subject to such non-substantive changes as may be approved by the Executive Director and Successor Agency Counsel.

2. The Executive Director is hereby authorized to execute the Loan Agreement on behalf of the Successor Agency and take all actions necessary or appropriate to implement its provisions.

PASSED, APPROVED AND ADOPTED the 17th day of February, 2015, at a regular public meeting thereof by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE SUCCESSOR AGENCY OF THE REDVELOPMENT AGENCY OF CLAYTON, CA

____
David T. Shuey, Chairman

ATTEST:

____
Janet Brown, Secretary

LOAN AGREEMENT

This Loan Agreement ("Agreement") is entered into this 17th day of February, 2015, by and between the City of Clayton, a municipal corporation ("City"), and the Successor Agency to the Redevelopment Agency of the City of Clayton, a public body ("Successor Agency"), with respect to the following facts and assumptions:

A. In its Recognized Obligation Payment Schedule ("ROPS") 14-15B, covering the period January 1, 2015 to June 30, 2015, the Successor Agency requested its statutory allocation from the Redevelopment Property Tax Trust Fund ("RPTTF") for its administrative cost allowance in the amount of $125,000.00.

B. That request was subsequently disallowed by the State Department of Finance ("DOF") in a letter dated December 17, 2014, which determined that unspent bond proceeds held by the Successor Agency must be used to pay the Successor Agency's administrative cost allowance before RPTTF may be used for this purpose. The Successor Agency disputed DOF's determination on the ground that income tax regulations governing the use of tax exempt bond proceeds prohibit the use of bond proceeds for this purpose.

C. The Successor Agency and DOF have negotiated a settlement of this dispute which will authorize the use of RPTTF to pay the Successor Agency's administrative cost allowance without recourse to the unspent bond proceeds.

D. The County Auditor-Controller previously distributed all funds from the RPTTF on January 2, 2015 and no funds currently remain in the RPTTF to now pay the Successor Agency its statutory administrative cost allowance for the ROPS 2014-15 B period. For this reason, the mutually-agreeable settlement of this dispute must proceed on a going-forward basis.

E. To resolve this one-time funding issue, the City desires to loan the Successor Agency the sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($125,000.00) to cover the Successor Agency's administrative cost allowance for the ROPS 2014-15 B period and be repaid prior to June 30, 2015, from the next allocation of property taxes from the RPTTF.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Successor Agency hereby agree as follows:

1. Immediately upon execution of this Agreement, the City shall loan the Successor Agency the total sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($125,000.00) (the "Loan") to cover the Successor Agency's administrative cost allowance for the ROPS 2014-15 B period.

2. The Loan shall be repaid without interest in one lump sum on or prior to June 30, 2015, from property taxes allocated to the Successor Agency from the RPTTF claimed in the Successor Agency's ROPS 2015-16A period.

3. The Successor Agency covenants to include this Agreement on its next ROPS submission in order to qualify for an allocation from the RPTTF.

In Witness Whereof, this Agreement has been executed by the parties hereto by their respective representatives thereunto duly authorized on the date first written above.

CITY OF CLAYTON, a municipal corporation

By:__________________________________
David T. Shuey, Mayor

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON, a public body

By:__________________________________
Gary A. Napper, Executive Director

CITY OF CLAYTON
Founded 1857... Incorporated 1964

Agenda Date: 2-17-2015

Agenda Item: 2c SA

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA

DATE: February 17, 2015

SUBJECT: CONSIDER A RESOLUTION, AS THE CLAYTON SUCCESSOR AGENCY, TO APPROVE AND ADOPT AN 8^{TH} RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 2015-16A), PURSUANT TO THE DISSOLUTION ACT

RECOMMENDATION

It is recommended the City Council, serving as the Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency, adopt the prepared Resolution approving an 8^{th} Recognized Obligation Payment Schedule" (ROPS 2015-16A) in accordance with the California Supreme Court-ruled constitutionality of ABx1 26 (the "Dissolution Act") and subsequent AB 1484.

BACKGROUND

Under the Dissolution Act, "enforceable obligations" of the former redevelopment agency (e.g. Clayton Redevelopment Agency) include the following financial arrangements (the ROPS of a city or county):

- Bonds
- Loans
- Payments required by state or federal government
- Obligations to employees
- Judgments or settlements
- Binding and legally enforceable agreements entered into before AB1x26
- Contracts for RDA administration, Successor Agency administration, and Oversight Board administration

The monies to fund the requested ROPS funding are issued by the County Auditor-Controller to our City's "Redevelopment Obligation Retirement Fund". As its name implies, this fund replaces the former Redevelopment Agency's three Funds and functions as the repository for sufficient tax increment revenues in the amounts identified and approved in subsequent ROPS to effectively "retire" all former Clayton Redevelopment Agency debts and contractual obligations over a multi-year period. Once all identified and certified debts and obligations have been satisfied, the Successor Agency is then dissolved.

DISCUSSION

Recognized Obligation Payment Schedule (ROPS)

Included herein, as Attachment 1 to this staff report, is the 8th Recognized Obligation Payment Schedule (ROPS 2015-16A) requesting $597,750 in redevelopment property tax trust fund (RPTTF) monies. This period (July 1, 2015 through December 31, 2015) is $418,468 greater than in the prior ROPS 2014-15B (January 1, 2015 to June 30, 2015). This increase is primarily attributable to two circumstances: (1) the current ROPS period includes both principal and interest payments on the 2014 Refunding Tax Allocation Bonds whereas the prior ROPS period requested funding for the February 1st interest only debt service payment; and (2) the Successor Agency is re-submitting its unpaid administrative fees pursuant to Health & Safety Code Section 34171(b) for the previous ROPS period (2014-15B).

The State Department of Finance (DOF) Determination Letter pertaining to the Successor Agency's ROPS 2014-15B dated November 10, 2014 approved all obligations requested on the 2014-15B ROPS Detail Form. However, the DOF further directed the Successor Agency use remaining bond proceeds to pay for the approved obligations. By changing the funding source from RPTTF to bond proceeds, the DOF effectively eliminated all RPTTF funding to the Successor Agency for the ROPS 2014-15B period.

Successor Agency management disputed the legality of the DOF's November 10, 2014 letter and re-examined the original and supplemental bond indentures pertaining to the 2014 refunding Tax Allocation Bonds, as well as consulted with bond counsel (Jones Hall) and special redevelopment legal counsel (Godfarb & Lipman). After internal reviews and external consultation, it was concluded that using existing bond proceeds to pay for administrative costs and bond principal would be in violation of the bond agreement (IRS regulations). The Successor Agency also received an opinion letter from Bond Counsel supporting these claims.

The DOF administrative procedures governing "post redevelopment" administration allow for a Meet and Confer to communicate any disagreements with DOF Determination Letters. On November 24, 2014 Successor Agency management along with our legal advisor at Goldfarb & Lipman (Karen Tiedemann) held a Meet and Confer phone conference with the DOF. As part of this process, the City provided the DOF relevant portions of the bond indentures, bond official statements, as well as the Bond Counsel letter dated December 1, 2014.

Despite the due diligence procedures described previously, the DOF issued a Final Determination Letter dated December 17, 2014 re-affirming their previous conclusions in the November 10, 2014 Determination Letter. Management of the Successor Agency and its legal advisors disagreed with this Determination Letter, concluding the use of bond proceeds in any manner that is inconsistent with the legally binding bond agreements would likely expose the Successor Agency to IRS penalties and/or litigation for which the DOF will not provide indemnification.

At the direction of the City Council, the City's Legal Counsel (BB&K) prepared a letter to the DOF offering to settle this dispute along the following lines: (1) the Successor Agency pays the fiscal agent trustee fees from bond proceeds; (2) RPTTF monies be used to pay the administrative cost allowance; and (3) the Successor Agency use bond proceeds to pay the February 1, 2015, interest only debt service payment and in future ROPS allocate principal and interest between the RPTTF and bond proceeds (to the extent any remain), respectively. This settlement offer was communicated to the DOF in a letter dated January 20, 2015.

On February 10, 2015 Ms. Shelly Renner, Senior Staff Counsel to the DOF, contacted BB&K and agreed to settle the dispute as suggested in the letter dated January 20, 2015. It was agreed the City would make a loan to the Successor Agency for the unpaid $125,000 administrative cost allowance in the 2015-16A ROPS. A new enforceable obligation line item for this loan would then be added to the 2015-16A ROPS Detail Form, which would permit the City to be paid back before the end of the fiscal year ending June 30, 2015. The DOF is currently in the process of providing a formal signed letter to the City and Successor Agency to memorialize this agreement (which has not been received as of the date of this staff report).

Successor Agency Loans

SERAF loans became eligible for repayment starting in the six month period ending December 31, 2014, provided that the following three circumstances are met: (1) The Successor Agency has completed its Due Diligence Reviews (DDRs), (2) the results of the DDRs are reviewed by the Oversight Board, and (3) the Successor Agency has received a Notice of Completion. The Successor Agency DDRs have now been completed following the final issuance of the SCO Asset Transfer Review Report on December 23, 2014. However, at this point in time the final DDRs must still be approved by the Oversight Board. As such the SERAF internal loan balance (due from the Other Funds Successor to the Low-Moderate Housing Successor) information is included in the current ROPs in order to track the amount for anticipated future payments although payments are not yet eligible to be received. With the final DDRs management anticipates the Notice of Completion to be issued in the next six months.

Although previously denied in ROPS 1-7 by the DOF, AB 1484 did contain language that an agency's prior inter-agency payments (e.g. the City's 2% Election monies and the Fire Station No. 11 construction assistance payment) may be deemed eligible by DOF commencing on or after FY 2013-14. Therefore these former RDA obligations due the City of Clayton have been included in this ROPS for eligibility tracking (Items No. 13 and 14 on the ROPS 2015-16A Detail page) and future repayment after receiving a Notice of Completion estimated to occur in FY 2015-16.

Respectively submitted,

T. Kevin Mizuno

Kevin Mizuno, CPA
Finance Manager

Attachments: 8th ROPS 15-16A Resolution (4 pp.)
1. 8th Recognized Obligation Payment Schedule (ROPS15-16A)
2. Bond Counsel Opinion Letter – December 1, 2014

RESOLUTION NO. __- 2015

A RESOLUTION OF THE CITY OF CLAYTON, CALIFORNIA, ACTING AS THE SUCCESSOR AGENCY TO THE FORMER CLAYTON REDEVELOPMENT AGENCY, APPROVING AND ADOPTING ITS 8th RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE TIME PERIOD OF 01 JULY 2015 THROUGH 31 DECEMBER 2015, PURSUANT TO SECTION 31471(h) AND 34177(I)(1) OF THE CALIFORNIA REDEVELOPMENT LAW

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

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

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

WHEREAS, Assembly Bill X1 26 (the "Dissolution Act") and Assembly Bill X1 27 (the "Alternative Redevelopment Program Act") were enacted by the State of California on 28 June 2011, to significantly modify the Community Redevelopment Law and to end the existence of or modify continued operation of redevelopment agencies throughout the state (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

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

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

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

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

WHEREAS, 07 January 2015 the Department of Finance (DOF) posted instructions for completing the 8th Recognized Obligation Payment Schedule (ROPS 2015-16A) covering the time period of 01 July 2015 through 31 December 2015, including the requirement that the ROPS 2015-16A must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the DOF by 03 March 2015; and

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

WHEREAS, the Clayton City Council has reviewed and duly considered the Staff Report, the proposed 8th Recognized Obligation Payment Schedule (ROPS 2015-16A), plus documents and other written evidence presented at the meeting.

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

BE IT FURTHER RESOLVED that the City Council does hereby approve and adopt the 8th Recognized Obligation Payment Schedule (ROPS 2015-16A), attached hereto as "Attachment 1" and incorporated herein as if fully set forth in this Resolution.

BE IT FURTHER RESOLVED that the City Council authorizes and directs its City Manager or the City Manager's designee to: (1) post the 8th Recognized Obligation Payments Schedule (Attachment 1) on the City's website; (2) designate a City representative to whom all questions related to the 8th Recognized Obligation Payment Schedule can be directed; (3) notify, by mail or electronic means, the County Auditor-Controller, the State Department of Finance, and the State Controller of the Successor Agency's action to adopt the 8th Recognized Obligation Payment Schedule (ROPS 2015-16A), and to provide those persons with the internet website location of the posted schedule and the contact information for the City's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule on behalf of the Successor Agency and City.

BE IT FURTHER RESOLVED that if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Attachment 1, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution, Attachment 1 or any part thereof. The City Council, acting as the Successor Agency, hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Attachment 1 irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Resolution and of Attachment 1 are declared to be severable.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 17th day of February 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA
Serving as the Clayton Successor Agency

____
David T. Shuey, Mayor

ATTEST:

____
Janet Brown, City Clerk

# # # # #

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

____

Janet Brown, City Clerk

Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary

Filed for the July 1, 2015 through December 31, 2015 Period

Name of Successor Agency: Clayton

Name of County: Contra Costa

	Current Period Requested Funding for Outstanding Debt or Obligation	Six-Month Total
A	**Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding Sources (B+C+D):**	**$ 43,585**
B	Bond Proceeds Funding (ROPS Detail)	43,585
C	Reserve Balance Funding (ROPS Detail)	-
D	Other Funding (ROPS Detail)	-
E	**Enforceable Obligations Funded with RPTTF Funding (F+G):**	**$ 597,750**
F	Non-Administrative Costs (ROPS Detail)	347,750
G	Administrative Costs (ROPS Detail)	250,000
H	**Current Period Enforceable Obligations (A+E):**	**$ 641,335**

	Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
I	Enforceable Obligations funded with RPTTF (E):	597,750
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	(8,921)
K	**Adjusted Current Period RPTTF Requested Funding (I-J)**	**$ 588,829**

	County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
L	Enforceable Obligations funded with RPTTF (E):	597,750
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N	**Adjusted Current Period RPTTF Requested Funding (L-M)**	**597,750**

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Name Title

/s/

Signature Date

Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail

July 1, 2015 through December 31, 2015

(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
										Funding Source					
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total
								$ 6,127,696		$ 43,585	$ -	$ -	$ 347,750	$ 250,000	$ 641,335
3	City Loan entered into on 5/19/10	SERAF/ERAF	5/19/2010	7/1/2015	Successor Agency LMI	Inter-loan for SERAF payment to State	All	592,412	N						$ -
4	Contract for Consulting Services	Fees	11/1/1996	8/31/2024	US Bank	Paying Agent Fees	All	1,980	N						$ -
7	Successor Agency Functions	Admin Costs	1/1/2014	7/1/2015	City of Clayton	Expenses for Successor Agency Operation	All	250,000	N					125,000	$ 125,000
8	Contract for Consulting Services	Housing Entity Admin Cost	2/22/2011	12/31/2015	Ranney Planning	Housing Element Implementation	All	50,000	N						$ -
10	Contract for Consulting Services	Dissolution Audits	8/31/2012	7/1/2015	Cropper Accountancy Corp	Successor Agency Due Diligence Review	All	15,000	N				15,000		$ 15,000
11	Contract for Consulting Services	Fees	6/7/1988	7/1/2015	NBS Local Government Solutions	RDA Arbitrage Reporting	All	3,750	N				3,750		$ 3,750
13	City Loan entered into on 6/17/99	City/County Loans On or Before 6/27/11	6/17/1999	7/1/2015	City of Clayton	City Loan entered into on 6/17/99 Firestation Project	All	475,000	N						$ -
14	City Loan entered into on 2/16/10	City/County Loans On or Before 6/27/11	2/16/2010	7/1/2015	City of Clayton	2% Election Payments per Section 33686	All	376,424	N						$ -
16	Refunding Tax Allocation Bonds 2014	Refunding Bonds Issued After 6/27/12	6/25/2014	8/1/2024	US Bank	Bonds issued to refund the 1996 and 1999 non-housing RDA Tax Allocation Bonds	All	4,234,130	N	43,585			325,000		$ 368,585
17	Contract for bond covenant consulting services (cap analysis)	Professional Services	9/4/2014	8/1/2024	Fraser & Associates	Bond covenant required analysis/report.	All	4,000	N				4,000		$ 4,000
18	Short-term cash flow loan entered into on 2/17/15	City/County Loans After 6/27/11	2/17/2015	7/1/2015	City of Clayton	Short-term cash flow loan for admin fees for ROPS 2014-15B period.	All	125,000	N					125,000	$ 125,000
19									N						$ -
20									N						$ -

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Cash Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see https://rad.dof.ca.gov/rad-sa/pdf/Cash_Balance_Agency_Tips_Sheet.pdf.

A	B	C	D	E	F	G	H	I
		Fund Sources						
		Bond Proceeds		Reserve Balance		Other	RPTTF	
	Cash Balance Information by ROPS Period	Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin	Comments
ROPS 14-15A Actuals (07/01/14 - 12/31/14)								
1	**Beginning Available Cash Balance (Actual 07/01/14)**	310,367	20,653	1,325,017	-	74,823	36,833	
2	**Revenue/Income (Actual 12/31/14)** RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014	127	-	-	-	6,804	524,820	H2 RPTTF receipt is a reconciling item for cell E1 as this was being received by the SA and posted in June 2014.
3	**Expenditures for ROPS 14-15A Enforceable Obligations (Actual 12/31/14)** RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	-	9,169	-	-	-	545,324	Cell D3 includes cost of issuance expenditures included in the bond transcript approved by the DOF. Rollover into July 2014 was unknown at time of ROPS 2014-15A preparation. Items include the following: (1) $3,120 Godfarb & Lipman, (2) $5,480 trustee and escrow agent, and (3) $568.50 CDIAC state bond filing fee. Cell H3 consists of following: (1) RPTTF from ROPS 2014-15A ($417,774) paid into escrow on 6/25/15 to call old bonds and used by turstee to pay scheduled 8/1/15 debt service 1999 bonds, (2) $2,400 in NBS charges for arbitrage reports on the 1996 and 1999 bonds, (3) H&S code section 34171(b) administration for ROPS 2014-15A period, and (4) $150 in approved other professional services.
4	**Retention of Available Cash Balance (Actual 12/31/14)** RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	-	-	-	-	-	-	
5	**ROPS 14-15A RPTTF Prior Period Adjustment** RPTTF amount should tie to the self-reported ROPS 14-15A PPA in the Report of PPA, Column S	No entry required					8,921	
6	**Ending Actual Available Cash Balance** **C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)**	$ 310,494	$ 11,484	$ 1,325,017	$ -	$ 81,627	$ 7,408	
ROPS 14-15B Estimate (01/01/15 - 06/30/15)								
7	**Beginning Available Cash Balance (Actual 01/01/15)** **(C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)**	$ 310,494	$ 11,484	$ 1,325,017	$ -	$ 81,627	$ 16,329	
8	**Revenue/Income (Estimate 06/30/15)** RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015	-	-	-	-	-	-	No RPTTF awarded for ROPS 14-15B period.
9	**Expenditures for ROPS 14-15B Enforceable Obligations (Estimate 06/30/15)**	35,390	11,484	-	-	-	7,408	Per the DOF Determination Letter dated 12/17/14, the SA was instructed to apply bond proceeds to pay ROPS 2014-15B items 4, 7, and 16 totaling $171,874. Cell C9 and D9 include the use of bond proceeds to pay 2/1/15 interest payment on 2014 refunding TABs following DOF instruction. Cell C9 also includes use of bond proceeds totaling $1,980 to pay fiscal agent costs (item no. 4). Cell H9 applies RPTTF to net balance due on 2/1/15 interest payment pursuant to the 12/17/14 DOF letter.
10	**Retention of Available Cash Balance (Estimate 06/30/15)** RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	-	-	-	-	-	-	
11	**Ending Estimated Available Cash Balance (7 + 8 - 9 -10)**	$ 275,104	$ -	$ 1,325,017	$ -	$ 81,627	$ 8,921	

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Prior Period Adjustments
Reported for the ROPS 14-15A (July 1, 2014 through December 31, 2014) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
(Report Amounts in Whole Dollars)

ROPS 14-15A Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15A (July through December 2014) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16A (July through December 2015) period will be offset by the SA's self-reported ROPS 14-15A prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
		Non-RPTTF Expenditures						RPTTF Expenditures											
		Bond Proceeds		Reserve Balance		Other Funds		Non-Admin					Admin					Net SA Non-Admin and Admin PPA (Amount Used to Offset ROPS 15-16A Requested RPTTF)	
Item #	Project Name / Debt Obligation	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If K is less than L, the difference is zero)	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If total actual exceeds total authorized, the total difference is zero)	Net Difference (M+R)	SA Comments
		$ -	$ -	$ -	$ -	$ -	$ -	$ 429,245	$ 429,245	$ 429,245	$ 420,324	$ 8,921	$ 125,000	$ 125,000	$ 125,000	$ 125,000	$ -	$ 8,921	
1	1996 Tax Allocation Bonds Series A	-		-		-		6,181	6,181	$ 6,181	-	$ 6,181						$ 6,181	See cell I3 of the 2014-15B ROPS Cash Balances form. Trustee used bond proceeds for this amount to make deposit into escrow on 6/25/14 to call 1996A bonds. Trustee then used escrow funds to pay 8/1/14 debt service.
2	1999 Tax Allocation Bonds	-		-		-		417,774	417,774	$ 417,774	417,774	$ -						$ -	See cell I3 in cash balances form. This is a reconciling item as a result of bond call date being 6/25/14.
3	City Loan entered into on 5/19/10	-		-		-		-	-	$ -	-	$ -						$ -	
4	Contract for Consulting Services	-		-		-		2,740	2,740	$ 2,740	-	$ 2,740						$ 2,740	
5	Contract for Consulting Services	-		-		-		150	150	$ 150	150	$ -						$ -	
6	Contract for Consulting Services	-		-		-		-	-	$ -	-	$ -						$ -	
7	Successor Agency Functions	-		-		-		-	-	$ -	-	$ -						$ -	
8	Contract for Consulting Services	-		-		-		-	-	$ -	-	$ -						$ -	
9	Statutory Payments	-		-		-		-	-	$ -	-	$ -						$ -	
10	Contract for Consulting Services	-		-		-		-	-	$ -	-	$ -						$ -	
11	Contract for Consulting Services	-		-		-		2,400	2,400	$ 2,400	2,400	$ -						$ -	
12	RDA Contractual Subsidy	-		-		-		-		$ -		$ -						$ -	
13	City Loan entered into on 6/17/99	-		-		-		-		$ -		$ -						$ -	
14	City Loan entered into on 2/16/10	-		-		-		-		$ -		$ -						$ -	
15	Contract for Consulting Services	-		-		-		-		$ -		$ -						$ -	
										$ -		$ -						$ -	
										$ -		$ -						$ -	
										$ -		$ -						$ -	
										$ -		$ -						$ -	

Recognized Obligation Payment Schedule (ROPS 15-16A) - Notes

July 1, 2015 through December 30, 2015

Item #	Notes/Comments
N10	ROPS Detail Form (Item #10) - This item was unretired pursuant to correspondence with a Lead Analysis at the DOF, Mr. Michael Barr, on 1/26/15. SA provided detailed explanation and supporting general ledger documentation to support validity of un-retirement.
K15	ROPS Detail Form (Item #18) - Pursuant to agreement authorized by Justing Howard of the DOF, residual bond proceeds will be used to pay interest on 2014 refunding TABs. It was further agreed that principal on the 2014 refunding TABs will be paid from RPTTF to avoid a breach of allowable uses per the bond indentures.

JH
JONES HALL

December 1, 2014

475 Sansome Street
17th Floor
San Francisco, CA 94111
t. 415.391.5780
f. 415.276.2088

Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Re: Successor Agency to the Redevelopment Agency of the City of Clayton
Recognized Obligation Payment Schedule 2014-15B

Dear Laura:

You have informed us that the Department of Finance ("DOF") has directed the Successor Agency to the Redevelopment Agency of the City of Clayton (the "Agency") to deposit certain moneys totaling approximately $310,000 in the Redevelopment Property Tax Trust Fund (the "RPTTF") held by the Contra Costa Auditor Controller for the benefit of the Agency. You have indicated that these funds represent original bond proceeds remaining from the former Redevelopment Agency of the City of Clayton (the "Former Agency") City of Clayton Redevelopment Project Area Tax Allocation Bonds, Series 1990 (the "1990 Bonds"). You have requested our thoughts relating to the DOF's direction that these bond proceeds should be deposited in the RPTTF and applied as set forth in Section 34183(a) of the California Health and Safety Code.

The 1990 Bonds were issued pursuant to an Indenture and Fiscal Agent Agreement dated as of December 1, 1990 (the "Original Agreement"), between the Former Agency and Bankers Trust Company of California, National Association, as fiscal agent (as succeeded by U.S. Bank National Association, the "Fiscal Agent"). The 1990 Bonds were refunded by the Former Agency through the issuance of its City of Clayton Redevelopment Project Area Refunding Tax Allocation Bonds, Series 1996A (the "1996A Bonds"), pursuant to the Original Agreement, as supplemented and amended by a Second Supplemental Indenture and Fiscal Agent Agreement dated as of November 1, 1996 (the "Second Supplement") between the Former Agency and the Fiscal Agent. At the time of the refunding, amounts on deposit in the reserve account for the 1990 Bonds were deposited in the reserve account established for the 1996A Bonds, thereby becoming, for federal tax purposes, transferred proceeds of the 1996A Bonds subject to the federal tax covenants set forth in the Original Agreement, as supplemented and amended by the Second Supplement. In June of this year, the Agency refunded the 1996A Bonds through the issuance by the Agency of its City of Clayton Redevelopment Project Area Refunding Tax Allocation Bonds, Series 2014 (the "2014 Bonds"). The 2014 Bonds were issued pursuant to the Original Agreement, as heretofore supplement and amended and as supplement and amended by a Fourth Supplemental Indenture and Fiscal Agent Agreement dated as of June 1, 2014 (together with the Original Agreement, as heretofore supplemented and amended, including by the Second Supplement, the "Fiscal Agent Agreement"). At the time of issuance of the 2014 Bonds, the approximately $310,000 of amounts formerly deposited in the reserve account for the 1996A Bonds became transferred proceeds of the 2014 Bonds, and, therefore, continue to be subject to the federal tax covenants set forth in the Fiscal Agent Agreement.

As mentioned above, under federal tax law, notwithstanding the refunding and redemption of the 1990 Bonds and the 1996A Bonds, the unspent proceeds of the 1990 Bonds are now considered proceeds of the 2014 Bonds. Accordingly, the unspent proceeds of 1990 Bonds remain subject to the tax covenants set forth in the Fiscal Agent Agreement. Any use of the unspent proceeds that does not comply with these covenants and the requirements of federal tax law could adversely affect the tax-exempt status of both the 1996 Bonds and the 2014 Bonds. It is our opinion that depositing these unspent proceeds in the RPTTF would cause a violation of federal tax law. As we have discussed, unspent proceeds can only be expended in accordance with the Fiscal Agent Agreement. Therefore, the DOF ROPS determination letter dated November 10, 2014 directing the change of funding source for all 2014-15B ROPS enforceable obligations from RPTTF to bond proceeds legally cannot be allowed under the bond requirements.

I hope this letter addresses your questions. Please contact us if you have any further questions.

Very truly yours

Stephen Melikian

Stephen Melikian
President and Shareholder