



AGENDA

REGULAR JOINT MEETINGS

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**CLAYTON CITY COUNCIL
and
CLAYTON FINANCING AUTHORITY
and
CLAYTON SUCCESSOR & SUCCESSOR HOUSING AGENCIES**

* * *

TUESDAY, January 19, 2016

7:00 P.M.

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

Mayor: Howard Geller
Vice Mayor: Jim Diaz

Council Members

Keith Haydon
Julie K. Pierce
David T. Shuey

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail 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 ***

January 19, 2016

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

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

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 City Council's regular meeting of December 15, 2015. ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. ([View Here](#))
- (c) Approve a Second Addendum to the Exclusive Sales Listing Agreement with Transwestern Property Company West, Inc. to extend the existing terms and conditions to January 2, 2017 for the list and market for sale and development certain City-owned real properties in the Clayton Town Center (APN 118-560-010, vacant 1.67 acre parcel off Main Street; and APNs 119-050-034, 119-050-008, and 119-050-009 located at 1005 and 1007 Oak Street). ([View Here](#))
- (d) Adopt a Resolution authorizing the City Manager to submit an application to CalRecycle for any and all payment programs and related authorizations available for fiscal year 2015-16 funding cycle. ([View Here](#))
- (e) Adopt a Resolution re-appointing Anthony Chippero and Alyse Smith to the citizens advisory Trails and Landscaping Committee for the terms of office to expire December 31, 2017. ([View Here](#))
- (f) Approve Mayoral revision to the City Councilmember assignments for the City's delegate and alternate delegate to the monthly meetings of the East Bay Division, League of California Cities. ([View Here](#))
- (g) Adopt the following three (3) Resolutions regarding the City's past and present implementation of California Government Code Section 20691 pertaining to Employer Paid Member Contributions to the California Public Employees Retirement System (CalPERS): ([View Here](#))
 - 1. A Resolution regarding Employer Paid Member Contributions on behalf of eligible miscellaneous City employees hired prior to July 1, 2010 (7%); and
 - 2. A Resolution regarding Employer Paid Member Contribution rates on behalf of eligible public safety employees hired prior to July 1, 2010, by payment of a 7% benefit rate from July 1, 1975 until June 1, 1997, and a 9% benefit rate from June 2, 1997; and
 - 3. A Resolution regarding Employer Paid Member Contribution rates on behalf of eligible public safety employees hired prior to July 1, 2010 with varying benefit rates commencing July 6, 2015 (6%), July 4, 2016 (3%), and July 3, 2017 (0%).

4. RECOGNITIONS AND PRESENTATIONS

- (a) Certificates of Recognition to public school students selected for exemplifying the “Do the Right Thing” character trait of “Kindness” in November/December 2015. ([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 - None.

8. ACTION ITEMS

- (a) Presentation and acceptance of the citizens' Trails and Landscaping Committee's FY 2014-15 Annual Report on activities and performance of the Citywide Landscape Maintenance District. ([View Here](#)) (TLC Chairman Larry Casagrande)

Staff recommendation: Following presentation of the TLC's Annual Report and any public comments, that Council by motion accept the Trails and Landscaping Committee's Annual Report for FY 2014-15.

- (b) Discuss and consider adoption of a Resolution indicating City interest in exploring Community Choice Aggregation (CCA) energy for the city of Clayton in partnership with the County of Contra Costa and other public agency partners. (Community Development Director) ([View Here](#))

Staff recommendation: Following staff presentation and discussion of exploring Community Choice Aggregation (CCA) energy for the City of Clayton with Contra Costa County and/or an existing alternative (e.g. Marin Clean Energy), that Council receive public comments and then adopt the prepared Resolution.

- (c) Consider ECORP's initial findings regarding historic significance and future of the three (3) deteriorating historic outbuildings on City-owned Keller Ranch House property, north of the Clayton Community Library. ([View Here](#)) (Community Development Director)

Staff recommendations: Following staff presentation and opportunity for public comments, it is recommended the Council direct staff to seek proposals to demolish the three outbuildings due to the contemporary finding of historical insignificance.

- (d) Consider a summary report on the City of Pittsburg's Tuscany Meadows Residential Subdivision project for up to 917 single-family homes, 365 multi-family apartments, and three parks totaling approximately 18.6 acres and possible implications to Clayton community. ([View Here](#)) (Community Development Director)

Staff recommendation: Following staff presentation and opportunity for public comment, that Council adopt a motion to receive the report for file.

- (e) Discussion of Ballot Measure variables for renewal/extension of the Citywide Landscape Maintenance District's existing real property special tax and rate methodologies for voter consideration at a June 7, 2016 local special election to maintain funds for the annual operation and maintenance of Citywide Landscape Maintenance District over a proposed time period of ten (10) years commencing Fiscal Year 2017-2018; and adopt a Resolution of Consideration to set a public hearing for March 1, 2016 regarding the potential time extension thereof. ([View Here](#)) (Assistant to the City Manager; Trails and Landscaping Committee)

Staff recommendation: Following report, discussion, and opportunity for public comment, that Council provide policy direction regarding its preferred variables of a proposed ballot measure for the extension and continuation of the existing Citywide Landscape Maintenance District (CFD 2007-1); and then by motion, adopt the Resolution of Consideration setting March 1, 2016 as the date for a

public hearing regarding the proposed time extension of CFD 2007-1 and the special parcel tax.

- (f) City Council discussion to determine the date, time and location for the City Council's annual Goals and Objectives Setting Session with its City Manager. (City Manager) ([View Here](#))

Staff recommendation: That Council determine a suitable date and time to hold its annual Goals Setting Session, and then by motion approve the calling of a City Council special meeting for said purpose, date, time and location.

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

- 10. **CLOSED SESSION** – None.

- 11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be February 2, 2016.

#

*** CLAYTON FINANCING AUTHORITY ***

January 19, 2016

1. **CALL TO ORDER AND ROLL CALL** – President Geller.

2. **CLOSED SESSION** – None.

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of November 3, 2015. ([View Here](#))

(b) Approve the Clayton Financing Authority's Annual Report for Calendar Year 2015. ([View Here](#))

4. **PUBLIC COMMENTS 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 President's discretion. When one's name is called or you are recognized by the President 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 as each item is considered.

5. **ACTION ITEMS** - None.

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

7. **ADJOURNMENT** – the Clayton Financing Authority's next meeting will be scheduled when necessary.

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*** CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES ***
January 19, 2016

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

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 15, 2015.

([View Here](#))

(b) Adopt a Resolution approving the Successor Agency's 10th Recognized Obligation Payment Schedule for the time period covering July 1, 2016 through June 30, 2017 (ROPS 2016-17) as 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 Successor Agency's next regular meeting will be scheduled as needed.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, December 15, 2015

Agenda Date: 1-19-2016

Agenda Item: 3a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:01 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmembers Haydon, Pierce, and Shuey (arrived at 7:27 p.m.). Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the regular meeting of November 17, 2015.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved Mayoral reappointment of Peggie Howell to the Board of Trustees for the Contra Costa Mosquito and Vector Control District as Clayton's representative for the term of January 1, 2016 to January 1, 2018.

4. 7:28 p.m. **RECOGNITIONS AND PRESENTATIONS**

Mayor Geller thanked Councilmember Shuey for his term and leadership as Clayton's mayor during 2015 and presented him with an engraved wood box as a token of appreciation for his service as mayor. Councilmember Shuey thanked the City Council for the gift and its support.

5. **REPORTS**

- (a) Planning Commission – Commissioner Sandra Johnson summarized the Commission's meeting of December 8, 2015. She noted its agenda included a Development Plan and Vesting Tentative Map Time Extension on Creekside Terrace (Oak Street) mixed use project. The Commission approved the time extension, and also informally spoke with citizens in attendance after its meeting

regarding concerns with a possible high-density housing project on High Street and Marsh Creek Road.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff –No Report.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Vice Mayor Diaz attended the Contra Costa Mayors' Conference hosted by the City of Concord, a Clayton Library Foundation Board meeting, and the Clayton Community and Business Association's Annual Holiday Tree Lighting event.

Councilmember Pierce attended meetings on regional planning with the Association of Bay Area Governments (ABAG), the Contra Costa Mayors' Conference hosted by the City of Concord, a joint meeting of Metropolitan Transportation Commission and ABAG, the Clayton Community and Business Association's Annual Holiday Tree Lighting event, and additional meetings of Metropolitan Transportation Commission, TRANSPAC, Central Transportation, and ABAG.

Councilmember Haydon the Contra Costa Mayors' Conference hosted by the City of Concord, the Clayton Community and Business Association's Annual Holiday Tree Lighting event, CBCA's volunteer appreciation dinner and its tea with Mrs. Claus. He also attended the Clayton Historical Society Annual Christmas home tour and a meeting of the East Contra Costa County Habitat Conservancy.

Mayor Geller attended the Contra Costa Mayors' Conference hosted by the City of Concord, the East Bay Hospice Annual Tree Lighting event, the Community and Business Association's Annual Tree Lighting event and its volunteer appreciation dinner.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Joanna Welch, 518 Mt. Dell Drive, expressed concerns with residential mail and parcel thefts and inquired if the City Council would consider the purchase and installation of license plate readers at each entrance and exit in town. She also inquired on the parameters of closed session items on the City Council Agenda.

Nick Snyder, student consultant with Contra Costa County Climate Control, thanked the City of Clayton for having representation at its recent Zero Waste and Open Space workshop. He also noted that various programs are available to save money and encouraged the City to consider a climate action plan with goals for increasing energy efficiencies.

David Baker, 244 Stranahan Circle, expressed concerns regarding the potential housing project located at High Street and Marsh Creek Road. Mr. Baker advised his concerns are increased noise, increased traffic and erosion of nearby property values caused by the development. Mr. Baker is open to development in the community but prefers projects of less density and would like the City to consider re-zoning the real property for single family homes.

Dan Hummer, 282 Stranahan Circle, expressed his concerns about additional traffic and crime accompanying a proposed high density housing project across the street from the existing Stranahan neighborhood on Marsh Creek Road.

Gerri Baker, 244 Stranahan Circle, expressed her desire to keep a small town feel by not allowing high density housing in Clayton. If high density housing is approved, there may be a need for a traffic signal in the downtown area at Center Street and Marsh Creek Road. She also considers the 1932 house located on the Marsh Creek Road property to be historic and should be preserved. The proposed project will be overwhelming to Clayton.

(Councilmember Shuey arrived)

City Manager Napper advised Community Development Director Gentry prepared an Informational Sheet about the potential high-density housing project on High Street and Marsh Creek Road. It is available on the table in the foyer at the entrance to the Council Chambers and it outlines the history of the land use designations on the properties and the City's process. If interested citizens would like additional information, he recommended they contact Community Development Director Gentry.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Review and determination of City Council, ad-hoc, committee, inter-governmental and regional board assignments for 2016.

Mayor Geller reviewed the list of the current City Council assignments to ensure councilmember personal schedules and interests still meet the needs of the various committees and assignments. Changes were proposed for Community Emergency Response Team alternate, Contra Costa Water District liaison, East Contra Costa County Habitat Conservancy alternate, Economic Development Committee, Endeavor Hall Marketing Committee, Trails and Landscaping Committee (TLC) applicants alternate, and Library Foundation Liaison.

It was moved by Councilmember Pierce, and seconded by Councilmember Shuey, to approve the City Council ad-hoc, committee, inter-governmental and regional board assignments for 2016 as presented by Mayor Geller. (Passed; 5-0 vote).

- (b) Consider the recommendation for City Council cancellation of its regularly scheduled Council meeting of January 5, 2016.

No discussion was held or public comment received.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to cancel the regularly scheduled City Council meeting of January 5, 2015. (Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSIONS** – None.

11. **ADJOURNMENT**– on call by Mayor Geller, the City Council adjourned its meeting at 7:38 p.m.

The next regularly scheduled meeting of the City Council will be January 19, 2016.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Howard Geller, Mayor

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Agenda Date 1/19/2016

Agenda Item:

3b

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 1/19/2016

SUBJECT: FINANCIAL OBLIGATIONS

RECOMMENDATION:

Approve the following Invoices for payment:

1/15/2016 Obligations	\$	332,199.99
1/7/2016 Early Obligations, Check #31764, 31765	\$	6,809.41
12/22/2015 Payroll PPE 12/20/15, Week 52	\$	86,969.77
1/5/2016 Payroll PPE 1/3/16, Week 1	\$	91,189.64
Total	\$	<u>517,168.81</u>

Attachments:

Cash Requirements Report dated 1/15/2016 (7 pages)
Early Obligations, Checks Cut 1/7/16 (1 page)
ADP Report Week 52, PPE 12/20/15 (1 page)
ADP Report Week 01, PPE 01/03/16 (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	1/19/2016	1/19/2016	3965	Sergeant car tow, #51883	\$185.00	\$0.00		\$185.00
				<i>Totals for Ace Sierra Tow:</i>	<i>\$185.00</i>	<i>\$0.00</i>		<i>\$185.00</i>
Alameda County Sheriff's Office								
Alameda County Sheriff's Office	1/19/2016	1/19/2016	EVOC-2	training, Starick and Borman	\$484.00	\$0.00		\$484.00
				<i>Totals for Alameda County Sheriff's Office:</i>	<i>\$484.00</i>	<i>\$0.00</i>		<i>\$484.00</i>
All Around Seamless Gutter Company								
All Around Seamless Gutter Company	12/31/2015	12/31/2015	15382	Gutter repair & cleaning	\$1,101.00	\$0.00		\$1,101.00
				<i>Totals for All Around Seamless Gutter Company:</i>	<i>\$1,101.00</i>	<i>\$0.00</i>		<i>\$1,101.00</i>
All City Management Services, Inc.								
All City Management Services, Inc.	1/19/2016	1/19/2016	41772	school crossing guard services 12/6/15-12/19/15	\$509.10	\$0.00		\$509.10
All City Management Services, Inc.	1/19/2016	1/19/2016	41475	school crossing guard services 11/22/15-12/5/15	\$254.55	\$0.00		\$254.55
				<i>Totals for All City Management Services, Inc.:</i>	<i>\$763.65</i>	<i>\$0.00</i>		<i>\$763.65</i>
Altera Design								
Altera Design	1/19/2016	1/19/2016	CAP0179	Deposit refund for 567 Mt Olivet Place	\$500.00	\$0.00		\$500.00
				<i>Totals for Altera Design:</i>	<i>\$500.00</i>	<i>\$0.00</i>		<i>\$500.00</i>
American Fidelity Assurance Company								
American Fidelity Assurance Company	1/19/2016	1/19/2016	B405037	January Supplemental Insurance	\$435.38	\$0.00		\$435.38
American Fidelity Assurance Company	1/19/2016	1/19/2016	1332639A	January FSA	\$728.31	\$0.00		\$728.31
American Fidelity Assurance Company	1/19/2016	1/19/2016	11835556A	October 2015 FSA	\$526.66	\$0.00		\$526.66
				<i>Totals for American Fidelity Assurance Company:</i>	<i>\$1,690.35</i>	<i>\$0.00</i>		<i>\$1,690.35</i>
AT&T (CalNet3)								
AT&T (CalNet3)	12/31/2015	12/31/2015	7464164	Service to 12/21/15	\$3,520.18	\$0.00		\$3,520.18
				<i>Totals for AT&T (CalNet3):</i>	<i>\$3,520.18</i>	<i>\$0.00</i>		<i>\$3,520.18</i>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	1/19/2016	1/19/2016	0334481-IN	U clamps	\$196.09	\$0.00		\$196.09
Bay Area Barricade Serv.	1/19/2016	1/19/2016	0334482-IN	signs	\$1,649.20	\$0.00		\$1,649.20
Bay Area Barricade Serv.	1/19/2016	1/19/2016	0334967-IN	signs	\$456.53	\$0.00		\$456.53
Bay Area Barricade Serv.	1/19/2016	1/19/2016	0334966-IN	signs, straw wattle	\$563.12	\$0.00		\$563.12
Bay Area Barricade Serv.	1/19/2016	1/19/2016	333687B-IN	squeegee blades, t-shirts	\$384.95	\$0.00		\$384.95
				<i>Totals for Bay Area Barricade Serv.:</i>	<i>\$3,249.89</i>	<i>\$0.00</i>		<i>\$3,249.89</i>
Bay Valley Construction								
Bay Valley Construction	1/19/2016	1/19/2016	CAP0185	Deposit refund for 701 Black Point Place	\$2,500.00	\$0.00		\$2,500.00
				<i>Totals for Bay Valley Construction:</i>	<i>\$2,500.00</i>	<i>\$0.00</i>		<i>\$2,500.00</i>
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	12/31/2015	12/31/2015	762703	November services	\$8,000.00	\$0.00		\$8,000.00
Best Best & Kreiger LLP	12/31/2015	12/31/2015	762696	November - Labor & Employment	\$275.00	\$0.00		\$275.00

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
Best Best & Kreiger LLP	12/31/2015	12/31/2015	762697	November - Redevelopment	\$1,593.06	\$0.00		\$1,593.06
				<i>Totals for Best Best & Kreiger LLP:</i>	<i>\$9,868.06</i>	<i>\$0.00</i>		<i>\$9,868.06</i>
Blackbaud								
Blackbaud	1/19/2016	1/19/2016	90997843	Training 2/5/16-2/4/17	\$2,187.50	\$0.00		\$2,187.50
				<i>Totals for Blackbaud:</i>	<i>\$2,187.50</i>	<i>\$0.00</i>		<i>\$2,187.50</i>
CalChamber								
CalChamber	1/19/2016	1/19/2016	10959657	Employment does & posters	\$228.45	\$0.00		\$228.45
				<i>Totals for CalChamber:</i>	<i>\$228.45</i>	<i>\$0.00</i>		<i>\$228.45</i>
CalPERS Health								
CalPERS Health	1/19/2016	1/19/2016	1918	Health for January 2016	\$36,841.00	\$0.00		\$36,841.00
				<i>Totals for CalPERS Health:</i>	<i>\$36,841.00</i>	<i>\$0.00</i>		<i>\$36,841.00</i>
CalPERS Retirement								
CalPERS Retirement	12/31/2015	12/31/2015	PPE 1/3/16	Retirement PPE 1/3/16	\$13,401.06	\$0.00		\$13,401.06
CalPERS Retirement	1/19/2016	1/19/2016	January 2016	January UAL Billing	\$28,437.00	\$0.00		\$28,437.00
CalPERS Retirement	12/31/2015	12/31/2015	PPE 12/20/15	Retirement PPE 12/20/15	\$14,056.20	\$0.00		\$14,056.20
CalPERS Retirement	1/19/2016	1/19/2016	CC 12/24/15	City Council Retirement ending 12/24/15	\$178.32	\$0.00		\$178.32
				<i>Totals for CalPERS Retirement:</i>	<i>\$56,072.58</i>	<i>\$0.00</i>		<i>\$56,072.58</i>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	1/19/2016	1/19/2016	1914909	contract 11/1715-12/16/15	\$265.50	\$0.00		\$265.50
				<i>Totals for Caltronics Business Systems, Inc:</i>	<i>\$265.50</i>	<i>\$0.00</i>		<i>\$265.50</i>
CCWD								
CCWD	12/31/2015	12/31/2015	G series	water for November & December 2015	\$4,440.49	\$0.00		\$4,440.49
				<i>Totals for CCWD:</i>	<i>\$4,440.49</i>	<i>\$0.00</i>		<i>\$4,440.49</i>
CERCO Analytical, Inc.								
CERCO Analytical, Inc.	1/19/2016	1/19/2016	1512151	well water samples 12/17/15	\$490.00	\$0.00		\$490.00
				<i>Totals for CERCO Analytical, Inc.:</i>	<i>\$490.00</i>	<i>\$0.00</i>		<i>\$490.00</i>
Cintas Fire Protection								
Cintas Fire Protection	1/19/2016	1/19/2016	OF44625334	inspection, service PD	\$347.50	\$0.00		\$347.50
				<i>Totals for Cintas Fire Protection:</i>	<i>\$347.50</i>	<i>\$0.00</i>		<i>\$347.50</i>
City of Concord								
City of Concord	12/31/2015	12/31/2015	49195	vehicle maintenance for November	\$1,492.31	\$0.00		\$1,492.31
City of Concord	12/31/2015	12/31/2015	48989	Dispatch December 2015	\$20,089.50	\$0.00		\$20,089.50
City of Concord	1/19/2016	1/19/2016	49251	door hangers, letterhead, business cards	\$632.23	\$0.00		\$632.23
				<i>Totals for City of Concord:</i>	<i>\$22,214.04</i>	<i>\$0.00</i>		<i>\$22,214.04</i>
CMRTA State Treasurer								
CMRTA State Treasurer	1/19/2016	1/19/2016	420	CMTRA Membership 2016	\$100.00	\$0.00		\$100.00
				<i>Total: MRTA State Treasurer:</i>	<i>\$100.00</i>	<i>\$0.00</i>		<i>\$100.00</i>

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
Concord Uniforms								
Concord Uniforms	1/19/2016	1/19/2016	10465	uniform - Starick	\$186.28	\$0.00		\$186.28
Concord Uniforms	1/19/2016	1/19/2016	10443	uniform - Starick	\$731.01	\$0.00		\$731.01
Concord Uniforms	1/19/2016	1/19/2016	10352	uniform - Wenzel	\$706.48	\$0.00		\$706.48
Concord Uniforms	1/19/2016	1/19/2016	10589	uniform - Sandy	\$138.32	\$0.00		\$138.32
<i>Totals for Concord Uniforms:</i>					<u>\$1,762.09</u>	<u>\$0.00</u>		<u>\$1,762.09</u>
Contra Costa County Department of Conservation & Development								
Contra Costa County Department of Co	12/31/2015	12/31/2015	Q2	business license fee Q2 FY 2016	\$55.90	\$0.00		\$55.90
<i>Totals for Contra Costa County Department of Conservation & Development:</i>					<u>\$55.90</u>	<u>\$0.00</u>		<u>\$55.90</u>
Contra Costa County Office of the Sheriff (Training)								
Contra Costa County Office of the Sheri	1/19/2016	1/19/2016	15-2245	Range use November 2015	\$195.00	\$0.00		\$195.00
Contra Costa County Office of the Sheri	1/19/2016	1/19/2016	15-19365	In-service course, arrest & control - PSP	\$66.00	\$0.00		\$66.00
<i>Totals for Contra Costa County Office of the Sheriff (Training):</i>					<u>\$261.00</u>	<u>\$0.00</u>		<u>\$261.00</u>
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	1/19/2016	1/19/2016	700400	traffic signal maintenance November 2015	\$267.06	\$0.00		\$267.06
<i>Totals for Contra Costa County Public Works Dept:</i>					<u>\$267.06</u>	<u>\$0.00</u>		<u>\$267.06</u>
Contra Costa County Sheriff - Forensic Svc Div (Lab)								
Contra Costa County Sheriff - Forensic S	12/31/2015	12/31/2015	CLPD-1510	toxicology for October 2015	\$2,220.00	\$0.00		\$2,220.00
Contra Costa County Sheriff - Forensic S	12/31/2015	12/31/2015	CLPD-1511	toxicology for November 2015	\$3,880.00	\$0.00		\$3,880.00
<i>Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):</i>					<u>\$6,100.00</u>	<u>\$0.00</u>		<u>\$6,100.00</u>
Contra Costa County Sheriff-Coroner (CLETS)								
Contra Costa County Sheriff-Coroner (	1/19/2016	1/19/2016	CL14/15	CLETS 14/15 annual fee	\$826.41	\$0.00		\$826.41
<i>Totals for Contra Costa County Sheriff-Coroner (CLETS):</i>					<u>\$826.41</u>	<u>\$0.00</u>		<u>\$826.41</u>
CR Fireline, Inc								
CR Fireline, Inc	12/31/2015	12/31/2015	104207	replace smoke detector with heat detector EH	\$1,575.00	\$0.00		\$1,575.00
<i>Totals for CR Fireline, Inc:</i>					<u>\$1,575.00</u>	<u>\$0.00</u>		<u>\$1,575.00</u>
Critical Reach								
Critical Reach	1/19/2016	1/19/2016	16-105	annual fee 2016	\$145.00	\$0.00		\$145.00
<i>Totals for Critical Reach:</i>					<u>\$145.00</u>	<u>\$0.00</u>		<u>\$145.00</u>
CSAC Excess Insurance Authority								
CSAC Excess Insurance Authority	1/19/2016	1/19/2016	16401180	EAP January -March 2016	\$312.00	\$0.00		\$312.00
<i>Totals for CSAC Excess Insurance Authority:</i>					<u>\$312.00</u>	<u>\$0.00</u>		<u>\$312.00</u>
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	1/19/2016	1/19/2016	48313026	contract for January 2016	\$358.27	\$0.00		\$358.27
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					<u>\$358.27</u>	<u>\$0.00</u>		<u>\$358.27</u>
ECORP Consulting, Inc								
ECORP Consulting, Inc	1/19/2016	1/19/2016	76826	Professional Services for December 2015	\$3,227.50	\$0.00		\$3,227.50

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
<i>Totals for ECorp Consulting, Inc:</i>					\$3,227.50	\$0.00		\$3,227.50
Entenmann-Rovin Co								
Entenmann-Rovin Co	1/19/2016	1/19/2016	0113845-IN	badges	\$453.21	\$0.00		\$453.21
<i>Totals for Entenmann-Rovin Co:</i>					\$453.21	\$0.00		\$453.21
Fast Signs								
Fast Signs	1/19/2016	1/19/2016	PH90421	graphics for new police car 1738	\$417.95	\$0.00		\$417.95
<i>Totals for Fast Signs:</i>					\$417.95	\$0.00		\$417.95
Geoconsultants, Inc.								
Geoconsultants, Inc.	12/31/2015	12/31/2015	18783	well mon itoring December 2015	\$1,546.50	\$0.00		\$1,546.50
Geoconsultants, Inc.	12/31/2015	12/31/2015	18778	well monitoring November #2	\$1,546.50	\$0.00		\$1,546.50
<i>Totals for Geoconsultants, Inc.:</i>					\$3,093.00	\$0.00		\$3,093.00
Globalstar LLC								
Globalstar LLC	1/19/2016	1/19/2016	7002356	service 11/16/15-12/15/15	\$55.91	\$0.00		\$55.91
<i>Totals for Globalstar LLC:</i>					\$55.91	\$0.00		\$55.91
Granite Rock Company								
Granite Rock Company	1/19/2016	1/19/2016	971245	Wood Plank Ped Bridges, Job # 5585	\$21,612.50	\$0.00		\$21,612.50
Granite Rock Company	12/31/2015	12/31/2015	971046	Wood Plank Ped Bridges, Job # 5585	\$75,078.50	\$0.00		\$75,078.50
<i>Totals for Granite Rock Company:</i>					\$96,691.00	\$0.00		\$96,691.00
Hammons Supply Company								
Hammons Supply Company	1/19/2016	1/19/2016	191671	supplies	\$318.56	\$0.00		\$318.56
<i>Totals for Hammons Supply Company:</i>					\$318.56	\$0.00		\$318.56
ICMA Retirement Corporation								
ICMA Retirement Corporation	1/19/2016	1/19/2016	16180	annual plan fee Q3 FY 2016	\$125.00	\$0.00		\$125.00
<i>Totals for ICMA Retirement Corporation:</i>					\$125.00	\$0.00		\$125.00
J&R Floor Services								
J&R Floor Services	12/31/2015	12/31/2015	twelve	December 2015 billing	\$4,954.05	\$0.00		\$4,954.05
<i>Totals for J&R Floor Services:</i>					\$4,954.05	\$0.00		\$4,954.05
Marco Karkoc								
Marco Karkoc	1/19/2016	1/19/2016	CAP0085	Deposit refund for 424 Mt Sequoia Ct	\$500.00	\$0.00		\$500.00
<i>Totals for Marco Karkoc:</i>					\$500.00	\$0.00		\$500.00
Arlene Kikkawa-Nielsen								
Arlene Kikkawa-Nielsen	1/19/2016	1/19/2016	January 2016	January Library Volunteer Coordinator	\$900.00	\$0.00		\$900.00
<i>Totals for Arlene Kikkawa-Nielsen:</i>					\$900.00	\$0.00		\$900.00
LarryLogic Productions								
LarryLogic Productions	1/19/2016	1/19/2016	1550	city council meeting 12/15/15	\$275.00	\$0.00		\$275.00
<i>Totals for LarryLogic Productions:</i>					\$275.00	\$0.00		\$275.00

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
LC Action Police Supply LTD								
LC Action Police Supply LTD	1/19/2016	1/19/2016	342454	sight	\$419.90	\$0.00		\$419.90
LC Action Police Supply LTD	1/19/2016	1/19/2016	342980	gun flashlights	\$1,258.71	\$0.00		\$1,258.71
				<i>Totals for LC Action Police Supply LTD:</i>	<i>\$1,678.61</i>	<i>\$0.00</i>		<i>\$1,678.61</i>
League of CA cities								
League of CA cities	1/19/2016	1/19/2016	158551	dues for 2016	\$5,841.68	\$0.00		\$5,841.68
League of CA cities	1/19/2016	1/19/2016	4246	dues for 2016	\$575.00	\$0.00		\$575.00
				<i>Totals for League of CA cities:</i>	<i>\$6,416.68</i>	<i>\$0.00</i>		<i>\$6,416.68</i>
Legal Defense Fund								
Legal Defense Fund	1/19/2016	1/19/2016	152345	dues for 1/1/16	\$13.50	\$0.00		\$13.50
				<i>Totals for Legal Defense Fund:</i>	<i>\$13.50</i>	<i>\$0.00</i>		<i>\$13.50</i>
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	1/19/2016	1/19/2016	415-1151-11	controls maintenance for November	\$150.00	\$0.00		\$150.00
Marken Mechanical Services Inc	1/19/2016	1/19/2016	115-20848	parts for library	\$217.88	\$0.00		\$217.88
				<i>Totals for Marken Mechanical Services Inc:</i>	<i>\$367.88</i>	<i>\$0.00</i>		<i>\$367.88</i>
Matrix Association Management								
Matrix Association Management	1/19/2016	1/19/2016	2521	management services for January	\$4,375.00	\$0.00		\$4,375.00
				<i>Totals for Matrix Association Management:</i>	<i>\$4,375.00</i>	<i>\$0.00</i>		<i>\$4,375.00</i>
Ian McLaughlin								
Ian McLaughlin	12/31/2015	12/31/2015	Q2	Q2 FY 16 business license fees	\$25.80	\$0.00		\$25.80
				<i>Totals for Ian McLaughlin:</i>	<i>\$25.80</i>	<i>\$0.00</i>		<i>\$25.80</i>
MPA								
MPA	1/19/2016	1/19/2016	January	January life/LTD	\$1,643.01	\$0.00		\$1,643.01
				<i>Totals for MPA:</i>	<i>\$1,643.01</i>	<i>\$0.00</i>		<i>\$1,643.01</i>
Muir/ Diablo Occupation Medicine								
Muir/ Diablo Occupation Medicine	1/19/2016	1/19/2016	335793	pre-employment exam	\$75.00	\$0.00		\$75.00
				<i>Totals for Muir/ Diablo Occupation Medicine:</i>	<i>\$75.00</i>	<i>\$0.00</i>		<i>\$75.00</i>
NBS Govt. Finance Group								
NBS Govt. Finance Group	1/19/2016	1/19/2016	12150123	qrtrly admin fees Q3 FY 16	\$4,245.34	\$0.00		\$4,245.34
NBS Govt. Finance Group	1/19/2016	1/19/2016	12150107	Disclosure reporting	\$1,756.28	\$0.00		\$1,756.28
				<i>Totals for NBS Govt. Finance Group:</i>	<i>\$6,001.62</i>	<i>\$0.00</i>		<i>\$6,001.62</i>
Neopost Northwest								
Neopost Northwest	1/19/2016	1/19/2016	N5716171	contract for 2/7/16-3/7/16	\$158.20	\$0.00		\$158.20
				<i>Totals for Neopost Northwest:</i>	<i>\$158.20</i>	<i>\$0.00</i>		<i>\$158.20</i>
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	1/19/2016	1/19/2016	805877	payphone for January 2016	\$73.00	\$0.00		\$73.00

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
<i>Totals for Pacific Telemanagement Svc:</i>					\$73.00	\$0.00		\$73.00
Paramount Elevator Corp.								
Paramount Elevator Corp.	1/19/2016	1/19/2016	10519	service Q3 FY 16	\$220.00	\$0.00		\$220.00
Paramount Elevator Corp.	1/19/2016	1/19/2016	8479	service Q2 FY 16	\$220.00	\$0.00		\$220.00
<i>Totals for Paramount Elevator Corp.:</i>					\$440.00	\$0.00		\$440.00
Peace Officers Research Assoc of CA								
Peace Officers Research Assoc of CA	1/19/2016	1/19/2016	136456	dues for January	\$10.00	\$0.00		\$10.00
<i>Totals for Peace Officers Research Assoc of CA:</i>					\$10.00	\$0.00		\$10.00
PERMCO, Inc.								
PERMCO, Inc.	1/19/2016	1/19/2016	10499	PG&E Encroachment permit	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	1/19/2016	1/19/2016	10507	General services 12/23/15-1/8/15	\$1,912.00	\$0.00		\$1,912.00
PERMCO, Inc.	1/19/2016	1/19/2016	10508	CAP Inspection	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	1/19/2016	1/19/2016	10509	submittals to CCTA, solicit pavement consult	\$750.00	\$0.00		\$750.00
<i>Totals for PERMCO, Inc.:</i>					\$2,745.00	\$0.00		\$2,745.00
PG&E								
PG&E	12/31/2015	12/31/2015	12/16/15	service 11/17/15-12/15/15	\$2,843.59	\$0.00		\$2,843.59
PG&E	1/19/2016	1/19/2016	12/21/15	service 11/20/15-12/20/15	\$22.29	\$0.00		\$22.29
PG&E	12/31/2015	12/31/2015	12/15/15	service 11/15/15-12/15/15	\$16,380.79	\$0.00		\$16,380.79
<i>Totals for PG&E:</i>					\$19,246.67	\$0.00		\$19,246.67
Proforce Marketing, Inc.								
Proforce Marketing, Inc.	1/19/2016	1/19/2016	259953	order 904962	\$989.89	\$0.00		\$989.89
<i>Totals for Proforce Marketing, Inc.:</i>					\$989.89	\$0.00		\$989.89
Allison Rideau								
Allison Rideau	1/19/2016	1/19/2016	CAP0180	Deposit refund for 3 Clark Creek Circle	\$500.00	\$0.00		\$500.00
<i>Totals for Allison Rideau:</i>					\$500.00	\$0.00		\$500.00
Riso Products of Sacramento								
Riso Products of Sacramento	1/19/2016	1/19/2016	150873	contract for 12/18/15-1/17/16	\$94.86	\$0.00		\$94.86
<i>Totals for Riso Products of Sacramento:</i>					\$94.86	\$0.00		\$94.86
Rogers Construction								
Rogers Construction	1/19/2016	1/19/2016	CAP0181	Deposit refund for 60 Mountaire Place	\$500.00	\$0.00		\$500.00
<i>Totals for Rogers Construction:</i>					\$500.00	\$0.00		\$500.00
Roto-Rooter Sewer/Drain Service								
Roto-Rooter Sewer/Drain Service	12/31/2015	12/31/2015	L-538-15	V-ditch vacuum	\$5,194.00	\$0.00		\$5,194.00
Roto-Rooter Sewer/Drain Service	1/19/2016	1/19/2016	L-965-15	library restroom toilet repair	\$646.72	\$0.00		\$646.72
<i>Totals for Roto-Rooter Sewer/Drain Service:</i>					\$5,840.72	\$0.00		\$5,840.72
Sportsmen Hunting/Fishing Guide Service, LLC								
Sportsmen Hunting/Fishing Guide Service	1/19/2016	1/19/2016	104	wild pig control	\$1,500.00	\$0.00		\$1,500.00

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
<i>Totals for Sportsmen Hunting/Fishing Guide Service, LLC:</i>					<u>\$1,500.00</u>	<u>\$0.00</u>		<u>\$1,500.00</u>
Sprint Comm (PD)								
Sprint Comm (PD)	1/19/2016	1/19/2016	703335311-169	service 11/26/15-12/25/15	<u>\$272.35</u>	<u>\$0.00</u>		<u>\$272.35</u>
<i>Totals for Sprint Comm (PD):</i>					<u>\$272.35</u>	<u>\$0.00</u>		<u>\$272.35</u>
Staples Advantage								
Staples Advantage	1/19/2016	1/19/2016	8037442995	supplies December	<u>\$406.95</u>	<u>\$0.00</u>		<u>\$406.95</u>
<i>Totals for Staples Advantage:</i>					<u>\$406.95</u>	<u>\$0.00</u>		<u>\$406.95</u>
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	12/31/2015	12/31/2015	11/23/15	Cal Card ending 11/23/15	<u>\$7,487.20</u>	<u>\$0.00</u>		<u>\$7,487.20</u>
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					<u>\$7,487.20</u>	<u>\$0.00</u>		<u>\$7,487.20</u>
Warner Brothers Tree Service								
Warner Brothers Tree Service	12/31/2015	12/31/2015	12562	tree work, old city hall	<u>\$1,150.00</u>	<u>\$0.00</u>		<u>\$1,150.00</u>
<i>Totals for Warner Brothers Tree Service:</i>					<u>\$1,150.00</u>	<u>\$0.00</u>		<u>\$1,150.00</u>
Western Exterminator								
Western Exterminator	1/19/2016	1/19/2016	3731411	November service	<u>\$370.00</u>	<u>\$0.00</u>		<u>\$370.00</u>
<i>Totals for Western Exterminator:</i>					<u>\$370.00</u>	<u>\$0.00</u>		<u>\$370.00</u>
Zee Medical Company								
Zee Medical Company	1/19/2016	1/19/2016	724600210	services	<u>\$94.95</u>	<u>\$0.00</u>		<u>\$94.95</u>
<i>Totals for Zee Medical Company:</i>					<u>\$94.95</u>	<u>\$0.00</u>		<u>\$94.95</u>
GRAND TOTALS:					\$332,199.99	\$0.00		\$332,199.99

City of Clayton

Bank Register Report - B of A-Checking

Transaction Number	Source	Transaction Type	Transaction Date	Reference	Deposits	Payments	Running Total	Status	Post Date
31764	Accounts Payable	Computer Check	1/7/2016	Northern California's Emergency Vehi	\$0.00	\$1,915.16	(\$1,915.16)	Outstanding	1/7/2016
31765	Accounts Payable	Computer Check	1/7/2016	PERMCO, Inc.	\$0.00	\$4,894.25	(\$6,809.41)	Outstanding	1/7/2016

Summary by Transaction Type

Total Deposits:	\$0.00
Less Payments by Transaction Type:	
Computer Check	(\$6,809.41)
Total Payments:	(\$6,809.41)
Adjustments:	
Payment Adjustments	\$0.00
Deposit Adjustments	\$0.00
Total Adjustments:	\$0.00
Total Change in Register Balance:	(\$6,809.41)

Earnings Statement

0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000039 Tot Docs in all:00000000042
First No. Last No. Total
Checks: ADPCHECK ADPCHECK 00000000004
Vouchers: 00000010001 00000010035 00000000035

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

CHECK STUFFING, RECONCILIATION

91189.64 GROSS
65329.96 NET PAY (INCLUDING ALL DEPOSITS)
11631.60 FEDERAL TAX
165.85 SOCIAL SECURITY
1255.82 MEDICARE
.00 MEDICARE SURTAX
.00 SUI TAX
3788.68 STATE TAX
.00 LOCAL TAX
72988.59 DEDUCTIONS
1359.10 NET CHECK

COMPANY CODE Z7L
CITY OF CLAYTON
TOTAL DOCUMENT
LOCATION 0001

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

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

THE ORIGINAL DOCUMENT HAS AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT.

WEEK 52 BATCH 1614 35 PAYS
0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000030 Tot Docs in all:00000000033
First No. Last No. Total
Checks: ADPCHECK ADPCHECK 00000000005
Vouchers: 00000520001 00000520025 000000000025

Earnings Statement

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

CHECK STUFFING, RECONCILIATION

86969.77 GROSS
62787.70 NET PAY (INCLUDING ALL DEPOSITS)
10860.04 FEDERAL TAX
115.26 SOCIAL SECURITY
1209.57 MEDICARE
68.77 MEDICARE SURTAX
.00 SUI TAX
3703.44 STATE TAX
.00 LOCAL TAX
68859.39 DEDUCTIONS
2153.30 NET CHECK

COMPANY CODE Z7L
CITY OF CLAYTON
TOTAL DOCUMENT
LOCATION 0001

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

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

THE ORIGINAL DOCUMENT HAS AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT.



Agenda Date: 1-19-2016

Agenda Item: 3c

Approved

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 19 JANUARY 2016

SUBJECT: APPROVE A SECOND ADDENDUM TO THE EXCLUSIVE SALES LISTING AGREEMENT WITH TRANSWESTERN PROPERTY COMPANY TO CONTINUE THE LIST AND MARKET FOR SALE AND DEVELOPMENT CERTAIN CITY-OWNED REAL PROPERTIES IN THE CLAYTON TOWN CENTER

RECOMMENDATION

It is recommended the City Council, by minute motion, approve a Second Addendum to the Exclusive Sales Listing Agreement with Transwestern Property Company West, Inc. (a Texas Corporation) to extend the list time to 02 January 2017 for the market, sale and development of several City-owned real properties within the Clayton Town Center; specifically, a vacant 1.67 acre parcel on Main Street (APN 118-560-010) and two (2) improved but dilapidated real properties and one (1) adjacent unimproved parcel (0.75 acres total) located at 1005 and 1007 Oak Street (APNs 119-050-034, 119-050-008, and 119-050-009); and authorize the City Manager to sign the Second Addendum on behalf of the City.

BACKGROUND

Presently, the City holds title to several real properties within the Clayton Town Center area that it previously attempted, with marginal progress, to self-advertise for sale and development to a private developer for construction of improvements consistent with the City Council's vision for its downtown contained in the *Clayton Town Center Specific Plan*. The real properties available are:

1. An unimproved vacant parcel with some frontage on Main Street (with dual access rights) consisting of approximately 1.67 acres acquired by the City in April 2013 from the Clayton Community Church. The land has two (2) signs posted on it by Transwestern noticing the property for sale (APN 118-560-010); and
2. Three smaller parcels with frontage on the west side of Oak Street, between Center and High Streets, comprised of two (2) unoccupied ramshackle bungalows abutting Mitchell Creek, along with an unimproved adjacent hillside parcel to the west. Records indicate City ownership going back to 1974 and 1986.

The latter real properties listed above enjoy, through significant financial efforts of the former Clayton Redevelopment Agency (RDA), a fully-entitled City-approved development project known as "Creekside Terrace." This commercial mixed-use project involves the permitted construction of a mixed-use two story building with a western-style frontage characteristic of architectural themes suggested in the *Town Center Specific Plan*. The first floor plans for approximately 7,200 sq. ft. of retail commercial space with a 20-foot ceiling. The second floor calls for seven (7) residential units which originally were targeted for affordable housing opportunities with additional financial assistance of the RDA. In the current entitled plan, the residential units are 1-bedroom with several containing dens.

The Creekside Terrace Project received its City entitlements on 06 July 2010, and those land use permits have been extended by City Planning Commission various actions to now expire on 06 January 2017 (note: further extensions are eligible). The City placed small billboards on the property depicting and illustrating with color renderings the front elevations of the approved project. Those postings elicited several telephone calls and interests. At this time, the City has one (1) prospective developer, not subject to this listing agreement, slowly performing due diligence work to acquire and construct the project, including the exchange of bona fide offers on the lands.

COMMERCIAL BROKER

At its public meeting on 01 April 2014, following the City's solicitation of list proposals from several commercial realty companies, the City Council unanimously approved an agreement with Transwestern Property Company West, Inc. (dba Transwestern) to list and to market the City's vacant and underutilized real properties in the Town Center. Since that time, Transwestern created and developed a marketing plan, outreached to numerous retail commercial firms and prospective developers, and brought several interested developers to meet with the City Council Sub-Committee on Economic Development and City staff. During calendar year 2015, Transwestern submitted four (4) distinct developers to the City interested in developing the Main Street property. The City Council considered the proposed terms of purchase/sale and subsequently narrowed its relationship to one (1) developer (at this time), which is now in the process of conducting its due diligence. Therefore, it is to the mutual benefit of both parties to continue the existing association with Transwestern.

The initial term of the Exclusive Sales Listing Agreement with Transwestern was for a period of 365 days commencing with the date of signature of the Agreement, namely 02 April 2014. At its regular public meeting held on 07 April 2015, the City Council and Transwestern mutually agreed to extend the existing terms and conditions of the original Agreement to a new expiration date of 02 January 2016. That date has now passed, consequently, the Agreement and its listing association necessitates further time extension. Transwestern has provided a Second Addendum to extend the original terms and conditions for an additional time period to 02 January 2017.

It is staff's recommendation the City Council maintain its existing commercial brokerage relationship with Transwestern as proposed.

- Exhibits: 1. Second Addendum to Exclusive Sales Listing Agreement with Transwestern [1 pg.]
2. Exclusive Sales Listing Agreement [7 pp.]
3. Towne Centre Clayton development opportunity [3 pp.]

SECOND ADDENDUM TO EXCLUSIVE SALES LISTING AGREEMENT

CITY OF CLAYTON, CA, a general law city incorporated in the state of California, and **TRANSWESTERN PROPERTY COMPANY WEST, INC. DBA/ TRANSWESTERN**, a **Texas Corporation** ("Broker") is effective upon execution of this Agreement (the "Effective Date"). Edward Del Beccaro, Matt Hatfield, Colby Mikulich agree to the following amendment(s) in an Authorization regarding the subject property in the City of Clayton, County of Contra Costa, State of California, located at 6005 Main Street, Clayton CA, and further described as parcel number 118-560-010, and three (3) parcels totaling 0.65 acres that make up the Creekside Terrace Development with parcel numbers 119-050-009, 119-050-008, 119-050-034 in the City of Clayton, Contra Costa County, California.

1. Expiration date extended to: January 2, 2017

a. Note: This Listing Agreement is subject to termination by either party for any reason with (30) thirty days written notice. All other terms and conditions of the Agreement shall remain the same.

Dated: _____

Dated: _____

OWNER: City of Clayton

BROKER: TRANSWESTERN PROPERTY
COMPANY WEST, INC., DBA
TRANSWESTERN
License # 01263636

BY: _____
Gary Napper, City Manager

BY: _____
Edward F. Del Beccaro, Managing Director
License # 00642167

Address: 6000 Heritage Trail
Clayton, CA 94517

BY: _____
Matt Hatfield, Associate
License # 01937755

BY: _____
Colby Mikulich, Vice President
License # 01755707



TRANSWESTERN

EXCLUSIVE SALES LISTING AGREEMENT

This Exclusive Sales Listing Agreement ("Agreement") is made and entered into on this 2nd day of APRIL, 2014 by and between The City of Clayton ("Owner") and TRANSWESTERN PROPERTY COMPANY WEST, INC. DBA/ TRANSWESTERN, a Texas Corporation ("Broker") is effective upon execution of this Agreement (the "Effective Date").

1. BASIC AGREEMENT

- a. Subject to the terms and conditions of this Agreement, Owner grants Broker the exclusive right to offer for sale to third parties ("Buyer"), on the terms and conditions set forth in this Agreement, Owner's 1.66 acres of undeveloped land located at 6005 Main Street, Clayton, CA with parcel number 118-560-010 and three (3) parcels totaling 0.65 acres that make up the Creekside Terrace Development with parcel numbers 119-050-009, 119-050-008, 119-050-034 in the City of Clayton, Contra Costa County, California.
- b. Broker shall provide the professional services ("Services") set forth in Paragraph 2 in connection with the sale of the Property, and Owner shall compensate Broker for these Services, in accordance with the terms and conditions of this Agreement.

2. BROKER'S SERVICES

- a. Owner is entering into this Agreement in reliance on Broker's special and unique abilities with respect to performing the Services. Broker accepts the relationship of trust and confidence established between it and Owner by this Agreement. Broker represents and warrants that Broker will use its best efforts, skill, judgment, and abilities to show the Property and offer the Property for sale.
 - i. "Show the Property", as used in this Agreement, shall mean presenting the Property to prospective Buyers and shall include the methods utilized in marketing the Property. Broker shall notify Owner of the methods Broker proposes to use in marketing the Property, and Owner shall have the right to approve or disapprove such methods. Owner shall make its determination whether to approve or disapprove the marketing methods on the basis of Owner's personal taste, the industry norm in marketing similar properties, and the potential effect of the proposed marketing on Owner's other properties, if any.
 - ii. "Offer the Property for Sale", as used in the Agreement, shall mean (1) presenting to the Buyer the terms and conditions upon which the Owner is willing to sell and convey the Property, which terms and conditions will be approved by Owner and presented by Broker in writing; (2) negotiating with the Buyer the terms and conditions upon which Buyer is willing to purchase the Property; and (3) bringing Buyer and Owner to the execution and subsequent closing of a transaction for Buyer to purchase the Property from Owner.
- b. Broker represents and warrants that it will further the interests of Owner in accordance with Owner's requirements and procedures, in accordance

with the highest professional standards, regulations and canons, and in compliance with all applicable national, federal, state and municipal laws, regulations, codes, ordinances, orders, and with those of any other body having jurisdiction.

- c. Broker represents and warrants that there are no obligations, commitments, or impediments of any kind that will limit or prevent performance of the Services. Notwithstanding the foregoing, Owner acknowledges that Broker may represent prospective Buyers and Owner consents to such dual representation so long as Owner is properly notified of such dual representation.
- d. Broker represents and warrants that all of the Services to be furnished by Broker pursuant to this Agreement from its inception until the closing of the sale of the Property shall be of the type, standard and quality that prevail among brokers of superior knowledge and skill engaged in commercial real estate brokerage practice.
- e. Broker represents and warrants that all its agents performing this brokerage listing will be duly licensed under the appropriate real estate licensing acts. The agent(s) primarily responsible for performing services under this listing is (are) **Edward Del Beccaro, Managing Director license # 00642167, Colby Mikulich Senior Associate license # 01755707 and Sean Barter Associate license # 01920111.** Broker represents and warrants that it will furnish efficient business administration and superintendence and perform the Services in the best way and in the most expeditious and economical manner consistent with the interests of Owner.
- f. Without limiting the generality of the foregoing, Broker agrees to:
 - i. Prepare and present in writing to Owner a marketing program within the first thirty (30) days of this Agreement. Owner reserves the right to edit, alter, change, and otherwise modify the program as it deems appropriate.
 - ii. Advertise, as appropriate, in newspapers, trade journals, and other publications as both parties agree in writing, with all advertisements to be approved by Owner prior to commitment.
 - iii. Prepare and produce an Offering Memorandum, subject to Owner's approval, for presentation to prospective purchasers.
 - iv. Prepare and produce detailed data as required to support and/or supplement the Offering Memorandum, which data is to be furnished to prospective purchasers displaying interest in the Property; such data and any modification(s) thereof are to be approved by Owner prior to distribution.
 - v. Provide written reports to Owner no later than the end of each calendar month, and biweekly oral reports describing the Broker's efforts, progress, and strategies.
 - vi. Communicate all purchase offers to Owner, and respond thereto as instructed by Owner.

3. INDEPENDENT CONTRACTOR

Broker is acting as an independent contractor in its capacity under this Agreement. Nothing contained in this Agreement or in the relationship of Owner and Broker shall be deemed to constitute a partnership, joint venture, employer/employee or any other relationship between Owner and Broker except

as limited by the terms of this Agreement. Broker's authority is limited to performing the Services in accordance with the terms in this Agreement. Broker does not have any authority to execute any contracts for or on behalf of Owner.

4. **TERM**

This Agreement shall be in effect for a period of 365 days commencing with the execution date first set forth hereinabove; provided, however, that after the initial 90 days of the term, Owner or Broker shall have the right and option to cancel this Agreement, with or without cause, by giving written notice to the other party and any such cancellation shall be effective thirty (30) days after the date of delivery of such notice.

5. **BROKER COMMISSION**

- a. Except as provided below, Owner agrees to pay Broker a sales commission equal to six percent (6%) of the gross sales price of the Property. Said commission shall be earned if, during the term hereof (or thereafter as provided in paragraph 5(c) below), a Buyer is procured by Broker, Owner or anyone else, and the sale to such Buyer is subsequently consummated and closed. The provision for the commission to be paid when an outside cooperating broker is involved is detailed in paragraph 5b.
- b. After the expiration of the initial forty-five (45) days of the term hereof, Broker agrees to cooperate with other real estate brokers who are validly registered with, and recognized by, Broker as representing prospective buyers. If the sale of the Property is achieved through such a cooperating broker, Owner will pay a total commission of six percent (6%) of the gross sales price. Broker will compensate the cooperating broker from the commission paid by Owner, provided that in no event shall the Broker's net compensation (after payment to the cooperating broker) be less than three percent (3%). For the purposes of this paragraph, if any agent or broker licensed with Broker (or its affiliate), other than those named in paragraph 2(e) hereinabove, represents the Buyer, such agent or broker shall be deemed to be a cooperating broker. Broker agrees to indemnify, defend and hold Owner harmless from any and all claims and expenses, to the limit of the sales commission, for additional brokers' or finders' fees arising from Broker's dealings in connection with this Agreement.
- c. If within 270 days after the expiration or the earlier termination of this Agreement, all of or any part of the Property is sold, or Owner enters into a contract leading to the sale of all or any portion of the Property, Owner shall pay to Broker the commission specified above, provided (i) that Broker presented the Property to Buyer before the expiration or termination of the Agreement, (ii) that the Buyer was on a list of bona fide prospects furnished by Broker to Owner within ten (10) days following the expiration or earlier termination of the Agreement, and (iii) that the sale to such Buyer is actually consummated.
- d. If the Property is sold, the commission provided for hereinabove shall be paid at closing (i.e., upon delivery of all closing documents and the transfer of title from Owner to Buyer) either directly from Owner's proceeds of sale or from other funds provided by Owner at closing. Should any proposed transaction under contract fail to be consummated as provided hereinabove for any reason other than the willful refusal of the Owner to close, Broker shall not be entitled to any commission or other compensation whatsoever.
- e. If a sale takes place between the City of Clayton and George Chen for the three (3) parcels totaling 0.65 acres that make up the Creekside Terrace Development with parcel numbers 119-050-009, 119-050-008, 119-050-

034 in the City of Clayton, Contra Costa County, California, then no commission is due or payable to Transwestern.

6. DEFAULT AND REMEDIES

- a. A party's failure or refusal to perform or observe any obligation, covenant, or condition of this Agreement, which failure or refusal is not cured by such party within ten (10) days of its receipt of written notice from the other party detailing the existence and nature thereof, shall constitute an "Event of Default".
- b. Should an Event of Default occur, the non-defaulting party may, at its option, in addition to all other rights and remedies given under this Agreement or by law or in equity, terminate this Agreement immediately.
- c. No failure by a party to insist upon the strict performance of any obligation, covenant, agreement, term, or condition of this Agreement, or to exercise any right or remedy available upon a breach or any subsequent breach of such obligation, covenant, agreement, term, or condition, shall act as a waiver of any rights or remedies of such party under this Agreement. No obligation, covenant, agreement, term, or condition of this Agreement, and no breach of this Agreement shall be waived, altered, or modified, except by written instrument. No waiver of any breach shall affect or alter this Agreement, but each and every obligation, covenant, agreement, term, and condition of this Agreement shall continue in full force and effect with respect to any other then-existing or subsequent breach of this Agreement.

7. OWNER'S OBLIGATIONS

- a. Owner shall provide Broker with such material and information in its possession concerning the Property as is reasonably requested, including, without limitation, any environmental surveys, studies or reports.
- b. Owner shall promptly respond to any and all purchase offers presented to Owner by or through Brokers.
- c. Owner shall remain the sole Owner of the Property and shall not be or become a "foreign person", as defined in the Foreign Investment in Real Property Tax Act.
- d. Owner shall (i) refer promptly to Broker all inquiries and offers regarding the Property made directly to Owner by prospective purchasers or their cooperating brokers; (ii) identify in writing any proprietary information furnished to Broker's use only, which is not to be duplicated or shown to any other party; and (iii) permit inspection of the Property only by those accompanied by an authorized representative of the Broker.
- e. Owner shall disclose to all prospective purchasers of the Property the fact that Broker is the exclusive sales agent on the Property and as such shall have its name included in any sales contract. Owner shall deliver copies of any and all executed sales contracts to Broker.

8. INDEMNITY AND HOLD HARMLESS

- a. Broker agrees to indemnify, defend and hold harmless Owner from and against all demands, damages, expenses (including reasonable attorney's fees and costs), claims or causes of action brought or instituted by third parties against Owner (or its officers, members, partners, employees, agents or representatives) arising out of, caused by, or resulting from (i) the gross negligence, wrongful conduct or misrepresentation of Broker (and/or its agents, employees, or persons acting under Broker's control) in

performing the Services hereunder; or (ii) the acts of Broker which are in violation of, or beyond the lawful scope of, the Broker's authority under this Agreement.

- b. Owner agrees to indemnify, defend and hold harmless Broker from and against all demands, damages, expenses (including reasonable attorney's fees and costs), claims or causes of action brought or instituted by third parties against Broker (or its officers, employees, agents or representatives) arising out of, caused by, or resulting from (i) the proper and authorized acts and conduct of Broker (and/or its agents, employees, or persons acting under the Broker's controls) in performing the Services hereunder; or (ii) the gross negligence, wrongful conduct or misrepresentation of Owner (and/or its officers, members, partners, employees, agents and representatives).

9. NON-DISCLOSURE

Broker agrees that during the term of this Agreement and thereafter, it will not divulge to third parties without the consent of Owner (unless required by law) any non-public information obtained from or through Owner relating to the Property in connection with this Agreement.

10. NOTICE

Any notice in this Agreement provided or permitted to be given, made, or accepted by either party to the other, must be in writing and may be given or serviced by depositing the same in the United States mail, postpaid, registered or certified, return receipt requested, addressed to the party to be notified, or by delivering the same to an officer or agent of such party, or by delivering same by reputable overnight courier service, when appropriately addressed to the party to be notified. Notice deposited in the mail in the manner described in this Section 10 shall be effective from and after the expiration of three (3) days after it is so deposited. Notice given in any other manner shall be effective only if and when received by the party to be notified. Copies of all notices shall be faxed on the same day as they are mailed or sent out for delivery. For purposes of this Notice, the addresses of the parties, until changes are afterwards provided in writing, shall be as follows:

To Owner: City Hall
6000 Heritage Trail
Clayton, CA 94517
Attn: Gary A. Napper, City Manager
Fax: (925) 672-4917

To Broker: Transwestern Property
Company West, Inc. d/b/a
Transwestern ("Broker")
500 Ygnacio Valley Rd. Suite 100
Walnut Creek, CA 94596
Attn: Edward Del Beccaro, Managing Director
Fax: (925) 357-2001

11. NEGOTIATIONS

Broker shall have the right to negotiate the proposed terms and conditions of sale for the Property, provided Owner shall have the sole right to approve all such terms and conditions, it being specifically understood and agreed that Broker shall have no authority to bind Owner to proposed terms and conditions and that Owner reserves the sole right and option to accept or reject any proposed terms and conditions presented to Owner by Broker. Owner shall have no obligation to Broker for the commission provided for herein by reason of Owner's having rejected any proposed terms and conditions.

12. RECORDS AND AUDIT

Broker shall keep adequate files, books and records relating to performance of the Services under this Agreement, and all such books and records shall be available at reasonable times to Owner or its designated representatives during a period ending three (3) years following the date of expiration or earlier termination of this Agreement. Owner's representative shall have the right to copy all such files, books and records.

13. GOVERNING LAW

This Agreement, and its interpretation, construction and enforcement, shall be governed by the substantive laws of the state in which the Property is located.

14. OFAC REPRESENTATIONS, WARRANTIES, AND INDEMNIFICATION

Owner represents and warrants that (i) it is not, and none of its partners, members, managers, employees, officers, directors, representatives or agents is, a person or entity with whom U.S. persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control ("OFAC") of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List) or under any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), or under any other law, rule, order, or regulation that is enforced or administered by OFAC (such persons and entities each being a "Prohibited Person"); (ii) it is not acting directly or indirectly, for or on behalf of any Prohibited Person; (iii) it is not engaged in this transaction, directly or indirectly, on behalf of, or instigating or facilitating this transaction, directly or indirectly, on behalf of any Prohibited Person; and (iv) it will not contract with or otherwise engage in any dealings or transactions or be otherwise associated with any Prohibited Person.

Owner hereby agrees to defend, indemnify, and hold harmless Broker from and against any and all claims, damages, losses, risks, liabilities, and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing representations and warranties.

15. ENTIRE AGREEMENT; BINDING EFFECT

This Agreement shall constitute the entire agreement between Broker and Owner and no change, modification or amendment shall be effective until and unless made in writing and signed by the parties hereto. This Agreement shall be binding upon any successors or assigns of Broker or Owner. The persons executing this Agreement for Owner and Broker each respectively represent and warrant to the other party that they are duly authorized to do so on behalf of such party.

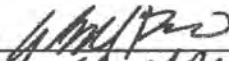
Signatures on next page.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement, under seal, as of the date first set forth hereinabove.

CITY OF CLAYTON, CA ("Owner")

By:  040214
Name: GARY A. NAPIER
Title: CITY MANAGER

Edward Del Beccaro, Managing Director d/b/a
Transwestern ("Broker")

By: 
Name: Edward Del Beccaro
Title: Managing Director

3-28-14



Towne Centre Clayton

6005 Main Street
Clayton, CA 94517

Submarket: Concord

■ Property Type: Office

For more information, contact:



Colby Mikulich
+1 925.357.2016
Lic# 01755707



Edward Del Beccaro
+1 925.357.2019
Lic# 00642167



Sean Barter
+1 925.357.2032
Lic# 00642167

Description

Located on Clayton Road, which has $\pm 24,195$ AADT, with 495 feet of street frontage on the major arterial. Approximately 15 minutes from downtown Walnut Creek and less than 50 minutes to downtown San Francisco. Adjacent to public transportation; just one block from Contra Costa County bus line. Potential flexibility for city-encouraged uses and development proposals. Potential drive-thru

Available Space

Suite	Space Available	Available From	Use	Secondary Use	Asking Rate	Lease Type	Cam Charges	Availability Type	Max Contiguous	Comments
6005 Main Street	72,310	05/16/2014	Land		Call for pricing			Direct Lease		

RETAIL DEVELOPMENT OPPORTUNITY

TOWNE CENTRE CLAYTON

6005 Main Street, Clayton, CA



AVAILABLE SPACE

- ±1.66 acres (±72,310 SF) located at the gateway position to downtown Clayton

PROPERTY HIGHLIGHTS

- Located on Clayton Road, which has ±24,195 AADT, with 495 feet of street frontage on the major arterial
- Approximately 15 minutes from downtown Walnut Creek and less than 50 minutes to downtown San Francisco
- Adjacent to public transportation; just one block from Contra Costa County bus line
- Potential flexibility for city-encouraged uses and development proposals
- Potential drive-thru

ENCOURAGED DEVELOPMENT OPTIONS

- Mixed use retail under multifamily
- Pedestrian oriented retail (grocery, drug store, convenience, restaurants)
- Bed & Breakfast or hotel operators
- Downtown village type development (boutique retail)
- Oxbow Public Market inspired regional destination (brewery, winery, restaurants)

DEVELOPMENT REGULATIONS

- Height limit 40 Feet
- Structural coverage of the sight is limited to 40%
- City of Clayton's website: <http://ci.clayton.ca.us/>



LEASING INFORMATION

Ed Del Beccaro
Managing Director
925.357.2019
ed.delbeccaro@transwestern.com
LIC 00642167

Colby Mikulich
Senior Associate
925.357.2016
colby.mikulich@transwestern.com
LIC 01755707

Sean Barter
Associate
925.357.2032
sean.barter@transwestern.com
LIC 01920111



RETAIL DEVELOPMENT OPPORTUNITY | TOWNE CENTRE CLAYTON

6005 Main Street, Clayton, CA

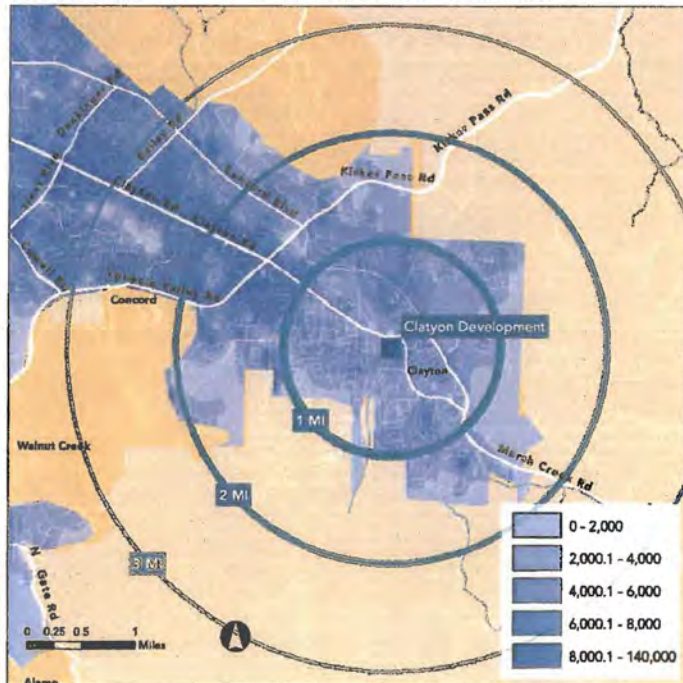
EAST BAY LOCATION MAP



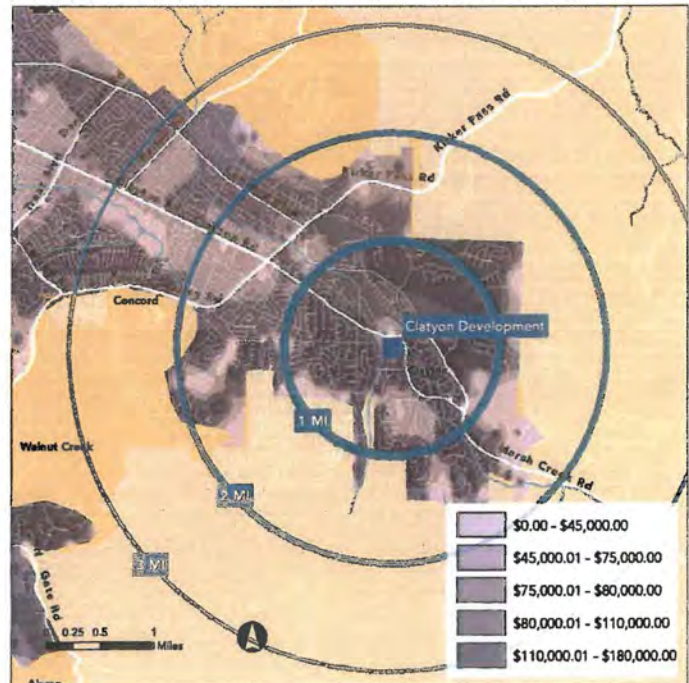
BAY AREA LOCATION MAP



DEMOGRAPHICS - POPULATION DENSITY



DEMOGRAPHICS - MEDIAN HOUSEHOLD INCOME



LEASING INFORMATION

Ed Del Beccaro
Managing Director
925.357.2019
ed.delbeccaro@transwestern.com
LIC 00642167

Colby Mikulich
Senior Associate
925.357.2016
colby.mikulich@transwestern.com
LIC 01755707

Sean Barter
Associate
925.357.2032
sean.barter@transwestern.com
LIC 01920111



500 Ygnacio Valley Road, Ste. 100
Walnut Creek, CA 94596

CA BROKERAGE LIC 01263636
T 925.357.2000 F 925.357.2001

www.transwestern.com/walnutcreek

The information provided herein was obtained from sources believed reliable; however, Transwestern makes no guarantees, warranties or representations as to the completeness or accuracy thereof. The presentation of this property is submitted subject to errors, omissions, change of price or conditions, prior sale or lease, or withdrawal without notice. Copyright © 2014 Transwestern.



Agenda Date: 1-19-2016

Agenda Item: 3d

Consent Item

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Assist. to the City Manager 

MEETING DATE: January 19, 2016

SUBJECT: Approving a Resolution Authorizing Submittal of Applications to CalRecycle for payment programs and related authorizations.

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution, which authorizes the City Manager or his designee to submit application requests to CalRecycle for any and all payment programs offered.

BACKGROUND

Pursuant to Public Resources Code section 48000 et seq. the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions, these funds are from the Beverage Container recycling fee that consumers pay. The City of Clayton has annually submitted per capita grant applications to CalRecycle, our annual per capita funding has been \$5,000. Recently CalRecycle has made changes to its process and now requires a standing Resolution to be on file for each agency that will be requesting grant funding. This new procedure will begin with fiscal year 2015-16 funding cycle. The Resolution authorizes the City Manager or its designee to be the authorized signatory on grant application requests to CalRecycle. The Resolution will remain effective until rescinded by the City Manager or the City Council.

Failure to provide an approved Resolution may result in funding being delayed or not approved.

**A RESOLUTION AUTHORIZING SUBMITTAL OF
APPLICATIONS TO CALRECYCLE FOR PAYMENT PROGRAMS
AND RELATED AUTHORIZATIONS**

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

WHEREAS, pursuant to Public Resources Code section 48000 et seq. the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

NOW, THEREFORE, BE IT RESOLVED that the City of Clayton is authorized to submit an application to CalRecycle for any and all payment programs offered; and

BE IT FURTHER RESOLVED that the City Manager, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this Governing Body.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a regular meeting of thereof held on the 19th day of January 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on January 19, 2016.

Janet Brown, City Clerk



Agenda Date: 1-19-2016

Agenda Item: 3e

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Brown, City Clerk

DATE: January 19, 2016

SUBJECT: Re-Appointment of Two (2) Citizens to the Trails and Landscaping Committee for terms of office January 1, 2016- December 31, 2017.

BACKGROUND

On December 31, 2015 the terms of appointed office expired for Trails and Landscape Committee members Larry Casagrande, Anthony Chippero, Robert Erich, Harun Simbirdi, Howard Glazier and Alyse Smith. Staff notified each of the committee members their terms of office were ending, and also advertised the vacancies in the Clayton Pioneer, City posting boards, and on the City's website.

Two incumbents re-applied (Anthony Chippero; Alyse Smith) and an application was also received from Clayton citizen, April Winship.

The Trails and Landscaping Interview sub-committee (Vice Mayor Diaz and Councilmember Haydon) have indicated no need to interview the incumbents but they wish to interview Ms. Winship prior to the next Council meeting.

There are currently three (3) people serving on the Trails and Landscaping Committee (Christopher Garcia, Clayton Smith and Bob Steiner). The re-appointment of two (2) incumbents will bring the membership to five (5) for this committee (11 maximum).

RECOMMENDATION

By minute motion, adopt the attached Resolution naming Anthony Chippero and Alyse Smith appointed to this advisory Committee.

FISCAL IMPACT

None.

Attachments: Resolution- 1 page
Press Release- 1 page
Applications of (2) applicants- 2 pages

Trails and Landscaping Committee

Bob Steiner	12/14	12/16
Clayton Smith	12/14	12/16
Christopher Garcia	12/14	12/16

RESOLUTION NO. - 2016

**A RESOLUTION APPOINTING TWO CITIZENS
TO THE TRAILS AND LANDSCAPING COMMITTEE**

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

WHEREAS, in 2006, the City Council of Clayton adopted Resolution No. 8-2006 establishing and appointing a permanent citizens' advisory committee entitled "Trails and Landscaping Committee" for oversight of the 1997 Citywide Landscape Maintenance District (CFD 2007-1); and

WHEREAS, in 2007, the City Council of Clayton adopted Resolution No. 38-2007 appointing up to eleven (11) citizen members as the Citizens Oversight Committee for the Citywide Landscape Maintenance District (CFD 2007-1); and

WHEREAS, in 2011, the City Council of Clayton adopted Resolution No. 4-2011 amending the ending date to December 31 of the term of office for members of Trails and Landscape Committee (the Citizens' Oversight Committee) to the Citywide Landscape Maintenance District (CFD 2007-1) and extending the current members terms accordingly; and

WHEREAS, in December 2015, staff notified certain committee members via email and regular mail their terms of office were ending, and also advertised the opportunities in the Clayton Pioneer, City posting boards, and on the City's website; and

WHEREAS, two citizens (incumbents) submitted timely applications expressing willingness to serve in the appointed capacity.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby appoint Anthony Chippero and Alyse Smith to the Trails and Landscaping Committee of the City of Clayton for the term of appointed office expiring on December 30, 2017.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 19th day of January 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

PRESS RELEASE

**City of Clayton
now accepting applications for**

TRAILS AND LANDSCAPING COMMITTEE

Office Term: January 2016- December 2017

The "Trails and Landscaping Committee" comprised of up to 11 members is appointed by the Clayton City Council. This citizens Committee advises the City Council and City Manager on maintenance, improvement and financial matters related to the 2007 Citywide Landscape Maintenance District (a community facilities district). The District has an annual budget to maintain the roadway and median public landscaped areas, public open space/hillsides of the City, annual weed abatement and seasonal fire break tasks, the Clayton Fountain, and the Trails System of the City. There are currently 6 seats due to expire on December 31, 2015.

For an Application and more information:

In person: Clayton City Hall
6000 Heritage Trail
By mail: call City offices at 925-673-7300
E-mail: contact jbrown@ci.clayton.ca.us
City's web site: www.ci.clayton.ca.us

Please return a completed application to the City Clerk by 5:00 p.m. Monday, December 28, 2015. Appointments are expected at a City Council meeting in January.



Received
DEC 17 2015
City of Clayton

APPLICATION FOR TRAILS AND LANDSCAPING COMMITTEE

Name Anthony Chippero Address 1713 Indian Wells Way
Home Phone 925-234-6471 Business Phone 415-839-8793
E-mail address: ajchippero@comcast.net Length of residency in Clayton 5 years
Occupation Internet Sales Present employer Interlated Ventures, INC
Why are you interested in serving on this Committee? I am currently a committee member
and would like to serve another term.

What is your vision for the trails and public landscaped areas of our City? To see a balance
of improvement and preservation of the current trails and public landscaped areas.

Please share your interests and hobbies, special training or education: Raising my two daughters
and fun times with my family, music and drumming, graphic design. Skilled in Photoshop and I
have designed the 2012-2105 TLC brochures as well as the 2012-2015 Clayton 4th of July
posters.

List 3 references with phone numbers: 1. Kaylin Larson 925-548-8448

2. Jason Larson 415-828-4777

3. Dylan McCombe 925-212-5665

Signature: _____

* * * * *

Date: _____

12/17/15



Received

JAN 11 2016

City of Clayton

**APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE**

Name Alyse M. Smith Address 601 Condor Place, Clayton, CA 94517

Home Phone cell: 925-993-8583 Business Phone N/A

E-mail address: alysej@comcast.net Length of residency in Clayton 14 years

Occupation Personal Trainer Present employer 24Hour Fitness

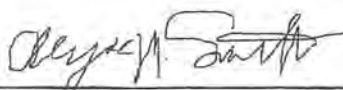
Why are you interested in serving on this Committee? Love Clayton and all city landscaping,
public works, trails/bridges, and community development involved with maintaining
our beautiful quality of life and heritage. Enjoy volunteering and engaging all stakeholders
to promote a better understanding of our trail system and city expenditures.

What is your vision for the trails and public landscaped areas of our City? To promote
further innovations for raising funds to sustain both our operational and capital
expenditures. Bring more volunteer-ism into our TLC endeavors

Please share your interests and hobbies, special training or education: Physical fitness,
Fine Arts, sustainability, environmentally friendly projects, hiking, swimming, golf,
tech innovation and commercial real estate.

List 3 references with phone numbers: 1. Julliette Scott 925-787-7812
2. Shawn O'Keefe 925-787-2574
3. Kathleen West 925-457-5969

* * * * *

Signature: 

Date: 01/11/2016



Agenda Date: 1-19-2016

Agenda Item: 3F

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 19 JANUARY 2016
SUBJECT: CHANGE IN A CITY COUNCIL LIAISON ASSIGNMENT

RECOMMENDATION

It is recommended the City Council approve, by minute motion, Mayor Geller's request to switch the City Councilmember assignments to the East Bay Division of the League of CA Cities, making Vice Mayor Diaz the authorized voting delegate and Councilmember Haydon the alternate.

BACKGROUND

At its regular meeting on December 15, 2015, the City Council by motion approved a number of revisions proposed by Mayor Geller regarding the assignment of Councilmembers to standing and ad-hoc committees of the City and other inter-agency liaisons. One of the modifications involved the monthly meetings of the East Bay Division of the League of CA Cities held on the fourth Thursdays. Councilmember Haydon became the authorized voting delegate of the City and Vice Mayor Diaz was approved as the authorized alternate representative.

PROPOSED ACTION

Following that action, it has been determined that due to conflicting monthly meetings of the Clayton Business and Community Association (CBCA) held the same Thursday evenings, Councilmember Haydon will be unable to attend most of the East Bay Division League meetings. Although as the approved alternative representative Vice Mayor Diaz could certainly attend the East Bay Division meetings in his stead, and is willing to do so, Mayor Geller has determined it is most appropriate to officially switch the City's representation to reflect the member of Council most able to regularly attend the East Bay Division meetings.

Attachments: 1. City Council Committee Assignments – 2016 [2 pp.]
2. Email request by Mayor Geller [1 pg.]

CITY COUNCIL ASSIGNMENTS STANDING/AD-HOC COMMITTEES/LIAISONS

CITY OF CLAYTON 2016

Association of Bay Area Governments (ABAG)	Julie Pierce Alternate: David Shuey
Budget/Audit Committee	Howard Geller; Keith Haydon
Citizens Corps Council (CERT)	Jim Diaz Alternate: Keith Haydon
Clayton Financing Authority [CFA]* *[offices automatically go to Mayor & Vice Mayor, per Bylaws]	President – Howard Geller Vice President – Jim Diaz
Contra Costa Water District [CCWD] Liaison	Howard Geller Alternate: Jim Diaz
Central Contra Costa Transit Authority [CCCTA]	Gregg Manning Alternate: Jim Diaz
“Do The Right Thing” Program	David Shuey
Downtown Activities Committee	Howard Geller, Jim Diaz
East Bay Division - League of California Cities	Keith Haydon Alternate: Jim Diaz
East Contra Costa County Habitat Conservancy	Keith Haydon Alternate: Howard Geller
Economic Development Committee	Julie Pierce, Howard Geller Alternate: Dave Shuey

Endeavor Hall Marketing Committee	Howard Geller, Keith Haydon
Garbage & Recycling Committee	Keith Haydon, David Shuey
Interview Committees:	
a. Planning Commission applicants	City Council
b. Trails and Landscaping Committee applicants	Vice Mayor Keith Haydon
Library Foundation Liaison	Keith Haydon Alternate: Jim Diaz 2 nd Alternate: David Shuey
Mayors' Conference – Contra Costa County	Mayor & Council
Mt. Diablo School District Liaison Committee	Julie Pierce, David Shuey Alternate: Howard Geller
Oakhurst Geological Hazard Abatement District [GHAD]	Chair – Keith Haydon Vice Chair – Jim Diaz
Trails and Landscaping Committee (TLC) Liaison	Vice Mayor Alternate: Keith Haydon
TRANSPAC	Julie Pierce Alternate: Keith Haydon
“Unsung Heroes” Program Committee	Howard Geller; David Shuey

* * * * *

Revised: 15 December 2015
Original Adoption: 17 December 2004

Gary Napper

From: City Council Mail <hgeller@ci.clayton.ca.us>
Sent: Thursday, January 14, 2016 9:33 AM
To: Gary Napper
Subject: East Bay League of California Cities

Gary

I would like to switch Keith and Jim positions on the East Bay League of California Cities positions making Jim the chair and Keith the alternate. Keith informed me he would not be able to make most of the meetings.

Thank you.

Howard.

Sent from my iPhone=



Agenda Date: 1-19-2016

Agenda Item: 3g

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: January 19, 2016

SUBJECT: Adoption of Resolutions to comply with CalPERS requirements related to documentation of EPMC

RECOMMENDATION

That the City Council approve the attached EPMC resolutions to comply with CalPERS requirements and direct staff to submit the resolution to CalPERS upon approval.

BACKGROUND

The City has been paying the normal member contribution on behalf of miscellaneous and safety employees hired prior to July 1, 2010 at varying rates since July 1, 1975 as an employer paid member contribution ("EPMC"). However, although CalPERS' records confirm that the City has been paying and reporting the EPMC to CalPERS, there is no record of a resolution adopting the EPMC on file with CalPERS as is required. Therefore, it is prudent for the City to adopt EPMC resolutions for both the miscellaneous and safety groups to ensure compliance with CalPERS requirements. In addition, a second EPMC resolution must be adopted for the safety group to document the gradual reduction in the amount of the EPMC as reflected in Article 9, Section 9.1 of the memorandum of understanding with the Clayton Police Officer's Association effective July 1, 2015.

DISCUSSION

Government Code Section 20691 authorizes employers contracting with CalPERS for retirement benefits to pay the normal member contribution (i.e., a percentage of compensation that CalPERS members are required to pay to CalPERS) on behalf of classic employees as the EPMC. After extensive research, staff has concluded that the City Council took action effective July 1, 1975 to authorize the payment of the normal member contribution as EPMC on behalf of miscellaneous and safety members of 7% as EPMC. Subsequently, the City Council took action to increase the EPMC paid on behalf of safety employees from 7% to 9% effective June 2, 1997. The City Council authorized payment of the EPMC only on behalf of employees hired prior to July 1, 2010.

Consistent with this action, the City has been paying and reporting the EPMC to CalPERS on behalf of the aforementioned employees and in the amounts indicated since July 1, 1975. However, recently it was discovered that CalPERS does not have an EPMC resolution on file for the City. Further, a search of City records did not reveal that such a resolution was adopted. Although such a resolution is not required by

Government Code Section 20691 in order to implement the EPMC, CalPERS' administrative guidelines require that such a resolution be on file with CalPERS. Although it is not clear why CalPERS does not have an EPMC resolution on file for the City nor why CalPERS did not require such a resolution in the past, CalPERS staff acknowledged that it is possible that the resolution could have been misplaced by CalPERS given that the implementation of the EPMC by the City happened so long ago. As a result, and to preclude any detrimental impact on current employees and retirees, CalPERS has agreed to permit the City to adopt an EPMC resolution with an effective date of January 1, 1975.

In addition, a second EPMC resolution must be adopted for the safety group to document the gradual reduction in the amount of the EPMC paid by the City on their behalf as reflected in Article 9, Section 9.1 of the memorandum of understanding with the Clayton Police Officer's Association effective July 1, 2015 ("MOU"). In accordance with the MOU, the EPMC rate for safety employees hired prior to July 1, 2010 is as follows:

- 6% effective July 6, 2015
- 3% effective July 4, 2016
- 0% effective July 3, 2017

The enclosed resolutions have been drafted by legal counsel and have been pre-approved by CalPERS.

FINANCIAL CONSIDERATIONS

The requested action has no financial effect. The City has been paying the EPMC since July 1, 1975. This action merely ensures that the City is in compliance with CalPERS requirements which require that employers that pay the EPMC have an EPMC resolution on file.

RECOMMENDATION

That the City Council approve the attached EPMC resolutions to comply with CalPERS requirements and direct staff to submit the resolution to CalPERS upon approval.

ATTACHMENTS

1. Resolution No. ____ - EPMC Resolution for Miscellaneous Employees Hired Prior to July 1, 2010
2. Resolution No. ____ - EPMC Resolution for Safety Employees Hired Prior to July 1, 2010 Relating to Periods Prior to July 6, 2015
3. Resolution No. ____ - EPMC Resolution for Safety Employees Hired Prior to July 1, 2010 Relating to Periods On or After July 6, 2015

Laura/PERS epmc ccr

RESOLUTION NO. ____

**RESOLUTION OF THE CITY OF CLAYTON FOR
EMPLOYER PAID MEMBER CONTRIBUTIONS FOR
MISCELLANEOUS EMPLOYEES
HIRED PRIOR TO JULY 1, 2010**

**THE CITY COUNCIL
CITY OF CLAYTON, CALIFORNIA**

WHEREAS, the City Council of the City of Clayton has the authority to implement Government Code Section 20691; and,

WHEREAS, the City Council of the City of Clayton has a written labor policy or agreement which specifically provides for the normal member contributions required to be paid by employees to be paid instead by the employer; and,

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the City Council of the City of Clayton of a Resolution to commence paying said Employer Paid Member Contributions (EPMC); and,

WHEREAS, City of Clayton records document that the City has paid a 7% EPMC on behalf of miscellaneous employees hired prior to July 1, 2010 since July 1, 1975 pursuant to the approval of the City Council; and,

WHEREAS, despite a diligent search, staff has been unable to find any record of action taken by the City Council of the City of Clayton to adopt an EPMC resolution; and,

WHEREAS, notwithstanding the preceding, the City of Clayton has consistently paid the EPMC to CalPERS; and,

WHEREAS, the City Council of the City of Clayton deems it prudent to adopt this Resolution to ensure that its policy regarding the EPMC on behalf of miscellaneous employees hired prior to July 1, 2010 is properly documented with CalPERS; and,

WHEREAS, the City Council of the City of Clayton has identified the following conditions for the purpose of its election to pay the EPMC:

- This benefit shall apply to all miscellaneous employees hired prior to July 1, 2010.
- This benefit shall consist of paying 7% of the normal member contribution as EPMC.
- The effective date of this resolution is July 1, 1975.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton hereby elects to pay the EPMC as set forth above.

BE IT FURTHER RESOLVED that this Resolution shall remain in effect until subsequently changed by the City Council.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular meeting of said Council held on January 19, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY OF CLAYTON FOR
EMPLOYER PAID MEMBER CONTRIBUTIONS FOR
SAFETY EMPLOYEES HIRED PRIOR TO JULY 1, 2010
RELATING TO PERIODS PRIOR TO JULY 6, 2015**

**THE CITY COUNCIL
CITY OF CLAYTON, CALIFORNIA**

WHEREAS, the City Council of the City of Clayton has the authority to implement Government Code Section 20691; and,

WHEREAS, the City Council of the City of Clayton has a written labor policy or agreement which specifically provides for the normal member contributions required to be paid by employees to be paid instead by the employer; and,

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the City Council of the City of Clayton of a Resolution to commence paying said Employer Paid Member Contributions (EPMC); and,

WHEREAS, City of Clayton records document that the City has paid the EPMC on behalf of safety employees hired prior to July 1, 2010 at the rate of 7% effective July 1, 1975 until June 1, 1997, then at the rate of 9% effective June 2, 1997 until July 5, 2015 after which a gradual reduction in the EPMC went into effect all pursuant to the approval of the City Council; and,

WHEREAS, despite a diligent search, staff has been unable to find any record of action taken by the City Council of the City of Clayton to adopt an EPMC resolution; and,

WHEREAS, notwithstanding the preceding, the City of Clayton has consistently paid the EPMC to CalPERS; and,

WHEREAS, the City Council of the City of Clayton deems it prudent to adopt this Resolution to ensure that its policy regarding the EPMC on behalf safety employees hired prior to July 1, 2010 is properly documented with CalPERS; and,

WHEREAS, the City Council of the City of Clayton has identified the following conditions for the purpose of its election to pay the EPMC:

- This benefit shall apply to all safety employees hired prior to July 1, 2010.
- Effective July 1, 1975, this benefit shall consist of paying 7% of the normal member contribution as EPMC.
- Effective June 2, 1997, this benefit shall consist of paying 9% of the normal member contribution as EPMC.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton hereby elects to pay the EPMC as set forth above.

BE IT FURTHER RESOLVED that this Resolution shall remain in effect until subsequently changed by the City Council.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular meeting of said Council held on January 19, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

**A RESOLUTION OF THE CLAYTON FOR
EMPLOYER PAID MEMBER CONTRIBUTIONS
FOR SAFETY EMPLOYEES HIRED PRIOR TO JULY 1, 2010
RELATING TO PERIODS ON OR AFTER JULY 6, 2015**

**THE CITY COUNCIL
CITY OF CLAYTON, CALIFORNIA**

WHEREAS, the City Council of the City of Clayton has the authority to implement Government Code Section 20691; and,

WHEREAS, the City Council of the City of Clayton has a written labor policy or agreement which specifically provides for the normal member contributions required to be paid by employees to be paid instead by the employer; and,

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the City Council of the City of Clayton of a Resolution to commence paying said Employer Paid Member Contributions (EPMC); and,

WHEREAS, the City Council of the City of Clayton has identified the following conditions for the purpose of its election to pay the EPMC:

- This benefit shall apply to all safety employees hired prior to July 1, 2010.
- Effective July 6, 2015, this benefit shall consist of paying 6% of the normal member contribution as EPMC.
- Effective July 4, 2016, this benefit shall consist of paying 3% of the normal member contribution as EPMC.
- Effective July 3, 2017, this benefit shall consist of paying 0% of the normal member contribution as EPMC.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton hereby elects to pay the EPMC as set forth above.

BE IT FURTHER RESOLVED that this Resolution shall remain in effect until subsequently changed by the City Council.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular meeting of said Council held on January 19, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

RYAN BERNAL
for
"Doing the Right Thing"
at
Mt. Diablo Elementary
by exemplifying great "Kindness"
November and December 2015

Agenda Item: 4a

Agenda Date: 1-19-2016

EMMA DEL BIANCO
for
"Doing the Right Thing"
at
Mt. Diablo Elementary
by exemplifying great "Kindness"
November and December 2015

MICHAEL DROLETTE
for
"Doing the Right Thing"
at
Diablo View Middle School
by exemplifying great "Kindness"
November and December 2015

CHLOE WIGTON
for
"Doing the Right Thing"
at
Diablo View Middle School
by exemplifying great "Kindness"
November and December 2015

ZACHARY FINE

for

"Doing the Right Thing"

at

Clayton Valley Charter High School

by exemplifying great "Kindness"

November and December 2015

NICHOLAS GRANT
for
"Doing the Right Thing"
at
Clayton Valley Charter High School
by exemplifying great "Kindness"
November and December 2015

KYLE LEHMAN

for

"Doing the Right Thing"

at

Clayton Valley Charter High School

by exemplifying great "Kindness"

November and December 2015



Agenda Date: 1-19-2016

Agenda Item: Ba

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager 

MEETING DATE: January 19, 2016

SUBJECT: Presentation and Acceptance of the 2014-15 Annual Citizens Oversight Report by the Trails and Landscape Committee for Measure B, Citywide Landscape Maintenance District

REQUEST

Consider and accept the Annual Report for 2014-15 from the Citizens Oversight Committee [Trails and Landscape Committee (TLC)], as stipulated in Measure B approved by the voters for a Community Facilities District funding of the City of Clayton roadway landscaping, trail and openspace maintenance (Landscape Maintenance District).

BACKGROUND

Measure B was passed by the voters of Clayton in June 2007 which established special district funding for the Citywide Landscape Maintenance District. The measure called for the preparation of an Annual Report by a Citizens Oversight Committee to be prepared and submitted to the City Council. The Trails and Landscaping Committee (TLC) is the name used to refer to the Citizens Oversight Committee called for in the measure. The TLC has prepared the attached Annual Report for the City Council's consideration and acceptance. The TLC independently prepared the report and at its January 11, 2016 meeting reviewed and unanimously approved submittal of their report for acceptance by the City Council (vote 4-0, 2 absent).

The report provides information and highlights of the past fiscal year's activities.

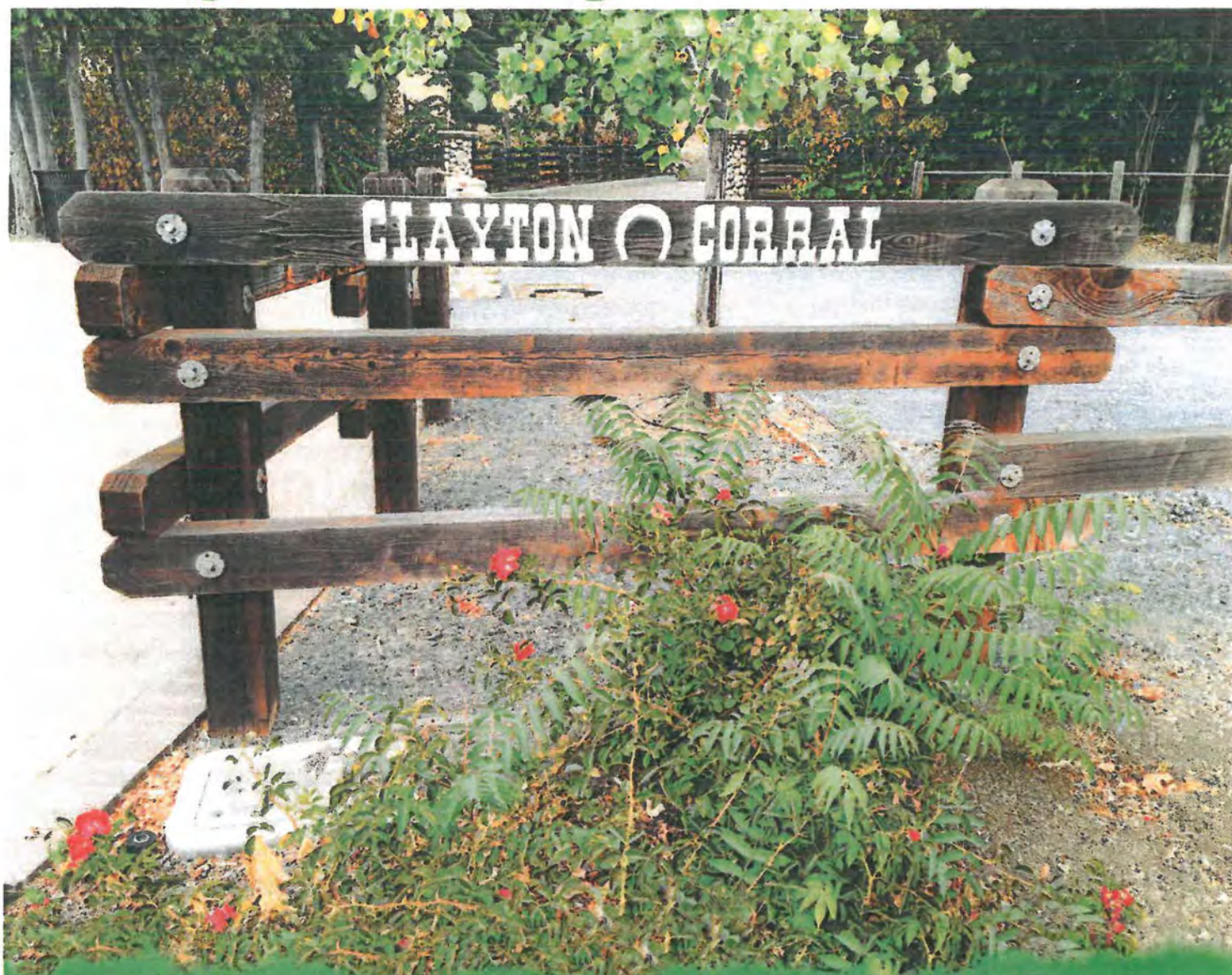
RECOMMENDATION

By motion the City Council accept the FY 14-15 Annual Report independently prepared by the TLC (Measure B Citizens Oversight Committee).

Attachments:

Citizens Oversight Committee FY 14-15 Annual Report for the Citywide Landscape Maintenance District

City of Clayton



Trails and Landscape Committee

**Annual Report
2014–2015**

Message from the Chair:

The Trails and Landscape Committee has decreased by three for fiscal year 2014 – 2015. We currently have a nine member committee. The committee welcomed back two reappointed members Clayton Smith and Bob Steiner. Thanks to Clayton Smith for taking on the role of Vice Chair! I would also like to thank Ted Sudderth for his contributions while serving on the TLC committee and wish him well. I'm pleased to announce Christopher Garcia as a new addition to the TLC this year! The current members have provided meaningful contributions to the TLC. I'm looking forward to working with the current committee members along with Laura Hoffmeister and Mark Janney to ensure that we all execute on our commitments to the TLC going forward!

TLC reviewed the special tax funding measure which is the only source of funding for the Landscape Maintenance District, as it expires in 2017. We reviewed the current funding by the special tax which is to expire in 2017. This funding is the sole source for the District's operations and maintenance, at about \$1 million annually. The consensus was to recommend the City Council to ask voters in the June 2016 election to extend it for another 10 years with the same methodology rate and term. The consensus was to extend the current tax on the June 2016 election. Pending the outcome, there will be a second opportunity to get it passed in November 2016.

While several maintenance initiatives were addressed by the end of fiscal year 2014/2015, we were not able to undertake any landscape projects due to the lingering drought conditions; however, this was the second year of extra tree trimming – lifting tree canopy – in targeted vegetated areas of Oakhurst to reduce fuel load of open space. Reviewed modified irrigation watering and irrigation water conservation policy to comply with most current drought water reductions (45% decrease of watering) in the landscape district from 2013 and city had already reduced its watering from prior baseline created in 2008.

The TLC did recommended new capital project (which city council approved) and allocated \$300,000 toward various entryway landscape areas which will be redesigned with more hardscape and hardier drought tolerant plantings. Plans will be prepared and reviewed by the TLC and ultimately the city council. The plans will be ready so that when drought restrictions are modified and re-landscaping can commence city is ready with plans. The concept plans will be prepared in house by maintenance supervisor John Johnston who also designed the successful Water Feature re-landscaping and Clayton Road median re-landscaping. Both of these prior redesigns incorporated hardscape and hardy drought tolerant plants that also have variety of color. Recommended and City Council approved including the Lower Easley trail to be resurfaced along with the street repaving project to provide economies of scale as was done a few years back with other trail repaving project.

The following Annual Report is for the 2014 – 2015 fiscal year. This report contains a detailed account of the expenditures of revenues collected by Measure B. All revenue collected by this measure is used on the Landscape maintenance District (LMD). Measure B required the formation of a Citizen Oversight Board to assure that Measure B funds are being utilized for their intended purpose. The Citizen Oversight Committee is made up of citizens of Clayton that are appointed by the City Council to serve two year terms. The committee will advise the council on LMD projects and maintenance reports review & submit recommendations on future budgets and present an annual report for use by the Council and the citizens of Clayton.

Adopt-A-Trail program will continue in FY 2015-2016. New TLC member Christopher Garcia enthusiastically volunteered to coordinate. This program is designed to attract sponsors (families, individuals or businesses) who either make an annual financial pledge and/or a commitment to supply a work group to augment the efforts of the maintenance staff with regard to trail maintenance on one of eleven (11) trail segments. Posted at the head of each adopted trail is a plaque bearing the name of both the financial and the work-group sponsor. The bi-annual financial sponsorship is \$1,000, while work group sponsorship is \$200 per year.

Regards,

Larry Casagrande
Larry Casagrande
Chair

LANDSCAPE MAINTENANCE DISTRICT CELEBRATES ITS EIGHTH YEAR:

The Citywide Landscape Maintenance District ("District") ended its Eighth year of operation on June 30, 2015. It operates and maintains the public roadway landscaping and its irrigation system, the trail system, and the "Clayton fountain." It also provides weed abatement and fire breaks in the open spaces. The District does not include any of the city parks/sports fields, the City Hall and Library Landscape , or the downtown Grove Park which are funded by other taxes.

Measure B, passed by voters in June 2007, established a Citizens' Oversight Committee that is commonly known as the Trails and Landscaping Committee ("TLC") which advises the City Council and staff on matters concerning the District budget, priorities, and responsibilities. The TLC consists of up to eleven 11 non-paid, volunteer citizens of Clayton and the Vice Mayor who serves as the City Council's non-voting representative in an ex-officio liaison capacity. The TLC currently meets on approximately a quarterly basis to oversee the operation of the District.

2014-2015 TLC MEMBERS:

Citizens and their respective terms who are currently serving as members of the TLC:

Ex-Officio	Howard Geller (Vice Mayor)
Ex-Officio-Alternate	Keith Haydon (Council Member)
Larry Casagrande (Chair)	December 2013 - December 2015
Clayton Smith (Vice Chair)	December 2014 - December 2016
Ted Sudderth	December 2012- December 2014
Christopher Garcia	December 2014 - December 2016
Howard Glazier	December 2013 - December 2015
Alyse Smith	December 2013 - December 2015
Robert Erich	December 2013 - December 2015
Bob Steiner	December - December 2016
Anthony Chippero	December 2013 - December 2015
Harun Simbirdi	December 2013 - December 2015

COMMITTEE ROSTER

TRAILS AND LANDSCAPING COMMITTEE

Rev. 5/30/2015

Laura/TL Roster/2015

Larry Casagrande (Chair)
239 Jeffry Ranch Place
Clayton, CA 94517
(925) 693-0073
email: Lcasagrande@chevron.com
(term: Dec. 2013 – December 2015)

Robert Erich
1044 Pebble Beach Drive
Clayton, CA 94517
(925) 946-0371 (wk); (925) 673-0544(alt/hm #)
email: erichlaw@me.com
(term: December 2013- December 2015)

Howard Glazier
6021 Golden Eagle Way
Clayton, CA 94517
(925) 899-3314 (cell primary ph#)
Email: howardglazier44@comcast.net
(term: Dec. 2013- December 2015)

Alyse Smith
601 Condor Place
Clayton, CA 94517
(c) (925)993-8583
email: alysej@comcast.net
(term: Dec. 2013- December 2015)

Bob Steiner
4701 Morgan Territory Road
Clayton CA 94517
business: (925) 672-5854; (c) 925-787-1153
email: rws32@earthlink.com
(term: Dec. 2014 - December 2016)

Anthony Chippero
1713 Indian Wells Way
Clayton, CA 94517
(925) 234-6417
email: aichipper@comcast.net
(term: June 2013 - December 2015)

Christopher Garcia
203 Mt. Wilson Place
Clayton, CA 94517
(925) 304-2144 (hm); (805) 748-4974 (wk)
email: Christopher@OutcastWines.com
or chrislgarcia@hotmail.com
(term: December 2014- December 2016)

Harun Simbirdi
1353 El Camino Drive
Clayton, CA 94517
(925) 338-6075
email: simbirdi@yahoo.com
(term: June 2013 – December 2015)

Clayton Smith (Vice Chair)
8 Long Creek Circle
Clayton, CA 94517
(925) 672-2529; (business): (925) 473-7792
email: clayton@alum.calberkeley.org or
csmith94517@comcast.net
(term: Dec. 2014 - December 2016)

Ted Sudderth
1031 Kenston
Clayton CA 94517
925-672-4377
email: unkted@aol.com
(term: Dec. 2012 - December 2014)

TLC Recommendations, Projects, and Work Product Review 2014-2015

- v' TLC regularly receives and reviews reports on maintenance staff activities see attached City Maintenance Quarterly Report Update covering the periods: 6/9/14; 3/16/15 & 6/8/15. Some of the more significant issues in the reports include, but were not limited to:
 - o Spot spray and pull weeds in the Landscape District Citywide on a continuing basis.
 - o Continued our semi-annual trimming of the Landscape in several areas.
 - o Removed one Sycamore tree hit by a car on Clayton road & trimmed two Eucalyptus trees that were encroaching on Redwood trees along Clayton Road by Peacock Creek Drive.
 - o Completed the annual weed abatement for fire protection around homes bordering on open space City wide, adjacent to the roadway and certain trails.
- v' Re-enforced the committee's commitment to expanding the Adopt-A-Trail program.
- v' Reviewed Incoming and outgoing correspondence between citizens and staff regarding various concerns and observations relating to landscaping and trail issues.
- v' Reviewed and approved the proposed landscape district budget for FY 2014-2015.
- v' Once again, complimented the City Maintenance staff for the commendable job they do in effectively managing the available water supply and the maintaining the entire irrigation system.

ADOPT-A-TRAIL PROGRAM:

The Adopt-a-Trail program continues with TLC members working as volunteers to support the effort. The program aims to:

- Augment financing provided by Measure B
- Make the trails cleaner
- Celebrate the trails' sponsors and volunteers
- Foster civic pride through volunteerism, philanthropy, and cleanliness

The TLC has identified several trail segments for adopt. Each segment can have two adopters: a financial adopter and clean-up adopter.

Please see the APPENDIX section of this report for a current listing of adopters.

TLC RECOMMENDS BUDGET FOR FISCAL YEAR 2014-2015 TO CITY COUNCIL:

The TLC submitted a proposed budget to the City Council, which was based on the FY 2013/2014 assessment, subject to adjustment by the Consumer Price Index (CPI), but capped to a 3% maximum increase per Measure B. Subsequently, the CPI was published at an increase of 2.78% and in June 2014, the City Council adopted a total annual assessment of \$1,005,224 encompassing all residential parcels or non-residential parcel acre. *A copy of the adopted budget and further explanation of Fund 210 is included in the APPENDIX section of this report.*

COMMUNITY OUTREACH:

Both the TLC and the District continue to reach out to the public to keep citizens informed of their activities in a variety of ways, which include:

- Inviting the public to attend quarterly TLC meetings
- Requesting comments and questions via email [to cityinfo@ci.clayton.ca.us](mailto:cityinfo@ci.clayton.ca.us)
- Posting meeting minutes at the City website at www.ci.clayton.ca.us
- Presenting summaries of TLC meetings at City Council meetings
- Publishing quarterly reports of maintenance staff activities
- Submitting articles about the District to the Clayton Pioneer newspaper

APPENDIX

- 2014-2015 Budget
- City Wide Landscaping Maintenance District Fund No. 210
- City Maintenance Quarterly Report(s) - Trails and Landscaping
- Adopt a Trail Sponsors
- Trails and Landscape Committee Informational brochure
- Water Story- Clayton Pioneer 5/15/2015

Citywide Landscape Maintenance District — Fund No. 210

In June 2007, Clayton voters approved a replacement real property special tax to continue funding the operation and maintenance of their citywide public landscaped areas. This annual tax is restricted to costs associated with: arterial and specified roadway medians and parkways, the trails system, the annual open space noxious weed abatement in Oakhurst hills, the annual open space and trails weed abatement for fire and public safety, landscape and turf irrigation and the monthly maintenance and special occasion operation of the "Clayton Fountain."

Maintenance of City Parks *is not* included as an authorized expense under the District's Act; park maintenance obligations fall to the City's General Fund. *Citywide public landscaping services have always been funded by a special revenue tax levied on private properties throughout the City.* The District is completing its 5th year of a 10-year approved operation (Measure B), and its citizens' oversight committee (Trails and Landscaping Committee, or TLC) meets periodically to ensure the promised maintenance standards and efficiencies are achieved with these special-purpose tax revenues.

Pursuant to the terms of voter-approved Measure B, the special tax rate may be modified annually by the change in the Consumer Price Index (CPI; San Francisco —Bay Area) from April to April. In no event shall the tax rate be increased by more than 3% each year. The CPI change (from April 2013 to April 2014) posted at 2.78%. Pursuant to its oversight charge, the citizens' TLC considered the CPI change and the District's budget at its public meeting on June 8th 2014 meeting and adopted a motion to recommend the City Council implement the 2.78% CPI annual rate adjustment for the FY 14-15 year. The City Council subsequently considered and adopted this recommendation at its public meetings in June with the budget and in July with the District levy resolutions. The District's revenue projection was increased by the 2.78% for a total assessment revenue of \$1,005,224 for FY 2014-15; this is an annual increase of \$27,385 over FY 13-14. Adding the interest earnings of \$4,000 brings the total revenue budget for FY 14-15 to \$1,009,224.

With the District investing almost \$800,000 in public landscape improvements, irrigation and Trail system upgrades over the last three (3) years, the equity reserves of the District have been appropriately drawn down. Understandably then, the citizens' Trails and Landscape Committee as well as City staff agreed the Districts improvement projects should be slightly curtailed during FY 2013-14 in order to replenish the reserves for another large landscape project push. For FY 2014-15, the District budgeted to fund the following landscape improvement projects:

a. Open Space fire prevention tree and shrub trimming:	\$ 30,000
b. Keller Ridge Dr. landscaping improvements (on hold due to drought restrictions)	\$ 46,000
c. Replace Irrigation System central control field panel:	\$ 20,000
d. Re-Landscape Jeffry Ranch median island (on hold due to drought restrictions)	\$ 6,500
e. LMD Bridge Surface Renovation project	\$ 70,000
f. Downtown planters replacement project	\$ 35,000
Total	\$207,000

The installation and commencement of these significant landscape restoration and District improvement projects illustrate the success of the District in managing the voter's preference for a "pay-as-you-go" ballot tax measure. The defeated Measure "O" (2005) would have issued a revenue bond in its initial year to attack the public improvements sooner but conservative Clayton voters frowned on the higher annual assessment and the bonded indebtedness to be shouldered by the District. Entering the District's 8th year of operation still allows the accumulation of reserves to accomplish many of the planned objectives.

Personnel services for this labor-intensive work effort account for 33.7% of the District's budget this year (\$341,300), down slightly from the prior year's portion of 37.5% caused by less labor time being expended after new landscaping and irrigation systems are installed. Whenever possible, tasks within the District are assigned to temporary seasonal personnel that are less expensive labor (e.g. trimming), which shifts the permanent City maintenance personnel (5) to tasks requiring journeymen-level experiences (e.g. irrigation line and system repairs).

As approved by Measure "B" voters, the District's budget includes an annual expense of \$20,000 (Account 7316) for the purchase of replacement plants. The District further contributes its annual allocation of \$13,500 to the city's Capital Equipment replacement Fund (CERF), from which Maintenance vehicles and equipment are purchased for use in maintaining the Landscape District. An expense of \$33,056 (3.3%) of annual district revenue is transferred to the City's General Fund to pay for administrative and overhead activities of the City (e.g. telephones; payroll processing; accounts receivable and payable; District direction) attributable to administering the District's annual operations.

With all these actions, the District's ending fund balance on June 30, 2015 will be \$133,520, which equates to a reserve of 13.2% of its annual tax revenue. The reserve status is confirmation the City does not siphon "surplus" monies of the District into its General Fund but uses the special tax revenue for its intended purposes.

END

City of Clayton
Landscape Mtn District CFD 2007-1 Fund 210
Adopted Budget 2014-15

Account Number	Account Name	2012-13 Actual	2013-14 Adopted Budget	2013-14 Projected	2014-15 Adopted Budget
7111	Salaries/Regular	175,559	162,632	162,632	159,880
7112	Temporary Help	69,573	94,150	94,150	98,110
7113	Overtime	67	-	-	-
7218	LTD Insurance	1,162	1,374	1,374	1,300
7220	PERS Retirement	38,548	40,784	40,784	38,750
7231	Workers Comp Insurance	7,416	9,966	9,966	11,420
7232	Unemployment Insurance	5,449	5,449	5,500	4,700
7233	FICA and Medicare	6,943	9,561	9,561	9,830
7246	Benefit Insurance	35,782	35,611	35,611	39,180
7311	General Supplies	33,924	43,000	43,000	43,000
7316	Landscape Replacement Material	3,498	20,000	20,000	20,000
7335	Gas & Electric Serv.	28,308	25,000	21,000	25,000
7338	Water Service	178,202	180,000	180,000	187,000
7342	Machinery/ Equip Maint.	12,682	10,000	10,000	10,000
7343	Vehicle Maintenance	4,480	12,000	12,000	12,000
7344	Vehicle Gas, Oil, and Supplies	12,850	10,500	14,800	15,300
7381	Property Tax Admin Cost	3,735	3,737	3,737	3,800
7389	Misc. Expenses	80	-	-	-
7411	Prof. Services Retainer	4,660	-	-	-
7412	Engineering Inspection	-	1,430	-	-
7419	Other Prof. Services	142,059	163,355	146,157	148,419
7486	CERF Charges/Depreciation	13,500	13,500	13,500	13,500
7520	Project/Program costs	19,145	82,900	61,807	207,000
7615	Property Taxes	2,447	2,893	2,506	2,600
8101	Transfer to General Fund	31,402	32,156	32,156	33,056
8111	Transfer to CIP Fund	468,601	-	9,887	-
8113	Transfer to Stormwater Fund	456	-	912	912
Total Expenditures		1,300,527	959,998	931,041	1,084,757
4604	Clayton LMD Assessment	954,704	978,034	978,034	1,005,224
5601	Interest	3,279	4,000	3,000	4,000
5790	Other Revenue	(400)	-	-	-
5702	Donations/Contributions	250	-	1,200	-
5606	Unrealized Inv Gain/Loss	(6,727)	-	-	-
Total Revenue		951,106	982,034	982,234	1,009,224
Increase (Decrease) in Fund Balance		(349,421)	22,036	51,194	(75,533)
Beginning Fund Balance		507,280	157,860	157,860	209,053
Ending Fund Balance		157,860	179,896	209,053	133,520

City of Clayton
Landscape Mtn District CFD 2007-1 Fund 210
Adopted Budget 2014-15

Account Number	Account Name	2012-13 Actual	2013-14 Adopted Budget	2013-14 Projected	2014-15 Adopted Budget
7311	General Supplies				
	Herbicides	-	16,000	16,000	16,000
	Fertilizer	-	7,000	7,000	7,000
	Irrigation	-	15,000	15,000	15,000
	Cole Supply	1,401			-
	Concord garded equipment	1,381			-
	Crop production services	6,357			-
	Bay Area Barricade	3,618			-
	John Deere Landscape	10,706			-
	Misc Supplies	10,462	5,000	5,000	5,000
		<u>33,925</u>	<u>43,000</u>	<u>43,000</u>	<u>43,000</u>
		(0)	-	-	-
7419	Other Professional Services				
	Wildland Resource Mgmt	5,900	-	-	-
	Environtech Enterprises (non-native invasive weed abatement)	45,199	59,000	59,000	59,000
	Outside arborist	-	-	-	-
	Permco - RFQ Noxious Weed Abatement	4,838	-	-	-
	Warner Brothers -Tree trimming	16,138	25,000	25,000	25,000
	Warner Bros Svc 1 x per yr+2 x trails	29,500	30,385	30,385	31,310
	NBS Admin Fees+Del letters	3,744	3,800	3,719	3,800
	Martel Water Systems	807	-	-	-
	Rodent Control (PTM)	10,768	9,500	9,500	9,500
	Advertising for TEMP labor/Live Scans (City of Concord)	512	2,000	512	1,000
	Sprayer Sales Company (Spraytec - ww treatment)	1,670	2,241	2,241	2,241
	Water Feature Extra + repair contingency	4,184	5,000	2,000	5,000
	Water Feature \$650x12 (maintenance)	7,150	8,000	7,800	7,800
	Sub Division/City Entry Signs	1,976	4,000	4,329	2,000
	Daffodil Hill Landscape Mtn Supplies/water	-	12,830	-	-
	CCC Fire Protection - Operation Permit	231	231	303	400
	Paco Pumps - new pump	3,554	-	-	-
	Electrical repair - Cheyenne	5,887	-	-	-
	EBRCSA-Radio Mtn PW radio's	-	1,368	1,368	1,368
		<u>142,059</u>	<u>163,355</u>	<u>146,157</u>	<u>148,419</u>
		-	-	-	-
7520	Project/Program costs				
	Reserve Projects	-	-	-	-
	Trail Resurface - Bruce Lee Trail \$50k	-	-	-	-
	Trail Crack sealing/repair \$10k	-	-	-	-
	CL Rd Median/Roadway Re-Landscape \$328,0'	952	-	-	-
	Irrigation Central Controller System (project #4019 - \$30k)	18,193	-	11,807	-
	Tree Replacement Trimming \$10k	-	-	-	-
	Jeffrey Ranch Relandscaping \$2.5K	-	-	-	-
	Keller Ridge Tree Replacement \$16.6K	-	-	-	-
	Open Space Fire Prevention Tree/Shrub Trim (one time)	-	30,000	30,000	30,000
	Keller Ridge St. Tree replacement (40 trees @ \$1,150 each/remove & replace)	-	29,400	-	46,000
	Jeffrey Ranch Relandscaping	-	3,500	-	6,000
	Replace Irrigation Central Control Field Panel	-	20,000	20,000	20,000
	Daffodil Hill \$29k	-	-	-	-
	LMD bridge renovation project (trails) (\$70,000)	-	-	-	70,000
	Downtown planters (\$35,000)	-	-	-	35,000
		<u>19,145</u>	<u>82,900</u>	<u>61,807</u>	<u>207,000</u>
		(0)	-	-	-
8111	Transfers out to Capital Improvement Fund (303)				
	CIP 10429 "Trails Repave Project" (#3022)	50,000	-	9,887	-
	CIP 10430 "Landscape Median Project" (#3016)	318,601	-	-	-
	CIP10431 "Daffodil Hill Project" (#4020)	25,000	-	-	-
	CIP 10421 "Cardinal Trail Restoration Project" (#3016)	75,000	-	-	-
		<u>468,601</u>	<u>-</u>	<u>9,887</u>	<u>-</u>



MAINTENANCE WORK UPDATE TRAILS & LANDSCAPING

6/10/2014 to 3/16/15

- Spot spray and pull weeds in the Landscape District Citywide on a continuing basis.
- Irrigation systems have been shut off Citywide since November of last year. In the last two weeks some lawn areas have needed to be turn on with the warmer weather. Crews made repairs to the irrigation systems when the systems were in operation over the summer months and have started to make repairs as we head into the spring. As stated in past reports as the irrigations systems continue to age crews are finding more repairs from tree roots breaking the mainlines to parts failing from age. Over the past summer season Staff continued the monitoring of water usage to achieve the 15% reduction in water usage from historical levels (2005 to 2008) that the Contra Cost Water District had ask customers to achieve. Then customers were asked to bring in a 20% reduction in water usage that was mandated by the state this was due to the continuing severe drought in California. Looking forward Contra Costa Water at this time is still asking for the continued savings of 20% of historical usage but this could change when they get their water allocation later this year or the state of California asks residents for more and deeper savings.
- Continued our semi-annual trimming of the Landscape over the summer and winter in the following areas; Oakhurst Drive from City limits to Clayton Road, Clayton Road new medians from Center Street to Mitchell Canyon Road, Along Keller Ridge Drive, Along Eagle Peak Drive, Old Marsh Creek Road from Clayton Road to Stranahan subdivision, in the downtown area at the Post Office pathway and Tear Drop Island, Peacock Creek Drive, Marsh Creek Road from Clayton Road to City Limits, and completed the pruning of Crape Myrtle Trees within the Landscape District.
- Had the following area trees trimmed; removed one large Eucalyptus tree that had died on Lydia Lane, removed a large oak tree that died in Oakhurst open space off of Acorn Drive; the large tree trunk and branches were left in the open space as natural habitat. Safety trimmed trees on Marsh Creek Road in front of Stranahan Subdivision and Eucalyptus trees in the open space behind the homes on Petar Court. Lifted the ash trees along Atchinson Stage Road, Pine Hollow Road, Cardinet Trail, and North El Camino Drive. During the December storms had numerous trees mostly smaller ones and branches fall.
- Completed the fire abatement project around homes bordering on open space. The abatement consisted of the removal of any brush, dead vegetation, and the lifting of trees ten feet above ground level within a hundred feet of property line. Work has been completed along Keller Ridge Drive, Easley open space, Regency open space, and Diablo open space.



Memo

To: Trails and Landscape Committee
From: City of Clayton Maintenance Department
Date: 6/6/2014
Re: Deferred Maintenance Projects Status

There are four projects that were on the FY 13/14 adopted budget:

Jeffry Ranch cul-de-sac median re-landscaping: This project is on hold due to higher priority staff work items and the recent drought voluntary water reduction. The mature plants are more tolerant of reduced water; the lawn if it dies off will easily come back when rains re-appear. The staff will need to meet with the neighbors to get their input regarding changing out the current planting to eliminate the lawn and change out any larger plants that are getting near the end of their life, the goal to reduce the amount of time the maintenance staff spends. Alternatively the neighbors can maintain the area, some years back the neighbors had agreed to maintain but no written agreement was put into place and some of the neighbors have likely changed over. New shrubs will require more water than the established plants. Funds are being reset to continue with this project in the FY 14/15 budget.

Keller Ridge Drive Street Tree Replanting: This project is on hold due to the voluntary water reductions. Newly planted trees will require more water than in the past usage to get established. The funds for this project are being reset to carry forward with this project in the FY 14/15 budget.

Open Space Fire Prevention Tree/Shrub trimming/clearance (Oakhurst Open space area): This project will be completed by the end of June 2014. The contractor is about 66% completed. Areas completed are Peacock Creek/Pebble Beach; Miwok/Blue Oak. Left to do are Keller Ridge (end of cul-de sacs/street abutting open space) up to North Valley Park. Additional funds are being requested in the proposed FY 14/15 budget to continue this work in other areas of the City such as along the Easley Estates and El Molino area. (Note most of the Camdinet Trail from Library to Lydia Lane is actually property of the Oakhurst golf course and their responsibility for vegetation, the city has only a trail easement.)

Replacement of Irrigation Control Field Panels: This work is underway and ongoing.



Memo

To: Trails and Landscape Committee
From: Maintenance Staff
Date: March 16, 2015
Re: Deferred maintenance Status – Pedestrian Trail Bridge Deck Replacement

The replacement of the Trail Pedestrian Bridge Deck Planks is moving forward with the specifications and the scope of work being assembled by staff into a bid packet for bidding. Plans are for the project to be advertised and go out to bid in the next month, with the award of contract within ninety days after that by the Clayton City Council. The plan is for the work to be completed over the summer months when work is allow around and in the Cities creeks (May 15 to October 15).



MAINTENANCE WORK UPDATE TRAILS & LANDSCAPING

3/17/2015 to 6/8/2015

- Spot spray and pull weeds in the Landscape District Citywide on a continuing basis.
- Started to turn on irrigation City wide, the Landscape District has been ordered by Contra Costa Water District to cut water usage by 45% from 2013 usage. See packet memo on the Cities policy for achieving this goal and water usage policy.
- Continued our semi-annual trimming of the Landscape in the following areas; Along Clayton Road from Peacock Drive to Oakhurst Drive (eastside), Clayton Road from North Mitchell Canyon Road to Lydia Lane, Atchinson Stage Road (North and South), Pine Hollow Road, Center Street Trail, and have started along Old Marsh Creek Road.
- Removed one Sycamore tree hit by a car on Clayton Road. Trimmed two Eucalyptus trees that were encroaching on Redwood trees along Clayton Road by Peacock Creek Drive.
- Completed the annual weed abatement for fire protection around homes bordering on open space City wide, adjacent to the roadway, and certain trails. The abatement consisted of the cutting down weeds a minimum of 30 feet behind homes bordering on Landscape District open space; those areas open areas adjacent to the roadway (ie: Clayton Road, old Marsh Creek Road); along the major trail/open space areas (ie: Carndinet, Bruce Lee/Mt. Diablo Creek, Donner Creek Trails); and open space areas along the Main Trail (Diablo Creek Court, El Molino/Samuel Court; Easley Estates).

2015 Drought Program

- CCWD Proposal to obtain 28% reduction
 - Residential / Commercial (25%)
 - Irrigation Meters (from 40% to 45%)!
 - Industrial (5%)
- Temporary increase treated water quantity charge by \$0.50 per unit (748 gallons). 14% rate increase.
- Residential use below 200 gallons per day; considered conserver and exempt from pricing adjustment.
- Rate eliminated when Governor lifts Executive Order.

Memo

To: Trails and Landscape Committee

From: Maintenance Supervisors

Date: June 8, 2015

Re: City's Water Rationing Plan

This is where the City stands at the beginning of May 2015 on the State of California's mandatory water rationing. This report was presented by the City Manager to the City Council at their May 19, 2015 meeting.

In general the City must reduce its irrigation water to watering no more than 2 x week. Although a majority of the District and city landscape is drought tolerant, has some areas with more current water efficient irrigation technology, the landscaping is not drought proof. Two times a week watering on the plants and trees may stress the plants – if (when) the later summer/fall hits with hot day temps and warm evening temps, it is likely there will be additional stress and plant die back or some plant demise.

The State of California recently established 9 tiers of water usage within the state for each water supplier and its consumption rates; Tier 9 is the highest water consumer. The Contra Costa Water District fell into Tier 7, which mandates an increase in consumer reduction of water usage: Residential/Commercial water usage will go to 28%; **Irrigation-only Meters to 45%**; and Industrial to 5%. **This revision means the City's parks and landscape irrigation meters must now reduce water usage by 45%.** To further incentivize water use reductions **CCWD is imposing a temporary increase in its treated water quantity charge by \$0.50 per unit (a unit equals 748 gallons); this equates to a 14% rate increase.** Residential usage below 200 gallons per day is considered to already be a conserver and will be exempt from the price adjustment. CCWD indicates the temporary rate increase will be eliminated when the Governor lifts the Executive Order mandating statewide water conservation.

General Policy

The City must cut back 40% from the City's actual 2013 water usage for outdoor water irrigation and 25% in the City's facility usage. These cuts will be greater than the cuts in 2009 because it is based on water usage in 2013 and not total landscape area using historical ET (EvapoTranspiration) rates, which was the method used in the 2009 drought. Staff is forecasting less water being allocated this year than in the 2009 drought and is planning accordingly. The City will not receive actual allocations from Contra Costa Water District (CCDW) until after June 4th when it expects to mail the allocation amounts out to all Contra Costa Water District (CCWD) customers. As in the past drought all of the City's landscape water meters are pooled together so City Staff may allocate its water where it is most needed within the landscaping.

In areas watered using Contra Costa Water District (CCWD) potable water, the outdoor irrigation schedule cannot be more than two days a week. Since lawns are the largest user of water and two days a week will likely not be sufficient to keep them green during the summer months, the following lawns will not be irrigated:

A. All lawns in the Landscape District except the:

- Clayton Fountain (due to recent landscape renovation, this area has a high efficiency irrigation system meeting the state's Water Conversation Ordinance) The City will water it just two days a week as mandated; if the irrigation system cannot keep the lawn area semi green with just the two day watering schedule, City Staff will reevaluate and determine if the system should be shut down during the summer months.
- The lawns in the Downtown area at the Oak Street exit/ramp to Main Street, the tear drop (roses and boxwood island) on Main Street, and the area surrounding the Holiday Tree. These areas receive water from an existing City groundwater well (see below for irrigation usage serviced by groundwater wells).

The following lawns at these City park will not be watered (irrigated by CCWD potable water):

- North Valley Park
- Stranahan Park

The Clayton Community Park will be irrigated for the allowed two days per week to try to keep the field's semi green for playing. At this time the irrigation runs Monday night and Thursday night with the irrigation water meters shut down in between to prevent loss of water from mainline breaks.

The parks in Westwood, The Grove, and Lydia Lane use groundwater well water. (see below for irrigation usage at well sites)

B. Lawns at City Buildings

The City Hall courtyard will initially be watered two days per week in attempt to keep area semi green. City Staff will reevaluate and determine if this system should be shut down during the summer months.

The Community Library grounds are irrigated using groundwater well water (see below for irrigation usage at well sites).

C. WATERING WITH CONTRA COSTA WATER DISTRICT (CCWD) POTABLE WATER

All landscaping supplied with water from the Contra Costa Water District (CCWD) must be watered under State Water Board and Executive Order regulations that have been announced, which include the following: only two days per week, no watering between 9am and 5pm, no run off, and repair breaks as soon as possible. Staff priority (as in previous years of drought conditions) has been to keep as many of the City's trees, then shrubs, and last the groundcover alive with the newest landscaping renovations getting top priority.

The following is being done to monitor/save water and meet the City's allocated water supply: Read water meters every two weeks; shut off water meters that will not be used this year; shut off exterior public drinking fountains to deter misuse and potential water theft; and lock all quick couplers to prevent water theft and misuse.

At this time City Staff has turned off outdoor drinking fountains in the City parks (except at the Dog Park). Staff will monitor water usage at the Dog Park and if it becomes excessive we will determine if water should be shut off. As of now, all water features (i.e., Clayton Fountain, City Hall courtyard fountain, and the new Splash Pad at The Grove Park) have been shut off for public perception or in the case of the Splash Pad it is non-recirculated potable water.

Public restrooms remain open at City facilities for public health reasons except the exterior City Hall courtyard restrooms. A posted sign redirects the public to use the restrooms at the Clayton Community Library.

D. WATERING WITH CITY GROUNDWATER WELL WATER

The City owns and operates several groundwater wells. At this time, groundwater wells supplying non-potable water (i.e. not for human use or consumption) are not subject to the State's mandatory water restrictions and regulations. City wells exist at the following locations:

1. Westwood Park and Lydia Lane Park

By separate agreement, the well water from these wells is used by the Oakhurst Country Club to irrigate its private golf course; well water is also used to irrigate Westwood Park. The wells are monitored monthly by separate contract (paid by Oakhurst); should the groundwater levels of these wells dip below a pre-determined depth, the wells are shut down and each user (Oakhurst; City; Westwood HOA) must convert to pre-connected potable water supplied by CCWD and then subject to the State's outdoor irrigation restriction of no more than 2 days per week.

2. Clayton Community Library

This groundwater well, in addition to irrigating the Library grounds, supplies the water to irrigate the Clayton Road landscape from the Oakhurst Drive intersection to the Mitchell Canyon Road intersection, along old Marsh Creek Road from Clayton Road to Main Street, at the Town Center Sign grounds, and at the Main Street tear drop island.

3. The Grove Park

This groundwater well in the vicinity of the U.S. Post Office, is used to irrigate The Grove Park landscape and lawn, waters the Endeavor Hall landscaping, the landscape around the Endeavor Hall public parking lot, and the Center Street raised planter boxes.

Although not subject to the State's water restrictions, these City groundwater wells have been voluntarily limited to irrigate/water no more than three days in a one week period to help conserve these water supplies and to lead by example in reducing water usage.

* * * * *

Adopt a Trail updated as of 6/30/14

Adopters/Revenues

<u>Name</u>	<u>Sponsor Type</u>	<u>Trail Section</u>	<u>Amount Recvd</u>	<u>Date \$ Recvd</u>	<u>Ag. recvd</u>	<u>Start Date</u>	<u>Expiration Date</u>
Sudderth Family	Volunteer Labor	Cardinet Trail (Library - Lydia Ln Pk)	\$200	8/12/2013	Yes	9/1/2013	3/1/2015
CBCA	Financial	Cardinet Trail (Library - Lydia Ln Pk)	\$1000	8/12/2013		9/1/2013	3/1/2015
Passport2Clayton (P2C)	Volunteer Labor	Bruce Lee Trail (Upper Easley Trail)	\$200	2/1/2011	Yes	3/1/2011	3/1/2012
Passport2Clayton (P2C)	Financial Sponsor	Bruce Lee Trail (Upper Easley Trail)	\$1000	2/1/2011		3/1/2011	3/1/2012
Employees of	Volunteer Labor	Blue Oak Trail	\$200	2/9/2011	Yes	3/1/2011	3/1/2012
CD Federal Credit Union	Financial Sponsor	Blue Oak Trail	\$1000	2/17/2011		3/1/2011	3/1/2012
Stegel Family	Volunteer Labor	Lower Easley Trail	\$250	1/7/2013	Yes	TBD	TBD
<u>Available</u>	Financial Sponsor	Lower Easley Trail					
<u>Available</u>	Volunteer Labor	Cardinet Trail (Lydia Ln Pk - Westwood Pk)					
<u>Available</u>	Financial Sponsor	Cardinet Trail (Lydia Ln Pk - Westwood Pk)					
<u>Available</u>	Volunteer Labor	Donner Creek Trail					
<u>Available</u>	Financial Sponsor	Donner Creek Trail					

Adopt a Trail Expenses

<u>Date</u>	<u>Purpose</u>	<u>Amount</u>
3/8/2009	19.5 hrs maintenance temp labor make/ install signs	\$219.00
4/17/2009	materials for sign posts	\$1527.34
6/23/2009	signs printing (bay area barricade)	\$98.87
6/30/2009	t-shirts	\$289.51
8/9/2009	wood for future sign posts (Dolan's Lumber)	\$595.15
8/9/2009	sign printing (Bay Area Barricade)	\$10.93
5/14/2010	Clayton Pioneer Ad	\$200.00
8/31/2011	sign re-screening	\$10.82
8/31/2011	Signs (Bay Area Barricade)	\$209.35
8/31/2011	27 hrs maintenance reg/temp labor make/install signs	\$1116.80
11/30/2011	Oak tree lights (trail by library)	\$3305.98
11/30/2011	electric wire and parts for oak tree lights (trail by Library)	\$437.00
12/30/2011	17 hrs reg/temp labor install oak tree lights (trail by library)	\$697.00
<u>Additional expenses for latest adopters signs and installation unknown</u>		<u>TBD</u>
Total Expenses to date (NOT including outstanding expenses for latest signs and relocation)		\$8717.75

Donations

Renewal and New as of 6/30/14	\$1450
Prior donations	\$9250
	\$10,700

6/30/2014 Account Balance: \$10,700-\$8715.75 = \$1982.25 (this amount will be reduced based upon outstanding expenses yet to be determined)



ADOPT A TRAIL



The program aims to:

- Augment financing provided by Measure B the voter approved Landscape Maintenance District, all funds from program sponsors and volunteers also known as adopters are used for the program and trail system maintenance only.
- Provide a venue for volunteers to help Clayton maintain and enhance its trail network
- Make the trails cleaner
- Celebrate the sponsors and volunteers that help Clayton keep the trail network one of the distinguishing characteristics of our community
- Foster civic pride through volunteerism, philanthropy, and cleanliness

The Trails and Landscape Committee has initially identified 11 trail segments to adopt. Each segment has a financial adopter and a clean-up adopter. Besides paying the every two year fee (\$1,000 for financial adopters and \$200 for clean-up adopters), clean-up groups must identify a leader/contact person and complete the attached form. Adopters are recognized on their trail segment with a name plaque on a trail marker. Markers are installed at the time a financial sponsor is found for that trail segment.

Segments are assigned on a first-come, first-served basis. Adopters wanting recognition on the trail markers must also provide information that conforms to the city design specs for the markers.

If you are interested in participating in this program or would like additional information please contact Committee member **Christopher Garcia** at email: chrisLgarcia@hotmail.com



City of Clayton
Clayton Adopt-a-Trail Program

APPLICATION

Date: _____

Adopt-a-Trail Group: _____

TYPE OF Sponsor (circle one)

Financial

Labor-Clean Up

Group Contact: _____

Contact's Mailing Address: _____

Phone Number: _____ Email: _____

Requested Segment to
Adopt: _____

Tentative Start Date: _____

Average number of volunteers per work day: _____

STATEMENT OF AGREEMENT

As representative of this organization, I have read and agree to abide by the policies, regulations and safety recommendations as put forth by the City of Clayton's Public Works and Engineering Department. I understand that this is an application for the Adopt-a-Trail program and that a representative from the city will contact me to finalize an agreement. I understand that the Department will make the final determination as to whether a group can participate and the final segment assignment designation. I understand that each volunteer must sign a City of Clayton Voluntary Service Agreement and Liability Waiver before participating in the program. Finally, I understand that the city reserves the right to terminate this agreement at any time.

Adopter/sponsor Group Coordinator -Contact

Name print

(signature/date)

ADOPT-A-TRAIL WORK PLAN : Sponsor/Adopter Name _____

Proposed Program Plan for: _____
[Insert Trail Segment Name]

Adopt-a-Trail Projects could include but are not limited to the following items, please mark all that apply to your project. This must be approved by the Department of Public Works and Engineering before work can begin.

Suggested Project Items

- | | |
|--|---|
| ☐ Pick up litter and debris (required) | ☐ Monitor/report maintenance needs (req) |
| ☐ Remove weeds (required) | ☐ Plant trees* |
| ☐ Raking and sweeping (required) | ☐ Plant and maintain flowerbeds* |
| ☐ Minor repairs of surfaces/furnishings | |
| ☐ Other _____ | |

* The planting of all flowers, trees and other plants must be pre-approved by the city. Support for special projects by adopting organizations will be arranged through the Trails and Landscaping Committee.

WORK SCHEDULE

Each group is required to have at least one work day every 4 months (total of 3 per year). Please list tentative dates for each work day. You will be expected to inform the Department of any date changes **at least 2 weeks in advance**.

Work Day #1 _____	Additional Work Days _____
Work Day #2 _____	_____
Work Day #3 _____	_____

Name(print)

Trails Landscape Committee member Name (print)

(signature/date)
Financial and/or Volunteer Clean up
Group Coordinator

(signature/date)
Trails and Landscaping Committee member

POLICIES

- The city will provide necessary trash bags, debris pickup, and hauling to ensure the success of ongoing tasks.
- Adopting organizations may keep and haul away for resale off site all recyclable trash they pickup.
- No one under the age of 14 may participate without adult supervision.
- While performing services at special project sites adopters will conform, at a minimum to the State of California Standard Specifications for hours of work, noise abatement, traffic control, erosion control, fire protection and management of materials.

(signature/date)

Group Coordinator

(signature/date)

[for the Trails and Landscaping Committee]

**Please return application to Christopher Garcia, Trails and Landscape Committee member c/o Clayton City Offices, 6000 Heritage Trail, Clayton CA 94517
For questions, please contact Christopher Garcia at chrisLgarcia@gmail.com**

Payment received: _____
Date

By: _____



EXAMPLE OF TRAIL MAKERS WITH ADOPTER/SPONSOR PLAQUE

CITY OF CLAYTON

Peacock
Creek
Trail



1.27 Miles

Trail Grade
75% Steep
25% Level

Surface
Crushed Granite

This Trail Segment Adopted By:

COMCAST
Cable

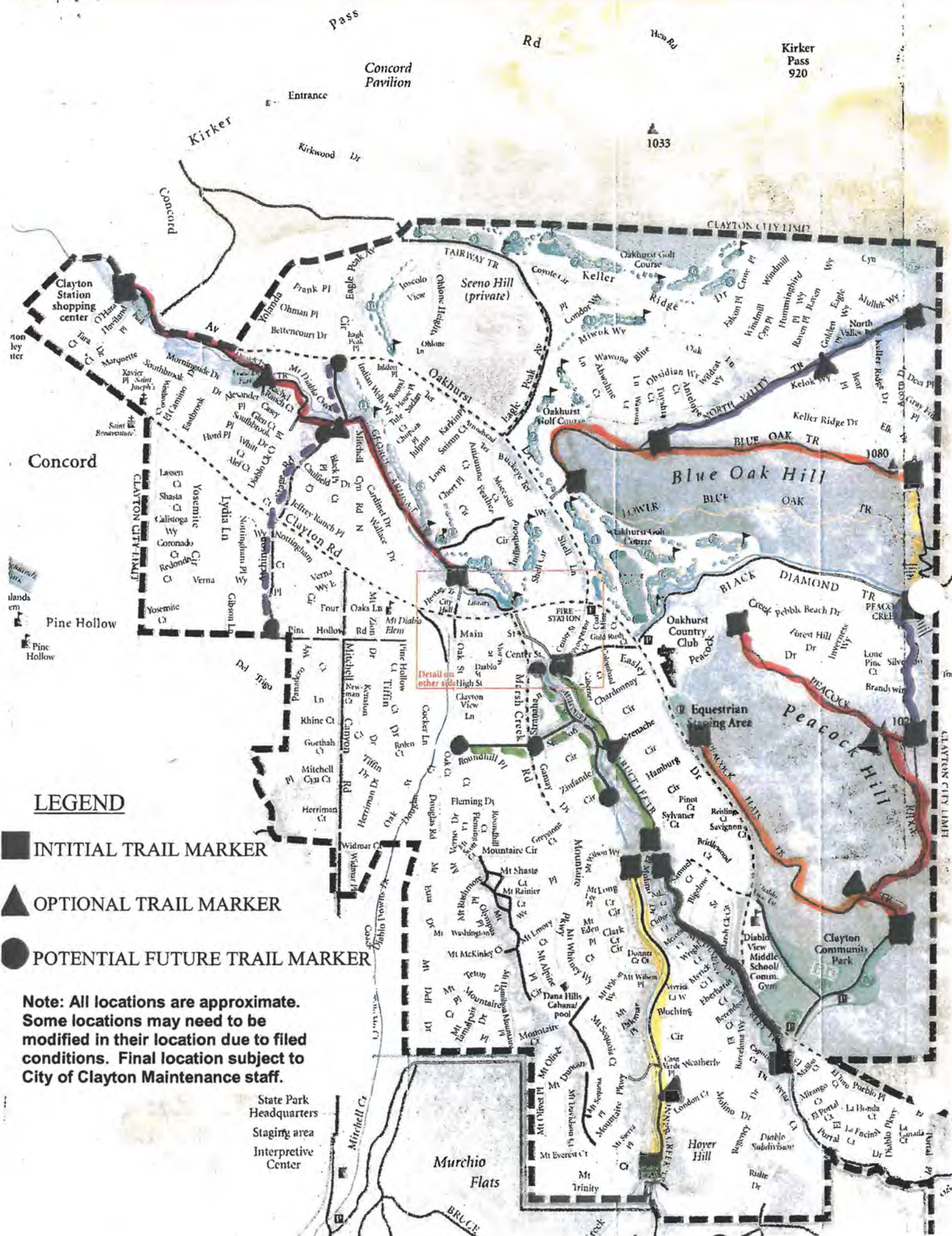
Clayton Valley
Little League

12" overall
sign
height

6" total sign width



8"x 8" wood mitered routed post w/metal sign
(brown background/white lettering) mounted inset onto post



CLAYTON'S TRAILS & LANDSCAPE COMMITTEE (TLC)

Formed by the Clayton City Council in August 2007.

Comprised of up to 11 volunteer members
of the Clayton community

Helps the city implement the voter-approved
plan to manage the current and future needs
of the citywide Landscape Maintenance District

Helps to manage and support Clayton's
Adopt-A-Trail program



Serves as a financial oversight committee
and provides short and long term implementation
guidance to city staff and the City Council

The Landscape Maintenance District consists of
roadway edge and roadway median landscaping,
trail maintenance, and fire abatement on trails
and open space (city parks and the Clayton
fountain operation are not included in the district)

Funds can only be used for spending within
the Landscape Maintenance District

GET INVOLVED!

The Trails and Landscape Committee
meets quarterly on the 3rd Monday
of the month at 7pm at the Clayton Library

Clayton residents are encouraged to attend
these meetings to provide public
opinion and ask questions

Meeting agendas are posted online:
City web site at www.ci.clayton.ca.us

Printed copies at:

City Hall, 6000 Heritage Trail;
Clayton Library, 6125 Clayton Road;
Ohm's Bulletin Board, 1028 Diablo St

Please direct any questions or
concerns to the City of Clayton via
the website or address above

2015 Trails & Landscape Committee Members

Larry Casagrande (Chair)
Clayton Smith (Vice Chair)
A.J. Chippero
Robert Erich
Christopher Garcia
Howard Glazier
Harun Simbirdi
Alyse Smith
Bob Steiner
Howard Geller (Ex-Officio)



Trails & Landscape Committee
2015

THE LANDSCAPE MAINTENANCE DISTRICT: CLAYTON'S "FRONT YARD"

The Landscape Maintenance District covers:

- over 2 million square feet of landscape
- 40,700 square feet of lawns and flowerbeds
- Almost 3,000 city trees
- 515 acres of open space
- 7 miles of creek side trails
- 20 miles of open space trails
- Approximately 50 street islands and medians

The District uses the equivalent of only three full time staff along with seasonal and volunteer workers

HOW IS THE DISTRICT FUNDED?

Measure B, a special 10-year special parcel tax passed by Clayton voters in June 2007 funds the District

Measure B is the only source of funding for the Landscape District supplies, electricity, irrigation, water, and labor

Funds may only be used for voter approved Landscape District expenses

Trails & Landscape Committee

ADOPT-A-TRAIL

If you are one of the many Clayton residents that enjoy our trail system you can further help the Landscape Maintenance District and beautify Clayton's trails by Adopting a Trail

This program aims to:

- Augment financing provided by Measure B
- Provide a venue for volunteers that help Clayton maintain and enhance it's trail network
- Make the trails cleaner
- Celebrate the sponsors and volunteers that help Clayton keep the trail network one of the distinguishing characteristics of our community
- Foster civic pride through volunteerism, philanthropy, and cleanliness

If you are interested in participating in this program or would like additional information please contact



TLC's STRATEGIC FOCUS

- Remove unwanted expenditures and control costs with strict oversight
- Create equity in the District
- Implement cost effective measures to improve irrigation and infrastructure
- Invest in modern equipment to increase maintenance efficiency and effectiveness
- Implement seasonal and situational based labor to minimize costs
- Adjust irrigation watering as necessary to comply with any drought water reduction mandates

STANDARDS & PRIORITIES FOR THE DISTRICT

- Mandatory firebreaks
- Woods trimmed along major trails and creeks twice a year
- Trees trimmed for safety purposes
- Irrigation breaks repaired as necessary
- Public roadway landscaping trimmed twice a year
- Landscape areas fertilized once a year as necessary

City to cut water usage by 40%

PIGGY SPEAR
Clayton Pioneer

Get ready, Clayton. Brown is the "in" color for summer, at least for lawn and turf.

Residents and communities across the state are mandated to cut their water usage by at least 25 percent this summer, the fourth year of a historic drought. The City of Clayton is no exception, as they are cutting back water usage a whopping 40 percent from 2013 levels, said City Manager Gary Napper.

"The state's extended drought represents a serious challenge for all in California and requires each resident and property owner in Clayton to prioritize one's water consumption habits," he said. "For the city, our 40-43 percent reduction in water usage, in comparison to the 25 percent reduction assigned residential users, necessitates staff evaluate which water-dependent assets and facilities are the more essential to retain and operate."



Tommy Steiner/Clayton Pioneer

TAKE A GOOD LONG LOOK—THIS IS A SIGHT CLAYTONIANS WON'T SEE FOR AWHILE. The Clayton fountain has gone dry and will stay that way indefinitely, another casualty of the drought and the governor's mandate to cut water use by 40 percent. Drinking fountains in the parks and the new water feature in The Grove are also turned off to meet cutback requirements.

For example, he said, landscaped plants and specimen trees will be the targets of the city's limited outdoor irrigation

at the sacrifice of lawn and turf. The two-days per week outdoor irrigation constraint imposed on residents by the Contra

Costa Water District last month also applies to the city and "we'll undoubtedly see visual stress to trees and plants as the

hot summer days set in."

"It is no longer 'business as usual'" he said.

Clayton residents will undoubtedly see the stress on lawns and turf, but some areas, such as The Grove Park and some downtown areas, are served by well water, and can be watered three times a week. The main area that will be affected, according to Clayton's Maintenance Supervisor Mark Janney, is the Community Park and fields, which will only be watered twice a week.

"They won't look so great," he said.

Historically, Janney said, the city uses about 300,000-400,000 gallons per day, but it has been cutting back that usage in recent years due to the drought. So cutting nearly half of that will definitely impact what the residents

See Water Cuts, page 9

Water cuts, from page 1

see at public areas around town. When the city faced similar cutbacks in 2009, trees, shrubs, groundcovers and newer planting areas were given watering priority over turf, Janney said. That will again be the priority.

In a recent memo to his staff, Napper outlined the water cutbacks. On the "hit list" were all public landscaped lawns, except the Clayton Fountain. Due to recent landscape renovations, this area has a high-efficiency irrigation system meeting the state's Water Conservation Ordinance. The city will water it just two days a week as mandated; if the irrigation system can't keep the lawn area semi-green with just the two day watering schedule, city staff will reevaluate and determine if the system should be shut down during the summer months.

Lawns that will not be watered include North Valley Park and Stanshan Park. As Janney said, the Clayton Community Park will be irrigated for

the allowed two days per week so try to keep the fields semi-green for play. At this time, the irrigation runs Monday night and Thursday night with the irrigation water meters shut down in between to prevent loss of water from mainline breaks.

GROUNDWATER WELLS HELP

Luckily, like some of the downtown areas, the parks in Westwood, The Grove, and Lydia Lane all use groundwater well water, which aren't subject to the state water restrictions and can be watered three times a week.

Other areas that will be excluded from cutbacks include the lawns in the downtown area at the Oak Street exit and ramp to Main Street, the rear drop (roses and boxwood island) on Main Street, and the area surrounding the Holiday Tree. These areas receive water from an existing city groundwater well.

Another area that uses

groundwater is around the Clayton Community Library. This well, in addition to irrigating the Library grounds, supplies the water to irrigate the Clayton Road landscape from the Oakhurst Drive intersection to the Mitchell Canyon Road intersection, along old Marsh Creek Road from Clayton Road to Main Street, at the Town Center Sign grounds, and at the Main Street rear drop island.

Napper also said that all landscaping supplied with water from GOWD must be watered only two days per week, with no watering between 9 a.m. and 5 p.m., no run-off, and breaks must be repaired as soon as possible.

"It's a big deal," said Clayton City Councilwoman Julie Pierce. "Luckily, we have planted many drought-tolerant plants throughout the city, so we'll just have to see how they stand up to the hot summer months. I'm sure by September many of the plants and lawns in Clayton will be showing stress."

"It's a serious problem," she says. "We have to cut back."

OAKHURST CUTTING BACK

Also cutting back is the Oakhurst Country Club, said General Manager Tony Eichen. The golf course's fairways and the roughs will be watered just twice a week, with the greens and tees three times, but only in the evening hours.

"It actually will make the fairways harder, which make the balls go faster," he said. "Our users might like it better." Oakhurst buys well water from the City of Clayton, which allows for the additional watering.

"I think we'll be able to keep the greens in good shape, but it's the auxiliary areas that will suffer," he said, including the patches of grass facing Clayton Road, and areas around the pool and tennis courts. They will be cut down to twice a week watering.

"We need to do our part, too, to conserve water," he said.

He doesn't foresee any fee adjustments because of the drought situation, but he will ask golfers to drive carts on the trails and not on the grass because that will distress the greens even more.



Agenda Date: 1-19-2016

Agenda Item: 8b

Approved: 

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MKG*
DATE: JANUARY 19, 2016
SUBJECT: COMMUNITY CHOICE AGGREGATION (CDD-18-15)

RECOMMENDATION

Following staff presentations and an opportunity for public comment, it is recommended the City Council:

- 1) Adopt the attached Resolution authorizing Contra Costa County to obtain the electrical load usage data from Pacific Gas & Electric Company (PG&E) for all customer classes and customers located within the City of Clayton for the purposes of studying alternatives for a local Contra Costa Community Choice Aggregation (CCA) (also referred to as Community Choice Energy). The Resolution also memorializes the City's interest in participating in a pre-development and feasibility study to create a CCA in partnership with Contra Costa County while not obligating the expenditure of any City funds.
- 2) Direct staff to send a non-binding letter before January 31, 2016 to Contra Costa County confirming the City's interest in participating in a local Contra Costa CCA by authorizing the County to collect the City's Pacific Gas & Electric Company load data and its willingness to financially participate in the feasibility study without obligating funds. The letter will also express the City's preference to have the costs for the study allocated on a per-capita basis rather divided by the number of participating agencies.

BACKGROUND

In October 2015, the Board of Supervisors directed County staff to research the possibility of Community Choice Aggregation through three different options. The initial process is twofold. The first step is to request cities within the County to authorize the County to collect electrical load usage data from PG&E to determine the overall demand. The data would be utilized in a manner to investigate the feasibility of electrical procurement options through a potential CCA. The second request of cities was to determine the willingness to share in the

cost of conducting a feasibility study, which is estimated by the County to be \$100,000 to \$150,000 without formal financial obligation.

The direction provided by the Board of Supervisors included three possible options to be evaluated:

- Forming a CCA partnership among the cities within Contra Costa County as well as the County for the unincorporated areas;
- Partnering with Alameda County (and its cities) to form a CCA program; or
- Join the Marin Clean Energy program (which currently serves Marin County, unincorporated Napa County, and the cities of Benicia, El Cerrito, Richmond, and San Pablo).

Representatives from Contra Costa County will be making a presentation at the City Council meeting to provide an overview of the Community Choice Aggregation program and the options the County is exploring.

OVERVIEW OF COMMUNITY CHOICE AGGREGATION

Assembly Bill 117 (2002) established Community Choice Aggregation in California and allowed cities and counties to become electricity providers by facilitating the purchase, sale, and generation of electrical energy.

In 2010, Marin Clean Energy (MCE) became the first certified CCA in California followed by Sonoma Clean Power in 2014. Both JPAs are comprised of their host counties and several cities. The cities of Richmond, San Pablo, and El Cerrito joined Marin Clean Energy and are now served by MCE. The cities of Walnut Creek and Lafayette have submitted letters of intent to join MCE, which is considering granting them membership in fall of 2016. Other counties and cities throughout the State of California are exploring the formation of a CCA with San Francisco receiving approval of its implementation plan from the California Public Utilities Commission, which is the organization charged with regulating CCAs.

The CCA would be responsible for power generation and PG&E would still own the grid, maintain power lines, and issue monthly bills.

Benefits of a CCA

- Local Control – By forming a CCA, it provides communities with control over energy decisions. Currently power customers do not have a choice of an electrical provider, or how that power is generated. The CCA would also be able to maintain control over energy efficiency programs or have programs to guarantee equity in the distribution of efficiency benefits. Participating jurisdictions would automatically enroll all electrical customers into the CCA; however individual consumer participation is entirely voluntary and one can choose to opt out of the CCA if they prefer to receive their electrical energy from PG&E. Naturally, should a city become a member of a CCA and a considerable number of local subscribers opt to stay with PG&E for

electricity, the resultant CCA's rates could be affected due to lesser volume participation.

- **Increase Use of Renewable and Alternative Energy-** To the extent that a CCA values renewable and alternative energy generation over and above the levels mandated by the State, CCAs can increase the amount of energy generated from renewable sources by offering customers electricity derived from 100% renewable sources.
- **Increase in Competition –** PG&E is an Investor Owned Utility (IOU), which is large privately owned company and currently has a regulated monopoly in most of northern California. Consumers within the CCA jurisdiction would have the opportunity to receive electricity from a local public agency governed by officials who would be responsive to the interests of the local community.

Risk and Costs of a CCA

There are risks associated with the formation of a CCA, with the primary risk being sustainability. It is conceivable the CCA could not compete effectively against PG&E by not providing competitive rates with those that are offered by PG&E; therefore the CCA would not be financially feasible. The price of electricity a Contra Costa County CCA could offer has a number of variables such as the number of customers in the CCA as well as the agency's portfolio of energy sources.

There are start-up costs associated with forming the CCA, such as public outreach, feasibility analysis, and legal expenses to form a joint powers agreement as well as costs following the formation of JPA such as hiring CCA staff, preparation of an implementation plan, and execution of energy purchase contracts with suppliers.

FISCAL IMPACT

The local authorization of the City's PG&E load data does not require the expenditure of any City funds. The Resolution memorializes the City's interest, but does not obligate it to financially participate in the feasibility and technical study for the creation of a local Contra Costa Community Choice Aggregation. The County has identified the study may cost \$100,000 to \$150,000, but the City's share has not been identified. Staff will bring the item back to the City Council for consideration once the City's financial share has been identified by the County. City staff is also recommending the non-binding letter of interest to the County state the costs associated with the study be spread on a per capita basis rather than on a per agency basis.

ATTACHMENTS

1. Resolution [2 pp.]
2. Letter from Contra Costa County to the City of Clayton [5 pp.]

RESOLUTION NO. -2016

A RESOLUTION AUTHORIZING CONTRA COSTA COUNTY TO COLLECT THE PG&E ELECTRICAL LOAD USAGE DATA FOR ALL CUSTOMER CLASSES AND CUSTOMERS WITHIN THE CITY OF CLAYTON AND AFFIRMING THE CITY OF CLAYTON'S INTEREST IN PARTICIPATING IN THE FEASIBILITY AND TECHNICAL STUDY TO FORM A COMMUNITY CHOICE AGGREGATION IN PARTERSHIP WITH CONTRA COSTA COUNTY

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

WHEREAS, the City of Clayton has demonstrated its commitment to an environmentally friendly sustainable future through its policy goals and action, including energy reduction, clean energy, and sustainability programs; and

WHEREAS, the County of Contra Costa and the City Council of Clayton have identified Community Choice Aggregation as a potential strategy to meet local clean energy goals and projected greenhouse reduction targets; and

WHEREAS, Community Choice Aggregation is a mechanism by which local governments assume responsibility for providing electrical power for residential and commercial customers in their jurisdiction in partnership with Pacific Gas and Electric Company; and

WHEREAS, Community Choice Aggregation, if determined to be technically feasible, could provide substantial environmental and economic benefits to all residents and businesses in the City of Clayton; and

WHEREAS, Community Choice Aggregation also provides the opportunity to fund and implement a wide variety of energy related programs of interest to the community; and

WHEREAS, in addition to technical and financial feasibility, it is important to determine whether there is adequate public support for Community Choice Aggregation; and

WHEREAS, determining technical feasibility and public support requires the analysis of energy load data from Pacific Gas & Electric Company and a focused stakeholder education and outreach effort; and

WHEREAS, adoption of this Resolution in no way binds or otherwise obligates the City of Clayton to participate in Community Choice Aggregation, unless it so chooses by subsequent passage of a City ordinance.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Clayton, California does hereby indicate its interest to participate in the pre-development and feasibility phase of Community Choice Aggregation in partnership with Contra Costa County without obligation of the expenditure of City General Funds unless expressly authorized by the City Council by separate action; and

BE IT FURTHER RESOLVED the City Manager is authorized to execute the appropriate documents to allow the County and/or its technical consultants to request energy usage/load data from Pacific Gas & Electric Company so that it may be analyzed as part of a countywide Community Choice Aggregation technical study.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on 19th day of January, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

HOWARD GELLER, Mayor

ATTEST:

JANET BROWN, City Clerk

County Administrator

County Administration Building
651 Pine Street, 10th Floor
Martinez, California 94553-1229
(925) 335-1080
(925) 335-1098 FAX

David J. Twa
County Administrator

Contra Costa County



Board of Supervisors

John M. Gioia
1st District
Candace Andersen
2nd District
Mary N. Piepho
3rd District
Karen Mitchoff
4th District
Federal D. Glover
5th District

November 13, 2015

Received

NOV 18 2015

City of Clayton

Gary Napper, City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517-1250

RE: Request for Authorization to Obtain City Electric Load Data for Community Choice Aggregation Study

Dear Mr. Napper:

On October 13, 2015, the Board of Supervisors directed County staff to investigate three alternatives for Community Choice Aggregation in the unincorporated area of the County, and to engage cities within the County to determine the interest of cities in studying these alternatives. The three alternatives under consideration are as follows:

- Form a new Joint Powers Authority (JPA) comprised of the County and interested cities within Contra Costa County for the purpose of Community Choice Aggregation
- Form a new JPA comprised of interested cities in Contra Costa County and Alameda County and its participating cities for the purpose of Community Choice Aggregation
- Join the existing Community Choice Aggregation JPA established in Marin County, known as Marin Clean Energy

Please reply to this letter by January 31, 2016, to indicate your city's interest in authorizing the County to obtain your city's electrical load data from PG&E for the purpose of studying alternatives for Community Choice Aggregation, and to indicate your city's willingness to share in the cost of such a study. A sample resolution and letter of authorization are attached for your convenience; either document is sufficient to meet PG&E's approval requirements.

Background

Community Choice Aggregation (CCA) is the practice of aggregating consumer electricity demand within a jurisdiction or region for the purpose of procuring electricity and selling it to customers. Authorized in California State law since 2002, Community Choice Aggregation has been practiced in several states across the country for the past few decades.

CCA has benefits, costs and risks for local governments to consider. Potential benefits include increasing the proportion of electricity generated from renewable sources; lower electricity rates for residents, business and public agencies; increased competition in the electricity market; and, greater local control over decisions related to the procurement and consumption of electricity.

Costs and risks associated with CCA include the cost of the various start-up activities necessary to initiate service to customers and the risk these costs may not be recovered. Costs and risks will vary depending on the CCA alternatives chosen by local jurisdictions.

The investigation of CCA alternatives in Contra Costa County requires a technical study to estimate the electricity rates that would be charged to customers under the three CCA alternatives under consideration. Such a technical study requires that electricity load data for each participating jurisdiction be obtained from PG&E. Subject to direction by the Board of Supervisors, my office will initiate such a data request on behalf of participating jurisdictions within the County. The County is interested to know if your city will authorize the County Administrator to request load data on the City's behalf. Your permission for the County to request your community's electrical load data from PG&E would in no way obligate your city to participate in CCA.

Once electricity load data is received by the County from PG&E for participating jurisdictions, this data may be used to conduct a technical study that will evaluate electricity demand within these jurisdictions to estimate the electricity rates that would be charged to customers under the three CCA alternatives being considered. The County is interested to know if the City would be willing to share in the cost of this technical study. The total cost of the study would likely be in the range of \$75,000 - \$150,000. The County proposes this cost would be shared among the participating jurisdictions. For example, if the County and nine cities were to share in the cost of the technical study, the estimated cost for each participating jurisdiction would be in the range of \$7,500 to \$15,000. Following the conclusion of this study, participating jurisdictions would evaluate its findings and decide whether to pursue one of the CCA alternatives studied. Depending on the chosen course of action, some or all of the start-up costs may be recoverable.

To assist County residents, business owners, elected officials, and other interested parties to better understand Community Choice Aggregation, the County will host three (3) workshops in West, Central and East County during the month of December. The meeting times and locations are as follows:

- December 10, Walnut Creek City Hall, 7:00 – 9:00 PM
- December 14, Hercules Public Library, 7:00 – 9:00 PM
- December 16, Brentwood Community Center, 7:00 – 9:00 PM

Should you have any questions regarding this letter, please contact Jason Crapo with the County Dept. of Conservation and Development at (925) 674-7722 or jason.crapo@dcd.cccounty.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'David TWA', written in a cursive style.

DAVID TWA
County Administrator

Enclosed: Sample load data authorization resolution and authorization letter

[Date]

David Twa, County Administrator
County of Contra Costa
651 Pine St., 10th Floor
Martinez, CA 94553

Subject: Support for Electrical Load Data Request to study the feasibility of a Community Choice Aggregation Program in the County of Contra Costa

Dear Mr. Twa:

We have reviewed your letter in which you explain the County's plan to request from PG&E the County of Contra Costa's electric energy use data, i.e. electricity consumption and load data for all customer classes and customers located within the County's unincorporated land area and within the jurisdictions of the County, including [name of city]. We support this request and authorize the County of Contra Costa to receive and analyze the electrical load data on behalf of the City.

We understand that this data will be used to investigate the feasibility of electrical procurement options through a potential Community Choice Aggregation (CCA) program that could cover all or part of Contra Costa County. We understand that by making this authorization and request, the City of [name of city] is not obligated to pursue any alternative electricity procurement through a CCA program in the future.

Sincerely,

[City Manager's Name]
City Manager

Cc:

RESOLUTION OF PARTICIPATION TO STUDY THE FEASIBILITY OF COMMUNITY CHOICE AGGREGATION FOR CONTRA COSTA COUNTY

WHEREAS, The City of [Name of Municipality] has demonstrated its commitment to an environmentally sustainable future through its policy goals and actions, including energy reduction, clean energy and sustainability programs, and the adoption of a local Climate Action Plan (if applicable).

WHEREAS, The County of Contra Costa and the City Council of [Name of Municipality] have identified Community Choice Aggregation as a potential strategy to meet local clean energy goals and projected greenhouse gas reduction targets; and,

WHEREAS, Community Choice Aggregation is a mechanism by which local governments assume responsibility for providing electrical power for residential and commercial customers in their jurisdiction in partnership with Pacific Gas & Electric Co.; and,

WHEREAS, Community Choice Aggregation, if determined to be technically and financially feasible, could provide substantial environmental and economic benefits to all residents and businesses in [Name of Municipality]; and,

WHEREAS, Community Choice Aggregation also provides the opportunity to fund and implement a wide variety of energy-related programs of interest to the community; and,

WHEREAS, In addition to technical and financial feasibility, it is important to determine whether there is adequate public support for Community Choice Aggregation; and,

WHEREAS, determining technical feasibility and public support requires the analysis of energy load data from PG&E and a focused stakeholder education and outreach effort.

NOW THEREFORE BE IT RESOLVED by the City Council of [Name of Municipality] that:

The [Name of Municipality] indicates its interest to participate in the pre-development and feasibility phase of Community Choice Aggregation in partnership with Contra Costa County without obligation of the expenditure of General Funds unless otherwise authorized by the City Council.

The City Administrative Officer is authorized to execute the appropriate documents to allow the County and/or its technical consultants to request energy usage/load data from Pacific Gas & Electric Company so that it may be analyzed as part of a countywide CCA technical study.

Adoption of this resolution in no way binds or otherwise obligates the [Name of Municipality] to participate in Community Choice Aggregation, unless it so chooses by passage of a City ordinance.

PASSED AND ADOPTED by the City Council of [Name of Municipality], State of California, this ____ day of ____, 2016 by the following vote:



Agenda Date: 1-19-2016

Agenda Item: 8c

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JANUARY 19, 2016
SUBJECT: KELLER HOUSE OUTBUILDINGS (CDD-14-15)

RECOMMENDATION

It is recommended the City Council direct staff to seek proposals to demolish the three Keller Ranch outbuildings due their dilapidated state and because the buildings have been determined to no longer be contributing elements to the historic Keller Ranch. It is also recommended the City Council allow the Clayton Historical Society to salvage elements of the outbuildings.

BACKGROUND

In December 2001, the State Historical Resources Commission, based on an application submitted by the City of Clayton, determined the Keller Ranch to be a historic resource and voted to list it in the California Register of Historical Resources (CRHR). The Keller Ranch resource was defined as containing the primary Keller House and ancillary structures, which included the three subject outbuildings and the concrete bridge.

With the passage of time, the City has received comments and complaints regarding the outbuildings due to the fact that they have become an attractive nuisance because of their deteriorated state and ease of accessibility. A lack of maintenance in conjunction with ongoing vandalism, graffiti, and damage has resulted in the outbuildings becoming severely dilapidated which could pose a potential safety hazard to the community. Due to these complaints and issues, the future of these buildings was brought to the October 6, 2015 City Council meeting for consideration and direction (**Attachment 2**). At this meeting, the City Council authorized the City Manager to enter into a consultant services contract with ECORP Consulting in order to establish if the remaining three outbuildings are still considered historically significant as contributing elements to the historic Keller Ranch.

DISCUSSION

Overview

Following the October 6, 2015 City Council meeting, staff assisted ECORP in obtaining all of the available City records pertaining to the Keller Ranch. ECORP's staff conducted archival research and literature review at the Northwest Information Center (NWIC) to obtain existing information and documentation previously prepared on the Keller Ranch. ECORP's

architectural historian met with Dick Ellis, a representative of the Clayton Historical Society, to recover any pertinent historical information on the outbuildings, their contribution to the historical eligibility of the Keller Ranch, and their integrity. Lastly, a field visit to the site was conducted to record and assess the current state of the physical integrity the buildings.

Based upon the information gathered, the attached report, *Updated Integrity Assessment of the Historical Keller Ranch Outbuildings, Clayton, CA*, documents and concludes that the outbuildings no longer retain sufficient physical and associative integrity for listing on the California Register of Historical Resources (CRHR) (**Attachment 1**). Due to the loss of the physical components; the deteriorated state of the buildings; the fact they have been moved from their original location to make way for the construction of the Oakhurst project; and the failure to retain strong associative qualities with their original use no longer convey the significance of the historic Keller Ranch.

State Office of Historic Preservation

As part of the information gathering process, the City of Clayton contacted the State of California Office of Historic Preservation (HPO) regarding the historical status of the outbuildings. HPO staff provided a recommendation to the City to not formally submit to the State in order to have the outbuildings removed from the historical registry because the buildings would virtually have to be in a pile or heap on the ground before the State Historical Resources Commission would grant the removal of the structures from the California Register of Historical Resources. Further, the process would take six months or more in order to have the request be reviewed by State Historical Resources Commission due to the processing time and the infrequency of Commission meetings. Given that the City conducted an assessment and an analysis on the outbuildings, which arrived at the conclusion that the buildings were no longer contributing elements to the historic Keller Ranch, HPO staff recommended the City proceed as it felt was necessary with the outbuildings and could rely on a Categorical Exemption because the City maintains local control over the decisions related to the historic nature of the buildings and maintains its status as the lead agency for CEQA.

ENVIRONMENTAL

Based on the *Updated Integrity Assessment of the Historical Keller Ranch Outbuildings, Clayton, CA* which determined the outbuildings to no longer be historically significant and pursuant to the California Environmental Quality Act Guideline 15301 (I) – Existing Facilities, the project would be categorically exempt from CEQA.

RECOMMENDED NEXT STEPS

Assuming the direction to staff is to seek proposals for the demolition of the outbuildings, staff would return with three demolition proposals for City Council review and consideration. While the costs to demolish the outbuildings could be less than what would normally trigger Council approval under the City's procurement procedures, staff recommends a formal Resolution be passed by the City Council to memorialize in the recitals the finding and use of the Categorical Exemption for the project. Following City Council approval of the Resolution, staff would file a Categorical Exemption with the County Clerk, which would commence a 35-day statute of limitations from the day the project was approved as well as execute the contract with the appropriate firm for demolition.

FISCAL IMPACT

The costs associated with the demolition have yet to be determined. A recommended funding source will be presented to the City Council for consideration in conjunction with the proposals and award of contract to demolish the outbuildings.

ATTACHMENTS

1. *Updated Integrity Assessment of the Historical Keller Ranch Outbuildings, City of Clayton, California* [164 pp.]
2. Staff Report from the October 6, 2015 City Council Meeting [44 pp.]



December 16, 2015

Ms. Mindy Gentry
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

RE: *Updated Integrity Assessment of the Historical Keller Ranch Outbuildings, City of Clayton, California*

Dear Ms. Gentry:

In December 2001, the State Historical Resources Commission (Commission) determined the Keller Ranch, located at 6015 Heritage Trail in the City of Clayton (City), to be a Historical Resource as defined by CEQA and voted to list it in the California Register of Historical Resources (CRHR). The Keller Ranch resource is defined as containing the primary Keller House and ancillary structures including the granary, work shed, garage, and concrete bridge. These properties were determined to be eligible for the CRHR under Criterion 1 of the CRHR for the period of 1910 to 1954 for their association with cattle ranching and industry important in local and regional history. The granary, work shed, and garage are herein defined together as the outbuildings. In addition, the primary Keller House and concrete bridge were determined also eligible under Criterion 3. An archaeological site (CA-CCO-222), located on the property on which the Keller House and other buildings exist, was determined eligible under Criterion 4. The Commission's determination was based on the description of the resource and statement of significance provided in a 2001 nomination prepared by Thomas Saxby, AIA, at the request and on behalf of the City (the applicant and owner of the resource).

Due to the passage of time, the City has received comments and complaints in regard to the outbuildings due to the fact that they have become an attractive nuisance and potential safety hazard to the community. The outbuildings have not been maintained, which has caused them to become severely deteriorated. In addition, vandalism and damage to the outbuildings have occurred due to loitering and ease of accessibility. As a result, a great deal of the historic fabric of each of the buildings has been removed or destroyed and they have become a possible safety hazard and a potential liability for the City. Therefore, the City is assessing options for future use of the outbuildings located on the Keller Ranch.

The City retained ECORP Consulting, Inc. (ECORP) in November 2015 to assess the current state of integrity of the outbuildings and to assist in a determination of whether they remain eligible for the CRHR as components of the historical Keller Ranch. In order to assist the City, ECORP carried out an updated integrity assessment of the outbuildings. The methods and results of that update are presented below.

METHODS

All work was carried out by ECORP architectural historian Jeremy Adams. Mr. Adams meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History and History. Cultural Resources Director Roger Mason, PhD, of ECORP provided quality control.

ECORP carried out a records search and literature review at the Northwest Information Center (NWIC) of the California Historical Resources Information System on 18 November 2015 (NWIC File No. 15-0763). The purpose of the records search was to obtain existing information and documentation previously prepared on the Keller Ranch property. ECORP also obtained building and project history information from the City.

ECORP conducted archival research with the Clayton Historical Society (Society), which included personal communication with Historian Dick Ellis, member and representative of the Society, on 18 November 2015. The focus of the research effort was to recover any pertinent historical information pertaining to the outbuildings (that had not previously been obtained) that could provide information about their significance, their contribution to the eligibility of Keller Ranch, and their integrity. In addition, ECORP interviewed Mr. Ellis regarding his knowledge of the Keller Ranch property, and how the outbuildings are regarded by the Society.

ECORP also completed a field visit to the Keller Ranch property to record the current state of integrity of the outbuildings on 18 November 2015. The site visit included data gathering to generate a description of each of the buildings and obtain photographic documentation of the changes to the outbuildings and their immediate surroundings since the 2001 assessment by Saxby. During the field visit, Mr. Adams walked the entire perimeter around the outbuildings and Keller House, as well as carefully inspected the interior of each of the outbuildings. Notations were made regarding the state of each outbuilding, including the remaining materials physically connected to the buildings and any workmanship present. In addition, ECORP assessed the significantly reduced setting of the Keller Ranch as a whole, including the location of each of the outbuildings on the property.

RECORDS SEARCH

The records search revealed that numerous cultural resources studies had been completed for the historical Keller Ranch from the 1970s through the early 2000s, most of them focusing on the archaeological site (CA-CCO-222) located on the property grounds. Only those studies that specifically included analysis of the built environment (buildings and structures) associated with the Keller Ranch were reviewed for the updated integrity assessment. Following is a summary of the documentation of the Keller Ranch provided by the City and gathered during the records search effort from NWIC.

In 1987, the City prepared an Environmental Impact Report (EIR) for the Oakhurst Project, which concerned the development of 1,485 housing units including a country club and golf course (City of Clayton 1987). The EIR identified more than a dozen structures that were historically located on the Keller Ranch property, many of which were located within the area planned for development as it existed at that time. Those structures included the primary Keller Ranch house, two large barns, a

granary, a chicken coop, a small stable, a bunk house, a work shop, a garage, and other storage buildings. According to conclusions drawn in the EIR in 1987, the Keller Ranch appeared eligible for the National Register of Historic Places (NRHP) under Criteria A and C as an entire interrelated complex "consisting of both structures and extensive agrarian acreage" (City of Clayton 1987). The EIR did not include an evaluation of the Keller Ranch property for the CRHR because the CRHR did not exist in 1987. The conclusions in the EIR also state that the most notable structures on the complex are the primary Keller House, the hay barn, the cattle barn, and "possibly" the granary, but that all of the structures taken together appear significant as an intact complex of interrelated structures. According to the EIR, the applicant for the development project agreed to preservation of the Keller Ranch. Several options for mitigation were included in the EIR that included preservation of the building complex, preservation of portions of the building complex, or preservation of none of the building complex. At the conclusion of the EIR process, the City Council approved the rezoning and final development plan for the Oakhurst Project, which included annexation of the 1,200-acre Keller Ranch (as it existed then) for development.

Only a small portion of the property, referred to as the Keller Ranch Cultural Center, was kept intact around the main Keller House. Many of the associated buildings and structures within the larger Keller Ranch property were completely razed including the hay barn, cattle barn, chicken coops, stable, bunk house, work shop, and some of the storage buildings. The City acquired the small property known as the Keller Ranch Cultural Center in 1991. The larger barn on that property was razed in 1993 to make way for a community library. Of the properties associated with the original Keller Ranch, only five remain: the main Keller House, concrete bridge, granary, work shed, and garage. The main Keller House and concrete bridge remained in their original locations. The granary, work shed, and garage were all moved from their original locations spread throughout the larger ranch area, and placed linearly adjacent to each other near the main Keller House in an effort to preserve them. No further analysis on the Keller Ranch or the outbuildings was included in the EIR.

In 2001, the City retained Mr. Thomas Saxby, an architect from Oakland, to document the physical layout of the remaining Keller Ranch property, research the history of the property, and make recommendations for its preservation. The remaining property included the main Keller House, concrete bridge, granary, work shed, and garage, as well as the remaining archaeological site (CA-CCO-222). As a result of that effort, Saxby concluded that the remaining Keller Ranch complex "may meet criteria A and C of the Registers' standards" and "there is the additional possibility the complex may be eligible under criterion D" for the NRHP (Saxby 2001). Although the Saxby report included several statements suggesting the eligibility of the Keller Ranch for both the NRHP and CRHR, clear criteria eligibility statements were not included in the report. Upon completion of the report, and at the request of the City, Saxby prepared a complete and updated DPR 523 record of the Keller Ranch, which included an eligibility evaluation of the Keller Ranch for the CRHR and discussion of integrity, to support a nomination of the property for listing on the CRHR. The nomination was subsequently submitted to the Commission and the Keller Ranch was listed on the CRHR in December 2001.

ARCHIVAL RESEARCH

The numerous and thorough research efforts for past cultural resource studies have nearly exhausted the potential to obtain additional historical information about Keller Ranch. In Saxby's 2001 report, he documents the historical background of the Keller family and other families and individuals that owned and lived or worked on the ranch. He also thoroughly documented the history of the ranch property and provides some anthropological information relevant to the property. Saxby's 2001 report is included in Attachment A; the original DPR 523 records are provided in Attachment B.

According to Saxby, it is unknown exactly when the outbuildings were built and also whether the outbuildings were original to the Keller Ranch or moved there later. The date ranges for the outbuildings were established based on the construction techniques and materials of the outbuildings and the history of the rest of the development of the ranch. With this information, Saxby concluded that the outbuildings were built between 1912 and 1920.

ECORP reviewed the information provided by Saxby and it appears accurate. Additional focused archival research conducted by ECORP at the Clayton Historical Society failed to identify the exact construction dates of any of the outbuildings or any additional information not already compiled by Saxby. Therefore, the historical information pertaining to the Keller Ranch and the outbuildings included in the Saxby 2001 report and the original DPR 523 record is current.

Clayton Historical Society historian Dick Ellis was interviewed by ECORP during the archival research effort regarding his and the Society's thoughts about the outbuildings. Mr. Ellis agreed that the outbuildings are in a severely deteriorated state as a result of weathering, vandalism, and other wear and tear that has occurred over the past decade. Mr. Ellis stated that he understands and shares the City's concerns about the potential safety hazard and visual nuisance that the outbuildings have become. When asked if he had any suggestions for the use of the outbuildings, Mr. Ellis recommended that if a decision to demolish the buildings is reached, the City should attempt to keep and repurpose some of the good wooden planks. Otherwise, Mr. Ellis and the Clayton Historical Society acknowledged the potential safety hazard that the outbuildings have become as a result of their dilapidation.

FIELD VISIT

As a result of the field visit, ECORP assessed the current state of physical integrity of the three remaining outbuildings. The three remaining outbuilding (granary, work shed, and garage) were all moved from their original locations spread throughout the larger ranch area in 1988 and placed adjacent to each other in a line northwest of the main Keller Ranch House as an effort to preserve them.



Figure 1. Photograph of the outbuildings (from left to right: garage, work shed, and granary) taken during field visit in November, 2015.



Figure 2. Photograph of the outbuildings (from left to right: granary, work shed, and garage) taken during field visit in November, 2015.

The Granary is located approximately 40 feet northwest of the main Keller House. The granary is the largest of the three outbuildings. The granary is a rectangular single-story wood-framed building with a slightly raised floor, horizontal plank siding and a corrugated metal-gabled roof. The corrugated metal roof is not original to the building as it has a date stamp of 1971 (in the modern period). It has a ceiling hatch with some remaining mortise and tenon beams on the interior. All

doors and windows are missing from the granary. Much of the exterior horizontal plank siding is also missing or broken. The building is covered in graffiti and dry rot exists in several areas.



Figure 3. Photograph of the granary outbuilding exterior taken during field visit in November, 2015.

The work shed outbuilding is located between the other two outbuildings and is the smallest of the three structures. The work shed is a small, rectangular single-story wood-framed structure with vertical board siding and a corrugated metal side-gabled roof. More than half of the corrugated metal roof is missing; the remaining portion of the roof is not original to the building as it has a date stamp of 1971. All windows are missing from the work shed. The original vertical board door on the eastern façade has been replaced with a plywood sheet which no longer covers the entrance. Portions of the eastern- and western-facing facades have missing vertical board siding. Some of the vertical boards have been replaced with modern plywood which is also deteriorated and detached in some areas.

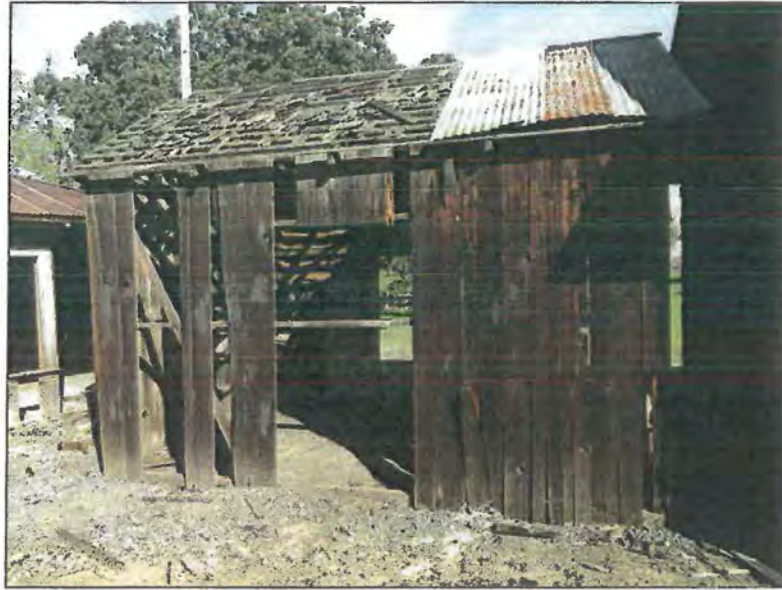


Figure 4. Photograph of the work shed outbuilding exterior taken during field visit in November, 2015.



Figure 5. Photograph of the work shed outbuilding interior taken during field visit in November, 2015.

The Garage outbuilding is a single-story, wood-framed structure with a low-pitched hip style roof with corrugated metal and vertical board siding. The majority of the eastern and southern facades are completely destroyed. The wood framing has dry rot in many areas, particularly under the eaves. The interior of the garage reveals wooden roof framing. The garage no longer contains a garage door and all windows are missing. The frame of the garage has a slight lean due to the weakened structure.



Figure 6. Photograph of the garage outbuilding exterior taken during field visit in November, 2015.



Figure 7. Photograph of the garage outbuilding interior taken during field visit in November, 2015.

UPDATED ASSESSMENT OF INTEGRITY

A detailed description of the current state of integrity of the outbuildings, as compared to the 2001 assessment by Saxby, is included below.

Granary:

The granary is currently dilapidated and has lost many of its physical components from when it was recorded by Saxby in 2001. It no longer retains a great majority of its original wood-plank siding and the foundation is severely deteriorated, causing the frame to be unstable. Though not noted by Saxby in 2001, the corrugated metal roof is not original to the building and clearly has a date stamp of 1971 (modern period). Many of the square-cut nails and original hinges noted by Saxby have been removed from the siding of the building leaving mostly more modern round-cut nails. The interior has received graffiti and other vandalism not noted in 2001 by Saxby, resulting in the destruction of many components of the flooring, interior walls, frame, and removal of many metal hinges, nails, or support joists. The mortise and tenon interior beam remains intact, but the supporting frame has some dry rot and other molding which appears unstable.

The granary has not served any utility or function for the Keller Ranch for many decades. In addition, only through review of information in the archival record is it apparent that the building served as a granary, as many of the components which would have given it distinction as a granary no longer exist. A granary is designed as a storehouse for grain or animal feed. As such, granaries typically are built on elevated foundations to deter rodents and need to have moisture control elements such as intact walls, windows, and doors. This granary was moved in 1988 from its original location and foundation and was set resting on the ground near the Keller Ranch linearly placed between the work shed and the main Keller House. It no longer has the distinct raised foundation on which it was likely originally built. There is a slightly elevated gap beneath the floor and the frame on the ground, but the frame appears to have previously been set on a different foundation. In addition, many of the walls are destroyed leaving only framing in many areas and all windows and both doors are completely removed. When recorded in 2001, many of the walls remained intact and the interior was largely in good condition with existing metal components, square-cut nails, hinges, and other physical features. Overall, the granary no longer retains integrity of location, setting, or feeling as it was moved from its original location and no longer functions as a granary on a working ranch. It also does not retain integrity of design, materials, or workmanship as much of this has been lost due to severe deterioration and vandalism in the building over the past decade. Lastly, the building no longer retains integrity of association with the Keller Ranch. Though the building remains on the reduced Keller Ranch property adjacent to the main Keller House, it has not served any significant function with the Keller Ranch in many decades and is missing all significant components which used to identify it as a granary. Its documentation in the historical record may remain intact, but its deteriorated physical components have reduced its appearance and association as a functioning component of the Keller Ranch, causing it to no longer retain clear significant association with the ranch.

Work shed:

The work shed has deteriorated significantly since it was recorded in 2001. Much of the vertical wood plank siding, which was nearly fully intact in 2001, has been removed or is broken throughout the entire exterior of the work shed. The roof is partially missing with much of the wood frame also broken or destroyed throughout the building. As with the granary, the remaining corrugated metal roof has a date stamp of 1971 and therefore is modern, although this was not noted by Saxby in

2001. The vertical wood plank door of the work shed as seen in Saxby's 2001 record has been replaced with a modern plywood board serving as a door. The work shed has also received graffiti and vandalism on the interior and exterior.

The work shed has not served any utility or function for the Keller Ranch for many decades. The work shed was moved in 1988 from its original location and was set resting on the ground near the Keller Ranch house between the granary and garage. Overall, the work shed no longer retains integrity of location, setting, or feeling as it was moved from its original location and no longer functions as a work shed for a working ranch. It also does not retain integrity of design, materials, or workmanship as much of this has been lost due to severe deterioration and vandalism in the building over the past decade. Lastly, the building no longer retains integrity of association with the Keller Ranch. Though the building remains on the reduced Keller Ranch property adjacent to the main Keller House, it has not served any significant function with the Keller Ranch in many decades. It is also missing many of its original components, some of which have been replaced with modern materials including plywood and corrugated metal. Its documentation in the historical record may remain intact showing it was a minor component of the working ranch, but its deteriorated physical components have reduced its appearance and association as a functioning component of the Keller Ranch, causing it to no longer retain clear significant association with the ranch.

Garage:

The garage has severely deteriorated over the past decade since it was recorded in 2001. Though it remained largely intact when it was recorded by Saxby, a significant amount of the exterior vertical wood-plank siding has been removed or broken. As with the granary and work shed, the corrugated metal roof of the garage also contains a date stamp for 1971 which was not noted by Saxby in 2001. Many of the metal hinges were forcibly removed, likely as a result of vandalism, and the electrical components have also been tampered with and destroyed. The interior framing appears heavily dry rotted and mold has stripped the paint throughout. Though much of the northern wall remains intact, the majority of the wood planking is extremely weathered. In addition, it is apparent that squirrels, woodpeckers, and other animals have used the vacant building as there are rodent holes on the interior floor and other indications of animal habitation. Also, Saxby originally identified the garage as containing characteristics of the Craftsman style of architecture. Saxby noted the exposed rafters as characteristic of that style. Though exposed rafters are common among Craftsman style buildings, the corrugated metal roof of the garage that rests on the rafter beams is modern and is not original. It is unclear whether the original roof covered those rafters or not; they may have not originally been exposed. In addition, the roof is hipped and the form is square, neither of which are Craftsman-style elements. The building possesses no other characteristics of the Craftsman architectural style. Saxby also noted that there were rolling door tracks above the garage opening which are no longer present. He also noted that a shed may have been attached to the garage at one point, but is now missing. No indicators of an attachment point for a shed remain on the garage building.

The garage has not served any utility or function for the Keller Ranch for many decades. The garage was moved in 1988 from its original location and was set resting on the ground near the Keller Ranch house on the northern side of the work shed and granary. Overall, the garage no longer

retains integrity of location, setting, or feeling. It was moved from its original location and no longer functions as a garage for a working ranch. It also does not retain integrity of design, materials, or workmanship as much of this has been lost due to severe deterioration and vandalism in the building over the past decade. Lastly, the building no longer retains integrity of association with the Keller Ranch. Though the building remains on the reduced Keller Ranch property adjacent to the main Keller House, it has not served any significant function with the Keller Ranch in many decades. It is missing many of its original components, some of which have been replaced with modern materials including corrugated metal. Its documentation in the historical record may remain intact showing it was a minor component of the working ranch, but its deteriorated physical components have reduced its appearance and association as a functioning component of the Keller Ranch, causing it to no longer retain clear significant association with the ranch.

Additional integrity considerations that were not assessed by Saxby in 2001:

Removal of the outbuildings would have little to no significant effect on the historical significance of the Keller Ranch. The original Keller Ranch was made up of a combination of its components that included the primary Keller Ranch house, two large barns, a granary, a chicken coop, a small stable, a bunk house, a work shop, a garage, and other storage buildings. Nearly all of these components have been destroyed and the ranch property reduced to a small City-owned parcel. The remaining outbuildings were moved and placed in a row on the remaining property adjacent to the main Keller House in an attempt to keep them intact. The main Keller House remains in very good condition and appears as it did during its period of significance (1910 to 1954). It is still strongly recognized in the community as the historical Keller House. In addition, the concrete bridge also remains intact and is currently in use. Overall, those two primary components strongly represent the Keller Ranch property with or without the dilapidated outbuildings. In contrast, however, the majority of the original structures that existed on the larger Keller Ranch no longer exist, making it extremely difficult to recognize these outbuildings as originally part of a larger functioning system.

Lastly, in support of the nomination of the Keller Ranch to the CRHR in 2001, the Clayton Historical Society submitted a letter of support. In that letter the Clayton Historical Society states that they support "the nomination of the Keller House, located in Clayton, California, to the State Historic Register." They continue by providing supporting information about the importance the Keller House played in the community. They described the Keller House as "a significant and integral part of the important cattle ranching period in Clayton" and requested that it "should be preserved as a superb example of a lovely country home and the residence of an important ranching family." Overall, the Clayton Historical Society concluded that "an important part of history would be lost if the Keller House is not preserved." In this letter of support, the Clayton Historical Society did not mention the three outbuildings in any way. The focus of the letter from the Historical Society was for nomination of the Keller House itself, with no mention of other built features associated with the property as having the same level of historical importance to the community as the main Keller House. This is consistent with the available archival information about the historical resource.

Below are some images taken in 2001 by Saxby during his recording of the three outbuildings. The 2001 images are compared to their 2015 condition in the corresponding images. The images from 2001 are limited because there were not many available in the archival record for comparison.



Figure 8. Photograph of the granary and work shed taken in 2001 by Saxby



Figure 9. Photograph of the granary and work shed taken in 2015 by ECORP



Figure 10. Scanned image of a photograph of the garage taken in 2001 by Saxby



Figure 11. Photograph of the garage taken in 2015 by ECORP

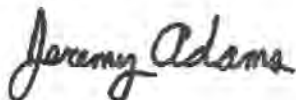
CONCLUSIONS

As a result of the updated integrity assessment that included a records search, archival research, and a field visit, the three outbuildings appear to no longer retain sufficient physical and associative integrity for listing on the CRHR under Criterion 1. The three outbuildings are in a severely deteriorated state, much worse than their condition when recorded and evaluated by Saxby in 2001. The lack of remaining significant physical components of the outbuildings, including their linear placement on the property and failure to retain strong associative qualities, cause them to no longer convey the significance of the historical Keller Ranch.

The City of Clayton contacted the California Office of Historic Preservation in December, 2015, to ask their recommendations regarding next steps for the outbuildings. The OHP staff recommended to the City that given the results of the updated integrity assessment and severely diminished integrity of the outbuildings and thorough documentation that was completed, if the City's inclination is to remove the buildings it could be achieved with a CEQA Categorical Exemption.

If you have any questions or comments about the updated integrity assessment, please contact me at JAdams@ecorpcconsulting.com or by phone at (916) 782-9100.

Sincerely,



Jeremy Adams
Architectural Historian

Attachments:

- Attachment A: Saxby 2001 Keller House Report
- Attachment B: DPR 523 Record (Original and Update)
- Attachment C: Photographs (2015)
- Attachment D: State Historical Resources Commission (2001)

REFERENCES

City of Clayton

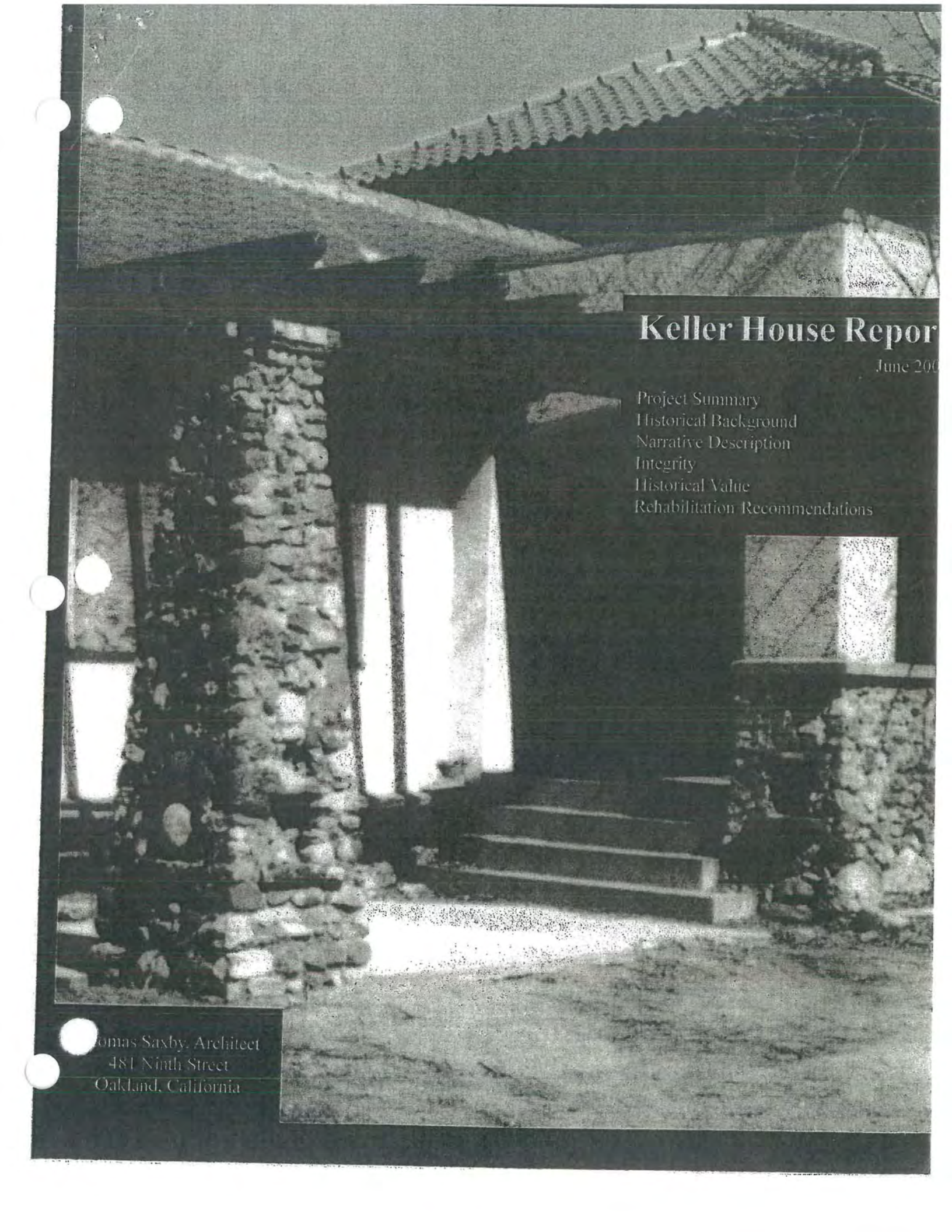
- 1987 Environmental Impact Report (EIR) for the Oakhurst Country Club Development Project.
(On file with the City of Clayton)

Saxby, Thomas

- 2001 Keller House Report. Oakland, California. (On file with the City of Clayton)

ATTACHMENT A

Saxby 2001 Keller House Report



Keller House Report

June 200

Project Summary
Historical Background
Narrative Description
Integrity
Historical Value
Rehabilitation Recommendations

Thomas Saxby, Architect
481 Ninth Street
Oakland, California

*Special thanks to
Bob and Eldora Hoyer,
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Clayton Historical Society
for their assistance
with the this report*



Keller House, west & south facades, 2001

PROJECT SUMMARY

The City of Clayton has authorized Thomas Saxby to document the physical layout of the Keller House, to research the history of the property, and to make recommendations for its preservation. A primary objective of this study is to complete the background information that will be required as a part of future grant applications to assist in funding a rehabilitation effort.

One potential grant is the California Heritage Funds Grants Program that may provide up to 8.5 million dollars for the acquisition, development, rehabilitation, restoration and interpretation of historical and archeological resources in California. The selection criteria is listed in the Appendix, but to qualify, the historical resource must be listed, or formally determined to be eligible for listing in the National Register of Historic Places or the California Register, or designated as a historical landmark or point of historical interest. These historic listings are designed to help state and local governments, federal agencies, and others identify important historic and archeological properties worthy of preservation and of consideration in planning and development decisions. Although it has been determined that the Keller Ranch House is an important local historic building, it is not currently listed on a local, state or

national historic register.

If the Keller House is to meet the criteria for a historic listing, the property must be found to be among the area's most significant examples of a ranch house, representing one of Clayton's earliest land uses, and the property must have maintained its integrity as such. Although the complex of ranch buildings has been compromised with the demolition and removal of several important structures, including the large hay barn and cattle barn, the Keller House has been locally identified as a rare surviving building of this period and a fine example of custom home building of the early



*Keller House, postcard photo with
September 2, 1912 postmark date*

twentieth century. The Keller House is well preserved and remains virtually unchanged from its historic period. It is unique in its architectural design and its incorporation of archeological artifacts into the building construction, and therefore may qualify for a State or National Historic Register listing. In addition, several smaller outbuildings remain on the property, although not in their original locations, that help retain the character of the ranch complex. Other site amenities from the historic period, including an arched concrete bridge and a garden pond (partially buried), also remain and contribute to the overall integrity of the property.

If the city is interested in applying to the California Heritage Funds Grants Program, it must first apply for a State or federal historic register by submitting the completed registration forms to appropriate agencies for review. Achieving an historic register status does not guarantee that funding will be granted, but it will distinguish the property as having been documented and evaluated according to uniform standards to have contributed to the history and heritage of the California and the United States.



Keller House, east facade, ca. 1920's



Keller House, east & north facades, 2001

HISTORICAL BACKGROUND

The property known as the Keller Ranch is thought to have been the principal village site of the Chupcan or Volvon people who occupied the area around Mt Diablo dating back three to four thousand years. Contact with the Euro-American settlers did not occur until the 1770's. The establishment and expansion of the Mission system from 1776 through the 1828 forever destroyed the native culture occupying this area, though not without a fight. Both the Chupcan and Volvon people were thought to have been important groups in the resistance to the Spanish settlers. The land currently occupied by the Keller House may have been a part of Rancho Monte del Diablo, a name originally coined during an 1805 Mexican Government campaign to punish uncooperative Indian groups in the area. According to one account, troops sent from Monterey encountered a group of Indians who retreated into a thicket of willows in a piece of swampland. Instead of pursuing the Indians, the troops surrounded the Indians and decided to wait until the next morning to finish their work. During the night, the troops saw moving lights in the thicket and were confident that the Indians were corralled. In the morning they charged upon the thicket but found no Indians. Bewildered and unable to account for the lights, they named the place "Monte del Diablo" or Devil's Thicket.

Following the Mission expansion period came the Rancho period when the lands of the missions were passed to the hands of the mission Indian people, and the Mexicans could claim all other lands. It is within this context that Rancho Monte del Diablo and the future area of Clayton was granted to Juan Salvio Pacheco. Without livestock and tools to run their own ranchos, the Indians often became the serfs of the Mexican landowners, although it is not clear that the Volvon people submitted to this subjugation. By the early twentieth century, interviews with Indian people around the Bay Area revealed no descendants from the Diablo Valley area.

According to a history of the Town of Clayton, Pacheco gave the southern part of the rancho to his son-in-law Francisco Galindo. In 1866 Galindo

sold a 130-acre tract of this land to early Clayton settler John Denkinger. Judging from the description in the Denkinger deed, this was the southwestern most portion of what would become the Keller Ranch. After Denkinger's death in 1907, the property was passed on to another of Clayton's early settlers, Andrew Gehringer, who held the land as trustee for Frederick Denkinger. Charles Keller bought the property in 1910.

Charles Henry "Harry" Keller was born November 1874 on the old Keller ranch east of Clayton, first son of John Henry and Celestia Collins Keller, and grandson of John Keller who crossed the plains from Indiana with ox-teams in 1849. Harry became the owner of three large cattle ranches and is identified as one of the outstanding figures among cattlemen of the West, buying and selling cattle in Oregon, Nevada, Idaho, Wyoming and Utah. He married Elodia J. Liberty in 1898. The Vincent Liberty family operated a popular resort tavern in Bolinas. When Vincent and his wife separated, he and his daughter, Elodia, moved to the Joel Clayton ranch, which Harry later bought. Elodia met Charles Henry while he was making



Charles Henry Keller with boy, ca. 1930's

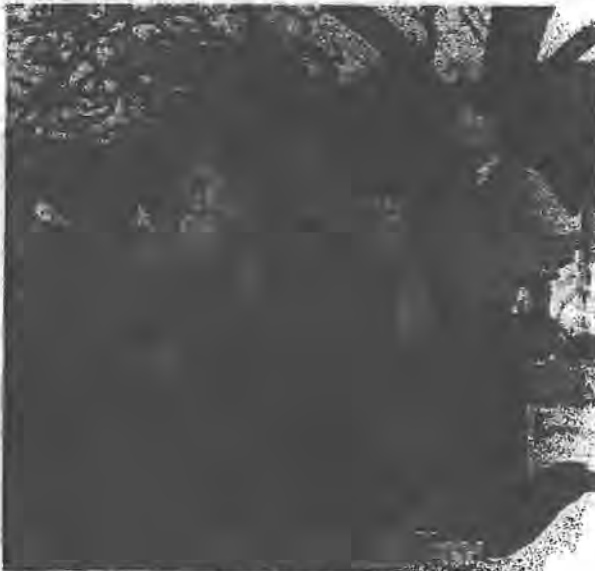
deliveries from the Keller butcher shop in Concord.

Voter registration records show the Kellers moved from Galindo Street in Concord to the Clayton area sometime between 1910 and April 1912, and his occupation changed from butcher to rancher during that same period. It has been said that the Kellers camped under the huge Oak tree on the site while the house was being built. Completed during 1912, the house was called "Casa del Sierra" and was noted as one of the finest homes in the county. Charles Henry Keller continued to occupy the house and operate the ranch until his death in December 1940. From 1942 until her death in 1956, Elodia Keller retained ownership of the property but leased it to Bob Flackus who

continued to operate the ranch. From the mid-1950's until 1972, trustees of the Keller estate leased the property to Manuel DeJesus who also continued the ranching operation.

In 1972, the property was sold to Pacific Coast Construction Company who planned to develop the land into housing. Resistance from the American Indian Movement and an economic downturn prevented the development, and in 1978 the land was sold to the Seeno Construction Company, which was already subdividing land in Clayton. There was a heated controversy between commercial property owners eager to expand Clayton's population and residents concerned about how development was being planned, wanting higher standards and more protection of natural terrain. A referendum in which an overwhelming majority of residents rejected Seeno's development proposal ended the project in 1983. In 1987, Presley Homes bought the property and worked with citizens to develop acceptable plans, which protected Native American sites and the Keller House area.

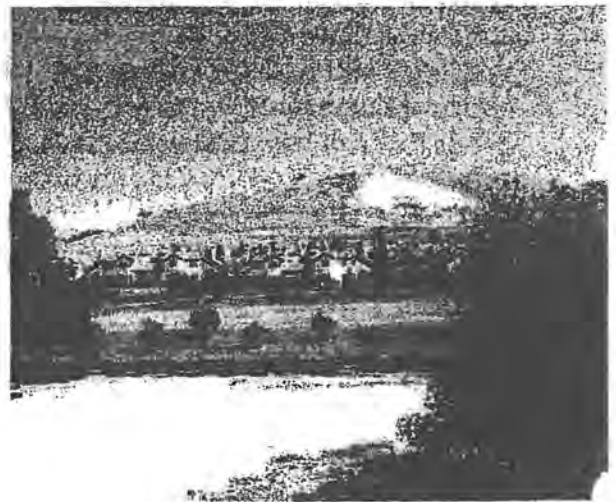
Acknowledging the unique nature of the property for both its archeological and cultural importance, the city acquired a small parcel containing the Keller House as well as the property currently occupied by the Clayton library in 1991. In an effort to further the cause of historic preservation in Clayton, the city hopes to rehabilitate the property for an as yet unknown civic use.



Charles Henry Keller (center) and Elodia Keller (left), ca. 1930's



Bob Flackus and another cowboy practicing rope tricks, ca. 1950's



Oakhurst housing development in location of old hay barn, 2001

NARRATIVE DESCRIPTION

The Keller Ranch site is located within the City of Clayton's Heritage District about 700 feet north of Main Street. The property lies at the north side of Mt. Diablo Creek at its convergence with Mitchell Creek, and consists of several structures historically associated with the 1,300 acre working cattle ranch developed by Charles Henry Keller. The ranch has been greatly reduced in size due to adjacent development. The remaining ranch complex now occupies less than two acres. In addition to the Keller House, several smaller outbuildings from the historic period remain on the property. The City of Clayton's Town Center Specific Plan has designated the site as "historical and cultural", but there is no current preservation ordinance for protection of the property.

Exterior

The Keller Ranch House is a single story wood framed building with a second story tower. In style, the house is eclectic, featuring both the Mission style that is commonly associated with California from 1890 to 1920, and the Craftsman style common during the period from 1905 to 1930. Identifying

features associated with the Mission style include the red tile roof covering, the wide overhanging open eaves, a porch roof supported by large square piers with segmented-arch openings, and the stuccoed exterior wall surfaces. The facade is asymmetrical in shape and superimposed over an irregular plan with low sloping, flat-topped hipped roofs. The Craftsman features include the battered stone foundation walls (veneer), groups of three or more multi-paned double-hung window sash, and a pergola extending from the entry porch. The uncoursed stone masonry is used prominently to display the natural, multi-colored fieldstones and incorporates pre-historic artifacts on the south and west facades, particularly around the building entry. An inscription in the front walkway, made of pebbles embedded in concrete, reads "KELLER JUNE 1912", but it is not known if this is an original feature since much of the concrete around this marker appears to be patching of a more recent date. A post card featuring a photo of the house with a postmark date of September 2, 1912 confirms that the house was substantially complete by that date.



South facade, ca. 1920's



South facade, 2001



Pergola, 2001, showing missing artifacts at column

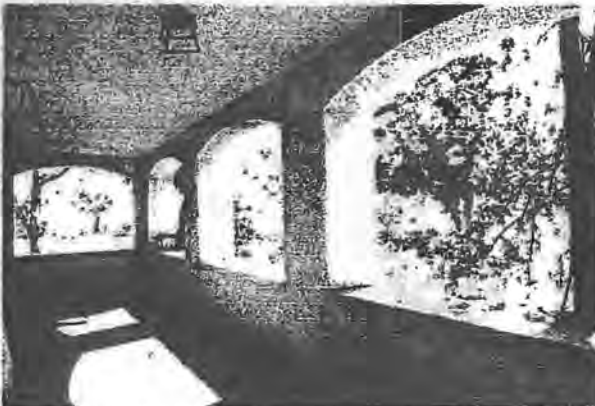
The front (south) façade is dominated by the entry porch that features a series of segmented-arch openings which sit on top of raised and battered stone veneer foundation walls. Decorative wooden roof beams or vigas (several are missing) project from above the columns. Extending from the porch on the west side is a wooden pergola supported by a battered stone column displaying prehistoric stone mortars or bowls. At the east side of the façade is the second story tower with its stucco walls and a pyramidal hipped red tile roof. The main entry door is a rectangular, glazed panel, wood door with symmetrical full-height sidelights. The window openings consist of two groups of three rectangular, single-hung windows with a larger opening flanked by two smaller openings. Each opening has a single-pane lower sash and slightly smaller, multi-pane upper sash with a decorative, half-diamond mullion design at the top. This window style is common throughout the main floor. The exterior casings are wood trim set flush with the stucco. The engaged second-story tower has rectangular window openings at both sides of a segmented-arch opening with a low, rectangular

door opening to the flat roof above the porch. Based on historic photographs, it appears the original openings were all segmented-arch windows, and the southern window sash were divided into four panes with no door opening. The date of the change is unknown.

The dominant features of the west façade are the pergola, the chimney and the living room alcove. The chimney is constructed of battered, uncoursed stone graduated in size from larger stones at the bottom to smaller stones at the top. A partially buried mortar stone is centered below the ash cleanout door. The stonework extends approximately one-third of the chimney height with the upper portion, constructed of stucco cover brick masonry, narrowing and extending through the roof eave. The wall behind the chimney has two small, rectangular, fixed window openings placed symmetrically at either side. The Living Room alcove projects to the edge of the roof eave and contains a group of three equal sized, rectangular, double-hung windows. The northern portion of the façade steps back to the kitchen and screened porch area,



Inscription at front walkway



Entry Porch, 2001



South Facade of Tower, 2001

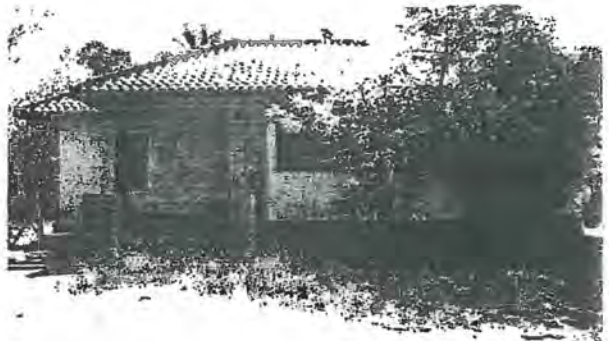


West Facade, 2001, kitchen and screened porch behind trees at left

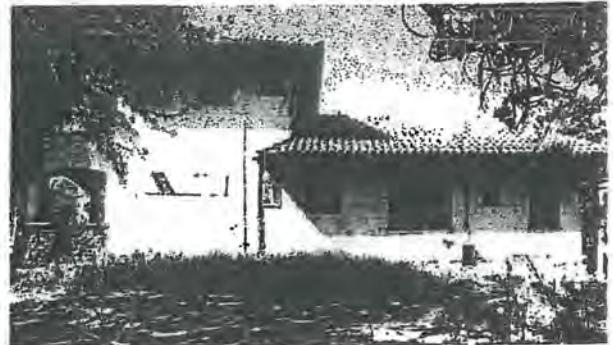
masking their visibility from the front of the house. The porch has two screened openings facing west.

The north facade features a covered porch that encompasses a door to the screened porch and the steps down to a cellar. The porch area also contains a small toilet room and outdoor sink, which presumably allowed the family or ranch-hands to cleanup before entering the house. Unlike the porch at the front of the house, a single wood post supports the extended corner of the roof. The screened porch is located at the top of a short rise of wood stairs and has a group of four one-over-one double-hung window openings. These window sash do not appear to be original and may have once been screened openings similar to the west facade, making the room a screened porch.

The east facade features the tower at the south end with the only uninterrupted two-story elevation of the house. To the south of the tower is the entry porch with its raised roof parapet, segmented-arch opening and battered stone foundation veneer. The remaining facade features a series of non-symmetrical bedroom and bathroom window openings of various sizes, each containing a double-hung sash of typical design, and a window/vent opening through the stonework to the cellar.



North Facade, 2001



East Facade, 2001



Roof looking north, 2001



Covered porch, facing east, 2001



Cellar access, facing south, 2001

Interior

The interior of the Keller Ranch House is organized in a simple and functional plan that features the use of natural materials associated with the Craftsman style. In response to the earlier Victorian style, the Craftsman style promoted a reformist message that preached simplicity, utility, and handcrafted construction in tune with nature, as well as a return to a humbler, more practical life style.

ENTRY: From the entry porch, one enters the house through a small foyer separated from a larger room by two square columns on low, wood-paneled pedestals engaging the side walls. It is said that this area of the house once had a skylight above, a fountain in the center, and featured two large wicker birdcages and racks of different plants as well as many ferns planted in the center. Other descriptions of this room as having lots of natural light and the sound of running water seem to validate that this room may once have served as an interior courtyard or greenhouse. The floor in this area is a painted, light brown, cementitious top-

ping material. In the middle of the room is what appears to be a 5 foot square concrete cap or plug, which does not match the adjacent material, and may be the location of the missing fountain or planter. There is evidence of a skylight, approximately 7.5 feet by 8 feet, in the attic that is now covered by the roof and ceiling surfaces. The walls and ceiling in the entry are plaster, but leakage in a roof drain above the eastern wall has caused considerable damage to these finishes. Natural wood trim is used around the door openings and baseboard, and also as wide battens dividing the ceiling in a coffer style grid.

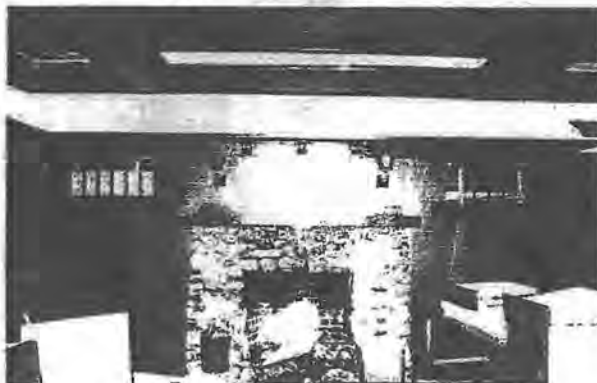
LIVING ROOM: The west side of the house is the living room that exemplifies the Craftsman style with the liberal use of natural materials. Rectangular in plan, the walls of the room are exposed wood board-and-batten paneling with a wood plate rail and narrow plaster frieze above. A portion of this paneling appears to be missing from the northern wall. The focus of the room is an uncoursed stone masonry fireplace and hearth with a small



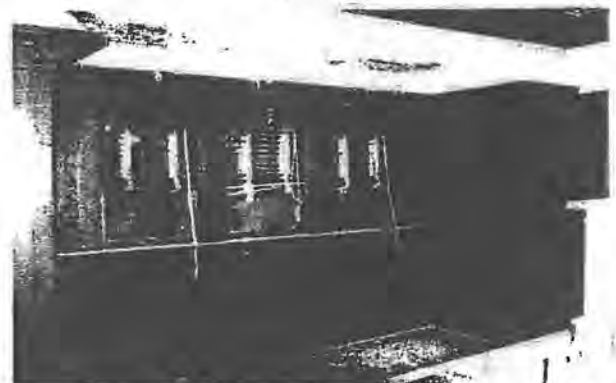
Foyer at Entry, facing south, 2001



Living Room, facing south, 2001



Living Room Fireplace, facing west, 2001



Living Room Alcove, facing northwest, 2001

niche at either side of the firebox. The floor features oak strips in a wide border around painted fir or Redwood flooring in the center area, that was probably under a large rug originally. A windowed alcove north of the fireplace faces the garden and fountain area to the west. The ceiling features a coffered styling with heavy wood box beams and plaster panels. There is considerable water damage to the ceiling plaster with large sections of plaster fallen from the wood lath. There are two simple, square, copper chandeliers with four hexagon-shaped pendants (one chandelier has fallen), as well as two hexagon-shaped copper wall sconces above the mantel, all with mica lens. A glazed, multi-pane pocket door connects the living room to the entry area, and a bi-swinging single panel wood door connects the living room to the kitchen.

KITCHEN: The kitchen is located to the north side of the entry and is a square room with plaster walls and ceiling. The door separating the kitchen from the entry is missing. There are two built-in wooden storage cabinets and a large wall-hung porcelain steel sink with dual drain boards. The stove is missing, but appears to have been located at the north side where a capped flue pipe is visible. The floor is fir or Redwood flooring, but there is evidence of an earlier sheet flooring material. The wood base and casing trims in the kitchen are painted, and the walls are covered with non-original wallpaper, divided by a horizontal wood trim located at window-sill height. The ceiling is divided into a grid of rectangular panels divided by narrow, painted, wood batten. A short hallway connects the kitchen to northernmost bedroom. In the hallway is a built-in wooden gun cabinet on one side and a storage cabinet on the other side.

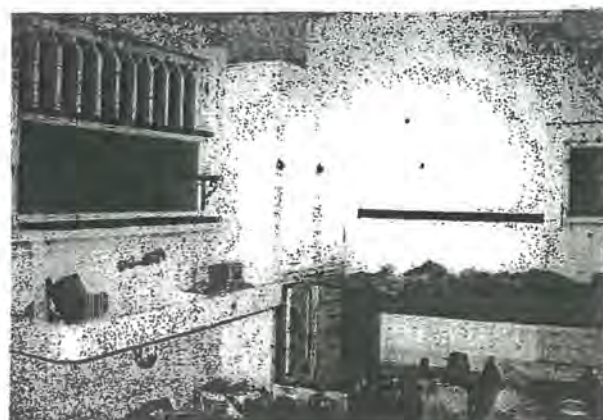
SCREENED PORCH: The screened porch is located at the north side of the kitchen. The walls are covered with a 1x8 painted wood shiplap siding and the ceiling finish is plaster. There is a utility sink and small work counter in the northwest corner of the room and a built-in wood cabinet at the southwest corner. A small, relatively modern water heater is located adjacent to the cabinet. Glazed, double-hung window sash have been inserted into the openings at the north wall. There is also an interior casement window, opening to the



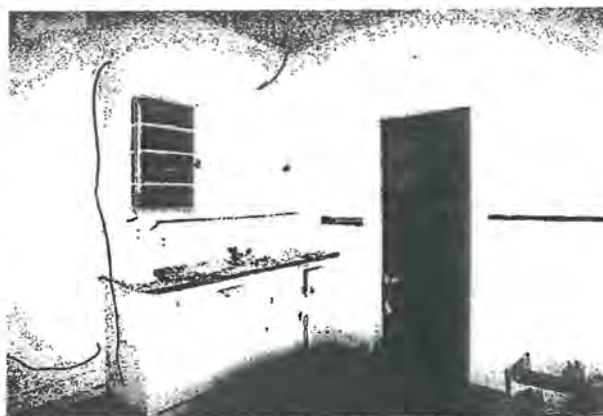
*Living Room
Sconce, 2001*



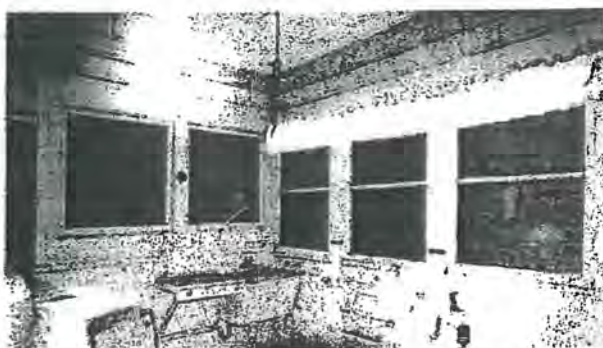
Living Room Chandelier, 2001



Kitchen, looking northeast, 2001



Kitchen, looking southwest, 2001



Screened Porch, looking northeast, 2001

room, adjacent to the kitchen door. The flooring is 12"x12" vinyl composition tile over a wood subfloor.

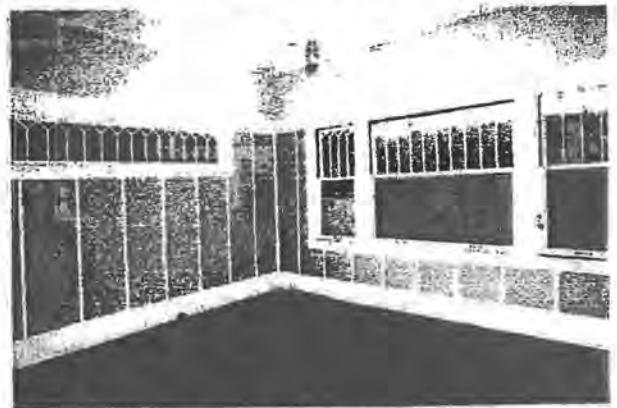
FRONT HALL: To the east side of the entry is a short hallway containing a built-in storage cabinet and stair to the second story tower room. The cabinet, the stair and the wood base and casing trims match the other natural wood in the entry and living room. The stair has straight run with a single winding tread at the top. The walls and ceiling in this area are plaster, but have been damaged by roof leaks. The oak strip flooring is also severely damaged by water. The hall was once separated from the entry by a door, which is now missing.

FRONT BEDROOM: The front bedroom is the largest of the three bedrooms and the most ornately detailed. A group of three double-hung windows opens up to the entry porch and a long, narrow, fixed window is located high on the east side of the room. The walls are plaster but feature a regularly spaced, painted wood batten and wood picture rail to resemble paneling in the living room, except simpler in detail. All wood trim in this room is painted white, and the panels are covered with wall covering. The floor in this room is fir or Redwood flooring, and features a border design similar to the living room. The ceiling is plaster divided into a rectangular grid by narrow, painted wood battens. There is a closet, with a small double-hung window, in the northeast corner under the stair. Exposed electrical wiring for a wall-mounted light fixture (now missing) is located on the north wall adjacent to the door.

BATHROOM: To the north of the stair is the bathroom. It is a rectangular room with a single double-hung window at the east wall. The wall and ceiling finishes are plaster with a painted wood baseboard and a plate-rail-height horizontal wood banding. A cast iron tub/shower is located in an alcove with plastic wall panels at three sides. The sink is a small, wall-mounted, porcelain steel corner fixture. The floor is covered with sheet linoleum that is severely cracked and deteriorated. Exposed electrical wiring for a wall mounted light fixture (now missing) is located on the north wall above the sink.



Front Hall, looking east, 2001



Front Bedroom, looking southeast, 2001



Bathroom, looking east, 2001

MIDDLE AND REAR BEDROOMS: Two narrow, rectangular bedrooms are located to the north of the bathroom with a single door interconnecting the two rooms. Each room has a large closet on the west wall, which has become severely cracked from settlement. The middle room has a pair of double-hung windows facing east, while the rear bedroom has single double-hung windows facing east and another facing north. The floor in the middle bedroom is oak strip flooring instead of fir or Redwood flooring used in the rear bedroom. The ceiling in the middle bedroom is plaster that is divided into a rectangular grid by painted wood batten, similar to other rooms in the house, whereas the rear bedroom has uninterrupted plaster. Both rooms have a wood baseboard and picture rail, but the trim in the middle bedroom has been painted, whereas in the rear bedroom it has been left natural. The rear bedroom also has an additional closet in the southeast corner with a small window opening to the exterior.

TOWER ROOM: At the top of the front hall stairs is the tower room. This room features windows on all four sides that capture a panoramic view of Mt Diablo and the surrounding area. The purpose of this room is not entirely clear, but it may have once been a screened porch used for sleeping during the warmer months, a feature sometimes found in Craftsman homes. It does not have a closet, so it is unlikely that it was used as a permanent bedroom. The floor in this room is covered with shag carpeting and has a sheet flooring material below. The double-hung windows on the south and east sides of the room are not the original, segmented-arch openings shown in historic photographs, and the center window opening on the south side has been converted into a doorway access to the roof above the entry porch, but the date of these alterations is unknown. The windows on the north and west side of the room appear to be the original openings. The wood base and casings in this room are painted. There is a small attic access door below the northern window opening. The plaster ceiling is divided into a rectangular grid with painted wood battens, and has been damaged by water infiltration.

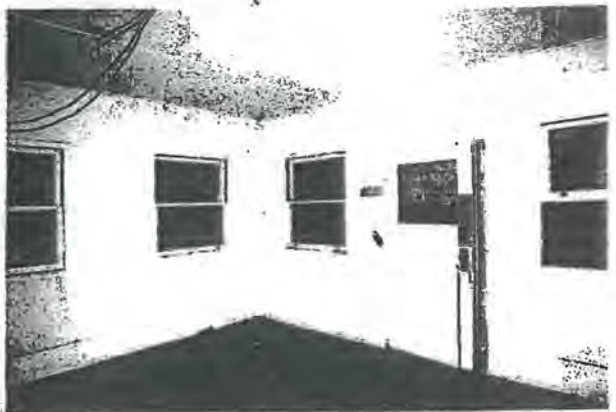
CELLAR: A small cellar located below the rear bedroom is accessed from the northern porch by



Middle Bedroom, looking east, 2001



Rear Bedroom, looking east, 2001



Tower Room, looking southeast, 2001



Cellar, looking east, 2001

an exterior wood stair. The walls of this room are battered concrete with a narrow band of plaster-covered wood framing above. The floor is a concrete slab. The ceiling is plaster with an exterior vent opening at the east side. An internal door opens into an excavated crawl-space containing a large gravity flow furnace. The excavated area of the crawl space is retained with wood posts and horizontal wood planks. Archeological reports regarding the property have noted that exploration had occurred in the basement of the Keller house and may be the reason for the wood retaining structures. It is reported that there is a skeleton partially visible in one of the cellar walls, but it was not found during the course of this investigation.

Site

Although the landscaping around the house appears to have been largely neglected for the past decade or more, many features of the site remain from the historic period of significance. Elodia

Keller apparently loved plants and created an extensive flower garden on the west and south sides of the house. A picture in the Clayton Historical Museum shows Elodia Keller standing in front of a garden pond within a beautiful flower garden. The remains of this pond are still visible, though partially buried, to the west side of the house. The old roadway around the house has been asphalt-paved for parking on the south side, but returns to gravel as it continues around the house to the north through the area that was once the principal work-yard of the ranch. This area contains several outbuildings, including a granary, a work shed and a garage which all date from the historic period. These buildings have been moved from their original locations and may not demonstrate significance on an individual basis, but contribute to the overall historic character of the property. An arched concrete bridge crossing Mt. Diablo Creek that was built by the Kellers in the 1916 to handle heavier cattle-trucks coming to the ranch, also remains. The bridge is topped with three lower



Remnants of garden pond, 2001



Outbuildings: (l to r) Granary, work shed, garage, 2001



Bridge over Mt. Diablo Creek, ca. 1940's



Bridge over Mt. Diablo Creek, 2001

posts on each side with a simple metal rail spanning between. Each post is built with decorative stonework at the corners and cap, and contains a well that was once capped with a decorative stone, as shown in historic photographs.

INTEGRITY

Today, the Keller House remains virtually unaltered from its original 1912 construction and retains much of its historic fabric. Although some of the outbuildings and archeological artifacts have been removed and some finishes damaged, the house remains principally as it was during the historic period of significance when the Keller Ranch was at the height of its operations. The Keller House preserves a glimpse of the lifestyle associated with a successful ranch and represents an important element of Clayton's history, frozen in time, for current and future generations to experience and to learn from.

HISTORICAL VALUE

In order to be eligible for an historic register listing, a property must represent a significant part of history, architecture, archeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of the properties associated with that aspect of the past. Both the California Register and National Register criteria are similar and require that historic properties be shown to relate to one of the following:

A. EVENTS: A property must be associated with one or more events important in the defined historic context including an event marking an important moment in American prehistory or history, and a pattern of events or an historic trend that made a significant contribution to the development of a community, a State or the nation.

B. PERSON: A property associated with the lives of persons whose specific contributions can be identified and documented, and whose activities can be demonstrably important within a local, State, or national historic context.



Keller Ranch House, west & south facades, 1978

C. DESIGN/CONSTRUCTION: A property that embodies the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

D. INFORMATION POTENTIAL: A property that has yielded, or may be likely to yield, information important in prehistory or history.

The Keller Ranch can be evaluated both in terms of its significance as a site associated with the prehistory of the local area, as well as its significance associated with the ranching, one of the community's early land uses. Since the Keller House is the primary focus of the City's preservation effort, evaluation of the significance within the context of Clayton's early land use is most appropriate. The Keller House is notable as a representative example of an early-twentieth century ranch house and an important local example of a Mission-style residence with the unusual incorporation of archeological objects from the underlying midden layers into its construction. By virtue of these characteristics, the complex may meet Criteria A and C of the Register's standards. The relevance of Criterion A arises because the house is associated with the ranching and farming theme which largely dominates the history of this rural-suburban area and is associated with "a historic trend that made a significant contribution to the development of a community." Criterion C applies to the architectural character of the house in that it "represents a significant and distinguishable entity whose components may lack individual distinction." There is the additional possibility the complex may be eligible under Criterion D due to the significance of the property as one of the county's largest undisturbed archeological sites that has "yielded, or may be likely to yield, information important in prehistory or history".

REHABILITATION RECOMMENDATIONS

The Keller House has been vacant since the mid-1980's and has been vandalized and damaged as a result of its neglect. Currently the building is boarded up to prevent further vandalism, and is being used for storage. Successful preservation of the Keller House is dependant on determining an appropriate use for the property that requires minimal change to the character-defining features of the building and the site. Repairs to the building should avoid removal of historic fabric and alteration of features that characterize the property. Wherever possible, deteriorated features should be repaired rather than replaced. Additions or alterations to the historic building, where required, should be designed in a manner that differentiates the new and old and that are compatible with the historic architecture.

The following general recommendations are based on a visual inspection of the property with no testing or detailed analysis. Development of detailed plans and specification by qualified architectural and engineering consultants is required for a complete analysis of the scope of rehabilitation. All recommendations assume that the city will chose to follow the guidelines for rehabilitating historic buildings developed by the Secretary of the Interior.

Structure

Settlement is the most significant structural problem observed. Settling has occurred in several locations, but is most pronounced below the east side of the house. The excavated crawl space area adjacent to the Cellar is partially filled with soil that has an unusually loose and soft character. The



Excavated crawl-space, looking east, 2001

wooden retaining walls in this area have partially failed allowing the soil to slump, possibly undercutting the perimeter foundation. Settlement is also visible at the chimney, which has cracked and appears to be tilting away from the structure, as well as in several other areas around the house. As a result of the settlement, cracking of the foundations, severe warping of the floors, and cracking of both interior and exterior plaster finishes has occurred. Investigation of the subsurface conditions by a geotechnical engineer is necessary to understand the causes of the settlement and to assist in the development of a solution to mitigate this issue.

Although one and two-story wood-framed structures are considered to be relatively safe in earthquakes, the house does not appear to have adequate lateral load-resisting capacity to minimize the potential for severe damage during a major earthquake. My recommendation for structural rehabilitation of the Keller House will depend largely on a detailed structural assessment by an engineer familiar with historic wood-frame construction. The State Historic Building Code allows architects and engineers to evaluate archaic building materials to determine a building's structural performance rather than follow current prescriptive building code provisions. At a minimum, the scope of structural work should include proper support of the excavated crawl space area, mitigation of settlement problems, anchoring the structure to the foundations and lateral bracing of the crawl-space framing. If additional structural improvements to help minimize the potential for damage can be accomplished without the extensive destruction of historic fabric, these are also recommended. A change in the building's occupancy classification is likely to trigger requirements for additional structural work, but the degree depends on the intended use and on the building official's willingness to accept reasonable compromises to current design standards.

Exterior Shell

The exterior finishes of the house are generally deteriorated and in need of repair. Cracking of the stucco is visible wherever settlement or shifting

of the structure has occurred, and is most severe along the eastern façade. These cracks in the stucco allow a path for moisture to enter the building and may have caused rot to develop in some of the wood framing. The paint finishes covering exterior woodwork are now almost completely gone, exposing the wood to the elements. The wood window sash and wood doors are boarded up and therefore difficult to examine, but appear to be deteriorated, inoperable, and in several cases, vandalized and broken. The stone masonry is generally in good condition except for a few small locations where the stone is missing. The stone column supporting the pergola is in good condition, but the archeological artifacts at the south side of the column, as well as those at either side of the concrete stairs to the southern porch, are missing.

Rehabilitation of the Keller House should include the repair and refinishing of all exterior surfaces, windows and doors. Since the amount of historic fabric remaining is very high, an effort should be made to salvage these materials and repairing them for reuse. In areas where cracking of the stucco has occurred, investigation of the underlying wood framing for rot is advised. Where advanced deterioration has occurred, or where historic elements are missing or damaged beyond repair, replacement of these elements in kind is the recommend. In the cases where historic photographs reveal that the current building condition is not original, as with the window openings in the tower room, it must be determined if these changes took place during the historic period of significance and therefore may have acquired significance in their own right. If it can be shown that these changes are not significant, then reconstruction of the feature based on historic photographs is recommended.

Failure of the roofing assembly(s) is evident throughout the interior where water infiltration has caused plaster finishes to fall to the floor. The clay roof tile shows evidence of past repairs, but many missing and damaged tiles remain. The built-up tar and gravel roofing at the flat portions of the roof appears to be in serviceable condition, but evidence of interior water-damage in the ar-

eas adjacent to the roof drains indicate roof failure at these penetrations. The wood framing in the attic appears to be adequate to support the roofing assemblies, but lacks ventilation. The eaves all show signs of weathering, and many of the rafter tails are split and deteriorated at the exposed ends. The sheet metal gutters and downspouts are in poor condition.

Since most the roof tiles are original and appear to be in sound condition, My recommendation would be to remove the tile and provide a secondary layer of water protection before reinstalling the tile to match the original construction. This approach prevents wind-driven rain from getting under the tile and penetrating into the interior, and also allows for better seismic attachment of the historic tiles. To facilitate roof repairs, a stash of replacement roof tiles was found in the cellar. New roof drains and overflow drains should be provided and flashed into the built-up roofing assembly. Roof ventilation should be added in a visually unobtrusive manner. New gutters and downspouts, matching the historic material and profiles, are also recommended. The downspouts should be tied into a subsurface drainage system to prevent moisture problems under the house.

Interior

The interior layout appears to be mostly unaltered from its original construction with the principal layout of rooms and openings intact. Extensive moisture damage has destroyed some of the interior finishes while settlement has damaged others, but many of the historic finishes remain. My recommendation is to find a compatible use for the building that preserves the interior room con-



Water damage in Entry, facing east, 2001

figuration and the historic character. This includes retaining and preserving interior finishes that help define the Craftsman style. Flooring, baseboards, wall paneling, plaster, fireplace, stairs, casings, doors, hardware and other character-defining features should be repaired and protected. Inappropriate modern finishes, such as the vinyl tile and shag carpeting, should be removed and replaced with materials that are compatible with the historic character. Where modernization is required, it should be done in a way that minimizes the impact on the historic character and finishes. Depending on the building's occupancy, these alterations may include an accessible entry and accessible toilet facilities, fire safety devices, exit signage, and other code required upgrades. These should all be provided in a manner that minimizes impact on the historic character. Lead paint, asbestos and other hazardous materials should be identified and removed or contained wherever possible.

Although it is not readily apparent, evidence of a skylight in the entry area is very strong with the roof curb and interior finishes remaining in the attic. The concrete fill in the center of the Entry floor also suggests that there is something beneath, but further investigation of these features is recommended before restoration is undertaken. In addition to the physical evidence, historic photo documentation of this room would help avoid recreation of these features based on speculation. If no additional information can be found, a new design that is compatible with the historic character of the building can be developed, or these features can remain covered.

Systems

The heating system is a large gravity flow furnace with ducts to the ground floor rooms. The system is old, inefficient and does not appear to be functional. Insulation used in this system may also contain asbestos. My recommendation is to remove and replace the furnace and ductwork with modern forced air system that provides both heating and air conditioning. The existing wall registers should be reused wherever possible.

The condition of the building's plumbing system

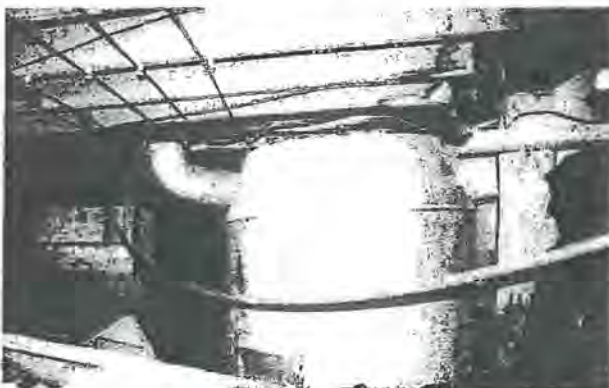
was not checked because the water service has been turned off, and many existing fixtures are not in good repair. The existing septic system is old and inappropriate for an archeological site. Based on the materials and conditions observed, my recommendation is to replace the plumbing system wherever pipes are accessible. A new waste line will need to be installed and connected to the nearest sewer, probably located in the adjacent maintenance yard. The underground portion of this work will have to be carefully monitored due to the archeological significance of the site.

The electrical system in the house is a knob-and-tube style with the fuse panel located in the exterior toilet room. A meter panel and several other electrical switches and panels have been added more recently, but all power to the house has been disconnected. The original light fixtures of the house are mostly missing with the notable exception of the Living Room where two Craftsman chandeliers (one has fallen) and two wall sconces remain. The Entry also has two of the four original wall sconces remaining. Other lighting throughout the house is typically a single pendant-mounted bare lamp located in the center of the room. My recommendation is to have an electrical engineer make a detailed survey of the existing house and design a new electrical system to adequately provide for the proposed building occupancy. This system will include a new service connection and meter panel. The existing knob-and-tube wiring should be inspected and reused wherever possible. This can safely be accomplished by reducing cir-

cuit loads to minimize the overheating of the old wire insulation. The original lighting should be repaired and preserved, and new lighting should be provided that is compatible with the historic character of the house.

Site

Site development for historic properties must be planned in a manner that addresses the overall character of the setting and preserves the relationships between the historic building and the site. In the case of the Keller House, the site was both functional for the working cattle ranch, and aesthetic for the comfort and enjoyment of the residents. Both of these elements should be addressed in the rehabilitation of the site. Given the photo documentation of the flower garden and the remnants of the pond dating from the historic period, I recommend that the landscape in these areas be recreated in the manner shown in the photographs. Other landscape areas can be developed to be compatible with the historically documented areas. In addition, several trees next to the house that are impacting the building's foundation should be removed. The work yard area behind the house should be preserved as open space, and reuse of the outbuildings is recommended. There may also be opportunities for new outdoor functions and buildings. These should be handled in a manner compatible with the character of the site, and the original design and layout of the outbuildings around the work yard.



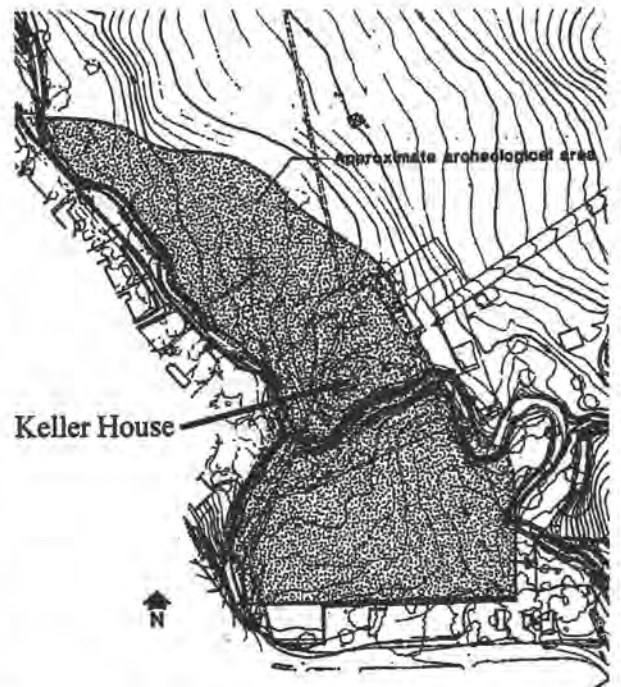
Furnace in crawl-space, facing south, 2001



Elodia Keller in south garden, 1941

The concrete bridge provides the only vehicular access to the site. Since this bridge contributes to the historic significance of the site, I recommend that it be retained and preserved. A detailed analysis of this bridge by a structural engineer is necessary to verify that it is capable of carrying the required loading of emergency vehicles. If not, structural improvements or an alternate means of accessing the site will be required. The railings on the bridge do not comply with code and are potentially unsafe. I recommend leaving the historic railings in place and installing additional guardrails to correct this problem.

The archeological aspect of the site may be the most difficult problem in the rehabilitation of the Keller House. The midden layers that archeologists believe make up the entire site should not be disturbed. My general recommendation is to provide additional fill soil over the midden layers to protect them from being disturbed, but radically changing the grade around an historic building is not recommended due to the potential for drastically altering the building's relationship to the site. Preservation and construction of the roadways, parking, landscaping, and many of the other site improvements can be accomplished using a minimal amount of fill soil, but correction of the settlement issue, and installation of a sewer and storm lines will almost certainly disturb the midden layers. Mitigation of this issue may involve having the proposed locations for this work excavated by archeologists prior to involvement by the building contractor.



Archeological Site Map

CALIFORNIA HERITAGE FUND GRANTS PROGRAM

(Copied from the State of California Web Site: <http://ohp.parks.ca.gov/grants/bond2000.htm>)

The sum of \$8,506,000 will be soon available as competitive statewide grants for the acquisition, development, rehabilitation, restoration, and interpretation of historical and archeological resources in California. The Office of Historic Preservation is currently preparing an application package for distribution to the general public sometime in late spring, 2001. The Office of Historic Preservation anticipates that the grant funds will be allocated in two grant cycles. The first grant cycle will be in late 2001 and a second cycle in 2002.

ELIGIBLE PROPERTIES AND APPLICANTS

Historical resource preservation projects are eligible for grant funds. The California Heritage Fund defines a historical resource preservation project as "an historical resource that is listed, or formally determined eligible for listing, in the National Register of Historic Places or the California Register, or designated as a historical landmark or point of historical interest." Historical landmark and point of historical interest are defined as State Historical Landmarks and State Points of Historical Interests.

Grant funds in the California Heritage Fund shall be available statewide on a competitive basis to cities, counties, districts, local agencies formed for park purposes, and nonprofit organizations. A nonprofit organization is eligible if the "nonprofit organization is a private, nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, that has, among its principal charitable purposes, the preservation of historic resources for cultural, scientific, historic, educational, recreational, agricultural, or scenic opportunities". The 2000 Park Bond Act specifies that federally recognized California Indian tribes may apply for these grants.

Please note: California Heritage Fund statutes exclude funding of private properties.

SELECTION CRITERIA

As defined in the California Heritage Fund, criteria for the selection of projects shall include, but not be limited to, all of the following:

1. The project is representative of the concerns and needs of a broad range of constituencies or an underrepresented constituency.
2. The proposal considers aspects of the broad political, social, and economic issues of the present and their implications for the future preservation of historical resources.
3. The project effectively links historical resources preservation issues and concerns with other public policy areas.
4. The project strengthens and fosters the role of local communities in historical resources preservation issues.
5. The project supports and enhances the capacity of public policy planning processes to accommodate historical resources preservation issues and concerns.

6. The project enhances the historic preservation program of certified local governments, as defined in subdivision (b) of Section 5020.1, (Public Resources Code) and is consistent with the support of the Office of Historic Preservation's Certified Local Government programs.

MATCHING FUND

The California Heritage Fund mandates that a grant may not exceed the lesser of one million dollars (\$1,000,000) or 50 percent of the cost of the project. The Office of Historic Preservation shall adopt guidelines, subject to the approval of the State Historical Resources Commission, for determination of the amount of matching funds required, if any, for a grant.

PUBLIC OUTREACH AND PROGRAM SCHEDULE

The Office of Historic Preservation intends to conduct several regional workshops and public meetings to provide information on the grants application procedures and deadlines. Information on the grants program shall be distributed to various preservation organizations for publication in their newsletters.

It is anticipated that draft language of the application materials shall be available by late spring 2001 and the grant applications will be due in fall 2001 and in summer 2002.

INFORMATION ON THE DEPARTMENT OF PARKS AND RECREATION 2000 PARK BOND ACT GRANT FUNDS

Historic preservation projects with a recreational component or use may qualify for other funds designated for local agencies by the bond act. The bond measure allocates several million dollars to cities, counties, and special districts for local assistance projects to be administered by the California Department of Parks and Recreation. These local assistance funds may also be dedicated to the acquisition, development and rehabilitation of historic properties by local entities for projects with recreational values. The bond identifies:

A sum of \$188,930,000 for the Roberti-Z'berg Harris Urban Open Space and Recreational Grant Program for the acquisition, development, rehabilitation, and restoration of parks and recreation areas and facilities. Contact: Michael Seaman - (916) 651-8577 - mseam@parks.ca.gov

A sum of \$7,675,000 for the Urban Recreational and Cultural Centers, Museums, and Facilities for Wildlife or Environmental Education Grant Program. Public Resources Code, Division 5, Chapter 1.692, Section 5096.310 (l) provides grant funding "for projects that combine curation of archeological, paleontological and historic resources with education and basic and applied research and that emphasize specimens of California's extinct prehistoric plants and animals." Projects may interpret one or more important California historical, cultural, economic or resource themes or an important historical, cultural, economic, technological, or resources theme in a major region of California. Higher priority shall be assigned to projects whose themes are not interpreted in any existing museum or have demonstrable deficiencies in their presentation in an existing museum. Contact: Steve Kahn - (916) 651-6732 - skahn@parks.ca.gov

Information about these and other 2000 Park Bond Act Grant Programs that are managed by State Parks may be viewed at <http://parks.ca.gov/grants/index.htm>

General inquiries may be sent to:

Office of Grants and Local Services
P.O. Box 942896
Sacramento, CA 94296-0001
localservices@ohp.parks.ca.gov

OTHER FUNDING SOURCES FOR HISTORIC PRESERVATION OF REAL PROPERTY

Information about other grant programs for historic preservation of real property may be found at the following web addresses:

Getty Grants to Conserve the Architectural Heritage of Los Angeles (Only for historic properties in Los Angeles County) <http://www.getty.edu/grant/preservela/>

Community Development Block Grant (CDBG) Entitlement Communities Program (Contact your local community development department)
<http://www.hud.gov/progdesc/cdbgent.html>

Save America's Treasures (Federal funds for nationally significant properties)
<http://www.saveameericastreasures.org>

QUALIFYING FOR THE CALIFORNIA REGISTER

STATE HISTORIC RESOURCES LISTING

A historical resource may be listed in the California Register if it meets any of the following criteria: (1) it is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; (2) it is associated with the lives of persons important in California's past; (3) it embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value; or (4) it has yielded or is likely to yield information important in prehistory or history. The Register includes properties which are listed or have been formally determined to be eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest. Other resources require nomination for inclusion in the Register. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resources surveys conducted in accordance with SHPO procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance.

An individual resource, district, or local landmark may be nominated for inclusion in the Register by a resident, a landowner, or a local government. The Commission will review each request, after providing the opportunity for affected property owners, local agencies, and interested persons to comment on the proposed listing, before determining whether to include the resource on the Register (Section 5024.1). If the local government objects to the nomination, the Commission must make supportive findings for any listing. Nominations for which there is owner objection will not be placed in the Register, but may nonetheless be listed as eligible.

PROCEDURES FOR REGISTRATION

1. Obtain application manual and instructions from the Office of Historic Preservation.
2. Complete application, including all necessary supplemental forms, according to instructions.
3. Notify the clerk of the local government in whose jurisdiction the resource is located by certified mail that an application will be filed with OHP and request that the local government provide written comments. The notification must include a copy of the application.
4. Upon receiving written comments from the local government or ninety days after sending notification to the local government (whichever is sooner), the applicant forwards the completed application and any comments to OHP.
5. Within 30 days, OHP staff will ensure that the application is complete and will send notification to the property owner (if the applicant is not the property owner). When the application is complete and the resource owner has been notified, the application will be scheduled on an agenda of the SHRC for action.

Note: A nomination does not require owner consent in order for the resource to be listed, but it cannot be listed over an owner's objections. The SHRC can, however, formally determine a property eligible for the California Register if the resource owner objects.

QUALIFYING FOR THE NATIONAL REGISTER

(Copied from the National Park Service Web Site: <http://www.cr.nps.gov/nr/listing.htm>)

CRITERIA FOR EVALUATION

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in prehistory or history.

CRITERIA CONSIDERATIONS:

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or
- d. A cemetery which derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.

LISTING A PROPERTY

Properties are nominated to the National Register by the State Historic Preservation officer (SHPO) of the State in which the property is located, by the Federal Preservation Officer (FPO) for properties under Federal ownership or control, or by the Tribal Preservation Officer (TPO) if the property is on tribal lands. Ordinarily, State nomination forms are prepared by private individuals or the staff of the SHPO. These nomination forms are then submitted to a State review board, composed of professionals in the fields of American history, architectural history, architecture, prehistoric and historic archeology, and other related disciplines. The review board makes a recommendation to the SHPO either to approve the nomination if, in the board's opinion, it meets the National Register criteria, or to disapprove the nomination if it does not.

During the time the proposed nomination is reviewed by the SHPO, property owners and local officials are notified of the intent to nominate. Local officials and property owners are given the opportunity to comment on the nomination and owners of private property are given an opportunity to object to or concur with the nomination. If the owner of a private property, or the majority of private property owners for a property or district with multiple owners, objects to the nomination, the SHPO may forward the nomination to the National Park Service for a determination of eligibility. Without formally listing the property in the National Register, the National Park Service then determines whether the property is eligible for listing. If the property is eligible, the Advisory Council on Historic Preservation must be afforded the opportunity to comment on any Federal project that may affect it.

If the review board and the SHPO agree on the eligibility of the property (and the owner has not objected to the nomination), then the nomination is forwarded to the National Park Service to be considered for listing.

SOURCES

- (1) From CCC Historical and Biographical Historic Record Co., Los Angeles, CA 1926, pp. 934 and 935.
- (2) Historical Information about Joel Clayton's House from an interview with Iola Christy, March 1976, Clayton Historical Museum. (Iola Christy was married to Neff Edwin Christy, nephew of Charles Henry Keller).
- (3) Clayton Heritage Preservation Task Force Report, September 1994, pp. 9 and 10.
- (4) Notes from Iola Christy regarding the Joel Clayton ranch, 1976, Clayton Historical Museum.
- (5) Letter from Iola Christy to Nan Wallace, date unknown, Clayton Historical Museum.
- (6) WPM Incorporated, Environmental Impact Report for the Oakhurst Project, September 1986.
- (7) Contra Costa County Recorder's Office (Martinez), Book of Deeds, vol. 14, p. 143; vol. 624, p. 270; vol. 654, p. 285; vol. 2770, p. 131; vol. 6675, p. 019; vol. 08794, p. 106.
- (8) Virginia & Lee McAlester, A Field Guide to American Houses, published by Alfred A. Knopf, 1984.
- (9) U.S. Department of the Interior, National Parks Service, The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings, 1992.
- (10) Brooks Kuehl, "Keller History Reads Like Tale of the West," Concord Transcript, 5 October 1977.
- (11) Randall Milliken, An Ethnographic Study of the Clayton Area, Contra Costa County, California, pp.18-19.
- (12) Historical Records, John Henry Keller, Clayton Historical Museum.
- (13) Gustav Stickley, Craftsman Homes, Architecture & Furnishings of the American Arts and Crafts Movement, Dover Publications, Inc., 1979.
- (14) The Elements of Style: A Practical Encyclopedia of Interior Architectural Details, from 1485 to the Present, Stephen Calloway, general editor, Elizabeth Cromley, American editor, published by Simon & Schuster, 1991.
- (15) J. Henry Chambers, Cyclical Maintenance for Historic Buildings, published by the Interagency Historic Architectural Services Program, U.S. Department of the Interior, Washington, 1976.
- (16) Notes from meeting with members of the Clayton Historical Society, April 2001.
- (17) Naphtali H. Know & Associates, Inc., Specific Plan for the Clayton Town Center, 1990, pp. 13, 14, 37, 38, 59, V-20, V-23.
- (18) Larry Seeman Associates, Draft Environmental Impact Report Supplement, Keller Ranch, 1983.
- (19) Notes obtained from Mrs. Keller by J.A. Bennyhoff, October 21, 1952, Clayton Historical Museum.



*Pillar marking entry to Keller Lane, 1967
The pillar is now at the Clayton Historical Museum*

ATTACHMENT B

DPR 523 Record (Original and Update)

CONTINUATION SHEET

Property Name Keller House Outbuildings

Page 1 of

UPDATE: Jeremy Adams, ECORP Consulting, 2525 Warren Drive, Rocklin, CA. 2015. Date: 11/18/2015

This record serves as an update to the original record for the Keller Ranch Property (P-07-00105). In 2015, ECORP was retained to assess the current state of integrity of the outbuildings (granary, work shed, and garage) on the Keller Ranch and to assist in a determination of whether they remain eligible for inclusion in the California Register of Historical Resources (CRHR) as components of the historical Keller Ranch located in the City of Clayton. This record serves as an update to the three outbuildings located on the Keller Ranch Property.

In December 2001, the State Historical Resources Commission (Commission) determined the Keller Ranch, located at 6015 Heritage Trail in the City of Clayton (City), to be a Historical Resource as defined by CEQA and voted to list it in the California Register of Historical Resources (CRHR). The Keller Ranch resource is defined as containing the primary Keller House and ancillary structures including the granary, work shed, garage, and concrete bridge. These properties were determined to be eligible for the CRHR under Criterion 1 of the CRHR for the period of 1910 to 1954 for their association with cattle ranching and industry important in local and regional history. In addition, the primary Keller House and concrete bridge were determined also eligible under Criterion 3. An archaeological site (CA-CCO-222), located on the property on which the Keller House and other buildings exist, was determined eligible under Criterion 4. The Commission's determination was based on the description of the resource and statement of significance provided in a 2001 nomination prepared by Thomas Saxby, AIA, at the request and on behalf of the City (the applicant and owner of the resource).

ECORP architectural historian Jeremy Adams completed a records search, additional archival research, and a field visit to the Keller Ranch property to record the current state of integrity of the outbuildings on November 18, 2015. The site visit included data gathering to generate a description of the outbuildings and photographic documentation of the changes to the buildings and their immediate surroundings since the 2001 assessment by Saxby. During the field visit, Mr. Adams walked the entire perimeter around the outbuildings and Keller House, as well as carefully inspected the interior of each of the buildings. Notations were made regarding the state of the outbuildings including the remaining materials physically connected to the buildings and any workmanship present. In addition, ECORP assessed the significantly reduced setting of the Keller Ranch as a whole including the location of the outbuildings on the property.

Updated Integrity Assessment of the Granary

The granary is currently dilapidated and has lost many of its physical components from when it was recorded by Saxby in 2001. It no longer retains a great majority of its original wood-plank siding and the foundation is severely deteriorated, causing the frame to be unstable. Though not noted by Saxby in 2001, the corrugated metal roof is not original to the building and clearly has a date stamp of 1971 (modern period). Many of the square-cut nails and original hinges noted by Saxby have been removed from the siding of the building leaving mostly more modern round-cut nails. The interior has received graffiti and other vandalism not noted in 2001 by Saxby, resulting in the destruction of many components of the flooring, interior walls, frame, and removal of many metal hinges, nails, or support joists. The mortise and tenon interior beam remains intact, but the supporting frame has some dry rot and other molding which appears unstable.

The granary has not served any utility or function for the Keller Ranch for many decades. In addition, only through review of information in the archival record is it apparent that the building served as a granary, as many of the

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 2 of 2

components which would have given it distinction as a granary no longer exist. A granary is designed as a storehouse for grain or animal feed. As such, granaries typically are built on elevated foundations to deter rodents and need to have moisture control elements such as intact walls, windows, and doors. This granary was moved in 1988 from its original location and foundation and was set resting on the ground near the Keller Ranch linearly placed between the work shed and the main Keller House. It no longer has the distinct raised foundation on which it was likely originally built. There is a slightly elevated gap beneath the floor and the frame on the ground, but the frame appears to have previously been set on a different foundation. In addition, many of the walls are destroyed leaving only framing in many areas and all windows and both doors are completely removed. When recorded in 2001, many of the walls remained intact and the interior was largely in good condition with existing metal components, square-cut nails, hinges, and other physical features. Overall, the granary no longer retains integrity of location, setting, or feeling as it was moved from its original location and no longer functions as a granary on a working ranch. It also does not retain integrity of design, materials, or workmanship as much of this has been lost due to severe deterioration and vandalism in the building over the past decade. Lastly, the building no longer retains integrity of association with the Keller Ranch. Though the building remains on the reduced Keller Ranch property adjacent to the main Keller House, it has not served any significant function with the Keller Ranch in many decades and is missing all significant components which used to identify it as a granary. Its documentation in the historical record may remain intact, but its deteriorated physical components have reduced its appearance and association as a functioning component of the Keller Ranch, causing it to no longer retain clear significant association with the ranch.

Updated Integrity Assessment of the Work Shed

The work shed has deteriorated significantly since it was recorded in 2001. Much of the vertical wood plank siding, which was nearly fully intact in 2001, has been removed or is broken throughout the entire exterior of the work shed. The roof is partially missing with much of the wood frame also broken or destroyed throughout the building. As with the granary, the remaining corrugated metal roof has a date stamp of 1971 and therefore is modern, although this was not noted by Saxby in 2001. The vertical wood plank door of the work shed as seen in Saxby's 2001 record has been replaced with a modern plywood board serving as a door. The work shed has also received graffiti and vandalism on the interior and exterior.

The work shed has not served any utility or function for the Keller Ranch for many decades. The work shed was moved in 1988 from its original location and was set resting on the ground near the Keller Ranch house between the granary and garage. Overall, the work shed no longer retains integrity of location, setting, or feeling as it was moved from its original location and no longer functions as a work shed for a working ranch. It also does not retain integrity of design, materials, or workmanship as much of this has been lost due to severe deterioration and vandalism in the building over the past decade. Lastly, the building no longer retains integrity of association with the Keller Ranch. Though the building remains on the reduced Keller Ranch property adjacent to the main Keller House, it has not served any significant function with the Keller Ranch in many decades. It is also missing many of its original components, some of which have been replaced with modern materials including plywood and corrugated metal. Its documentation in the historical record may remain intact showing it was a minor component of the working ranch, but its deteriorated physical components have reduced its appearance and association as a functioning component of the Keller Ranch, causing it to no longer retain clear significant association with the ranch.

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 3 of

Updated Integrity Assessment of the Garage

The garage has severely deteriorated over the past decade since it was recorded in 2001. Though it remained largely intact when it was recorded by Saxby, a significant amount of the exterior vertical wood-plank siding has been removed or broken. As with the granary and work shed, the corrugated metal roof of the garage also contains a date stamp for 1971 which was not noted by Saxby in 2001. Many of the metal hinges were forcibly removed, likely as a result of vandalism, and the electrical components have also been tampered with and destroyed. The interior framing appears heavily dry rotted and mold has stripped the paint throughout. Though much of the northern wall remains intact, the majority of the wood planking is extremely weathered. In addition, it is apparent that squirrels, woodpeckers, and other animals have used the vacant building as there are rodent holes on the interior floor and other indications of animal habitation. Also, Saxby originally identified the garage as containing characteristics of the Craftsman style of architecture. Saxby noted the exposed rafters as characteristic of that style. Though exposed rafters are common among Craftsman style buildings, the corrugated metal roof of the garage that rests on the rafter beams is modern and is not original. It is unclear whether the original roof covered those rafters or not; they may have not originally been exposed. In addition, the roof is hipped and the form is square, neither of which are Craftsman-style elements. The building possesses no other characteristics of the Craftsman architectural style. Saxby also noted that there were rolling door tracks above the garage opening which are no longer present. He also noted that a shed may have been attached to the garage at one point, but is now missing. No indicators of an attachment point for a shed remain on the garage building.

The garage has not served any utility or function for the Keller Ranch for many decades. The garage was moved in 1988 from its original location and was set resting on the ground near the Keller Ranch house on the northern side of the work shed and granary. Overall, the garage no longer retains integrity of location, setting, or feeling, as it was moved from its original location and no longer functions as a garage for a working ranch. It also does not retain integrity of design, materials, or workmanship as much of this has been lost due to severe deterioration and vandalism in the building over the past decade. Lastly, the building no longer retains integrity of association with the Keller Ranch. Though the building remains on the reduced Keller Ranch property adjacent to the main Keller House, it has not served any significant function with the Keller Ranch in many decades. It is missing many of its original components, some of which have been replaced with modern materials including corrugated metal. Its documentation in the historical record may remain intact showing it was a minor component of the working ranch, but its deteriorated physical components have reduced its appearance and association as a functioning component of the Keller Ranch, causing it to no longer retain clear significant association with the ranch.

Additional integrity considerations that were not assessed by Saxby in 2001

Removal of the outbuildings would have little to no significant effect on the historical significance of the Keller Ranch. The original Keller Ranch was made up of a combination of its components that included the primary Keller Ranch house, two large barns, a granary, a chicken coop, a small stable, a bunk house, a work shop, a garage, and other storage buildings. Nearly all of these components have been destroyed and the ranch property reduced to a small City-owned parcel. The remaining outbuildings were moved and placed in a row on the remaining property adjacent to the main Keller House in an attempt to keep them intact. The main Keller House remains in very good condition and appears as it did during its period of significance (1910 to 1954). It is still strongly recognized in the community as the historical Keller House. In addition, the concrete bridge also remains intact and is currently in

CONTINUATION SHEET

Property Name Keller House Outbuildings

Page 4 of

use. Overall, those two primary components strongly represent the Keller Ranch property with or without the dilapidated outbuildings. In contrast, however, the majority of the original structures that existed on the larger Keller Ranch no longer exist, making it extremely difficult to recognize these outbuildings as originally part of a larger functioning system.

Lastly, in support of the nomination of the Keller Ranch to the CRHR in 2001, the Clayton Historical Society submitted a letter of support. In that letter the Clayton Historical Society states that they support "the nomination of the Keller House, located in Clayton, California, to the State Historic Register." They continue by providing supporting information about the importance the Keller House played in the community. They described the Keller House as "a significant and integral part of the important cattle ranching period in Clayton" and requested that it "should be preserved as a superb example of a lovely country home and the residence of an important ranching family." Overall, the Clayton Historical Society concluded that "an important part of history would be lost if the Keller House is not preserved." In this letter of support, the Clayton Historical Society did not mention the three outbuildings in any way. The focus of the letter from the Historical Society was for nomination of the Keller House itself, with no mention of other built features associated with the property as having the same level of historical importance to the community as the main Keller House. This is consistent with the available archival information about the historical resource.

Results

As a result of the updated integrity assessment that included a records search, archival research, and a field visit, the outbuildings (granary, work shed, and garage) appears to no longer retain sufficient physical and associative integrity for listing on the CRHR under Criterion 1. The buildings are in a severely deteriorated state, much worse than their condition when recorded and evaluated by Saxby in 2001. The lack of remaining significant physical components of the outbuildings, including their linear placement on the property and failure to retain strong associative qualities, cause them to no longer convey the significance of the historical Keller Ranch.

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 5 of



Google Earth Image of the Keller Ranch Property.



Photograph of the outbuildings (from left to right: garage, work shed, and granary) taken during field visit in November, 2015.

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 6 of



Photograph of the granary and work shed taken in 2001 by Saxby



Photograph of the granary and work shed taken in November, 2015 by ECORP

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 7 of



Scanned image of a photograph of the garage taken in 2001 by Saxby



Photograph of the garage taken in November, 2015 by ECORP

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 8 of



Photograph of granary outbuilding exterior, taken during field visit in November, 2015.



Photograph of granary outbuilding exterior, taken during field visit in November, 2015.

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 9 of



Photograph of granary outbuilding exterior (western facing wall), taken during field visit in November, 2015.



Photograph of granary outbuilding interior, taken during field visit in November, 2015.

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 10 of



Photograph of work shed outbuilding exterior (western facing wall), taken during field visit in November, 2015.



Photograph of work shed outbuilding exterior (western facing wall), taken during field visit in November, 2015.

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 11 of



Photograph of work shed outbuilding exterior, taken during field visit in November, 2015.



Photograph of work shed outbuilding interior, taken during field visit in November, 2015.

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 12 of



Photograph of garage outbuilding exterior (northern facing wall), taken during field visit in November, 2015.



Photograph of garage outbuilding interior, taken during field visit in November, 2015.

CONTINUATION SHEET

Property Name: Keller House Outbuildings

Page 13 of



Photograph of garage outbuilding interior, taken during field visit in November, 2015.

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # P-07-000105

HRI#

Trinomial CA-000-222/H

NRHP Status Code

Other Listings

Review Code

Reviewer

Date

Page 1 of 27

*Resource Name or #: (Assigned by recorder) Keller Ranch House

P1. Other Identifier:

*P2. Location: ☒ Not for Publication ☐ Unrestricted

*a. County Contra Costa

and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Clayton Date 1994 (#4642) 11N; R 1W; SE 1/4 of SE 1/4 of Sec 11; 394 B.M.

c. Address 6015 Heritage Trail City Clayton Zip 94517

d. UTM: (Give more than one for large and/or linear resources) Zone (10-593340 mE/4200070) mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) (593700mE/4199850mN)
A.P.N. 118-370-006 (595570mE/4199640mN-593800mE/4199650mN)

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The Keller Ranch House is a single story wood-framed building with a second story tower. In style, the house is eclectic, featuring both the Mission style that is commonly associated with California from 1890 to 1920, and the Craftsman style common during the period from 1905 to 1930. Identifying features associated with the Mission style include the red tile roof covering, the wide overhanging open eaves, a porch roof (SEE CONTINUATION SHT. NO. 2)

*P3b. Resource Attributes: (List attributes and codes) (HP2) single family property, (SEE CONT. SHT. 4)

*P4. Resources Present: ☒ Building ☒ Structure ☐ Object ☒ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (view, date, accession #) west & south

facades, facing north, c.2001

*P6. Date Constructed/Age and

Source: ☐ Historic ☐ Prehistoric

☒ Both

1912 / 89 years

postmarked photograph

*P7. Owner and Address:

City of Clayton, 6000 Heritage Tr.
Clayton, CA 94517

*P8. Recorded by:

Thomas Saxby, AIA

481 Ninth Street, Oakland, CA 94607

August 2001

*P9. Date Recorded:

*P10. Survey Type: (Describe) Voluntary Survey

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") SEE CONTINUATION SHEET NO. 4

*Attachments: ☐ NONE ☐ Location Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record

☒ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record

☐ Artifact Record ☐ Photograph Record ☒ Other (List): Charles Henry Keller's will, property maps, letter of support

d.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # P-07-000105
HRI # _____
Trnomial CA-COD-2227/H

Page 2 of 27

*Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

P3a. DESCRIPTION (continued)

supported by large square piers with segmented-arch openings, and the stuccoed exterior wall surfaces. The facade is asymmetrical in shape and superimposed over an irregular plan with low sloping, flat-topped hipped roofs. The Craftsman features include the battered stone foundation walls (veneer), groups of three or more multi-paned double-hung window sash, and a pergola extending from the entry porch. The uncoursed stone masonry is used prominently to display the natural, multi-colored fieldstones and incorporates pre-historic artifacts (stone mortars/bowls) on the south and west facades, particularly around the building entry. The artifacts announce the underlying importance of the property as an prehistoric archeological site.

The front (south) façade is dominated by the entry porch that features a series of segmented-arch openings which sit on top of raised and battered stone veneer foundation walls. Decorative wooden roof beams or vigas (several are missing) project from above the columns. Extending from the porch on the west side is a wooden pergola supported by a battered stone column displaying prehistoric stone mortars or bowls. At the east side of the façade is the second story tower with its stucco walls and a pyramidal hipped red tile roof. The main entry door, located on the porch, is a rectangular, glazed panel, wood door with symmetrical full-height sidelights. The window openings consist of two groups of three rectangular, single-hung windows with a larger opening flanked by two smaller openings. Each opening has a single-pane lower sash and slightly smaller, multi-pane upper sash with a decorative, half-diamond mullion design at the top. This window style is common throughout the main floor. The exterior casings are wood trim set flush with the stucco. The engaged second-story tower has rectangular window openings at both sides of a segmented-arch opening with a low, rectangular door opening to the flat roof above the porch. Based on historic photographs, it appears the original openings were all segmented-arch windows, and the southern window sash were divided into four panes with no door opening. The date of this alteration could not be determined through building records, but the quality of the materials and construction is not characteristic with the original house and the monetary resources available to the Kellers. Therefore, the alteration may have occurred after Elodia Keller death in 1954 and before 1978 when the photographic documentation indicates the alteration.

The dominant features of the west façade are the pergola, the chimney and the living room alcove. The chimney is constructed of battered, uncoursed stone graduated in size from larger stones at the bottom to smaller stones at the top. A partially buried mortar stone is centered below the ash cleanout door. The stonework extends approximately one-third of the chimney height with the upper portion, constructed of stucco cover brick masonry, narrowing and extending through the roof eave. The wall behind the chimney has two small, rectangular, fixed window openings placed symmetrically at either side. The Living Room alcove projects to the edge of the roof eave and contains a group of three equal sized, rectangular, double-hung windows. The northern portion of the façade steps back to the kitchen and screened porch area, masking their visibility from the front of the house. The porch has two screened openings facing west.

The north facade features a covered porch that encompasses a door to the screened porch and the steps down to a cellar. The porch area also contains a small toilet room and outdoor sink, which presumably allowed the family or ranch-hands to cleanup before entering the house. Unlike the porch at the front of the house, a single wood post supports the extended corner of the roof. The screened porch is located at the top of a short rise of wood stairs and has a group of four one-over-one double-hung window openings. These windows do not appear to be original and probably were once
(SEE CONTINUATION SHEET NO. 3)

d.

Page 3 of 27 *Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

P3a. DESCRIPTION (continued)

screened openings similar to the west façade. The date of this alteration is unknown but appears to be more recent construction, probably dating between the mid-1950's and late-1970's. According to an interview with Elodia Keller in 1952, the cellar with dug in 1932. (5)

The east façade features the tower at the south end with the only uninterrupted two-story elevation of the house. To the south of the tower is the entry porch with its raised roof parapet, segmented-arch opening and battered stone foundation veneer. The remaining façade features a series of non-symmetrical bedroom and bathroom window openings of various sizes, each containing a double-hung sash of typical design, and a window/vent opening through the stonework to the cellar.

INTERIOR

The interior of the Keller House is organized in a simple and functional plan that features the use of natural materials associated with the Craftsman style. One enters the house through a small foyer separated from a larger room by two square columns on low, wood-paneled pedestals engaging the side walls. Documented personal remembrances of the entry area indicate that this room may once have served as an interior courtyard or greenhouse with a skylight above, a fountain in the center, and featured two large wicker birdcages and racks of different plants as well as many ferns planted in the center. The remaining physical evidence seems to validate these accounts. The floor in this area is a painted, light brown, cementitious topping material. In the middle of the room is what appears to be a 5 foot square concrete cap or plug, which does not match the adjacent material, and may be the location of the missing fountain or planter. There is evidence of a skylight, approximately 7.5 feet by 8 feet, in the attic that is now covered by the roof and ceiling surfaces. The date of these changes could not be determined through the building records, but the construction materials indicated a more recent alteration dating between the mid-1950's and late 1970's. Natural wood trim is used around the door openings and baseboard, and also as wide battens dividing the ceiling in a coffer style grid.

The living room best exemplifies the Craftsman style with the liberal use of natural wood and stone. Rectangular in plan, the walls of the room are exposed wood board-and-batten paneling with a plate rail and narrow plaster frieze above. The focus of the room is an uncoursed stone masonry fireplace and hearth with a small niche at either side of the firebox used for the display of archeological artifacts found on the site. The floor features oak strips in a wide border around painted fir or Redwood flooring in the center area. A windowed alcove north of the fireplace creates the primary focus of the dining area and faces the area where the garden and pond were located. There are two simple, square, copper chandeliers with four hexagon-shaped pendants (one chandelier has fallen), as well as two hexagon-shaped copper wall sconces above the mantel, all with mica lens. A glazed, multi-pane pocket door connects the living room to the entry area, and a bi-swinging single panel wood door connects the living room to the kitchen.

The remaining rooms include a kitchen, screened porch, three bedrooms, a bathroom and a room in the tower. Each of these rooms reinforce the Craftsman style but with minimal finish detailing.

(SEE CONTINUATION SHEET NO. 4)

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # P-07-000105

HRI # CA-000-222/H

Trinomial

Page 4 of 27

*Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

P3a. DESCRIPTION: (continued)

SITE

The Keller Ranch site is located within the City of Clayton's Heritage District about 700 feet north of Main Street. The property lies at the north side of Mt. Diablo Creek at its convergence with Mitchell Creek, and consists of several structures historically associated with the 1,200 acre working cattle ranch developed by Charles Henry Keller. Prior to the Keller ranch, the property was associated with Joel Clayton, founder of the City of Clayton. The property is also thought to have been the main village of the Chupcan or Volvon people dating from 2800 BCE to the early 1800's. The Keller ranch has been greatly reduced in size due to adjacent development with the remaining property limited to the house site occupying less than two acres.

Although the landscaping around the house appears to have been largely neglected for the past decade or more, many features of the site remain from the historic period of significance. The remains of Elodia Keller's garden pond are still visible, though partially buried, to the west side of the house. The old roadway around the house has been asphalt-paved for parking on the south side, but returns to gravel as it continues around the house to the north through the area that was once the principal work-yard of the ranch. This area contains several outbuildings, including a Granary, a Storage Shed and a Garage. These outbuildings associated with the Keller ranch are said to have been constructed following the Keller's purchase of the property and are also associated with the cattle ranching theme. The stylistic detailing of the garage places the construction in the early 1900's but farm buildings are difficult to date. The Granary with its mortise and tenon framing may pre-date the other buildings but the exact age is not known. A concrete bridge crossing Mt. Diablo Creek that was built by the Kellers in the 1916 to handle heavier cattle-trucks coming to the ranch, also remains and is currently in use.

INTEGRITY

Today, the Keller House appears much as it did during its period of significance when the ranch was at the height of its operations. Although some of the original finishes have deteriorated or have been damaged, and a few of the archeological artifacts have been removed (some are on display at the Clayton Historical Museum), the building retains most of its original design features and historic fabric from the period of significance. Alterations to the building include modification of the tower room's east and south fenestration, replacement of screened openings on the north façade with windows and removal of a skylight and fountain in the building entry, but these changes do not significantly alter the appearance of the historic facades. The Keller House preserves a rare glimpse of the lifestyle associated with a successful cattle ranch during the early 1900's and with the local prominence of the Keller family, represents an important element of Clayton's and Contra Costa County's history. The property around the Keller House also retains a high degree of integrity as a rare, undisturbed archeological site thought to be one of the largest in the County. Further archeological study of the site would add to our knowledge of the cultural history of the area.

(SEE CONTINUATION SHEET NO. 5)

d.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # P-07-000105

HRI #

Trnomial CA-CCO-222/H

Page 5 of 27

*Resource Name or # (Assigned by recorder)

Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

P3b. RESOURCE ATTRIBUTES: (continued)

(HP4) ancillary building, (HP19) Bridge, (HP33) farm/ranch, (AP9) Burials, (AP15) Habitation Debris.

P11. REPORT CITATIONS:

- (1) Clayton Heritage Preservation Task Force Report, September 1994, pp. 9 and 10.
- (2) WPM Incorporated, Environmental Impact Report for the Oakhurst Project, September 1986.
- (3) Randall Milliken, An Ethnographic Study of the Clayton Area, Contra Costa County, California.
- (4) Larry Seeman Associates, Draft Environmental Impact Report Supplement, Keller Ranch, 1983.
- (5) Archaeological Site Survey Record, by J.A. Bennyhoff, October 21, 1952, Clayton Historical Museum including notes from an interview with Elodia Keller.
- (6) Historic Resources Inventory for Keller Ranch, State of California, Department of Parks and Recreation, No. 4511-10-0, by Urban Programmers, San Jose, California, November 20, 1988.

d.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # P-07-000105

HRI # _____

CA-000-222/H

Page 6 of 27

*NRHP Status Code 38

*Resource Name or # (Assigned by recorder) Keller Ranch House

B1. Historic Name: Casa del Sierra (Keller's nickname)
B2. Common Name: Keller House
B3. Original Use: Single family residence
B4. Present Use: Vacant
*B5. Architectural Style: Mission Style with Craftsman elements

*B6. Construction History: (Construction date, alterations, and date of alterations)
Completed 1912. Alteration of the Tower windows probably occurred between mid-1950's and 1978. Date of alteration to enclose original skylight and to remove the interior fountain/planter is unknown, but probably occurred sometime after the mid-1950's.

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features:

The rock outline of Elodia Keller's garden pond remains to the west of the house.

B9a. Architect: Unknown

b. Builder: Unknown

*B10. Significance: Theme Cattle Ranching

Area: Clayton, California

2800 BCE-early 1800's Criteria 4

cattle

Period of Significance: 1910-1954 Criteria 1&3 Property Type: ranch Applicable Criteria: 1,3,4
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The property known as the Keller Ranch is thought to have been the principal village site of the Chupcan or Volvon people (Bay Miwok) who occupied the area around Mt Diablo dating back four thousand years. Contact with the Euro-American settlers did not occur until the 1770's. The establishment and expansion of the Mission system from 1776 through the 1828 forever destroyed the native culture occupying this area, though not without a fight. Both the Chupcan and Volvon people were thought to have been important groups in the resistance to the Spanish settlers. (9) The City of Clayton was established in 1861 by its founder, Joel Clayton, who had discovered the Black Diamond Coal Mines. The area thrived until the decline of the coal industry (SEE CONTINUATION SHEET NO. 7).

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

REFER TO CONTINUATION SHEET NO. 9

B13. Remarks:

Sketch Map with north arrow required.

*B14. Evaluator:

Thomas Saxby

*Date of Evaluation: August 2001

(This space reserved for official comments)

REFER TO ATTACHED SKETCH
MAP, CONTINUATION SHEET
NO. 15

d.

Page 7 of 27

*Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

B10. SIGNIFICANCE (continued)

around 1905. Activities that formed the economic basis of Clayton changed when the mines closed. The population dwindled and the area was supported by the cattle industry and farming.

Charles Henry "Harry" Keller was born November 1874 on the old Keller ranch east of Clayton, first son of John Henry and Celestia Collins Keller, and grandson of John Keller, one of the early pioneers who crossed the plains from Indiana with ox-teams in 1849. Harry was educated in the Clayton public school and for many years followed his father's occupation as a butcher. He married Elodia J. Liberty in 1898. In 1910 he & Elodia purchased the Joel Clayton ranch from Vincent Liberty, Elodia's father, and moved his parents into the Clayton House located near the site of the current Keller House (the Clayton house was relocated to Main Street). The Kellers gradually increased their land holdings between 1914 and 1930, as indicated on the county maps, to include three large cattle ranches. (2,13,16) Voter registration records show the Kellers moved from Galindo Street in Concord to the Clayton area sometime between 1910 and April 1912, and his occupation changed from butcher to rancher during that same period. Harry was a prominent local businessman and is identified as one of the outstanding figures among cattlemen of the county, buying and selling many thousand head of cattle in Oregon, Nevada, Idaho, Wyoming and Utah. (1,17)

Elodia Liberty was born in Petaluma in 1876. The Vincent Liberty family operated the Liberty Ranch, a popular roadhouse and coastal stage stop in Bolinas. When Vincent and his wife separated, he and his daughter, Elodia, moved to the Joel Clayton ranch. Elodia met Charles Henry while he was making deliveries from the Keller butcher shop in Concord. (4) Elodia apparently loved plants and created an extensive flower garden on the west and south sides of the house. A picture in the Clayton Historical Museum shows Elodia Keller standing in front of a garden pond in a beautiful flower garden. In 1920 Elodia took part in the United States Census and road throughout the County on a one-horse cart gathering information about the community. (2)

The Keller House was completed during 1912. It has been said that the Kellers camped under the huge Oak tree on the site while the house was being built. (4) The Kellers nicknamed the house "Casa del Sierra" and it was noted as one of the finest homes in the county. (1) Harry Keller continued to occupy the house and expand his ranch operations until his death in December 1940. Based on his will and estimates of his estate value published in the Contra Costa Gazette, Harry Keller real property was valued at over \$10,000 and his personal property valued at nearly \$30,000. (16,19) From 1942 until her death in 1954, Elodia Keller lived in Concord but retained ownership of the property. She leased the ranch to Bob Flackus who continued to operate the cattle business. (7) From the mid-1950's until 1972, trustees of the Keller estate leased the property to Manuel DeJesus who also used the property for his ranching operation while other portions of the Keller Ranch were sold. (11) Clayton continued to retain much of its rural identity through this period but a shift was occurring and a majority of its residents commuted to urban areas, and the cattle ranching industry began to lose its foothold to urbanization.

In 1972, the Keller ranch property was sold to Pacific Coast Construction Company who planned to develop the land into housing. Resistance from the American Indian Movement and an economic downturn prevented the development, and in 1978 the land was sold to the Seeno Construction Company, which was already subdividing land in (SEE CONTINUATION SHEET NO. 8)

d

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEETPrimary # _____
HRI # _____
Tranomial _____Page 8 of 27 *Resource Name or # (Assigned by recorder) Keller Ranch HouseRecorded by: Thomas SaxbyDate: August 2001☒ Continuation ☐ Update

B10. SIGNIFICANCE (continued)

Clayton. There was a heated controversy between commercial property owners eager to expand Clayton's population and residents concerned about how development was being planned, wanting higher standards and more protection of natural terrain. A referendum in which an overwhelming majority of residents rejected Seeno's development proposal ended the project in 1983. In 1987, Prestley Homes bought the property and worked with citizens to develop acceptable plans, which protected Native American sites and the Keller House area. Acknowledging the unique nature of the property for both its cultural and archeological importance, the city acquired a small parcel containing the Keller House as well as the property currently occupied by the Clayton library in 1991.

The Keller House is significant for its association with cattle ranching, one of the Clayton's early land uses dating back to the mid-1800's that become an important local industry in the early 1900's after the decline of the coal mining industry. Harry Keller was among the most prominent of local cattlemen whose business dealings reached throughout the west. (1,17) The Keller House is notable as the only local example of an early-twentieth century Mission-style ranch house with Craftsman elements. It is also unique for its display of archeological objects from the underlying midden layers built into its construction. By virtue of these characteristics, the complex meets Criteria 1 and 3 of the Register's standards. The relevance of Criterion 1 arises because the house is locally important for its association with the ranching theme which largely dominates the history of this rural-suburban area and contributes to "...the broad patterns of local or regional history, or the cultural heritage of California...". Due to development pressure on this area, the ranching industry is now all but gone from Clayton, but the Keller House remains as one of the last few relics of this period in Clayton's history. (3) Criterion 3 applies to the unique architectural character of the house in that "it embodies the distinctive characteristics of a type, period or method of construction...". The house is a rare local example of a ranch house from the early 1900's, and its distinctive architectural style and quality of construction represents a time when a successful ranch operation supported gracious amenities. The Keller house was widely recognized by local residents as one of the finest houses in the county. (3) The incorporation of the prehistoric archeological artifacts into the construction emphasizes the unique relationship between this building and its site.

The site is also eligible under Criteria 4 due to the significance of the property as a prehistoric archeological site (Ca-CCo-222) "...that has yielded or has the potential to yield information important to the prehistory or history of the local area...". Milliken identifies this area as the principal village site of the Chupcan or Volvon people who occupied the area around Mt. Diablo dating back three to four thousand years. (9) Archeological excavations on the southern portion of CCo-222 between Mt. Diablo creek and Main Street conducted by Holman & Associates in 1981 concludes that the area represents "...a significant cultural deposit, probably with a time depth of several thousand years; and that burials, known to exist in the northern area, also exist in significant numbers in the southern portion of CCo-222." (12) Archeological work in the northern part of CCo-222, in the vicinity of the Keller House, is specifically addressed in an Archaeological Site Survey Record by Bennyhoff which includes notes obtained from Elodia Keller in 1952. (13) In these observations it is noted that burials and associated artifacts were uncovered during the excavation of the Keller House cellar, and that burials also turned up in pits and trenches associated with general ranch work. The Holman report concludes that the tested southern portion of the site contains a scientifically significant cultural deposit, and a significant religious-cultural location and that (SEE CONTINUATION SHEET NO. 9)

d.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____

HRI # _____

Trinomial _____

Page 9 of 27 *Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

B10. SIGNIFICANCE (continued)

the area around the Keller House also represents an archeological site of scientific importance, but until testing is performed in this area, the extent of its significance cannot be conclusively stated (12).

B12. SOURCES

Although much research was done in preparation of this nomination, there is a lack of primary source information available regarding the Harry and Elodia Keller, the buildings and structures on the property, and the general ranch operations. The prominence of the Kellers as one of the county's early pioneer families and successful business owners is widely acknowledged among the residents of Clayton, the local historic societies and throughout the county, but detailed primary source information in support of this claim was not found. Many of the records necessary to document the dates of construction/alteration, the designer and builder, the cost of construction, the cattle sales, number of employees, etc. were not required to be kept during the period of significance or were not archived by the local governmental agencies. Sources checked for information include:

California Historical Resources Information System
Contra Costa County Historical Society
County Recorder's Office
County Tax Assessor's Office
County Tax Collector's Office
County Flood Control Office
County Building Inspection Department
County Library
Clayton Historical Society
Concord Historical Society
Clayton Administration Offices
Clayton Engineering Department
Keller relatives
Various Clayton residents

- (1) From CCC Historical and Biographical Historic Record Co., Los Angeles, CA 1926, pp. 934 and 935.
- (2) Historical Information about Joel Clayton's House from an interview with Iola Christy, March 1976, Clayton Historical Museum. (Iola Christy was married to Neff Edwin Christy, nephew of Charles Henry Keller).
- (3) Clayton Heritage Preservation Task Force Report, September 1994, pp. 9 and 10.
- (4) Notes from Iola Christy regarding the Joel Clayton ranch, 1976, Clayton Historical Museum.
- (5) Letter from Iola Christy to Nan Wallace, date unknown, Clayton Historical Museum.
- (6) WPM Incorporated, Environmental Impact Report for the Oakhurst Project, September 1986.
- (7) Contra Costa County Recorder's Office (Martinez), Book of Deeds, vol. 14, p. 143; vol. 624, p. 270; vol. 654, p. 285; vol. 2770, p. 131; vol. 6675, p. 019; vol. 08794, p. 106.
- (8) Brooks Kuehl, "Keller History Reads Like Tale of the West," Concord Transcript, 5 October 1977.
- (9) Randall Milliken, An Ethnographic Study of the Clayton Area, Contra Costa County, California, pp. 18-19.
- (10) Historical Records, John Henry Keller, Clayton Historical Museum.

(SEE CONTINUATION SHEET NO. 10)

d.

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Tnomial _____

Page 10 of 27 *Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

B12. SOURCES (continued)

- (11) Notes from meeting with members of the Clayton Historical Society, April 2001.
- (12) Larry Seeman Associates, Draft Environmental Impact Report Supplement, Keller Ranch, 1983.
- (13) Archaeological Site Survey Record, by J.A. Bennyhoff, October 21, 1952, Clayton Historical Museum. Included notes obtained from Mrs. Keller regarding archaeological finding during the Keller House construction.
- (14) Official Maps of Contra Costa County, California, T-85 (1914) and T-05-2 (1930).
- (15) Contra Costa County Building Inspection Department, permit records research report, September 13, 2001.
- (16) Decree Settling First and Final Account and of Final Distribution of C. H. Keller, Superior Court of the United States of California in and for the County of Contra Costa, No. 10,551, Tinning & DeLap, attorneys for Executrix, Filed June 17, 1942.
- (17) History of Contra Costa County, by Mae Fisher Purcell, page 211, The Gillick Press, Berkeley, California, December 1940.
- (18) Contra Costa Gazette, article titled "Harry Keller of Clayton Dies after Long Illness", front page, December 23, 1940.
- (19) Contra Costa Gazette, article titled "Keller Will is Probated Here", front page, December 30, 1940.
- (20) Contra Costa Gazette, article titled "Rites Tomorrow for Elodia Keller in Martinez", page 2, November 23, 1954.
- (21) Historic Resources Inventory for Keller Ranch, State of California, Department of Parks and Recreation, No. 4511-10-0, by Urban Programmers, San Jose, California, November 20, 1988.

d.

State of California -- The Resources Act Primary # -----
DEPARTMENT OF PARKS AND RECREATION HRI # -----
CONTINUATION SHEET Trnomial -----

Page 11 of 27 *Resource Name or (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



Keller House, south facade facing north,
from postcard dated September 2, 1912



Keller House, west & south facades, 2001

State of California -- The Resources Agency Primary # -----
DEPARTMENT OF PARKS AND RECREATION HRI # -----
CONTINUATION SHEET Trnomial -----

Page 12 of 27 *Resource Name or(Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



East facade, facing southwest, ca. 1920's



East & north facades, facing south, 2001

d.

State of California -- The Resources Act Primary # -----
DEPARTMENT OF PARKS AND RECREATION HRI # -----
CONTINUATION SHEET Trinomial -----

Page 13 of 27 *Resource Name or (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



Pergola at south
facade with
archeological
artifacts, facing
north, 2001



Detail of stone bowls
displayed in column.

Locations of removed
artifacts. Some of these
objects have been recovered
and are on display at the
Clayton Historical Museum.

d.

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HR # _____
Transect # _____

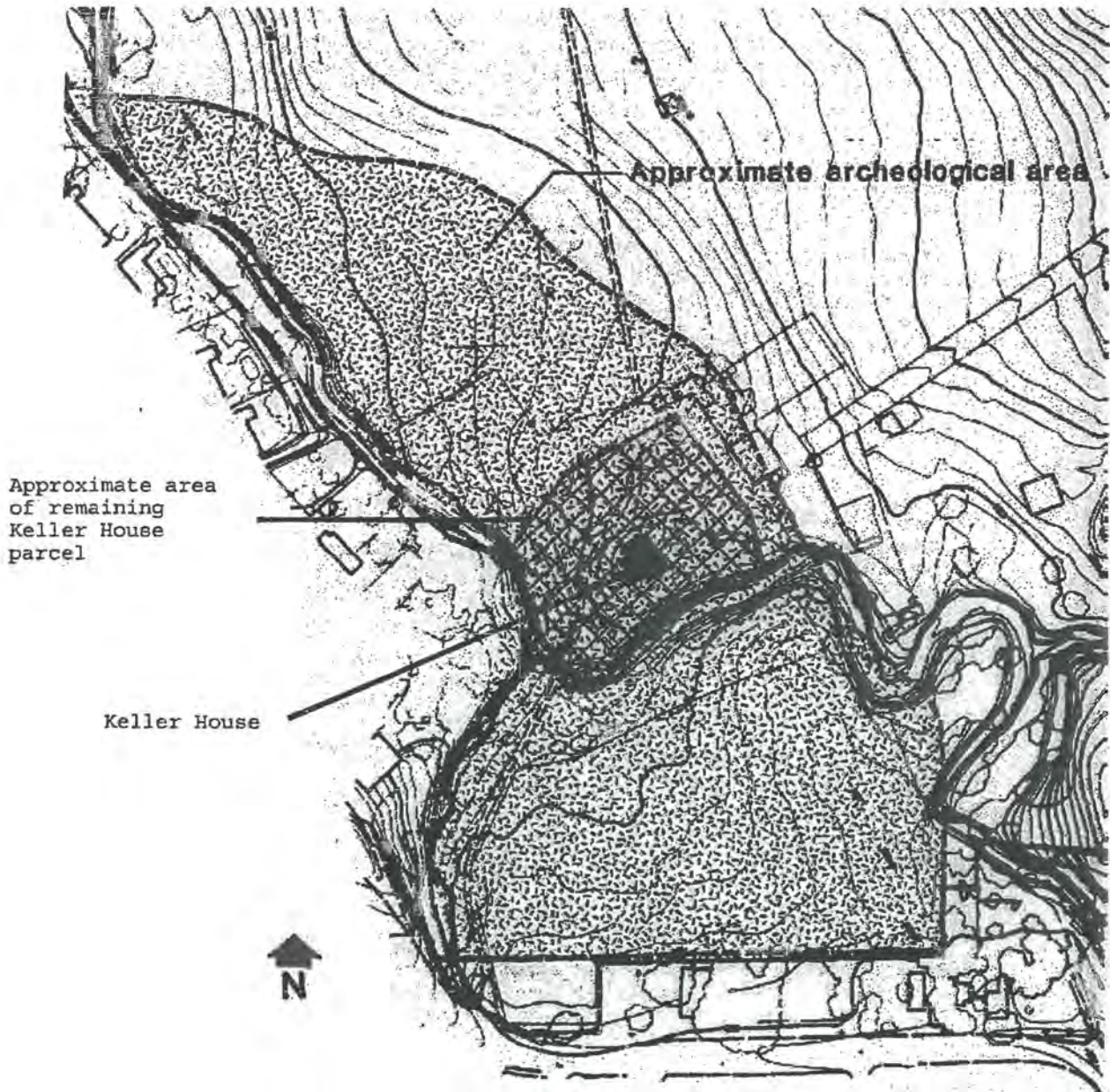
Page 14 of 27

*Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



Map describing the extent of the archeological site from the Environmental Impact Report for the Oakhurst Project, prepared by WPM Incorporated, September 1986. This map is based on test borings made during field reconnaissance work conducted by Holman & Associates in 1978.

d.

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
SKETCH MAP

Primary # _____
HR# _____
Trinomial _____

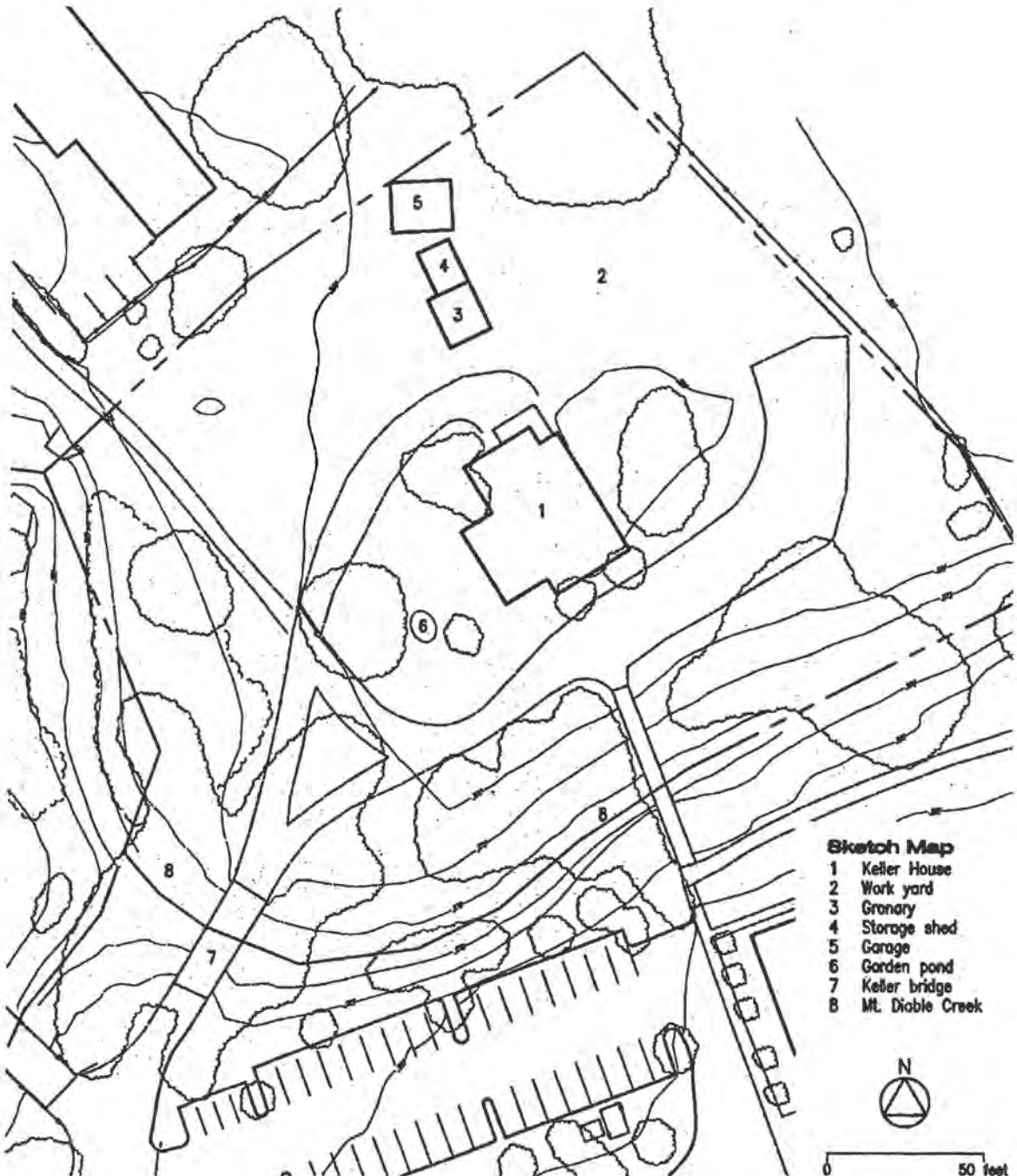
Page 15 of 27

*Resource Name or # (Assigned by recorder)

Keller Ranch House

*Drawn by: Thomas Saxby

*Date of map: August 2001



NOTE: Include bar scale and north arrow.

d.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____
HRI # _____

Page 16 of 27

*NRHP Status Code 4M

*Resource Name or # (Assigned by recorder) Keller Ranch House

B1. Historic Name: _____
B2. Common Name: Granary
B3. Original Use: Granary
B4. Present Use: Vacant
B5. Architectural Style: Rustic agricultural vernacular

*B6. Construction History: (Construction date, alterations, and date of alterations)
Probably built between 1912 & 1920 during the period of Keller ranch development, but possibly pre-dates Keller House. These dates are indicated by the well-weathered materials and mortise & tenon framing technique. Moved in 1988 to avoid demolition.

*B7. Moved? No Yes Unknown Date: 1988 Original Location: nearbv
(60-70 yards east/northeast from current location, facing south)

*B8. Related Features:
None

B9a. Architect: Unknown b. Builder: Unknown

*B10. Significance: Theme Cattle Ranching Area: Clayton, California

Period of Significance: 1910-1954 Property Type: Cattle Applicable Criteria: 1

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address
The Granary is a small, rectangular, raised floor, single-story wood frame structure with a corrugated metal, low sloping gable roof and horizontal wood siding. There are opposing door openings on the north and south facades and single window openings on each of the south and west facades. There are openings at both gables to access additional storage in the attic. The interior side of the walls is closed with horizontal wood planking. The wood framing reveals mortise and tenon construction. The Granary is significant under Criterion 1 for its association with the Keller Ranch as a support structure necessary to the success of the ranch operation that "made a significant contribution to the broad patterns of local or regional history..." Although the six-over-six double-hung windows, the four panel doors and the entry stairs are missing, the overall integrity of the building design is good and the retention of historic fabric is fair.

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

WPM Inc., Environmental Impact Report for the Oakhurst Project, September 1986.

B13. Remarks:

Sketch Map with north arrow required.

*B14. Evaluator:

Thomas Saxby

*Date of Evaluation: August 2001

(This space reserved for official comments)

Refer to Keller House
Sketch Map, Continuation
Sheet No. 15

d.

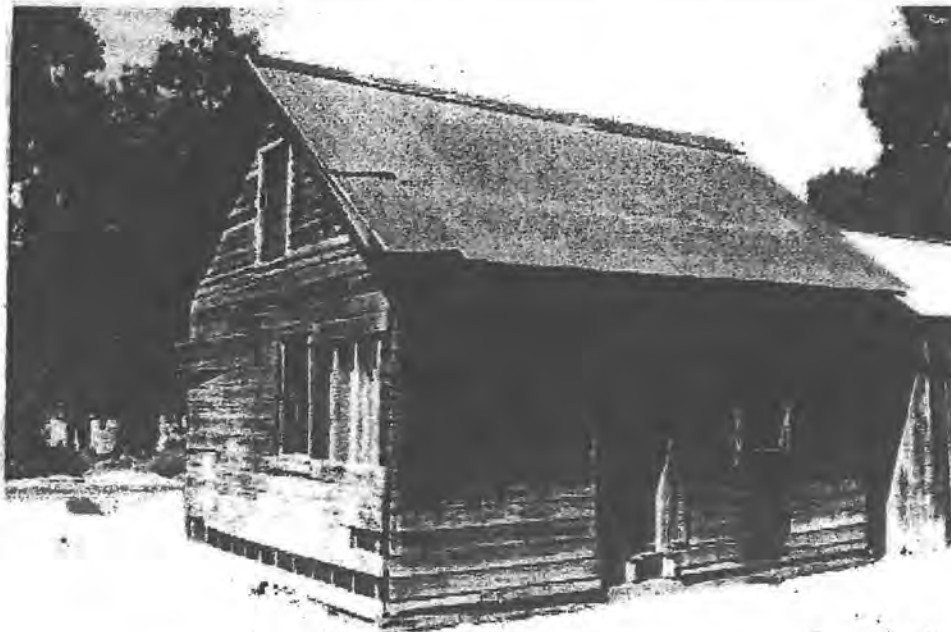
State of California -- The Resources Act Primary # -----
DEPARTMENT OF PARKS AND RECREATION HRI # -----
CONTINUATION SHEET Trinomial -----

Page 17 of 27 *Resource Name or (Assigned by recorder) Keller Ranch House

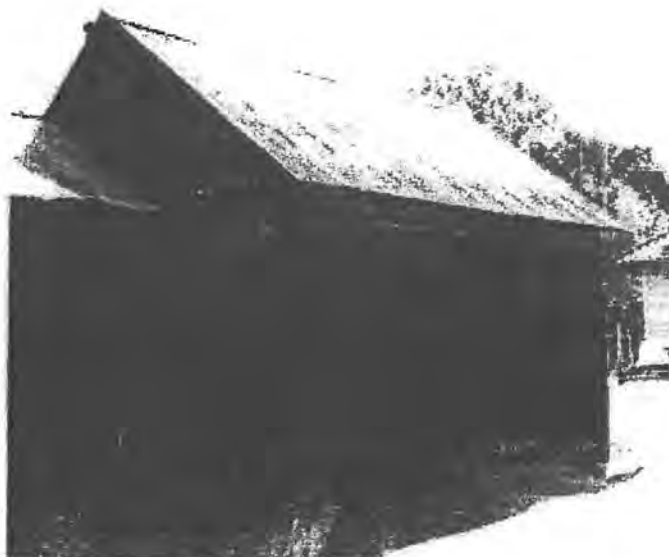
Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



South & east facades (originally west & south facades),
facing west, 2001



North & west facades
(originally east &
north facades), facing
east, 2001

d.

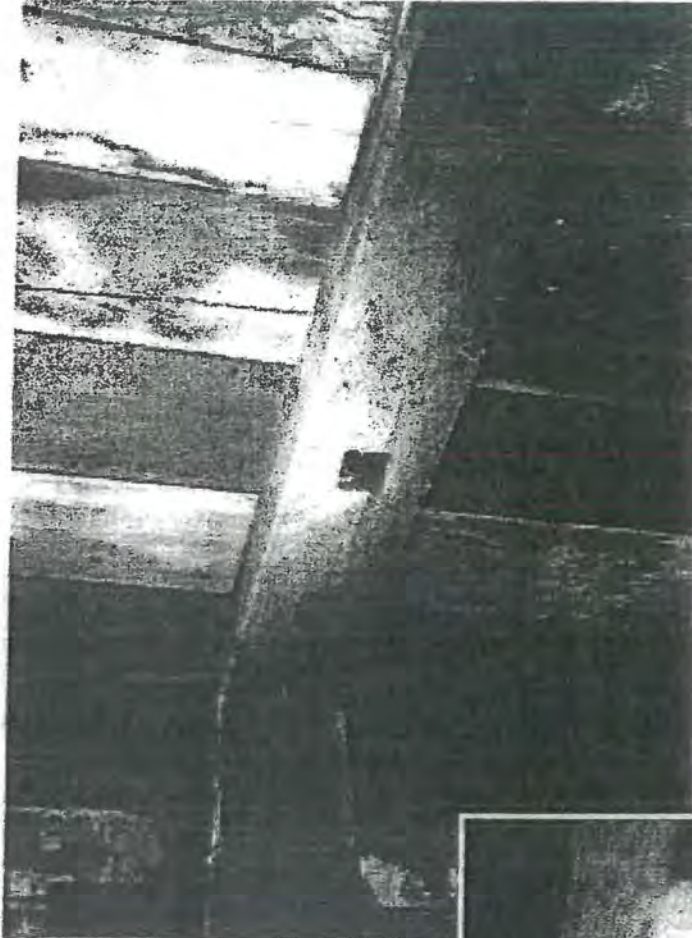
State of California -- The Resources Act Primary # -----
DEPARTMENT OF PARKS AND RECREATION HRI # -----
CONTINUATION SHEET Trnomial: -----

Page 18 of 27 *Resource Name or(Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



Detail of mortise & tenon construction at wall interior framing (left), 2001



Detail of mortise & tenon construction at sill beam (below), 2001

d.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary #

HRI #

Page 19 of 27

*NRHP Status Code 4M

*Resource Name or # (Assigned by recorder) Keller Ranch House

B1. Historic Name: _____
B2. Common Name: Storage shed
B3. Original Use: Storage
B4. Present Use: vacant
*B5. Architectural Style: Rustic agricultural vernacular
*B6. Construction History: (Construction date, alterations, and date of alterations)
Probably built between 1912 and 1920 during the period of ranch development. These dates confirmed by the framing materials and weathered appearance. Moved in 1988 to avoid demolition.
*B7. Moved? No Yes Unknown Date: 1988 Original Location: nearby
(50-60 yards east/northeast, facing south)
*B8. Related Features:
None

B9a. Architect: Unknown

b. Builder: Unknown

*B10. Significance: Theme Cattle Ranching Area: Clayton, California

Period of Significance: 1910-1954

Property Type: Cattle Ranch

Applicable Criteria: 1

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The Storage Shed is a small, rectangular, single-story wood frame structure with a corrugated metal, low sloping gable roof and vertical board siding. There is a door on the east facade made of the same material as the siding and small window openings on each of the north and west facades. The interior reveals exposed wood wall and roof framing. The Storage Shed is significant under Criterion 1 for its association with the Keller Ranch as a support structure necessary to the success of the ranch operation that "made a significant contribution to the broad patterns of local or regional history..." Although the original six-over-six windows are missing, the overall integrity of the building design is good and the retention of historic fabric is fair.

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

WPM Inc., Environmental Impact Report for the Oakhurst Project, September 1986.

B13. Remarks:

Sketch Map with north arrow required.

*B14. Evaluator:

Thomas Saxby

*Date of Evaluation: August 2001

(This space reserved for official comments)

Refer to Keller House
Sketch Map, Continuation
Sheet No. 15

d.

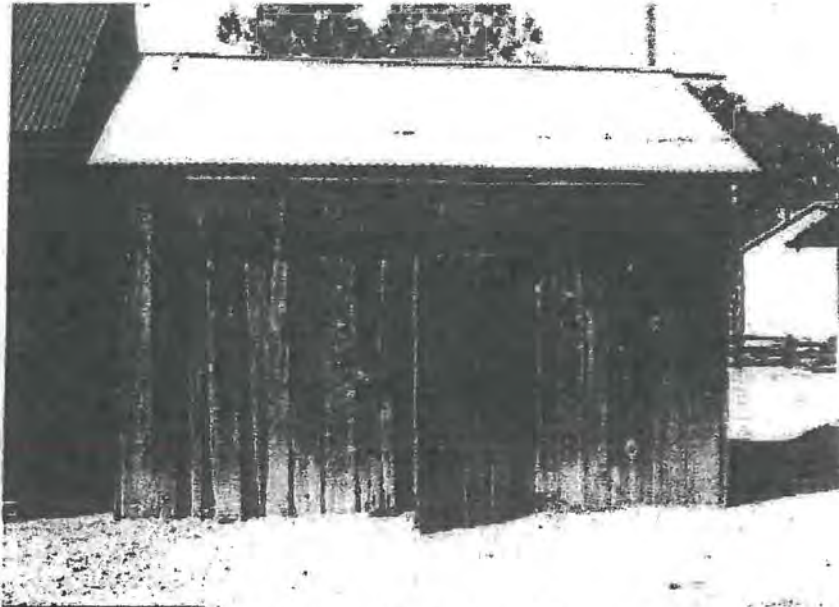
State of California -- The Resources Agency Primary # -----
DEPARTMENT OF PARKS AND RECREATION HRI # -----
CONTINUATION SHEET Trnomial -----

Page 20 of 27 *Resource Name or(Assigned by recorder) Keller Ranch House

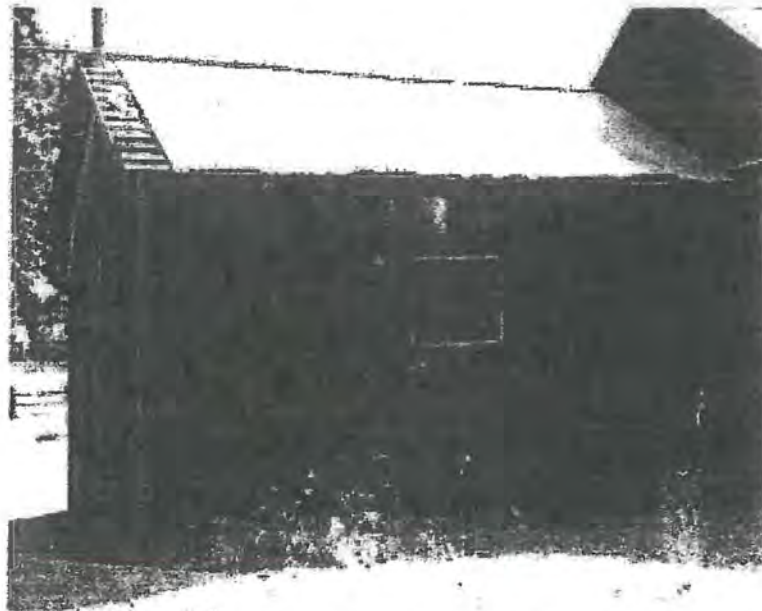
Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



West facade (originally south facade), facing east, 2001



East facade (originally north facade), facing
west, 2001

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State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary #

HRI #

Page 21 of 27

*NRHP Status Code 4M

*Resource Name or # (Assigned by recorder) Keller Ranch House

B1. Historic Name: _____
B2. Common Name: Garage
B3. Original Use: Garage
B4. Present Use: Vacant
*B5. Architectural Style: Rustic vernacular with Craftsman influence
*B6. Construction History: (Construction date, alterations, and date of alterations)

Probably built between 1912 and 1920 during the ranch development period. Moved in 1988 to avoid demolition. Attached storage shed at east side and concrete slab floor were demolished in 1988.

*B7. Moved? No Yes Unknown Date: 1988
(10-15 yards east/northeast, facing south)

Original Location: Nearby

*B8. Related Features:
None

B9a. Architect: Unknown

b. Builder: Unknown

*B10. Significance: Theme Cattle Ranching

Area: Clayton, California

Period of Significance: 1910-1954

Property Type: Cattel

Applicable Criteria: 1

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address

The Garage is a small, single-story, wood frame building with a low-pitch hip roof of corrugated metal. The eaves are an open widely overhanging style with exposed rafters characteristic of the Craftsman style. The exterior is vertical board siding. There are remnants of a single two-over-two double-hung window on each facade except for the front (south) facade, where there are rolling door tracks above the garage opening. There is also evidence of an attached shed, now missing, which appears to have been added feature after the garage was constructed. The interior reveals exposed wood wall and roof framing. The Garage is significant under Criterion 1 for its association with the Keller Ranch as a support structure necessary to the success of the ranch operation that "made a significant contribution to the broad patterns of local or regional history..." Although the window sash, garage doors and concrete floor are missing, the overall integrity of the building design is good and the retention of historic fabric is fair.

B11. Additional Resource Attributes: (List attributes and codes)

*B12. References:

WPM Inc., Environmental Impact Report for the Oakhurst Project, September 1986

B13. Remarks:

Sketch Map with north arrow required.

*B14. Evaluator:

Thomas Saxby

*Date of Evaluation: August 2001

(This space reserved for official comments)

Refer to Keller House
Sketch Map, Continuation
Sheet No. 15

d.

State of California -- The Resources Act Primary # -----
DEPARTMENT OF PARKS AND RECREATION HRI # -----
CONTINUATION SHEET Trnomial -----

Page 22 of 27 *Resource Name or(Assigned by recorder) Keller Ranch House

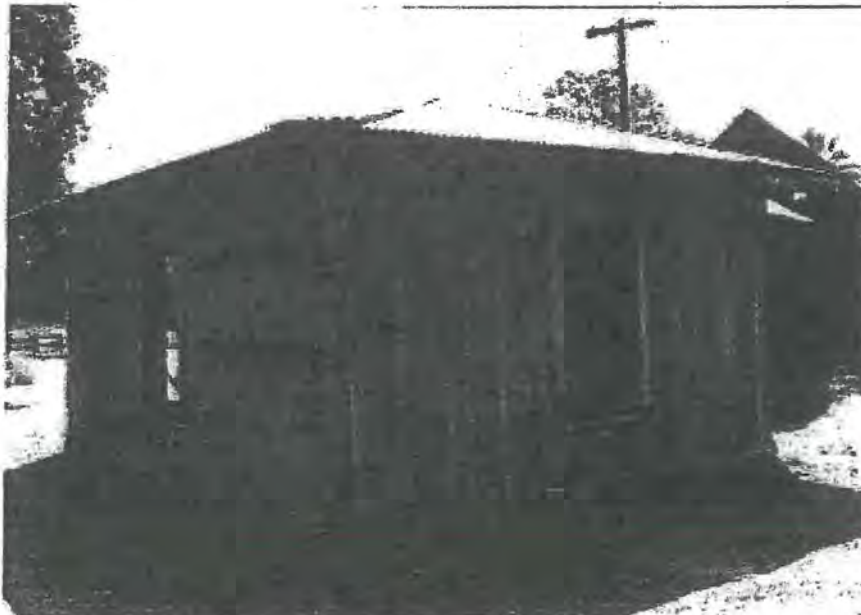
Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



South & west facades (originally west & south facades), facing west, 2001



North & east facades (originally east & north facades), facing southeast, 2001

d.

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____

HRI # _____

Page 23 of 27

*NRHP Status Code 4M

*Resource Name or # (Assigned by recorder) Keller Ranch House

B1. Historic Name: _____
B2. Common Name: Keller Bridge
B3. Original Use: Bridge
B4. Present Use: Bridge
*B5. Architectural Style: Concrete single-span arch
*B6. Construction History: (Construction date, alterations, and date of alterations)
(SEE CONTINUATION SHEET NO. 22)

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features:
None

B9a. Architect: Unknown b. Builder: Unknown

*B10. Significance: Theme Cattle Ranching Area: Clayton, California

Period of Significance: 1910-1954 Cattle
Property Type: Ranch Applicable Criteria: 1, 3
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The Keller Bridge is good example of a closed-spandrel concrete arch bridge and is representative of the earliest type of concrete bridge built in California. Spanning 22 feet over Mt. Diablo Creek, the bridge was built in 1916 to handle heavier cattle-trucks required by Keller's expanding ranch operation. An inscription in the concrete at the top of the southeast abutment reads "H. DeMartini Oct. 1916" verifies the construction date, but it is not known whether or not H. DeMartini was involved in the bridge design or construction. Henry DeMartini was the eldest son of Paul DeMartini, the owner of the DeMartini Winery (listed on the National Register) located across the creek from the Keller ranch. Henry worked as an interpreter in San Francisco and was a co-owner of
(SEE CONTINUATION SHEET NO. 24)

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:
(SEE CONTINUATION PAGE 25)

B13. Remarks:

*B14. Evaluator:
Thomas Saxby

*Date of Evaluation: August 2001
(This space reserved for official comments)

Sketch Map with north arrow required.

Refer to Keller House
Sketch Map, Continuation
Sheet No. 15.

d.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary# _____
HRI# _____
Tnomial _____

Page 24 of 27 *Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

B6. CONSTRUCTION HISTORY

The Keller Bridge was built in 1916 as noted in 1976 interview with Iola Christy (4) and as inscribed in concrete abutment. It replaced an old wooden bridge nearby that was removed after the concrete bridge was completed. There is no evidence of alterations other than the decorative cap elements are missing from the concrete posts.

B10. SIGNIFICANCE (Continued)

the DeMartini property along with his wife Elina. (1)

The Keller Bridge is an earth-filled structure, 18 feet in width, and is currently covered with an asphalt surface. Above the spandrel are three low concrete posts on each side of the deck with a single metal pipe rail spanning between them. The posts are decorated with multi-colored fieldstones at the corners and top edges and are reminiscent of the stonework found at the Keller Ranch House. Each post contains a well that was once capped with an archeological artifact or a decorative stone, as shown in a ca. 1930's photograph, and has a drainpipe near its base. There are concrete abutments at each side of the bridge to hold back the steeply sloping creek banks.

The Keller Bridge is significant under Criterion 1 for its association with the Keller Ranch as a support structure necessary to the success of the ranch operation that "made a significant contribution to the broad patterns of local or regional history..." The need for a more substantial bridge to handle the heavy cattle trucks coming to the ranch signifies the growing success of Keller's ranch and the accompanying wealth of the estate. Between 1914 and 1930, Keller's ranch property holding grew from his original home ranch of approximately 1,200 acres to three large ranches totaling over 4,000 acres (5) and he was regarded as one of the most prominent cattlemen in the county (6) during the Clayton's historic period when the area was supported by the cattle industry and farming.

The Keller Bridge is a rare example of an early, privately funded, reinforced concrete bridge in California and is significant under Criterion 3 as embodying "the distinctive characteristics of a type, period, region or method, of construction..." In the mid-1800, demand for bridges in the rural areas was great but the bridges were usually built in a haphazard manner based on resources and skills of the pioneers. By the late-1800's, counties began to publicly fund bridge design and construction, which created a need for more dependable bridge construction, usually resulting in metal truss bridges similar to those built for the railroads. After 1900, the design of metal truss bridges began to decline and the building of concrete bridges became more prominent. With the local availability of high quality, inexpensive concrete, and the perception that concrete was a more permanent material, concrete bridges began to proliferate throughout California. (3) These concrete bridges were usually built as part of the expanding state highway system, and were less commonly associated with privately funded projects due to the high cost of construction. The earliest type of concrete bridge design was the closed spandrel concrete arch bridge as built at the Keller ranch. No records were uncovered that revealed the bridge designer or builder, but the structure remains today as an excellent example of a concrete bridge from this early period in concrete bridge design and a rare example of a privately funded concrete bridge in California.

(SEE CONTINUATION SHEET NO. 25)

d.

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Tmomial _____

Page 25 of 27 *Resource Name or # (Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update

B10. SIGNIFICANCE (Continued)

Today, the Keller Bridge is still in use as the primary access to the Keller Ranch House. With only the decorative artifacts or stones are missing from the top of the railing posts, the bridge retains a high degree of design integrity and historic fabric from the period of significance and is an important contributing structure to Keller Ranch House complex.

B12. REFERENCES

- (1) Historical records and genealogy, Paul DeMartini, Clayton Historical Museum.
- (2) Clayton Heritage Preservation Task Force Report, September 1994.
- (3) California Department of Transportation, "Historic Highway Bridges of California", 1990.
- (4) Historical Information about Joel Clayton's House from an interview with Iola Christy, March 1976, Clayton Historical Museum.
- (5) Official Maps of Contra Costa County, California, T-85 (1914) and T-05-2 (1930).
- (6) History of Contra Costa County, by Mae Fisher Purcell, page 211, The Gillick Press, Berkeley, California, December 1940.

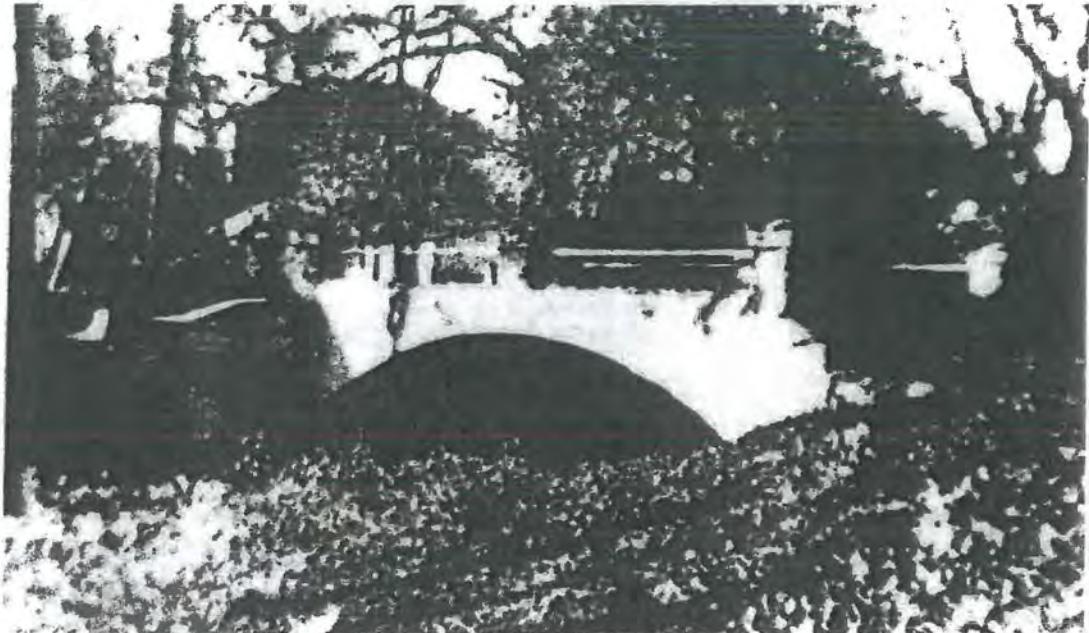
State of California -- The Resources Agency Primary # -----
DEPARTMENT OF PARKS AND RECREATION HRI # -----
CONTINUATION SHEET Trnomial -----

Page 26 of 27 *Resource Name or(Assigned by recorder) Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

☒ Continuation ☐ Update



Keller Bridge, facing southwest, ca. 1930's (DeMartini Winery in background)



Keller Bridge, facing southeast, 2001

d.

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Tnomial _____

Page 27 of 27

*Resource Name or # (Assigned by recorder)

Keller Ranch House

Recorded by: Thomas Saxby

Date: August 2001

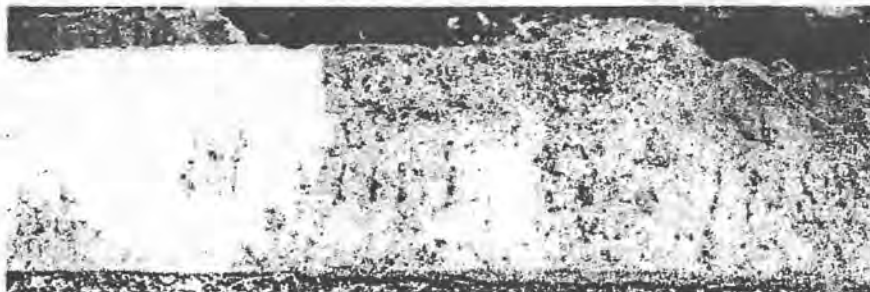
☒ Continuation ☐ Update



Keller Bridge with concrete abutment in foreground,
facing north, 2001



Detail of typical post on
Keller Bridge with metal
railing at both sides.
Decorative element at cap is
missing, facing south, 2001



Inscription "H. DeMartini Oct. 1916" in southeast concrete
abutment, facing north, 2001

d.

1 TINNING & DeLAP
2 924 Main Street
3 Martinez, California
4 Attorneys for Executrix

(ENDORSED)
FILED IN THE OFFICE OF THE COUNTY
CLERK OF THE COUNTY OF CONTRA
COSTA, STATE OF CALIFORNIA, THIS
17th DAY OF JUNE
1942
S.C. WELLS, COUNTY CLERK
L. R. GEYER
DEPUTY CLERK

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF CONTRA COSTA

10 In the Matter of the Estate

11 of

No. 10,551

12 C. H. KELLER, also known as
13 CHARLES HARRY KELLER, and
14 HARRY KELLER,

15 Deceased.

16
17
18 DECREE SETTTLING FIRST AND FINAL
19 ACCOUNT AND OF FINAL DISTRIBUTION

20 ELODIA J. KELLER, as executrix of the estate of C. H.
21 Keller, also known as Charles Harry Keller, and Harry Keller,
22 deceased, and as executrix of the will of the said C. H. Keller,
23 deceased, having on the 3rd day of June, 1942, filed her first
24 and final account and report of her administration of the estate
25 of said deceased, and petition for final distribution of said
26 estate to the parties entitled thereto, and the hearing of said
27 petition having been duly and regularly set for Monday, the 15th
28 day of June, 1942, at the hour of 10:00 o'clock a.m. of said day
29 before this court, and the hearing thereon having been duly and
30 regularly continued to the 17th day of June, 1942, and said
31 account and report and petition for settlement thereof, and
32 said petition for final distribution having come on regularly

1 for hearing this 17th day of June, 1942, due proof having been
2 made to the satisfaction of the court that due notice of the
3 time and place fixed for the hearing of said account and report
4 and said petition for settlement thereof, and said petition for
5 final distribution, has been duly and regularly given in all
6 respects in the manner and for the time required by law, the
7 court now finds as a fact that due notice of the time and place
8 fixed for the hearing of said first and final account and report
9 and petition for settlement thereof, and of said petition for
10 final distribution has been duly given in all respects in the
11 manner and form and for the time required by law, and it appear-
12 ing to the satisfaction of the court that said first and final
13 account and report is in all respects true and correct, and sup-
14 ported by proper vouchers, and that all moneys received by said
15 executrix have been duly accounted for, and all the disbursements
16 by said executrix were duly made for and on behalf of the estate
17 of said deceased;

18 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
19 DECREED:

20 1. That said first and final account be and the same
21 is hereby settled, allowed and approved as presented and filed.

22 2. That the statutory executrix's commissions, in the
23 sum of Two Thousand Seven Hundred Ninety-seven and 11/100 Dollars
24 (\$2,797.11), as specified in said first and final account, are
25 hereby allowed to the said executrix as specified in said first
26 and final account.

27 3. That the statutory attorneys' fees paid by the ex-
28 ecutrix to Tinning & DeLap, as attorneys for said executrix in
29 the matter of the said estate, in the sum of Two Thousand Seven
30 Hundred Ninety-seven and 11/100 Dollars (\$2,797.11), be and the
31 same are hereby allowed and approved as specified in said first
32 and final account.

1 4. That extraordinary legal services were necessary
2 for and on behalf of the said estate, and were performed by said
3 attorneys for said executrix, in the administration of the estate
4 of said deceased, in connection with sales of personal and real
5 property of the estate, in the settlement of complicated partner-
6 ship accounts, and in the preparation and presentation of compli-
7 cated estate and inheritance tax proceedings, and that the reason-
8 able value of said extraordinary services performed by Tinning &
9 DeLap, attorneys for the said executrix in said estate, is the
10 sum of Seven Hundred Two and 89/100 Dollars (\$702.89), and that
11 said sum is hereby allowed to the said attorneys for their said
12 extraordinary services rendered for the said executrix in the
13 matter of the said estate, and the said executrix is hereby order-
14 ed to pay the said sum to her said attorneys as extraordinary
15 attorneys' fees, and the same are hereby allowed and approved, as
16 specified in said first and final account.

17 5. It further appearing that the executrix duly caused
18 notice to the creditors of the estate of said deceased to present
19 their claims against the said deceased, and against the estate of
20 said deceased, to be published in the Concord Transcript, a news-
21 paper of general circulation printed and published in the County
22 of Contra Costa, State of California, which said notice was in
23 the form and was published in the manner and for the period pres-
24 cribed by law, and that on February 20, 1941, and within thirty
25 (30) days after the last publication of said notice to creditors,
26 said executrix caused to be filed herein an affidavit showing due
27 publication of said notice to creditors in the manner and form
28 prescribed by law; that more than six (6) months have elapsed
29 since the appointment of the said executrix herein, and since the
30 first publication of notice to creditors herein, and that the
31 time for presenting claims against the estate of said deceased
32 has expired.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that due and
2 legal notice to the creditors of the estate of said deceased to
3 present their claims against the said deceased, and against the
4 estate of said deceased, has been duly and regularly given and
5 published by the executrix of the estate of said deceased, in the
6 manner and form and for the period prescribed by law, and that
7 the time for presenting claims of creditors against the estate
8 of said deceased has expired.

9 6. It further appearing to the court that no claims
10 were filed against the said estate, and that all of the debts of
11 said deceased, and all of the debts of the estate of said de-
12 ceased, and all of the expenses of administration thereof,
13 funeral expenses, and expenses of the last illness of decedent,
14 have been fully paid, satisfied, and discharged, and all taxes
15 levied upon or assessed against the personal property of said es-
16 tate, have been fully paid, satisfied and discharged, and that
17 all inheritance tax payable to the State of California on the es-
18 tate of said deceased, and upon all of the shares and interests
19 bequeathed and devised to the legatees and devisees under the will
20 of decedent therein, and all personal income taxes due from the
21 decedent during his lifetime, and due from the estate of said de-
22 ceased under the Personal Income Tax Act of 1935, as amended, to
23 the State of California, have been paid, and that the Federal
24 estate tax due the United States Government from the estate of
25 said deceased has been paid by said executrix, as well as all
26 income tax found due and payable to the United States, and that
27 all of the devisees and legatees under the will of the decedent,
28 and all persons to whom any share or interest in the said estate
29 will be distributed, are residents of the State of California,
30 and that the said estate is now ready for distribution, and in
31 condition to be closed.

32 7. It further appearing that all of the sales of per

1 sohal property belonging to the estate of said deceased which
2 were made by the executrix during the course of her administration
3 of said estate, were sales of personal property which would de-
4 preciate in value if not disposed of, and would cause loss to the
5 estate by reason of said depreciation if the same were kept, and
6 that the prices obtained therefor were the best prices obtainable
7 therefor, and that all of said sales were made for the full market
8 value of the property sold, and that each of said sales was for
9 the benefit of said estate and those interested therein.

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that each
11 and all of the sales of personal property reported in said first
12 and final account be, and each of them is hereby approved.

13 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that
14 said deceased died on the 21st day of December, 1940, a resident
15 of the County of Contra Costa, State of California, and left a
16 will dated the 17th day of March, 1937, which has heretofore been
17 admitted to probate herein as the last will of said decedent.
18 That said decedent left surviving him as his sole heir at law and
19 next of kin his surviving widow, Elodia J. Keller, aged over
20 twenty-one (21) years, and residing at Clayton, Contra Costa
21 County, California, and that decedent died without issued.

22 8. And it further appearing to the court that the said
23 Elodia J. Keller, surviving widow of said decedent, has elected
24 to take under the will of decedent, and to have distributed to
25 her the property and estate devised and bequeathed to her under
26 the will of said decedent, and that she does not elect to take her
27 share of the community estate of the decedent and herself, and
28 consents to the distribution of the estate of said decedent in ac-
29 cordance with the terms of decedent's said will, and that she is
30 entitled to have distributed to her, under the terms of the will
31 of decedent, all of the personal property belonging to said
32 estate.

1 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
2 that all of the following described personal property belonging
3 to the estate of said decedent, to-wit:
4 Cash, \$5,645.46.
5
6 10 shares of capital stock of Bank of Martinez, evidenced by
7 certificate No. 324 for 10 shares, standing in the name of
8 C. H. Keller.
9
10 10 shares of capital stock of Mount Diablo Telephone Company,
11 evidenced by Certificate No. 38, standing in the name of C. H.
12 Keller.
13
14 Promissory note executed September 22, 1938, by Joseph Chaves,
15 Jr., and Dorothy H. Chaves, his wife, to C. H. Keller, for
16 \$6,000.00, with interest at the rate of 6% per annum, payable
17 semi-annually, secured by a deed of trust of same date, re-
18 corded September 24, 1938, in Volume 490 of Official Records,
19 at page 67, Contra Costa County Recorder's office.
20
21 Promissory note and mortgage for \$1,000.00 executed June 26,
22 1937, by G. J. Foskett to C. H. Keller, interest at the rate
23 of 6% per annum, payable December 26th and June 26th; mortg-
24 on undivided one-sixteenth (1/16) interest in real property
25 Concord, California, recorded July 2, 1937, in Volume 280 of
26 Official Records, page 495, Contra Costa County Recorder's
27 Office.
28
29 Promissory note for \$15,000.00, dated September 12, 1937,
30 executed by Grayson-Owen Packing Co., to C. H. Keller,
31 payable thirty (30) days after date, with interest at the
32 rate of 6% per annum, payable monthly.
33
34 Promissory note for \$400.00, executed January 11, 1939, by
35 Donald G. Whitman and Rose S. Whitman to C. H. Keller, with
36 interest at 6% per annum, payable annually.
37
38 Promissory note dated March 27, 1941, for \$150.00, executed
39 by Joe B. Galvin and Rose C. Galvin to Elodia J. Keller,
40 executrix of the estate of C. H. Keller, deceased, with
41 interest at 6% per annum, from July 1, 1940, payable annually.
42 Principal payable one day after date.
43
44 Promissory note for \$177.00, executed by W. W. Foskett August
45 28, 1939, to C. H. Keller, interest rate blank. Payable one
46 day after date.
47
48 Promissory note for \$219.00, dated October 24, 1933, executed
49 by V. C. Azevedo to C. H. Keller, with interest at the rate
50 of 8% per annum, payable quarterly.

- 1 One (1) 1938 Chevrolet pickup.
- 2 One (1) old 20 H.P. caterpillar tractor.
- 3
- 4 One (1) plow.
- 5 One (1) harrow.
- 6
- 7 One (1) team of work horses.
- 8 One (1) span of colts (2).
- 9
- 10 Five (5) saddle horses.
- 11 One (1) 2 Yr. old colt.
- 12
- 13 One (1) Yearling colt.
- 14

15 together with any and all other personal property belonging to
16 the estate of said decedent not herein particularly described,
17 and any and all other personal property belonging to the estate
18 of said decedent which is not now known and not herein described,
19 which may hereafter be discovered, be and the same is hereby dis-
20 tributed to the said Elodia J. Keller, surviving widow of said
21 decedent.

22 9. And it further appearing to the court that under
23 the terms of the will of decedent, Walter G. Keller, brother of
24 decedent, who is now living, is entitled to have distributed to
25 him the hereinafter described real property for the term of his
26 natural life;

27 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
28 that all of the following described real property, and the rents,
29 issues and profits thereof, named in the will of said decedent as
30 the Marsh Creek Ranch, be and the same is hereby distributed to
31 Walter G. Keller, brother of decedent, for the term of his natural
32 life, which said real property, and the rents, issues and profits

1 thereof, which is hereby distributed to the said Walter G. Keller
2 for the term of his natural life, is more particularly described
3 as follows, to-wit:

4 (A) All that certain piece or parcel of land situate
5 in the County of Contra Costa, State of California, and more
particularly described as follows, to-wit:

6 Beginning at the corner of Sections 20, 21, 28 and 29,
7 T. 1 N., R. 1 E., M.D.M. situated on the northeasterly slope
8 of hill from said corner a blazed white oak tree 10 inches in
9 diameter bears S. 71 $\frac{3}{4}$ ° E., 40 links distant, a blazed white
10 oak tree 4 inches in diameter and marked "B T" bears N. 10 $\frac{1}{2}$ °
11 W., 40 links distant (The witness trees above referred to are
12 the same as referred to in R. Thompson's U. S. Deputy's field
13 notes; thence running along the line between Sections 20 and
14 21 North 59 chains to station, rock monument near the summit
15 of hill covered with dense sage brush and chaparral; thence
16 N. 89° W., descending 40.30 chains to station marked by a fence
17 post at angle in fence; thence S. 0° 40' E., 48.25 chains to
18 station in the center of County Road known as Marsh Creek and
19 Clayton Road; thence running along the center of said Road as
follows:- S. 42° E., 3.41 chains to station; S. 70 $\frac{1}{2}$ ° E., 2.50
chains to station; S. 81 $\frac{1}{2}$ ° E., 3.11 chains to station; N. 88 $\frac{1}{2}$ °
E., 6.81 chains to station; S. 71° E. 2.08 chains to station;
S. 47 $\frac{1}{2}$ ° E. 5.26 chains to station; S. 61 $\frac{3}{4}$ ° E., 4.00 chain-
to station; S. 49 $\frac{1}{2}$ ° E., 2.40 chains to station; in the South-
ly line of Section 20, and also center line of said road, T. -
N., R. 1 E., M.D.M.; thence running along the southerly line
of said Section 20 N. 89 $\frac{1}{2}$ ° E., 14.40 chains into place of
beginning, containing an area of 221.50 acres of land, more or
less, and being a portion of the S. E. $\frac{1}{4}$ of said Section 20
and the South $\frac{1}{2}$ of the N.E. $\frac{1}{4}$ of said Section 20, T. 1 N.,
R. 1 E., M. D. M.

20 Being the same land conveyed to Charles H. Keller by
21 deed from Manuel P. Cardoza and Mary S. Cardoza, his wife,
dated January 6, 1916, and recorded January 7, 1916, in Volume
259 of Deeds, at page 268, records of Contra Costa County.

22 EXCEPTING THEREFROM:

23 1- The right of way conveyed in the deed from Manuel P.
24 Cardoza, et ux, to Valley Pipe Line Company, dated November 23,
1914, and recorded May 20, 1915, in Volume 243 of Deeds at
page 253.

25 2- The right of way conveyed in the deed from Manuel P.
26 Cardoza, et ux, to Valley Pipe Line Company, dated November 23,
1914, and recorded May 20, 1915, in Volume 243 of Deeds, at
page 255.

27 3- The right of way conveyed in the deed from C. H.
28 Keller, et ux, to Contra Costa County, dated _____, 1921,
29 and recorded May 6, 1921, in Volume 392 of Deeds, at page 357.

30 4- The right of way conveyed in the deed from Charles
31 H. Keller to Pacific Gas and Electric Company, dated January
26, 1937, and recorded February 13, 1937, in Volume 432 of
32 Official Records, at page 232.

1 5- The right of way conveyed in the deed from Charles
2 H. Keller, et ux, to Contra Costa County, dated August 12,
3 1938, and recorded December 8, 1938, in Volume 472 of Official
4 Records, at page 359.

5 (B) All that certain piece or parcel of land situate
6 in the County of Contra Costa, State of California, and more
7 particularly described as follows, to-wit:

8 All that portion of the Southwest quarter of Section
9 Twenty (20) in T. 1 N., R. 1 E., M.D.M., bounded and described
10 as follows, to-wit: Bounded on the Southwest by the County
11 road leading from Clayton to Marsh Creek; bounded on the East
12 by the dividing line between the Southwest quarter and south-
13 east quarter of Section Twenty (20) aforesaid, and on the
14 north and west by a fence extending from said dividing line
15 between the southeast quarter and southwest quarter of Section
16 Twenty (20) southwesterly to the said County road and embrac-
17 ing about two (2) acres of land.

18 Being the same land conveyed to C. H. Keller by Manuel
19 P. Cardoza by deed dated September 29, 1916, and recorded
20 September 29, 1916, in Volume 272 of Deeds, at page 424,
21 Records of Contra Costa County.

22 (C) All that certain piece or parcel of land situate
23 in the County of Contra Costa, State of California, and more
24 particularly described as follows, to-wit:

25 The East one-half ($\frac{1}{2}$) of the Northwest quarter, and the
26 Northwest quarter of the Northwest quarter, and the Northeast
27 quarter; the Northwest quarter ($\frac{1}{4}$) of the Southeast quarter
28 and the Northeast one-quarter ($\frac{1}{4}$) of the Southeast quarter,
29 and the Northeast quarter ($\frac{1}{4}$) of the Southwest quarter of
30 Section 28, Township 1 North of Range 1 East, Mount Diablo
31 Meridian, containing 400 acres, more or less.

32 Also the West one-half ($\frac{1}{2}$) of the Southwest quarter of
Section 22, Township 1 North of Range 1 East, Mount Diablo
Meridian, containing 80 acres, more or less.

Being the same land conveyed to Charles H. Keller by
John A. Condie and Jean Cereghino, by deed dated January 14,
1913, and recorded January 14, 1913, in Volume 198 of Deeds,
at page 4, Records of Contra Costa County, California.

EXCEPTING THEREFROM the Southwest quarter ($\frac{1}{4}$) of the
Southeast quarter ($\frac{1}{4}$) of Section 28, T. 1 N., R. 1 E., M. D.
B. & M., containing 40 acres of land, more or less.

(D) All that certain piece or parcel of land situate
in the County of Contra Costa, State of California, and more
particularly described as follows, to-wit:

The West half of the Northwest quarter of Section
Twenty-two (22), in Township One (1) North, Range One (1) East,
Mt. Diablo Base and Meridian, containing 80 acres, more or
less.

1 Being the same land conveyed to C. H. Keller by Charles
2 Rhine, by deed dated October 11, 1920, and recorded November
3 24, 1920, in Volume 370 of Deeds, at page 355, Records of
4 Contra Costa County, California.

5 (E) All those certain pieces or parcels of land situ-
6 ate in the County of Contra Costa, State of California, and
7 more particularly described as follows, to-wit:

8 FIRST: BEGINNING at the Northeast corner of the South-
9 west 1/4 of the Northwest 1/4 of Section 28, Township 1 North,
10 Range 1 East, M.D.B.M., thence South 0° 06' East Ten Hundred
11 and thirty-six and 60/100 (1036.60) feet to the center of the
12 County Road leading from Clayton to Byron, thence along the
13 center of said County Road the following curve to the left;
14 Angle 7° 56' radius Nine Hundred Fifty-five (955) feet tangent
15 North 40° 47' West a distance of One Hundred Thirty-two and
16 63/100 (132.63) feet; thence North 48° 44' West three Hundred
17 and Eighteen and 93/100 (318.93) feet; thence along curve to
18 the right, angle 25° 20', radius Eight Hundred Eighteen and
19 57/100 (818.57) feet, a distance of three hundred Sixty-one
20 and 90/100 (361.90) feet; thence North 23° 24' West Ninety-six
21 and 75/100 (96.75) feet; thence along curve to the left, angle
22 32° 32', radius Four Hundred Seventy-seven and 50/100 (477.50)
23 feet, a distance of Two Hundred Seventy-one and 11/100 (271.11)
24 feet; thence North 55° 56' West Two Hundred Sixty-six and 17/100
25 (266.17) feet; thence leaving road South 89° 54' East Nine
26 Hundred Seventy-two and 10/100 (972.10) feet, to place of
27 beginning.

28 Containing an area of Eleven and 30/100 (11.30) acres,
29 more or less, and being the Northeasterly portion of the
30 Southwest 1/4 of the Northwest 1/4 of Section 28, Township 1
31 North, Range 1 East, M. D. B. & M.

32 SECOND: BEGINNING at the common corner of Section 20,
33 21, 28, and 29, Township 1 North, Range 1 East, M.D.B.M.,
34 thence South 0° 05' West Seven Hundred Fifty-eight and 52/100
35 (758.52) feet to the center of the County Road leading from
36 Clayton to Byron; thence along the center of said road North
37 66° 48' West Two Hundred Eighty-seven and 68/100 (287.68) feet;
38 thence along curve to right, angle 35° 05', radius Nine Hundred
39 Fifty-five (955) feet, a distance of Five Hundred Eighty-four
40 and 72/100 (584.72) feet; thence North 31° 43' West One Hundred
41 Seventy-nine and 62/100 (179.62) feet; thence on curve to left,
42 angle 9° 01', radius Nine Hundred Fifty-five (955) feet, a
43 distance of One Hundred Fifty and 53/100 (150.53) feet; thence
44 leaving road South 89° 42' East Eight Hundred Eighty-four and
45 95/100 (884.95) feet to the place of beginning.

46 Containing Nine and 81/100 (9.81) acres, more or less,
47 and being a portion of the Northeast 1/4 of the Northeast 1/4
48 of Section 29, Township 1 North, Range 1 East, M.D.B.M.

49 Being the same lands conveyed to C. H. Keller by Edward
50 A. Howard and Daisy B. Howard, his wife, by deed dated November
51 24, 1920, and recorded November 30, 1920, in Volume 368 of
52 Deeds, at page 476, Records of Contra Costa County, California.

53 (F) All that certain piece or parcel of land situate in

the County of Contra Costa, State of California, and more particularly described as follows, to-wit:

The West 1/2 of Section 21, Township 1 North, Range 1 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM: "All oil, gas and mineral existing on said premises with right-of-way and other easements necessary to the commercial exploitation of any or all said oil, gas, or minerals, it being understood, however, that the said grantee, his heirs, executors, administrators and assigns are to be reimbursed for actual damages suffered through operations, and it being further understood that said reservation shall last only for a period of twenty years from the date hereof, except that grantors, their successors and assigns, shall have the privilege of working to exhaustion any mine or well which is being worked at the termination of said period", as provided for in the deed from the Executors of the Estate of Mary Ives Crocker, Deceased, to Charles H. Keller, dated October 18, 1935, and recorded February 10, 1936, (File No. 1553).

Being the same land conveyed to Charles H. Keller by deed from William L. McLaine and C. H. Lamberton, as Executors of the Last Will and Testament of Mary Ives Crocker, deceased, dated October 18, 1935, and recorded February 10, 1936, in Volume 402, page 298, Official Records of Contra Costa County.

(G) All that certain piece or parcel of land situate in the County of Contra Costa, State of California, and more particularly described as follows, to-wit:

East half (E $\frac{1}{2}$) of Section Twenty-one (21), Township One (1) North, Range One (1) East, Mount Diablo Base and Meridian, containing three hundred and twenty acres (320), more or less.

Being the same land conveyed to Charles H. Keller by Kate Dillon Winship and Emory Winship, her husband, by deed dated October 15, 1920, and recorded October 25, 1920, in Volume 369 of Deeds, at page 309, Records of Contra Costa County.

EXCEPTING THEREFROM the following described right of way and easement conveyed to Shell Oil Company Incorporated by deed dated December 22, 1941, by Elodia J. Keller, executrix of the estate of C. H. Keller, also known as Charles Harry Keller, and Harry Keller, deceased, and recorded on the 5th day of January, 1942, in the office of the County Recorder of Contra Costa County, State of California, in Volume 654, of Official Records, at page 285, thereof, to-wit:

A right of way and easement to lay, erect, construct, maintain, operate, repair, renew, change the size of and remove two (2) pipe lines, together with the connections, fittings and appurtenances thereto, for use for the transportation of oil, petroleum, and other hydro-carbon substances over, across, along and under the hereinafter described right of way, together with the right of ingress to and egress from said lands over and along the hereinafter described right of way, and no other portion of the lands of the grantor, which said right of way is ten (10) feet in width, the center line of said right of way being described as follows, to-wit:

Beginning at a point on the West line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 20, Township 1 North, Range 1 East, M.D.B. & M., which bears North 0° 13' 15" West 837.37 feet from the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$), thence South 21° 39' 00" East 66.93 feet to the true point of beginning, thence from said true point of beginning North 21° 39' 00" West 66.93 feet; thence North 21° 39' 00" West 6.02 feet, thence North 36° 39' 15" West 97.39 feet, thence North 32° 37' 45" West 102.47 feet to a point, the same being the point where said center line intersects an existing pipe line.

The grantee shall exercise the rights herein granted in such a manner as to interfere as little as may be practicable with the grantor's full use and enjoyment of said lands, but it is understood and agreed that the grantor shall not erect any building or other permanent structures, or plant trees, or drill or excavate over any pipe line lands on said easement pursuant to this grant.

The grantee shall bury all pipe lines constructed on said right of way so that the same shall be at all points at least eighteen inches (18") below the surface of the ground, and shall promptly and properly backfill all excavations made by and for the grantee on said premises.

The grantee shall pay the grantor, or her successors or assigns, as the case may be, for all damage to any of the grantor's crops or fences located on said right of way, which may be caused by or result from the exercise of the rights hereby granted.

This grant and all the terms and provisions hereof shall bind and inure to the benefit of the respective heirs, successors, and assigns of the grantor, and the grantee.

subject to the right of Elodia J. Keller, surviving widow of decedent, to use the two (2) summer cabins located on said real property, together with the right of ingress to and egress from said cabins from the public road; and the right to use the said two (2) summer cabins located on said real property, together with the right of ingress to and egress from the same to and from the public road during the said lifetime of the said Walter G. Keller, is hereby distributed to Elodia J. Keller, surviving widow of said decedent, and the foregoing described real property, and the whole thereof, is hereby distributed to Elodia J. Keller, surviving widow and sole heir at law of said decedent, in fee simple absolute, subject only to the said life estate of the said Walter G. Keller in and to the above described real property, and the rents, issues and profits thereof.

1 10. And it appearing to the court that under the terms
2 of the will of decedent, Elodia J. Keller, surviving widow of
3 said decedent, is entitled to have distributed to her all of the
4 rest, residue and remainder of the estate of said decedent,
5 together with the rents, issues and profits thereof, for the
6 term of her natural life, subject to the lien thereon, and the
7 charge against, and the duty on the part of the said Elodia J.
8 Keller to pay to Nellie G. Keller, a sister of said decedent, who
9 is living, the sum of Fifty Dollars (\$50.00) per month so long as
10 the said Nellie G. Keller lives; that the said Nellie G. Keller,
11 sister of said decedent, who is living, is entitled, under the
12 terms of said will, to have distributed to her the right to
13 receive from Elodia J. Keller the sum of Fifty Dollars (\$50.00)
14 per month so long as the said Nellie G. Keller lives, said sum
15 to be paid to said Nellie G. Keller by the said Elodia J. Keller
16 so long as the said Elodia J. Keller lives, that said right of
17 Nellie G. Keller to receive said monthly payments of Fifty Dol-
18 lars (\$50.00) per month during her lifetime shall be a lien upon
19 the life estate in all of the rest, residue and remainder of the
20 estate of said decedent distributed to Elodia J. Keller, and a
21 charge against the said Elodia J. Keller, and her said life es-
22 tate in all of the rest, residue and remainder of the estate of
23 said decedent, during the term of the natural life of the said
24 Elodia J. Keller; and that Walter G. Keller and Archibald B.
25 Tinning, as trustees under the will of said decedent, are entitl-
26 ed to have distributed to them, as such trustees, subject only to
27 the said life estate in the said Elodia J. Keller, all of the rest,
28 residue and remainder of the estate of said decedent in trust,
29 as hereinafter specified.

30 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
31 that all of the rest, residue and remainder of the estate of said
32 deceased, hereinafter more particularly described, and the rents,

1 issues and profits thereof, be and the same is hereby distributed
2 as follows:

3 To Elodia J. Keller, surviving widow of said deceased,
4 for the term of her natural life, to-wit:

5 1. All that certain piece or parcel of land situate in
6 the County of Contra Costa, State of California, and more
7 particularly described as follows, to-wit:

8 Portion of the Southwest 1/4 of the Northwest 1/4 of
9 Section 13, Township 1 North, Range 1 West, Mount Diablo Base
10 and Meridian, described as follows:

11 Beginning at a point in the center line of the County
12 Road running from Clayton to Brentwood as it now exists
13 (February, 1940) which bears North 89° 15' West 233.91 feet
14 from the northeast corner of the 231.19 acre parcel of land
15 described in the deed from Oakland Title Insurance and Guaranty
16 Company to Frank Murchio, et ux, dated March 7, 1930, and re-
17 corded March 11, 1930, in Volume 222 of Official Records, at
18 page 254; thence from said point of beginning north 89° 15'
19 west along a north line of said parcel, 365.3 feet; thence
20 north 34° 22' 30" west along a northeast line of said 231.19
21 acre parcel, 342.8 feet; thence continuing on said last men-
22 tioned course to the center line of the County Road above re-
23 ferred to; thence southeasterly along said center line to the
24 point of beginning.

25 EXCEPTING THEREFROM: The right of the public over that
26 portion of said premises lying within the County Road running
27 along the northeast line of said premises as the same existed
28 on the 25th day of March, 1940, and over that portion of said
29 premises lying within the old County Road along the south and
30 west lines of said premises.

31 ALSO EXCEPTING THEREFROM all of the following described
32 portion of said premises:

33 Beginning at the section corner common to Sections 11,
34 12, 13 and 14, T. 1 N., R. 1 W., M.D.B. & M., thence running
35 along the section line common to Sections 13 and 14, S. 0°-23'-
36 10" W. 2266.47 ft. (the course of said section line being taken
37 as S. 0°-23'-10" W. for purpose of this description); thence
38 East, 292.04 feet to a point on a curve to the left with a
39 radius of 1270 feet; from which point the center of said curve
40 bears N. 44°-45' E., said point being the point of beginning
41 of the following described parcel of land; thence southeasterly
42 along said curve to the left a distance of 89.96 feet; thence
43 S. 56°-56'-40" E., 337.57 feet; to a point on a curve to the
44 left with a radius of 1270 feet; from which point the center
45 of said curve bears N. 25°-25' E.; thence Southeasterly along
46 said curve, 63.51 feet to a point on the westerly line of that
47 certain 199.375 acre tract of land described in a deed from
48 Mt. Diablo Vineyards, Inc., a corporation, to Joseph L. DeRosa,
49 Jr., (a single man), recorded October 26, 1937, in Volume 452;
50 Official Records, at page 392, records of Contra Costa County,
51 California; thence along said westerly line the following
52 courses and distances: S. 42°-12'-40" E., 6.21 feet; S. 54°-
53 49'-40" E., 100.00 feet; S. 62°-52'-40" E., 100.00 feet;

d.

1 S. 75°-26'-40" E., 70.70 feet to a point on the northerly line
2 of that 20 acre tract described in that certain deed from
3 Frank Murchio to Victor Shilton, a single man, recorded May 27,
4 1938, in Volume 456, at page 230, Official Records of Contra
5 Costa County; from which point an iron bolt at the northeast
6 corner of said 20 acre tract bears S. 88°-44'-40" E., 233.91
7 feet; thence leaving the westerly line of said 199.375 acre
8 tract and running along the northerly line of said 20 acre
9 tract, N. 88°-44'-40" W., 57.31 feet to a point on a curve to
10 the right with a radius of 1330 feet, from which point the
11 center of said curve bears N. 13°-29'-20" E.; thence leaving
12 said northerly line, Northwesterly along said curve to the
13 right, 117.10 feet; thence N. 70°-07'-50" W. 264.59 feet;
14 thence N. 51°-22'-20" W., 84.88 feet to a point on a north-
15 easterly line of that 231.19 acre tract described in that cer-
16 tain deed from Rudolf Kirs and Mary Kirs, his wife, as joint
17 tenants, to Jack Murchio, recorded June 21, 1935, in Volume
18 382, at page 485, Official Records of Contra Costa County,
19 from which point a northeasterly corner of said tract bears
20 N. 35°-51' W., 140.34 feet; thence along the northeasterly
21 line of said 231.19 acre tract and the northwesterly production
22 thereof N. 35°-51' W., 266.69 feet to the point of beginning.

23 Containing a gross area of 0.80 acre and a net area of
24 0.64 acre, exclusive of present county road lying within the
25 boundaries of above described portion of land

26 2. All that certain piece or parcel of land situate in
27 the County of Contra Costa, State of California, and more
28 particularly described as follows, to-wit:

29 Portion of the Rancho Monte Del Diablo, containing 90
30 acres, more or less, described as follows:

31 Beginning at the intersection of the South line of the
32 County Road running from Concord to Clayton with the East line
33 of a 40 foot County Road running Southerly, said point of be-
34 ginning being at the Northwest corner of the parcel of land
35 described in the deed from Thomas R. Lewis, et al, to Alexander
36 S. Borba, dated February 9, 1903, and recorded February 18,
37 1903, in Volume 95 of Deeds, at page 472; thence from said
38 point of beginning South 24° 23' West along the West line of
39 said Borba tract and along the extension Southerly thereof,
40 44.10 chains; thence North 41° 41' West along the Northerly
41 line of a 40 foot road, 25.305 chains to the East line of the
42 10 acre tract of land described in the deed from Robert Hanson
43 to James Jackson, dated April 17, 1895, and recorded April 25,
44 1895, in Volume 70 of Deeds at page 126; thence North 24° 25'
45 East along said East line 33.89 chains to the South line of the
46 County Road running from Concord to Clayton; thence South 65°
47 35' East along said line, 23.11 chains to the point of begin-
48 ning.

49 EXCEPTING THEREFROM:

50 1- The East 40 feet of the premises as described in the
51 deed from Benjamin Jones to Board of Supervisors of the County
52 of Contra Costa, dated November 8, 1890, and recorded November
13, 1890, in Volume 59 of Deeds, at page 216; containing 2.69
acres, more or less.

1 2- "The right of way from time to time to lay, con-
2 struct, reconstruct, replace, renew, maintain, repair, operate,
3 change the size of and remove pipes and pipe lines for the
4 transportation of oil, petroleum, gas, water and other sub-
5 stances or any thereof (not to exceed three such pipe lines in
6 all) and if the same shall be desired, to erect, maintain,
7 operate and remove upon a single line of poles, telephone and
8 telegraph lines or either of them, over, through, under and
9 across lands of the grantors", as provided for in the deed from
10 Charles E. Donnelly, et ux, to Valley Pipe Line Company, dated
11 April 24, 1915, and recorded May 20, 1915, in Volume 243 of
12 Deeds, at page 251. Said deed provides as follows: "All pipe
13 laid under this grant shall be buried to such depth as to fur-
14 nish practical anchorage, and not to interfere with the
ordinary cultivation, irrigation or drainage of said land. The
pipe lines hereinbefore provided for shall be laid upon a
course across said land, approximately as delineated on blue
print map hereto attached and by reference made a part hereof.
The line of poles for the telephone and telegraph lines here-
inbefore provided for, shall be erected along the following
described route; Beginning at a point on the easterly line of
the above described property, at a point where the pipe line
enters said property; thence along, parallel with and up
against the easterly fence line to the southeasterly corner of
the above described property; thence along, parallel with and
up against the fence line on the southerly boundary of the
above described property."

15 3- "The right of way and easement to erect, construct,
16 repair, replace, maintain and use, from time to time as said
17 party of the second part, its successors and assigns may see
18 fit, over, along, across and upon the lands of said parties of
19 the first part, hereinafter particularly described, for trans-
20 mission and distribution of electricity, and for all purposes
21 connected therewith, poles and wires suspended thereon and
22 supported thereby, and all necessary or proper cross arms,
23 braces, connections, fastenings, guys and other appliances and
24 fixtures, and wires for the telephone purposes of said party
25 of the second part, its successors and assigns; also to make
26 the necessary clearing for the purposes aforesaid", as provided
27 for in the deed from C. E. Donnelly, et ux, to Great Western
28 Power Company of California, dated June 26, 1930, and recorded
29 July 3, 1930, in Volume 237 of Official Records, at page 240.
30 The specific location of said right of way is not defined of
31 record.

32 3. (A) All those certain lots, pieces or parcels of land
situate in the County of Contra Costa, State of California, and
more particularly described as follows, to-wit:

Parcel #1: The South One-half (S $\frac{1}{2}$) of Section Twenty-
six (26), Township 2 North, Range 1 West, Mount Diablo Base
and Meridian.

Saving and Excepting that certain tract of land con-
veyed to John Tormey by A. W. Maltby by deed dated October 8,
1906, and recorded October 9, 1906, in Vol. 120 of Deeds, page
268, more particularly described as follows:

1 Beginning at the Northwest corner of the Southwest 1/4 of Sec-
2 tion 26, Township 2 North, Range 1 West, thence Southerly
3 along the Western Boundary line of said Section 26, 17.76
4 chains to station in the center of a County Road; thence North
5 38° East along the center of said County Road 3.55 chains to
6 station; thence North 31½° East, 7.70 chains to station; thence
7 North 38½° East, 4.60 chains to station; thence North 23° East,
2.90 chains to station; thence North 6° 45' West, 2.40 chains
to station on quarter section line; thence South 89° West
leaving road and along said quarter section line, 9.84 chains
into the point of beginning. Containing 10.60 acres of land
and being a portion of the Southwest 1/4 of Section 26, Town-
ship 2 North, Range 1 West, Mount Diablo Meridian.

8 Parcel #2: The fractional North One-half (N.½) of Sec-
9 tion Thirty-five (35), Township 2 North, Range 1 West, Mount
Diablo Base and Meridian. Containing 307.20 acres of land.

10 Parcel #3: Beginning at a point where the western
11 boundary line of Section 35, Township 2 North, Range 1 West,
12 Mount Diablo Base and Meridian, intersects the eastern bound-
13 ary line of the Rancho Monte del Diablo; thence North 47° West
14 along grant line 15.48 chains to station; thence North 58° 30'
15 East leaving grant line 13 chains to station on the western
boundary line of Section 35 aforesaid; thence South along the
western boundary line of Section 35, 17.39 chains into the
point of beginning. Containing 9.72 acres of land and being
a portion of Lot 1 in Section 34, Township 2 North, Range 1
West, Mount Diablo Meridian.

16 Parcel #4: Beginning at a point on the Western boundary
17 line of Section 35, Township 2 North, Range 1 West, Mount
18 Diablo Meridian, 3.80 chains Southerly from the Northwest
19 corner of said Section 35, thence North 31° 15' West along the
20 center of a County Road, 6.36 chains to station; thence North
21 5° East, 6.56 chains to station; thence North 46 1/4° East,
22 3.48 chains to station; thence North 20° West, 4.41 chains to
23 station; thence North 4 1/4° West, 3.93 chains to station;
thence North 26° East 2.48 chains to station; thence North 38°
East, 1.68 chains to station on the Western boundary line of
Section 26; thence Southerly along the Western boundary line
of Sections 26 and 35, 26.00 chains into the point of begin-
ning. Containing 4.89 acres of land and being portions of the
Northeast 1/4 of Section 34 and the Southeast 1/4 of Section
27, Township 2 North, Range 1 West, Mount Diablo Meridian.

24 Parcel #5: The Northwest 1/4 of Section Thirty-six (36)
25 Township 2 North, Range 1 West, and the Southwest 1/4 of Sec-
26 tion Twenty-five (25), Township 2 North, Range 1 West, Mount
Diablo Meridian. Containing 320 acres of land.

27 Being the same land conveyed to Charles Henry Keller by
28 Eleanor B. Maltby by deed dated August 29, 1925, and recorded
September 2, 1925, in Volume 1, Official Records, page 348,
Records of Contra Costa County.

29 EXCEPTING THEREFROM:

30 1. Right of way granted to Contra Costa County by John
31 Tormey and A. W. Maltby by deed dated April 20, 1908, and re-
32 corded December 9, 1908, in Volume 141 of Deeds, at page 468,
Contra Costa County Records.

1 2. Right of way conveyed by Charles H. Keller to Contra
2 Costa County by deed dated July 18, 1931, and recorded Novem-
3 ber 20, 1931, in Volume 295 at page 75, Official Records of
4 Contra Costa County.

5 (B) All those certain pieces or parcels of land situate
6 in the County of Contra Costa, State of California, and more
7 particularly described as follows, to-wit:

8 Parcel One: The south one-half of the south one-half
9 of the southeast one-quarter of Section 22; the northwest one-
10 quarter of Section 26 and the northeast one-quarter of Section
11 27, Township 2 North, Range 1 West, Mount Diablo Base and
12 Meridian.

13 EXCEPTING THEREFROM:-

14 1. That parcel of land described in the deed from John
15 Tormey and A. W. Maltby to Contra Costa County, dated April 20,
16 1908, and recorded December 9, 1908, in Volume 141 of Deeds,
17 at page 468, as follows:-

18 "Beginning at the intersection of the center line of
19 proposed County Road with the line between Sections 23 and 26,
20 T. 2N., R. 1 W., M.D.M., the southerly line of lands formerly
21 belonging to Hecht and Cohen; thence running along the center
22 of Road 40 feet in width S. 22 $\frac{1}{2}$ ° E. 10.31 chains to station;
23 thence S. 2° E. 9.12 chains to station; S. 14° W. 10.35 chains
24 to station; thence S. 6 $\frac{1}{2}$ ° W. 7.05 chains to station; thence S
25 6 $\frac{1}{2}$ ° E. 7.00 chains to station; thence S. 31° W. 5.90 chains to
26 station; thence S. 36° W. 12.29 chains to station; thence S.
27 11 $\frac{1}{2}$ ° E. 9.40 chains to station; thence S. 5 $\frac{1}{2}$ ° E. 2.87 chains
28 to station; thence S. 4 $\frac{1}{4}$ ° W. 6.35 chains to station; thence S.
29 39° E. 3.87 chains to station on dividing line between lands
30 formerly owned by Hecht and T. A. Hyde; thence S. 39° E. 1.47
31 chains to station; thence S. 14 $\frac{1}{2}$ ° E. 5.40 chains to station;
32 thence S. 76 $\frac{3}{4}$ ° W. 2.28 chains to station; thence S. 76 $\frac{1}{2}$ ° W.
11.49 chains to station in the easterly boundary of the Rancho
Monte Del Diablo, Contra Costa County, California, containing
an area of 6.41 acres of land and being a portion of a certain
road laid out in the matter of the petition of J. A. Bailey,
et al, Road District No. 1 Supervisor District No. 4 (formerly
Supervisor District No. 3) Report of Viewers filed July 7,
1902, as now fenced".

"For the sole purpose of a public road and none other,
and in case said land is abandoned for road purposes it is to
revert to the parties of the first part, their heirs or assigns."

2. A strip of land 50 feet wide for road purposes as
described in the deed from Elizabeth Ivey Brubeck, et al, to
Contra Costa County, dated July 18, 1931, the center line of
which is described as follows:

Beginning at a point on the north line of Section 26,
Township 2 North, Range 1 West, Mount Diablo Base and Meridian,
from which point the northwest corner of said Section 26 bears
south 87° 59' 45" west 972.37 feet and the center of a curve to
the left with a radius of 400 feet, bears south 60° 45' east;
thence running along said curve in a southwesterly direction
164.65 feet; thence tangent to said last mentioned curve, south
5° 40' west 1314.17 feet; thence southwesterly and tangent to
the last mentioned course along the arc of a circular curve to

d.

1 the right with a radius of 1700 feet, 397.59 feet; thence tan-
2 gent to said last mentioned curve, south 19° 04' west, 110.03
3 feet; thence southerly and tangent to the last mentioned course
4 along the arc of a circular curve to the left with a radius of
5 1500 feet, 557.63 feet; thence tangent to the last mentioned
6 curve, south 2° 14' east, 200.77 feet; thence southwesterly and
7 tangent to the last mentioned course along the arc of a cir-
8 cular curve to the right with a radius of 500 feet, 333.07 feet;
9 thence tangent to said last mentioned curve, south 35° 56' west
10 161.46 feet; thence southwesterly and tangent to the last men-
11 tioned course along the arc of a circular curve to the left
12 with a radius of 1500 feet, 94.30 feet; thence tangent to said
13 last mentioned curve south 32° 20' west 561.28 feet; thence
14 southwesterly and tangent to said last mentioned course along
15 the arc of a circular curve to the right with a radius of
16 1500 feet, 100.36 feet; thence tangent to said last mentioned
17 curve, south 36° 10' west 174.78 feet; thence southwesterly and
18 tangent to the last mentioned course along the arc of a cir-
19 cular curve to the left with a radius of 400 feet, 224.33 feet;
20 thence tangent to said last mentioned curve, south 4° 02' west
21 395.01 feet; thence southwesterly and tangent to said last men-
22 tioned course along the arc of a circular curve to the right
23 with a radius of 400 feet, 209.44 feet; thence tangent to said
24 last mentioned curve south 34° 02' west 91.90 feet; thence
25 southwesterly and tangent to the last mentioned course along
26 the arc of a circular curve to the left with a radius of 450
27 feet, a distance of 144.25 feet; thence tangent to the last
28 mentioned curve, south 15° 40' west, a distance of 237 feet;
29 thence southeasterly and tangent to the last mentioned course
30 along the arc of a circular curve to the left with a radius of
31 400 feet, 293.22 feet; thence tangent to said last mentioned
32 curve south 26° 20' east, 89.48 feet; thence southwesterly and
tangent to the last mentioned course along the arc of a cir-
cular curve to the right with a radius of 300 feet, 446.02
feet; thence tangent to said last mentioned curve south 58° 51'
west, 343.51 feet to a point on the northeasterly boundary line
of the Rancho Monte Del Diablo, located thereon north 46° 53'
west, a distance of 1024.91 feet, from the point of intersec-
tion of said Rancho line with the easterly line of Section 34,
Township 2 North, Range 1 West, Mount Diablo Base and Meridian.

Parcel Two: A portion of the northwest one-quarter of
the southwest one-quarter of Section 26, Township 2 North,
Range 1 West, Mount Diablo Base and Meridian, containing 10.6
acres, more or less, described as follows:

Beginning at the northwest corner of the southwest
quarter of Section 26, Township 2 North, Range 1 West, Mount
Diablo Base and Meridian; thence southerly along the western
boundary line of said Section 26, 17.76 chains to station in
center of County Road; thence north 38° east along the center
of said Road, 3.55 chains to station; thence north 31½° east
7.70 chains to station; thence north 38½° east 4.60 chains to
station; thence north 23° east 2.90 chains to station; thence
north 6° 45' west 2.40 chains to station on quarter section
line; thence south 89° west leaving road and along said quarter
section line 9.84 chains into the point of beginning, and being
all that portion of the southwest quarter of Section 26 lying
west of the County Road which crosses said quarter section.

EXCEPTING THEREFROM:

1. That parcel of land described in the deed from John

1 Tormey and A. W. Maltby to Contra Costa County, dated April 20,
2 1908, and recorded December 9, 1908, in Volume 141 of Deeds,
3 at page 468. For description of said parcel of land see excep-
4 tion No. 1 following the description of Parcel One.

5 2. A strip of land 50 feet wide for road purposes as
6 described in the deed from Elizabeth Ivey Brubeck, et al, to
7 Contra Costa County, dated July 18, 1931. For description of
8 said parcel of land see exception No. 2 following the descrip-
9 tion of Parcel One.

10 Parcel Three: Lot 3 in Section 27; the north one-half
11 of the southeast one-quarter of Section 27; the southeast one-
12 quarter of the southeast one-quarter of Section 27 and Lot 1
13 in Section 34, Township 2 North, Range 1 West, Mount Diablo
14 Base and Meridian.

15 EXCEPTING THEREFROM:-

16 1. That parcel of land described in the deed from John
17 Tormey and A. W. Maltby to Contra Costa County, dated April 20,
18 1908, and recorded December 9, 1908, in Volume 141 of Deeds,
19 at page 468. For description of said parcel of land see excep-
20 tion No. 1 following the description of Parcel One.

21 2. Those parcels of land described in the deed from John
22 Tormey to A. W. Maltby dated October 8, 1906, and recorded
23 October 9, 1906, in Volume 120 of Deeds, at page 269, as fol-
24 lows:

25 (A) Beginning at a point where the western boundary
26 line of Section 35, Township 2 North, Range 1 West, Mount
27 Diablo Base and Meridian, intersects the eastern boundary line
28 of the Rancho Monte Del Diablo; thence north 47° west along
29 the grant line 15.48 chains to station; thence north 58° 30'
30 east leaving the grant line 13.00 chains to station on western
31 boundary line of said Section 35; thence south along the wes-
32 tern boundary line of said Section 35, 17.39 chains into the
point of beginning, containing 9.72 acres of land, more or
less, and being a portion of Lot 1 of Section 34.

33 (B) Beginning at a point on the western boundary line
34 of Section 35 aforesaid, 3.80 chains southerly from the north-
35 west corner of said Section 35; thence north 31° 15' west
36 along the center of the County Road 6.36 chains to station;
37 thence north 5° east 6.56 chains to station; thence north
38 46 1/4° east 3.48 chains to station; thence north 20° west 4.41
39 chains to station; thence north 4 1/4° west 3.93 chains to
40 station; thence north 26° east 2.48 chains to station; thence
41 north 38° east 1.68 chains to station on the western boundary
42 line of Section 26; thence southerly along the western boundary
43 line of Sections 26 and 35, 26.00 chains into the point of be-
44 ginning, containing 4.89 acres of land, more or less, and being
45 a portion of Lot 1 of Section 34 and the southeast quarter of
46 Section 27, Township 2 North, Range 1 West, Mount Diablo Base
47 and Meridian.

48 3. A strip of land 50 feet wide for road purposes as
49 described in the deed from Elizabeth Ivey Brubeck, et al, to
50 Contra Costa County, dated July 18, 1931; for description of
51 said parcel of land, see exception No. 2 following the des-
52 cription of Parcel One.

1 (C) All that certain lot, piece, or parcel of land
2 situate in the County of Contra Costa, State of California, and
more particularly described as follows, to-wit:

3 The Northeast one-quarter (NE¹/₄) of Section Twenty-six
4 (26) in Township Two (2) North, Range One (1) West, Mount
Diablo Base and Meridian, containing One Hundred Sixty (160)
5 acres of land;

6 Also that certain right of way and perpetual easement
over the lands now or formerly owned by Jeff A. Bailey, which
7 said right of way and perpetual easement is more particularly
described in that certain deed dated the 3rd day of July, 1919
8 executed by Jeff A. Bailey as party of the first part, to G.
Todaro as party of the second part, and recorded in the office
9 of the County Recorder of the County of Contra Costa, State of
California, on the 11th day of July, 1919, in Volume 341 of
10 Deeds, at page 237, together with all rights and privileges
granted and given by said instrument;

11 Also that certain right of way and perpetual easement
over the lands now or formerly owned by J. E. Gore, which said
12 right of way and perpetual easement is more particularly des-
cribed in that certain deed dated the 1st day of November,
13 1920, executed by J. E. Gore as party of the first part, to
G. Todaro as party of the second part, and recorded in the
14 office of the County Recorder of the County of Contra Costa,
State of California, on the 17th day of November, 1920, in
15 Volume 382 of Deeds, page 159, together with all rights and
privileges granted and given by said instrument.

16 Being the same land conveyed to Charles Henry Keller by
17 deed from C. A. Hooper & Co., a corporation, dated December 1,
1928, and recorded December 11, 1928, in Volume 174 of Official
18 Records, at page 10, Records of Contra Costa County.

19 EXCEPTING THEREFROM:-

20 1. The right of way conveyed in the deed from W. M.
21 Bailey to Great Western Power Company, dated September 10,
1912, and recorded September 24, 1912, in Volume 185 of Deeds,
22 at page 416.

23 2. The right of way conveyed in the deed from Jeff A.
Bailey to G. Todaro, dated July 3, 1919, and recorded July 11,
24 1919, in Volume 341 of Official Records, at page 237.

25 3. The right of way conveyed in the deed from J. E.
Gore to G. Todaro, dated November 1, 1920, and recorded Novem-
26 ber 17, 1920, in Volume 382 of Deeds, at page 159.

27 All portions of Item No. 3 (Maltby Hills Ranch), lying
westerly of the road commonly known as Bailey Road, are sub-
28 ject to the lease dated December 5, 1941, executed by Elodie
J. Keller, as executrix of the estate of C. H. Keller, also
29 known as Charles Harry Keller, and Harry Keller, deceased,
lessor, to R. E. Flaokus and Marshall McKean, recorded on the
30 2nd day of January, 1942, in Volume 654 of Official Records,
at page 265 thereof, in the office of the County Recorder of
31 the County of Contra Costa, State of California, for the term
commencing on the 1st day of October, 1941, and ending on the
32 30th day of September, 1944.

1 4. (A) All those certain lots, pieces, or parcels of land
2 situate in the County of Contra Costa, State of California, and
more particularly described as follows, to-wit:

3 1. All of Section 12, Tp. 1 N., R. 1 W., M.D.B. & M. and
4 that part of Section 11 of Tp. 1 N., R. 1 W., M.D.B. & M.,
5 lying upon and Easterly of Mitchell Creek and North of the
6 Town of Clayton, being the same land described in a deed made
by G. W. Lewis to Grace L. Stilwell, dated July 25, 1889, and
7 recorded in the office of the County Recorder of the County of
Contra Costa, California, on the 23rd day of August, 1889, in
Vol. 56 of Deeds, page 410.

8 2. All of the land North and East of land of Paul de
Martini, and South and West of the lands formerly owned by
9 William S. Tevis in Section 11, Tp. 1 N., R. 1 W., M.D.B. & M.
Said lots, pieces or parcels of land lying upon Mitchell Creek,
10 North of the County Road, and being portions of the property
known as the Clayton Ranch, and being all of the lands con-
11 veyed by Charles J., Elizabeth A., Henry A., Theo B., Frank
and Anna A. Clayton by deed recorded in the office of the
12 County Recorder of the County of Contra Costa, in Volume 75 of
Deeds, page 299.

13 Being the same land conveyed to Charles H. Keller by
14 The Pacific Realty Company by deed dated February 18, 1909,
and recorded February 23, 1909, in Volume 140 of Deeds, at page
15 493, Contra Costa County Records.

16 EXCEPTING THEREFROM:-

17 1. All lands lying westerly or to the left to one look-
18 ing from the point of commencement of the following described
agreed boundary line, as described in the agreement establish-
19 ing boundary line and reciprocal quit claim deeds, dated
October 14, 1940, made by Henry De Martini, Paul De Martini,
20 Jr., Walter J. De Martini, and Jean Cereghino, as first parties,
and Charles H. Keller and Elodia Keller, his wife, as second
21 parties, which said agreement and reciprocal quit claim deed
was recorded on the 23rd day of October, 1940, in Volume 569
22 of Official Records, at page 133 thereof, Records of Contra
Costa County, which said agreed boundary line is particularly
described as follows, to-wit:

23 COMMENCING at the point of intersection of the northern
24 line of County Road D-19 with the center line of Mitchell Creek
as said point of intersection is shown on "Map showing Right-
25 of-way for County Road D-19 through the property of de Martini,
Cereghino and Keller" dated October, 1933, and on file in the
26 County Surveyor's Office in Contra Costa County, California;
said point of commencement being the most easterly corner of
27 the parcel of land described in the deed from Henry DeMartini,
et al, to Contra Costa County, a political subdivision of the
28 State of California, dated January 27, 1934, and recorded
February 13, 1934, in Volume 358 of Official Records, at page
29 32, in the office of the County Recorder of the County of
Contra Costa, State of California; thence down the center of
30 Mitchell Creek as follows: North 18° 40' 20" West 81.29 feet;
North 1° 52' 30" East 72.19 feet; North 35° 44' 40" West
31 53.50 feet; North 5° 28' 20" East 43.10 feet; North 32° 15'
20" East 45.78 feet; North 5° 51' 40" West 43.47 feet; North
32 27° 23' 20" East 34.34 feet; North 47° 09' 50" East 54.65

1 feet; North 22° 44' 50" East 63.10 feet; North 36° 50' 50"
2 East 48.25 feet; North 18° 21' 50" East 68.75 feet; North
3 23° 44' 40" West 120.24 feet; thence leaving the center of
4 Mitchell Creek North 84° 28' 40" West 45.90 feet to a fence;
5 thence along said fence the following courses and distances,
6 North 69° 25' West 32.65 feet; North 50° 23' 30" West 126.35
7 feet; North 44° 30' West 133.00 feet; North 31° 04' 30" West
8 116.16 feet; North 41° 45' West 425.00 feet; North 27° 46' 20"
West 1539.27 feet; South 88° 04' 10" West 52.26 feet; North
9 79° 19' 30" West 37.63 feet; North 72° 59' 20" West 24.71 feet;
10 North 16° 41' 30" West 121.24 feet to the southeastern boundary
11 line of the land described in the deed from Charles H. Keller
12 to Juliette Alexander dated March 1, 1929, and recorded April
13 8, 1929, in Vol. 173 Official Records of Contra Costa County at
14 page 436.

15 2. That parcel of land described in the deed from
16 Anton Nunez Cardoza, et ux, to Antonio Joaquin, dated December
17 3, 1906, and recorded January 11, 1907, in Volume 121 of
18 Deeds, at page 430, containing 2 1/2 acres, more or less.

19 3. That parcel of land described in the deed from
20 Charles H. Keller, et ux, to Margaret A. Whitman, et al,
21 dated April 13, 1920, and recorded August 21, 1920, in Volume
22 378 of Deeds, at page 465, containing 5.2 acres, more or less.

23 4. That parcel of land described in the deed from
24 Charles H. Keller, et ux, to Juliette Alexander, dated March
25 21, 1929, and recorded April 8, 1929, in Volume 173 of
26 Official Records, at page 436, containing 0.598 of an acre,
27 more or less.

28 5. That parcel of land described in the deed from
29 Charles H. Keller, et ux, to Juliette Alexander, dated August
30 20, 1931, and recorded October 20, 1931, in Volume 271 of
31 Official Records, at page 192, containing 0.683 of an acre,
32 more or less.

(B) All that certain lot, piece, or parcel of land
situate in the County of Contra Costa, State of California,
and more particularly described as follows, to-wit:

Commencing at a point in the Quarter Section line be-
tween the North East Quarter (N.E.1/4) and the North West
Quarter (N.W.1/4) of Section Eleven (11), T. 1 N., R. 1 W.,
M.D.B. & M., which point is due east from the point in the
easterly line of the lands heretofore and on the 21st day of
February, 1903, deed by Nicholas Kirkwood to W. A. Kirkwood
by deed recorded in the office of the County Recorder of the
County of Contra Costa in Vol. 332, of Deeds, at page 130,
where said line first bears due North; running thence West to
said last named point; thence North and along said last named
line 31.48 chains; thence East to said Quarter Section line;
thence South along said Quarter Section line 31.42 chains to
the point of commencement, Being a strip of land lying along
the extreme easterly side of the N.E. 1/4 of Section 11,
T. 1 N., R. 1 W., M.D.B. & M.

Being the same land conveyed to C. H. Keller by William
A. Kirkwood, et al, by deed dated August 11, 1920, and re-
corded October 22, 1920, in Volume 370 of Deeds, at page 238,
Records of Contra Costa County.

(C) All those certain lots, pieces, or parcels of land situate in the County of Contra Costa, State of California, and more particularly described as follows, to-wit:

All that portion of the North one-half ($\frac{1}{2}$) of Section 13, Township 1 North, Range 1 West, M.D.B. & M. described as follows:

BEGINNING at the northeast corner of said Section 13 in corner of fence and running thence N. 88° 26' W. along the fence on the north line of said Section 13, 3878.64 ft. to a point; thence running S. 73° 50' W. 169.59 ft. to a point; thence running S. 33° 56' 30" E. 2058.54 ft. to a point; thence running S. 25° 17' E. 1005.41 ft. to a point in the fence on the south line of the Northeast one quarter of said Section 13; thence running easterly along said fence on the south line of the northeast quarter of said Section 13 as follows: S. 88° 22' E. 689.72 ft., S. 88° 16' 30" E. 362.07 ft., S. 89° 13' 30" E. 481.47 ft. and S. 87° 49' E. 930.14 ft. to a point in corner of fence at the east one-quarter corner of said Section 13; thence running northerly along the fence on the east line of said Section 13 as follows: N. 0° 16' E. 897.35 ft. and N. 0° 10' W. 1733.41 ft. to the place of beginning. Containing an area of 193.36 acres.

Also all that portion of the southeast one-quarter of Section 13, Township 1 North of Range 1 West of the M.D.B. & M., described as follows:

BEGINNING at a point in the corner of fence at the east one-quarter corner of said Section 13 and running thence S. 0° 02' E. 2556.44 ft. along the fence on the east line of the said quarter section to a point in corner of fence; thence running S. 89° 51' W. along line of fence, 1152.84 ft. to a point in corner of fence; thence running N. 44° 50' W. 457.29 ft. to a point in corner of fence; thence running N. 14° 59' 30" W. 131.51 ft. to a point in corner of fence; thence running N. 4° 19' 30" E. 113.82 ft. to a point in corner of fence; thence running N. 33° 49' 30" W. 447.73 ft. to a point in fence; thence running N. 89° 27' W. 141.05 ft. to a point in corner of fence; thence running N. 34° 59' W. 226.59 ft. to a point in corner of fence; thence running N. 47° 16' W. 147.29 ft. to a point in corner of fence; thence running N. 33° 22' W. 282.68 ft. to a point in corner of fence; thence running N. 12° 14' W. 133.57 ft. to a point in corner of fence; thence running N. 49° 20' W. 346.50 ft. to a point in corner of fence; thence running N. 2° 50' W. 18.22 ft. to a point in corner of fence; thence running N. 20° 18' W. 172.72 ft. to a point in corner of fence; thence running N. 0° 34' E. 346.27 ft. to a point in fence; thence running N. 60° E. 264.60 ft. to a point; thence running N. 89° 54' E. 438.46 ft. to a point; thence running N. 76° 58' E. 199.60 ft. to a point; thence running N. 1° 58' W. 91.68 ft. to a point in line of fence on the north line of said southeast one-quarter of said Section 13; thence running easterly along said fence line as follows: S. 88° 16' 30" E. 362.07 feet, S. 89° 13' 30" E. 481.47 ft. and S. 87° 49' E. 930.14 ft. to the place of beginning. Containing an area of 120.636 acres.

Being the same land conveyed to C. H. Keller and C. J. Foskett by deed dated May 28, 1924, executed by Theo. Gier and Grace C. Gier, his wife, and C. G. Eberhart and Betty Eberhart, his wife, recorded June 2, 1924, in Volume 462 of Deeds, at page 472, Records of Contra Costa County, and by

d.

1 deed to C. H. Keller, executed by C. J. Foskett and Constance
2 T. Foskett, his wife, on the 18th day of January, 1933, and
3 recorded on the 19th day of January, 1933, in Volume 295,
Official Records, page 249, Records of Contra Costa County.

4 ALSO a right of way (not to be exclusive) for use as a
5 roadway for vehicles of all kinds, pedestrians and animals,
6 for water, gas, oil and sewer pipe lines, and for telephone,
electric light and power lines, together with the necessary
poles or conduits to carry said lines over a strip of land
40 feet in width, the south line of which strip is described
as follows:

7
8 Beginning on the east and west mid-section line of Sec-
tion 13, Township 1 North, Range 1 West, at the west line of
the 193.36 acre parcel of land described in the deed from
9 Theo Gier, et al, to C. H. Keller, et al, dated May 28, 1924,
10 and recorded June 2, 1924, in Volume 462 of Deeds, at page
472; thence from said point of beginning north 89° 25' west
11 along said mid-section line 1300 feet.

12 That said right of way is appurtenant to said 193.36
13 acre and said 120.636 acre tracts of land hereinabove
described.

14 All of the parcels of land last above described, except
the 120.636 acres thereinabove described, being a portion of
15 the Southeast 1/4 of Section 13, Township 1 North, Range 1
West, M.D.B. & M., are subject to the lease dated September
16 29, 1941, executed by Elodia J. Keller, as executrix of the
estate of C. H. Keller, also known as Charles Harry Keller
and Harry Keller, deceased, lessor, to R. E. Flackus, lessee,
17 and recorded on the 29th day of September, 1941, in Volume
624 of Official Records, at page 270 thereof, in the Office
18 of the County Recorder of the County of Contra Costa, State
of California, for the term commencing October 1, 1941, and
19 ending September 30, 1951.

20
21 together with any and all real property which is not herein par-
22 ticularly described, belonging to the estate of said decedent,
23 or in which the estate of said decedent has any right, title or
24 interest, and any and all real property belonging to the estate
25 of said decedent which is not now known or discovered, which may
26 hereafter be discovered. Said life estate hereby distributed to
27 the said Elodia J. Keller is subject to the lien and charge
28 against the same, and duty on the part of the said Elodia J.
29 Keller to pay to Nellie G. Keller, sister of said decedent, so
30 long as the said Nellie G. Keller lives, the sum of Fifty Dollars
31 (\$50.00) per month, during the continuance of the life estate
32 hereby distributed to the said Elodia J. Keller.

1 To Nellie G. Keller, a sister of said decedent, the sum
2 of Fifty Dollars (\$50.00) per month, to be paid to Nellie G.
3 Keller so long as she lives, by Elodia J. Keller, the said life
4 tenant, from the rents, issues and profits of said life tenancy,
5 and the said right of the said Nellie G. Keller is hereby
6 constituted a lien and charge against the said life estate here-
7 by distributed to the said Elodia J. Keller, and it is hereby
8 made the duty on the part of the said Elodia J. Keller, during
9 the continuance of her said life estate, to pay to the said
10 Nellie G. Keller the sum of Fifty Dollars (\$50.00) per month so
11 long as the said Nellie G. Keller shall live, from the rents,
12 issues and profits of said life estate hereby distributed to the
13 said Elodia J. Keller.

14 All of the above described real property, subject to
15 the life estate therein distributed to Elodia J. Keller, is
16 hereby distributed to Walter G. Keller and Archibald B. Tinning,
17 as trustees under the will of C. H. Keller, also known as Charles
18 Harry Keller, and Harry Keller, deceased, in trust for the fol-
19 lowing uses and purposes:

20 A. To receive and collect the principal and income
21 of the trust estate, and after the payments and deductions
22 hereinafter mentioned, to pay and accumulate, or to pay or
23 to accumulate, and to use or invest, hold, apply, and dis-
24 tribute to and for the purposes hereinafter stated, for the
use and benefit of the beneficiaries hereinafter named, and
to transfer the trust estate with accumulations, if any, as
hereinafter provided:

25 (1) The entire net income received from the trust
26 estate and available for distribution shall be paid
27 by my trustees in monthly, quarterly, or other con-
28 venient installments to my sisters, Charlotte A.
29 Williams, Maud E. Randall, and Nellie G. Keller,
30 to my brother, Paul Keller, and to my sister, An-
31 nette L. Whitman, if she is a widow at the time of
32 my death, or if she becomes a widow at any time af-
ter my death before this trust terminates. The en-
tire net income received from my trust estate and
available for distribution shall be divided equally,
share and share alike, between the beneficiaries
named in this subsection of my will, so long as
they live. At the death of any of my said benefi-
ciaries named in this subsection of my will, all pay-
ments to such deceased beneficiary shall cease, and

the net income above mentioned shall be paid to those of my beneficiaries still living who are then qualified to take hereunder, share and share alike, until the death of the last beneficiary who is qualified to take hereunder. If all of the beneficiaries named in this subsection of my will die, except my sister, Annette L. Whitman, and she is then a widow, the trust shall continue until her death and then terminate. If all of the beneficiaries named in this subsection of my will die, except my sister Annette L. Whitman, and she is not then a widow, the trust shall then cease and terminate. When said trust terminates, all of the property in the trust fund shall go and be distributed by my said trustees as hereinafter provided.

(2) Upon the termination of the testamentary trust herein created as hereinbefore provided, all of the property of the said trust shall go to and vest in my nephew and nieces, Sam Randall, Melba Hesse, Mary Titcomb, Kathryn K. Randall Larsen and Ruby Clow, children of my sister, Maud E. Randall, share and share alike, one-fifth of the whole thereof to each of them; provided, however, that if any of the persons named in this subsection (2) as residuary legatees and devisees are dead at the time said trust terminates, leaving lawful issue surviving them, then in that event, the share of such deceased person hereunder shall go to the lawful issue of such deceased person by right of representation. If any of my said legatees and devisees under this subsection of my will shall die without lawful issue before the termination of said trust, then all of my said trust property shall go to and vest in those of my said legatees and devisees still living, and in the lawful issue, if any, by right of representation of those of my said legatees and devisees who die before the termination of said trust.

B. The duration of this trust shall in no event, nor by any possibility, extend beyond the death of the last surviving of the following persons, to-wit: My sisters, Charlotte A. Williams, Maud E. Randall, Nellie G. Keller, Annette L. Whitman, and my brother, Paul Keller.

C. If the income from this trust to which any beneficiary may be entitled shall, in the discretion of the trustees, be insufficient to provide such beneficiary with reasonable care in case of illness or accident, the trustees may pay to, apply, and expend such part of the principal to such beneficiary as is proportionate to the share of income such person is entitled at the time to receive hereunder.

D. Each and every beneficiary hereunder is hereby restrained from anticipating, encumbering, alienating, or in any other manner assigning his or her interest or estate, either principal or income, and is without power so to do, nor shall the interest or estate of any beneficiary hereunder be subject to his or her liabilities or obligations, nor to judgments or other legal process, bankruptcy, proceedings, or claims of creditors or others, this trust being created for maintenance. All income and principal

1 shall be payable and deliverable only and personally to the
2 respective beneficiaries entitled thereto under the terms
of this trust.

3 E. This is a trust for maintenance, and I direct that
4 my trustees named herein commence to make payments to the
5 beneficiaries as soon after my death and their qualification
6 as trustees hereunder as they deem advisable and proper,
7 considering the availability of funds in the trust, and
8 continue the same until the trust terminates.

9 F. To carry out the express purposes of this trust,
10 and in aid of its execution and the proper administration,
11 management and disposition of the trust estate, the trustees
12 under this trust are hereby vested with the following
13 additional powers and discretions:

14 At their option, and as long as they deem advisable,
15 to retain any property and to continue and operate any
16 business which they may receive hereunder, the benefits and
17 losses, if any, therefrom to inure, or to be chargeable
18 respectively to the trust estate and not to the trustees.
19 To manage, control, sell, convey, partition, divide, sub-
20 divide, improve, repair, and to encumber by mortgage, trust
21 deed, or otherwise, and in such manner and in accordance
22 with such procedure as they deem advisable, the trust estate
23 or any part thereof. To lease the trust estate or any part
24 thereof for terms within or extending beyond the duration
25 of this trust, and to grant for like terms the right to mine
26 or drill for and remove therefrom gas, oil, or any other
minerals. To invest the principal in any property, whether
the same is or is not permissible by law, as an investment
for trust funds. To determine at their discretion what is
principal of the trust estate, gross income, or net dis-
tributable income therefrom. To have, respecting bonds,
shares of stock and other securities, all the rights, powers
and privileges of an owner, including voting, giving proxies,
payment of calls, assessments and other sums deemed by the
trustees expedient for the protection of the interests of
the trust estate, exchanging securities, selling or exer-
cising stock subscription or conversion rights, participat-
ing in foreclosures, reorganizations, consolidations, mer-
gers, liquidations, voting trusts, assenting to corporate
sales, leases, and encumbrances; the trustees, however,
shall not assume or be under any personal liability in re-
spect to any securities held hereunder at any time. All dis-
cretions in this trust conferred upon the trustees shall,
unless specifically limited, be absolute and uncontrolled,
and their exercise shall be conclusive on all persons
interested in this trust or the trust estate.

27 G. The beneficiaries shall take no estate or interest
28 in any of the properties, real or personal, under the terms
29 of this trust; and their interests hereunder are personal
property only, consisting of the right to enforce the due
performance of this trust under the terms thereof, and not
otherwise.

30 H. The trustees shall maintain and administer the
31 trust estate undivided and as a unit, and shall not make
32 physical division or segregation thereof except if, when
and at the extent required to make distribution therefrom
as in this trust provided.

1 I. The trustees shall first pay out of the gross
2 income from the trust estate, and if necessary from the
3 principal thereof, if deemed advisable by the trustees,
4 all property taxes, income taxes, general and special
5 assessments, and all costs, charges, attorneys' fees, and
6 expenses incurred or expended in the collection, care,
7 administration, protection, or distribution of the trust
8 estate, for the payment of which the trust estate or the
9 trustees may become chargeable, including the protection
10 of this trust, and its defense against legal attack, and
11 also a compensation for the trustees' services, to be
12 fixed and determined by a court of competent jurisdiction.

13
14 Said trustees to act without any bond or bonds being required of
15 them as such trustees, as provided by the will of said decedent.
16

17 Done in open court this 17 day of June, 1942.

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A. F. Bray
Judge of the Superior Court

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial CA-CCO-222
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 6

*Resource Name or #: (Assigned by recorder) CA-CCO-222

P1. Other Identifier Keller Ranch, Clayton, California

*P2. Location: ☒ Not for Publication ☐ Unrestricted

*a. County Contra Costa

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Clayton Date 1980 T 1N ; R 1W ; NE 1/4 of Sec 11 ; Mt. Diablo B.M.

c. Address Keller Ranch City Clayton Zip _____

d. UTM: (Give more than one for large and/or linear resources) Zone 10 ; 594320 mE/ 4,199,710 mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

The prehistoric site (CA-CCO-222) is on the site of the Keller Ranch. It is north of Main Street in the town of Clayton, west of Keller Ranch Road, and bounded by Diablo Creek on the north and partially in the west. Elevation: 375-390 feet.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This archaeological site is composed of midden, burials, hearths, and a complex of artifacts that indicate habitation to approximately 2,800 B.P. (Holman and Clark 1982:144). It is located on rolling terrain ranging in elevation from about 375 to 390 feet that has been used as pasture and for other agricultural purposes, a baseball field, and part of it may have been graded for street construction. Mt. Diablo Creek is located adjacent to the site on the north and west, and Mitchell Creek joins Mt. Diablo Creek near the site. The site is covered with non-native grasses, a few scattered olive, plum and Eucalyptus trees along with historic period features such as ranch house and associated buildings, fencing, a well head, and utility poles. The center of the site is probably located in the area of the Keller Ranch house where a "Late Horizon/Protohistoric midden mound" was noted (Holman and Clark 1982:27). In broad ecological terms, the site is located in an area "designated Upper Sonoran which supports a very wide variety of plant and animal life" (Holman and Clark 1982:11) useful to prehistoric peoples. Holman and Clark describe it as an "ecotone between oak woodland, chaparral, and grassland zones, and is cut through by riparian corridors..." (Holman and Clark 1982:10). The "ranch buildings/barns/corrals complex is to be preserved as an area of historical interest as of the latest development plan" (Holman and Clark 1982:27).

*P3b. Resource Attributes: (List attributes and codes) AP9 Burials; AP11 Hearths; AP15 Habitation debris.

P5a. Photo or Drawing (Photo required for buildings, structures, and objects)

No Photo.

*P4. Resources Present:

☐ Building ☐ Structure ☐ Object
☒ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5b. Description of Photo: (View, date, accession #) None

*P6. Date Constructed/Age and Sources: ☐ Historic

☒ Prehistoric ☐ Both

Oldest date ~2800 B.P. (Holman & Clark, 1982:144)

*P7. Owner and Address:

City of Clayton, California

C

Page 2 of 6

- *P8. Recorded by: (Name, affiliation, and address) Lawrence G. Desmond
Holman & Associates, 3615 Folsom St., San Francisco, CA 94111 [Note: record is based on literature noted below]
- *P9. Date Recorded: Sept. 2001
- *P10. Survey Type: (Describe)
Excavation: 9.5 units. Screens: 1/4th and 1/8th inch. Excavations were made during March and April 1981.
- *P11. Report Citation: (Cite survey report and other sources, or enter "none".)
Holman, Miley P. and Matthew R. Clark, Cultural Resource evaluation of Keller Ranch, Clayton, California, Parts I and II, 1982. Other reports: Bennyhoff, James A. CCo-222 Site Record and Notes, 1952. Holman, Miley P., A summary of interest in the Keller Ranch site. CCo-222, 1980.
- *Attachments: None ☐ Location Map ☒ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☒ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photographic Record ☐ Other (List) _____

DPR 523A (1/95)

*Required Information

C.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary # _____
Trinomial CA-CCO-222

ARCHAEOLOGICAL SITE RECORD

Page 3 of 6

*Resource Name of # (Assigned by recorder) CA-CCO-222

*A1. Dimensions: a. Length 450 (Meters) x b. Width 180 (Meters)

Method of Measurement: ☒ Paced ☒ Taped ☐ Visual Estimate ☒ Other: Surveying instrument

Method of Determination (Check any that apply): ☒ Artifacts ☐ Features ☒ Soil ☐ Vegetation ☐ Topography

☐ Cut Bank ☐ Animal Burrow ☒ Excavation ☐ Property Boundary ☐ Other (Explain): Augering by Holman & Associates archaeologists in 1978. 60 auger holes dug (Holman and Clark 1982:4).

Reliability of Determination: ☒ High ☐ Medium ☐ Low Explain: The entire Keller Ranch parcel was resurveyed and auger holes dug to determine the extent of the midden locations noted earlier by T. L. Jackson.

Limitations (Check any that apply): ☐ Restricted Access ☐ Paved/Built Over ☐ Site Limits Incompletely Defined

☐ Disturbances ☐ Vegetation ☐ Other (Explain): _____

A2. Depth: ~150 cm ☐ None ☐ Unknown Method of Determination: _____

*A3. Human Remains: ☒ Present ☐ Absent ☐ Possible ☐ Other (Explain): In 1952, Bennyhoff reported human remains had been uncovered on the ranch. During archaeological excavations in 1981, Holman and Clark report uncovering 3 burials (Holman and Clark 1982:63-66).

*A4. Features (Number, briefly describe, indicated size, list associated cultural constituents, and show location of each feature on sketch map):
A "hearth area" of "reddened baked clay surrounded by fire cracked rock" was located at 120cm in the southwest corner of Unit 3 (Holman and Clark 1982:41). This unit was dug in the northwest corner of the project area (Holman and Clark 1982:25). Holman and Clark state, "[a] baked clay spheroid/cookingstone was found in this feature, as were several chert artifacts (scraper, cores), much burnt bone, and many pieces of charcoal" (Holman and Clark 1982:41). Analysis of the charcoal from the hearth gave a radiocarbon date of 1,600 +/- 200 radio carbon years.

*A5. Cultural Constituents (Describe and quantify artifacts, ecofacts, cultural residues, etc., not associated with features):
A total of 489 artifacts and ecofacts were recovered from 9.5 excavation units, and an additional 2 artifacts were found on the surface by Holman & Associates archaeologists in 1981. The cultural materials were cataloged as: Bone, Shell, Chipped stone, Groundstone and Mineral Other. For a complete catalog and analysis of materials refer to: Holman and Clark 1982:CCO-222 Artifact Descriptions (by Randy Wiberg)76-117. Additional information on artifacts and human remains uncovered on the site by the Keller family can be found in James A. Bennyhoff, "CCO-222 Site record and notes," 1952.

*A6. Were Specimens Collected? ☐ No ☒ Yes (If yes, attach Artifact Record or catalog and identify where specimens are curated.)
Artifacts were collected during excavation of the in 1981 by Holman & Associates. For a catalog of artifacts refer to a report of archaeological work by Holman, Miley P. and Matthew Clark, "Cultural Resource evaluation of Keller Ranch, Clayton, California." Report held in the archive of the Northwest Information Center, Sonoma State University, Rohnert Park, California.

*A7. Site Condition: ☒ Good ☐ Poor (Describe Disturbances): Long term use of the ranch for agricultural purposes has resulted in disturbance to some of the subsurface. Additional impact to the subsurface was caused by grading for roads, house and other building construction, excavation for a cellar, and recreational use by the town of Clayton.

*A8. Nearest Water (Type, distance, and direction): Mt. Diablo Creek is located adjacent to the site on the north and west, and Mitchell Creek joins Mt. Diablo Creek near the site.

*A9. Elevation: 375 to 390 feet.

A10. Environmental Setting (Describe culturally relevant variables such as vegetation, fauna, soils, geology, landform, slope, aspect, exposure, etc.): The site is located on rolling terrain ranging in elevation from about 375 to 390 feet that has been used as pasture and for other agricultural purposes. The soils in the site area are Zamora silty clay loam "forming well drained topsoil in alluvial flats from sedimentary sources" (Holman and Clark 1982:9). Mt. Diablo Creek is located adjacent to the site on the north and west, and Mitchell Creek joins Mt. Diablo Creek near the site. The site is covered with non-native grasses, a few scattered olive, plum and Eucalyptus trees along with historic period features such as ranch house and associated buildings, fencing, a well head, and utility poles. In broad ecological terms, the site is located in an area "designated Upper Sonoran which supports a very wide variety of plant and animal life" (Holman and Clark 1982:11) useful to prehistoric peoples. Holman and Clark describe it as an "ecotone between oak woodland, chaparral, and grassland zones, and is cut through by riparian corridors..." (Holman and Clark 1982:10). Rainfall in the area is 17 to 20 inches, and comes during the period of November to April. The area is also an excellent source of lithic materials (excepting obsidian) for many prehistoric uses.

C.

A11. Historical Information: T. L. Jackson determined that the Keller Ranch house was built in 1912 (Holman and Clark 1982:4). Barns and other ranching associated structures were constructed during the past 90 years. The cellar under the house was dug in 1932 Bennyhoff interview Mrs. Keller in 1952 concerning construction of buildings and any excavation on the ranch that might have an impact on the archaeological record.

*A12. Age: ☒ Prehistoric ☐ Protohistoric ☐ 1542-1769 ☐ 1769-1848 ☐ 1848-1880 ☐ 1880-1914 ☐ 1914-1945
☐ Post 1945 ☐ Undetermined (Describe position in regional prehistoric chronology or factual historic dates if known):
2,800 B.P. Late Horizon/Protohistoric.

A13. Interpretations (Discuss data potential, function(s), ethnic affiliation, and other interpretations):

In terms of linguistic affiliation, Randall Milliken states the site has two possibilities, "...no one can now be certain whether CCo-222 was in the territory of the Chupcan or the Volvon" (Holman and Clark 1982, Part II:31).

A14. Remarks: None

A15. References (Documents, informants, maps, and other references):

Bennyhoff, James A.

1952 CCo-222 Site Record and Notes. Report archived at the Northwest Information Center, Sonoma State University, Rohnert Park, CA.

Holman, Miley P. and Matthew Clark

1982 Cultural resource evaluation of Keller Ranch, Clayton, California. Parts I and II. Part II by Randall Milliken. An ethnographic study of the Clayton area, Contra Costa County, California. Report archived at the Northwest Information Center, Sonoma State University, Rohnert Park, CA.

Holman, Miley P.

1980 A summary of interest in the Keller Ranch site, CCo-222. Report archived at the Northwest Information Center, Sonoma State University, Rohnert Park, CA.

A16. Photographs (List subjects, direction of view, and accession numbers or attach a Photograph Record): No photos available for this report, but photos are with reports noted above in A15.

Original Media/Negatives Kept at: For 1981 project, original materials are kept at the archives of Holman & Associates, 3615 Folsom St., San Francisco, CA 94110.

*A17. Form Prepared by: Lawrence G. Desmond Date: Sept. 26, 2001

Affiliation and Address: Holman & Associates, 3615 Folsom St., San Francisco, CA 94110

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary # _____
HRI # _____
Trinomial CA-CCO-222

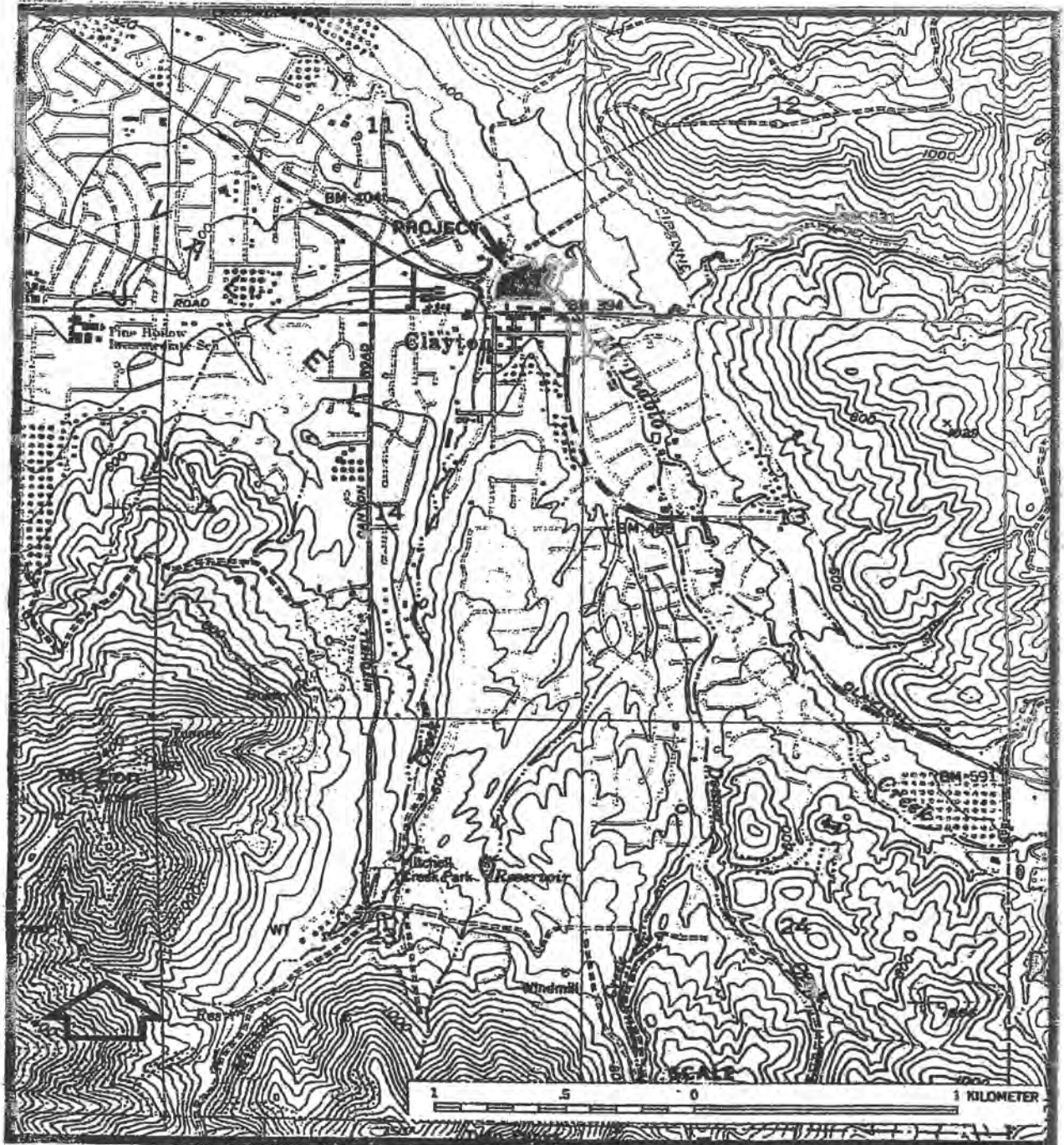
Page 5 of 6

*Resource Name or # (Assigned by recorder) CA-CCO-222

*Map Name: USGS 7.5 min. Clayton, CA

*Scale: 1:24,000

*Date of Map: 1980



Project Location Map.

Clayton Quad, Calif.
7.5 minute series-1960

C.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
SKETCH MAP

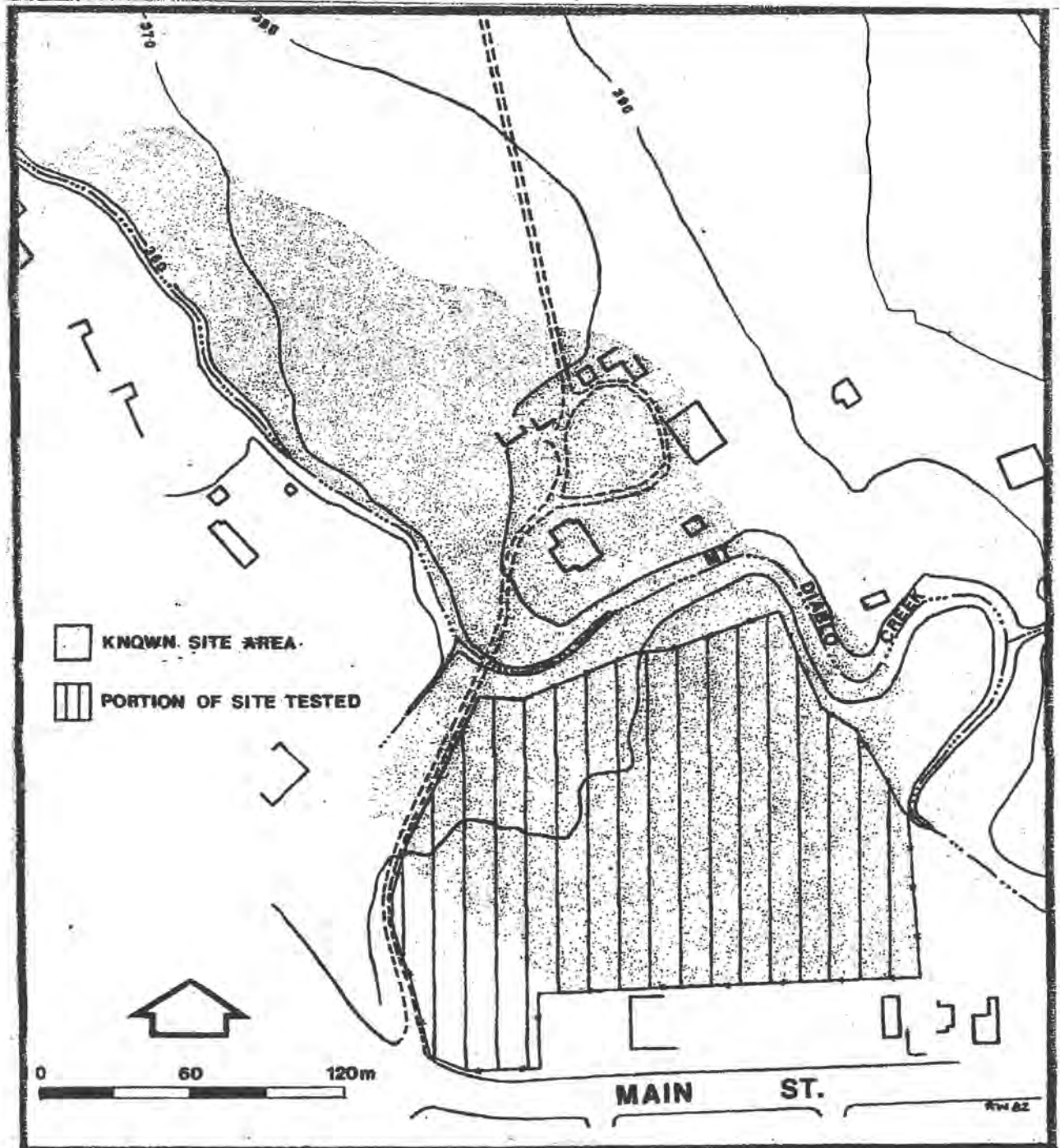
Primary # _____
HRI # _____
Trinomial CA-CCO-222

Page 6 of 6

*Resource Name or # (Assigned by recorder) CA-CCO-222

*Drawn By: Randy Wiberg. (Holman and Clark 1982.25)

*Date: 1982



**CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM**



ALAMEDA
COLUSA
CONTRA COSTA
LAKE

MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
1303 Maurice Avenue
Rohnert Park, California 94928-3609
Tel: 707.664.0880 • Fax: 707.664.0890
E-mail: nwic@sonoma.edu

M E M O

Date: 11 March 2001

To: Joseph McDole, Office of Historic Preservation, P.O. Box 942896, Sacramento,
CA 94296-0001

From: Leigh Jordan, Coordinator

Re: Primary Number and/or Trinomial Assignment

Diane Thompson submitted three Cal Register records for Primary Number designations and asked me to inform you once the numbers had been assigned. PLEASE notify me of the OHP Prop. and Program Reference numbers once assigned to those resources listed below without them. The following Primary Number and/or Trinomials have been assigned:

<u>Resource Name</u>	<u>Primary Number</u>	<u>Trinomial Number</u>
Santos Farmhouse, Damas Farmhouse/OHP Prop. #010167	P-01-002258	
Santos Shed, Damas Shed/ OHP Prop. #010168	P-01-002259	
Santos Barn, Damas Barn/ OHP Prop. #010169	P-01-002260	
Santos Farm Complex/ OHP Prop. #064848	P-01-002261	
Keller Ranch House Supplement to Existing Record	P-07-000105	CA-CCO-222/H ✓
Francois Saviez Farmstead/ Saviez Vineyard	P-28-001185	

C.

ARCHAEOLOGICAL SITE INVENTORY RECORD

S-1569

Supplement LABORATORY CODES: () () () () ()	
FIELD #: Keller Ranch	STATE #: CCo-222
MAP: Clayton, Calif. (464B) COUNTY: Contra Costa	
CONTOUR (Highest: 390), (Lowest: 360), ($\bar{X}$: 375) FEET + msl	
TOWNSHIP: 1N RANGE: 1W 1/4 of SE 1/4 of SE 1/4 OF	
SECTION #: 11 (OR) LANDGRANT: NA	
COORDINATES: ²⁵³ 271 mm S, ²²⁹ 248 mm E FROM NW CORNER of MAP	
U.T.M.G. COORDINATES: (see over) mE/ mN	
" WEST LONG., " NORTH LATITUDE	
The southern boundary is Clayton Rd. The western SITE LOCATION: boundary is Mitchell Creek north of Clayton Rd. The eastern boundary is Mt Diablo Creek where it joins Clayton Rd and eastern boundary extends north behind the barn of Keller Ranch. The northern boundary is the existing PG&E lines north of the ranch.	
SITE DESCRIPTION: extensive occupation site, dark friable/clay soil containing shell(mussel, oyster), bone chert, obsidian, groundstone artifacts(portable mortars, pestles), worked obsidian and chert, and charcoal. Known burials associated with Ranch. Site is presently occupied by a working cattle ranch and some of the buildings are historically significant.	
DIMENSIONS: 750 meters NW-SE X 400 meters NE-SW cf. PLAN	
ESTIMATED AREA: 300,000 square meters. DESCRIBE METHOD	
USED TO DETERMINE SITE EXTENT: auger borings, surface reconnaissance	
DEPTH OF CULTURAL DEPOSIT (Maximum 200 cm), (Minimum 30 cm)	
($\bar{X}$ 80 cm), DESCRIBE METHOD USED TO DETERMINE DEPTH: auger borings and side walls of the house cellar	

Page 2

SITE #: Keller Ranch
FIELD #: CCo-222

DOMINANT ON-SITE VEGETATION: Oak Savannah/Riparian: introduced
grasses, olive trees, valley oak, buckeye, mallow, mustard,
miners lettuce, willow, walnut, eucalyptus

SURROUNDING VEGETATION:
Oak Savannah: same species

LOCAL FAUNA: red shafted flicker, nuthatch, Brewer's blackbirds,
woodpeckers, red tailed hawk, great horned owl, robin, red and
grey squirrel, opossum, grey fox, raccoon, skunk, cattle

NEAREST WATER (Distance: 0 meters), (Direction: on site)

(Nature of Water Source: Mt Diablo & Mitchell Creeks)

SOIL OF SITE: friable dark brown clay/silt midden

SURROUNDING SOIL: light brown clay silt

LOCAL ROCKS AND MINERALS: chert, sandstone, basalt, granite

EROSION: cattle grazing and some stream erosion

MODIFICATIONS: working cattle ranch, road and building
construction, some planting

PREVIOUS EXCAVATION (Name, date, published reference):
Building construction, refer to Bennyheff's survey 1952
see SSC Anthony Lab AER # S-973

SITE PLACEMENT RELATIVE TO TOPOGRAPHY:
flat valley area at confluence of three streams

b.

SITE #: Keller Ranch
FIELD #: CCo-222

Page 3

EXPOSURE TO INSOLATION: all exposures

EXPOSURE TO PREVAILING WIND: all/ prevailing E-W

ARTIFACTS: mortars, pestles, chert and obsidian flake tools, chert cores

HOUSEPITS (Number ?) (Attach data regarding plan, dimensions, depth, and distribution of housepits.) BEDROCK MILLING STATIONS :
(Number of outcrops: NA) (Total number of mortars NA, metates NA)

(Attach separate Bedrock Milling Station Form.) OTHER FEATURES
There are several oval vegetation patches that could be indicators of house floors, but only testing would tell. Ranch house foundation contain portable mortars and pestles.

COMMENTS: A few site deminsions would seem to indicate that CCo-222, 259, 257, 256, and possibly 260 are one site.

APPARENT SIGNIFICANCE OF SITE :

extensive occupation site; known to contain burials (excavation of ranch house basement.).

OWNER'S NAME AND ADDRESS: Pacific Coast Construction

PHOTOGRAPHS: (Number B/W, Color, Slides) (By Jackson 1976
Bennyhoff 1952) (Photos on file at)

(Catalogue #s:)

RECORDER(S): M. Clark, C. Desgrandchamp, B. Denenberg, S. Slater

DATE 2-4-78

LIST OF ATTACHED DOCUMENTS:

Sketch map

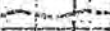
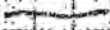
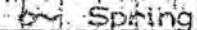
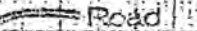
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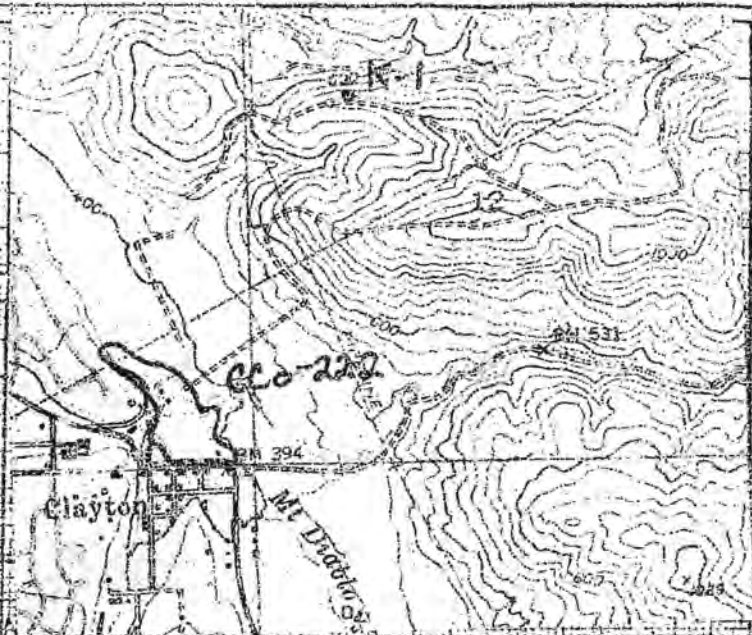
PORTION OF THE USGS 7 1/2'

Clayton Creek QUADRANGLE

SHOWING SITE LOCATION

LEGEND

-  Intermittent Stream
-  River
-  Spring
-  Fence
-  Road
-  Bedrock (with mortars)
-  Stone Wall
-  House
-  Tree



SKETCH

SKETCH
MAP

(Be sure to indicate magnetic north; identify all features; show scale)

DRAWN BY:

DATE:

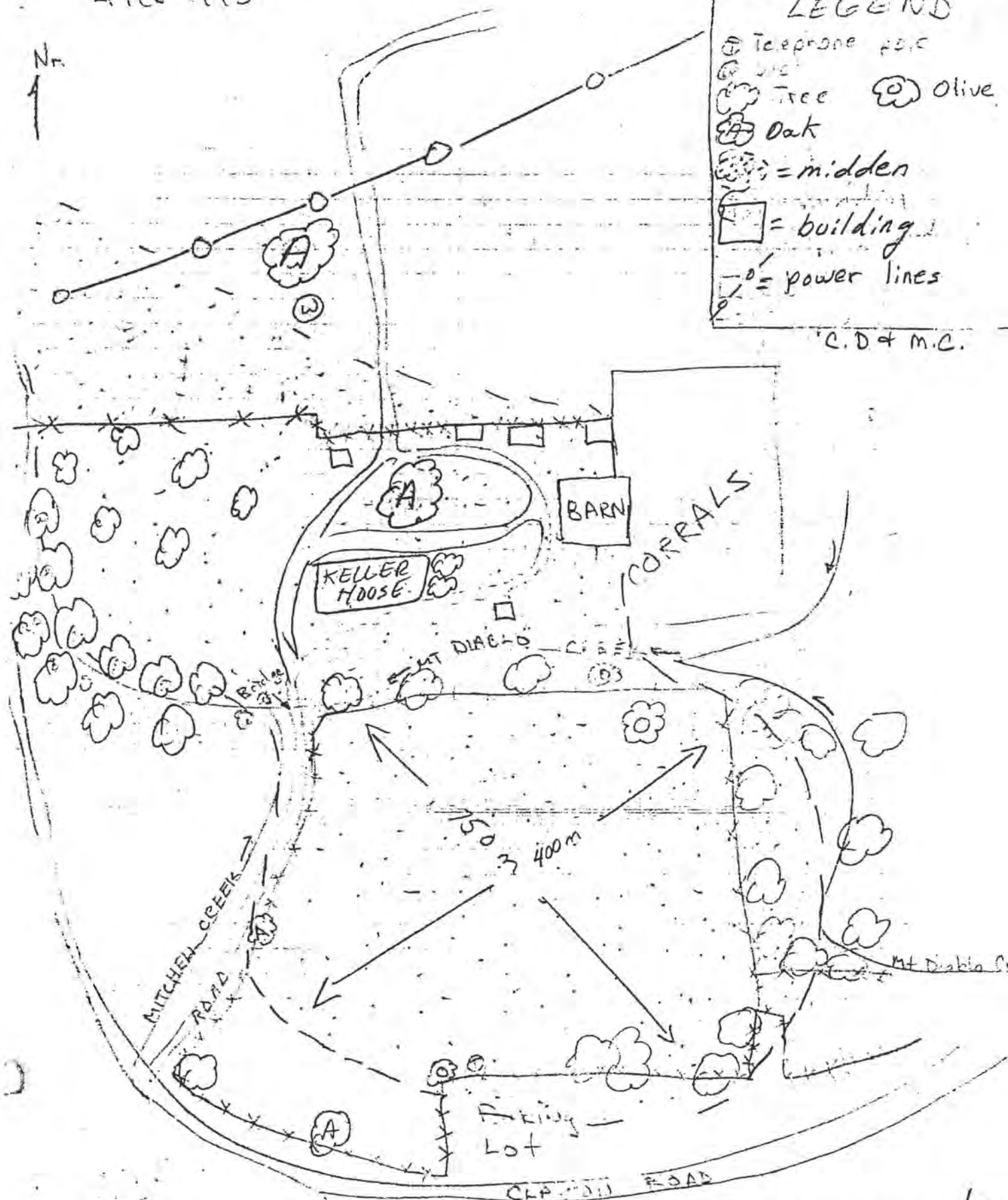
b.

C-Co-222 Sketch Map
4 Feb 1978

LEGEND

- ⊙ Telephone pole
- ⊙ Tree
- ⊙ Olive
- ⊙ Oak
- ⊙ = midden
- = building
- = power lines

C.D. & M.C.



TOWN OF CLAYTON

b.

8-2039

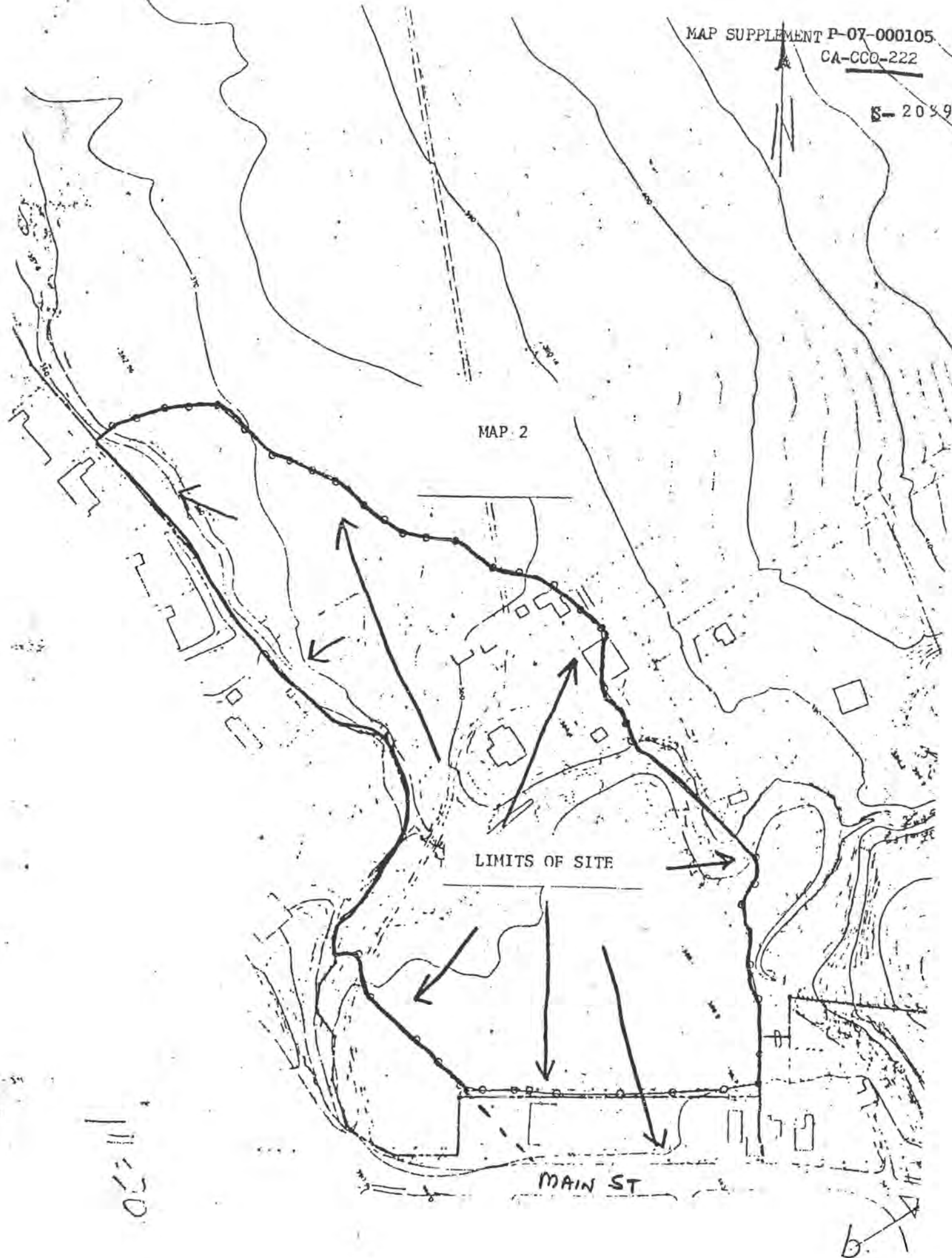
MAP 2

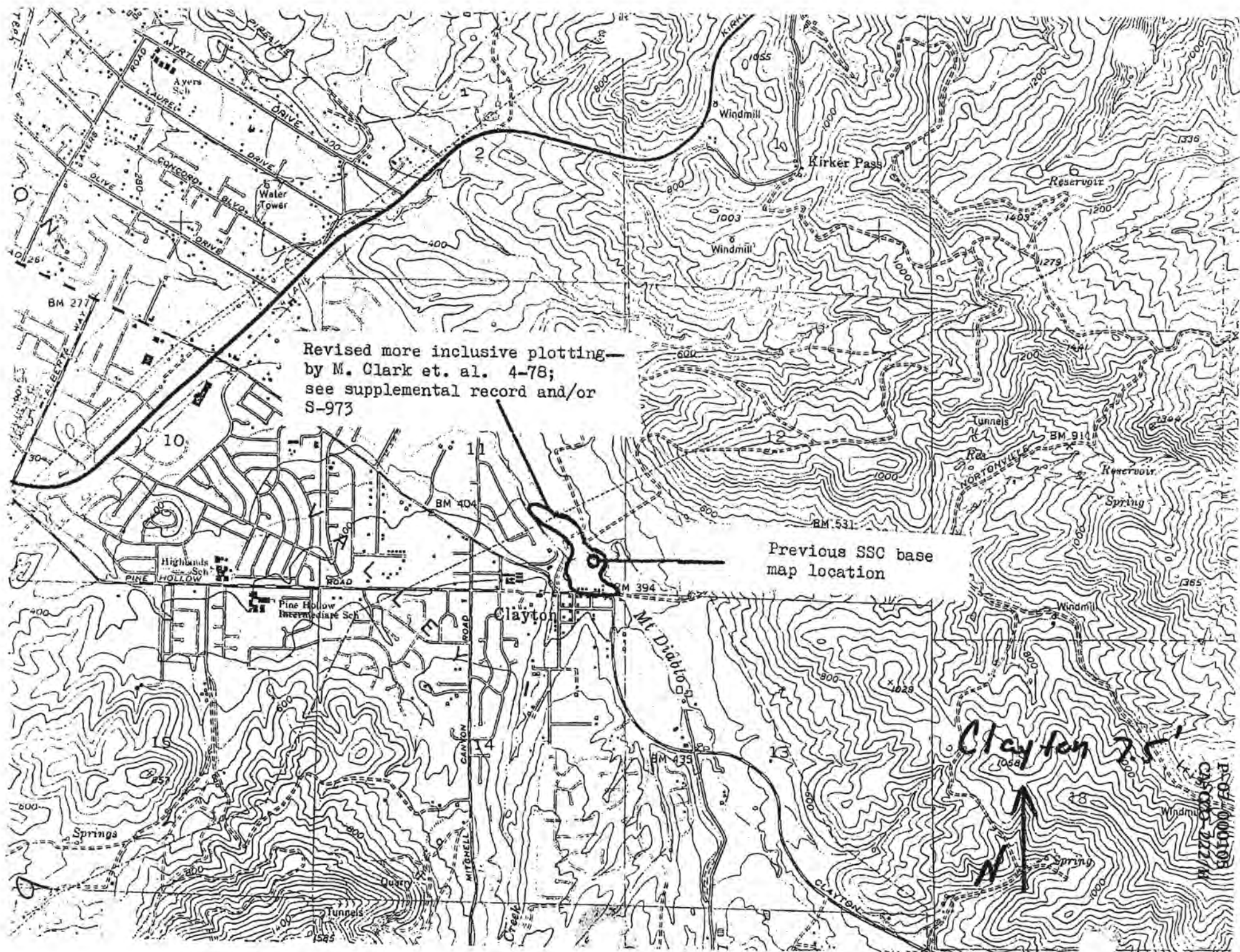
LIMITS OF SITE

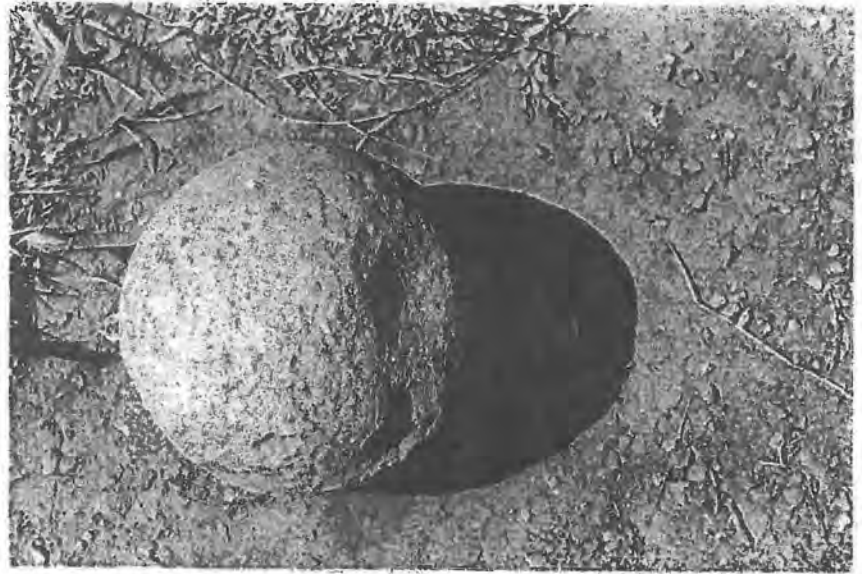
MAIN ST

11-20

b



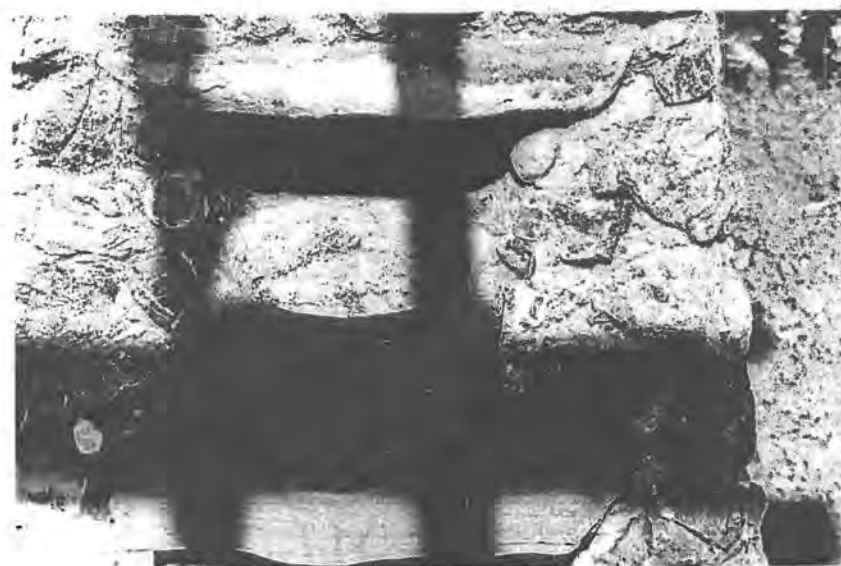




P-07-000105

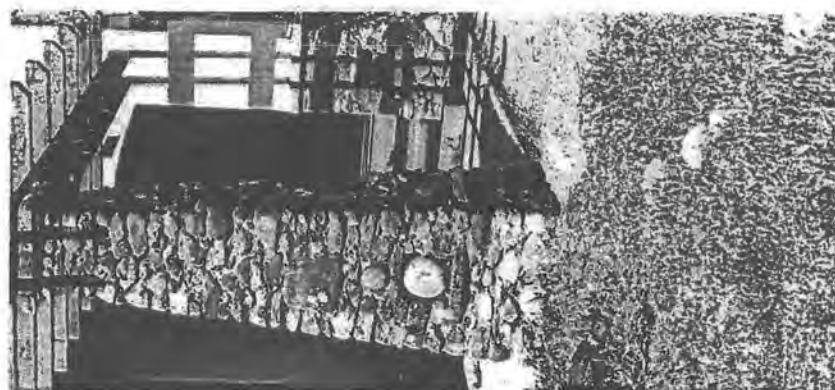
b.





P-07-000105

b.





P-07-000105

b.





P-07-000105

b.





P-07-000105

b.





P-07-000105

b.





P-07-000105

b.





P-07-000105.

b.





P-07-000105

b.





P-07-000105

b.

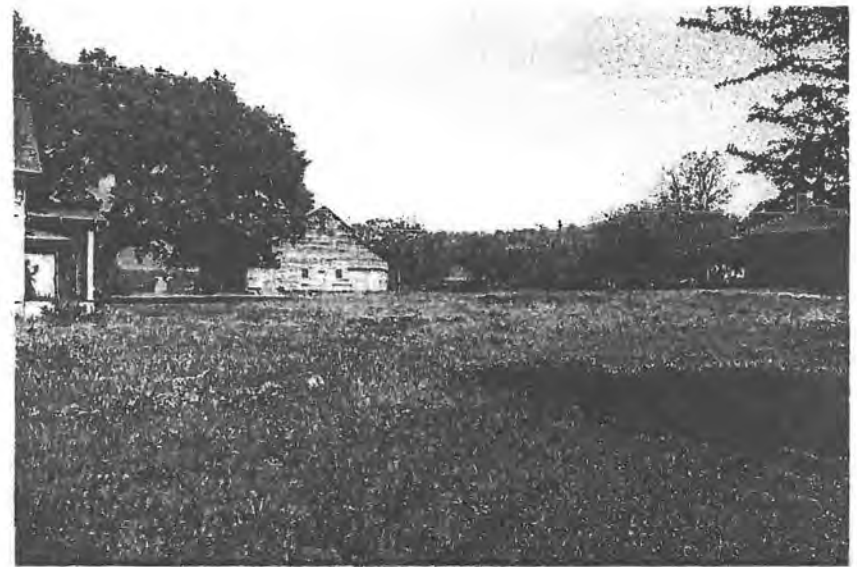




P-07-000105

b.





P-07-000105

b.

DO NOT CUT FILM STRIPS - USE NUMBERS AT EDGE OF NEGATIVE

Negative No. ☐

Negative No. ☐

Negative No. ☐

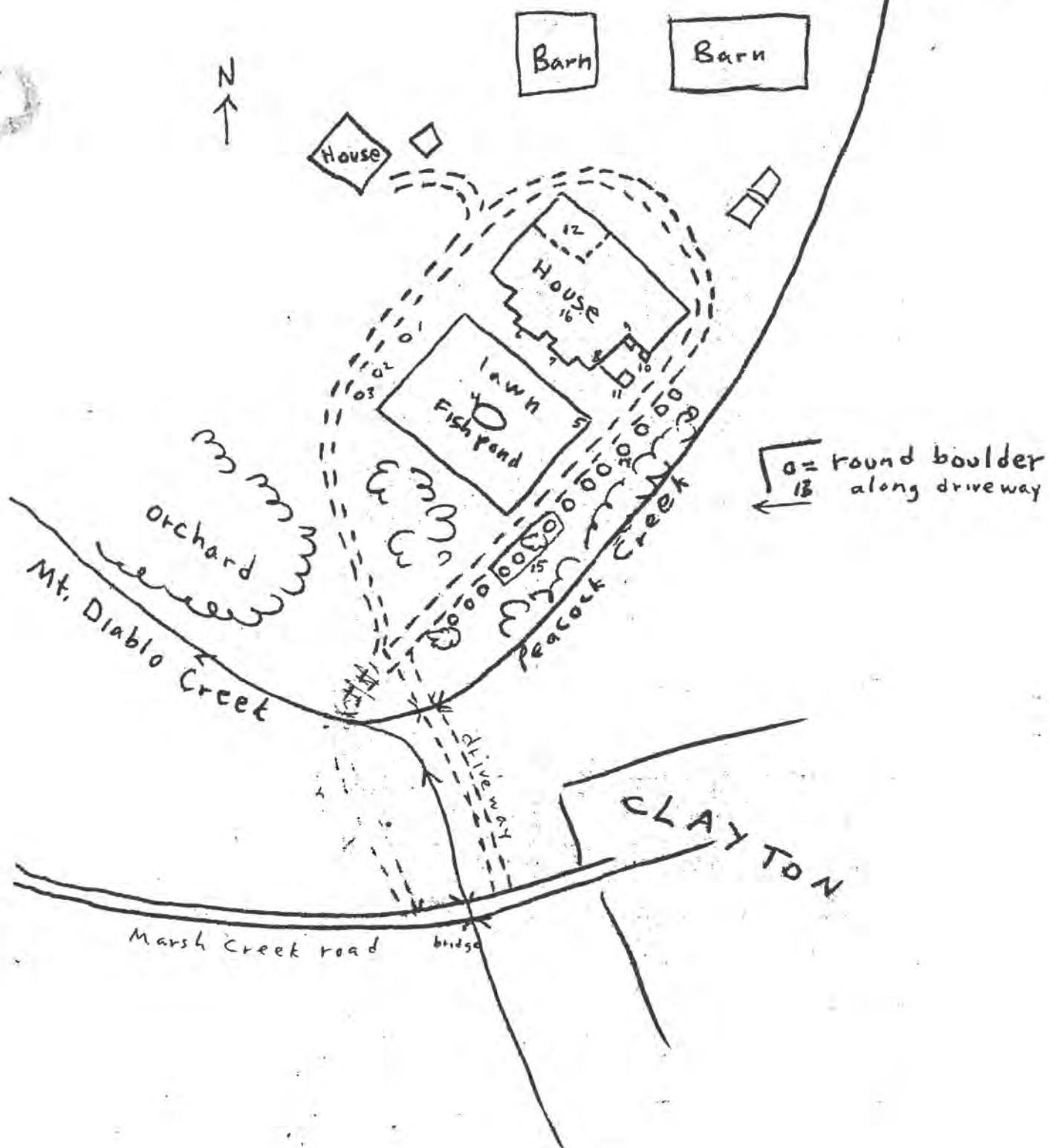
Negative No. ☐

ARCHAEOLOGICAL SITE SURVEY RECORD

P-07-000105

1. Site CCo-222/H 2. Map Mt. Diablo 3. County Contra Costa
4. Twp. see GRID LOC. Range ; 1/4 of 1/4 of Sec.
5. Location Clayton: north side of Peacock Creek, just north of Clayton
on Keller Ranch.
BRID LOCATION: 9100200rt/1690000up 6. On contour elevation 450'
7. Previous designations for site Clayton Ranch Keller Ranch
8. Owner Mrs. Harry Keller 9. Address 1186 Ridge Park Drive
10. Previous owners, dates see accompanying notes
11. Present tenant Robert Fleeches, living on site
12. Attitude toward excavation favorable
13. Description of site low midden mound on edge of creek now covered by
houses, orchard and barns; areas still available for digging.
14. Area 150 yds diameter 15. Depth at least 6' 16. Height 4'
17. Vegetation orchard, lawn, oaks, weeds 18. Nearest water Peacock creek at S edge
19. Soil of site dark ashly midden 20. Surrounding soil type buff colored clay
21. Previous excavation cellar excavation 1932; see accompanying notes.
22. Cultivation orchard, garden, lawn 23. Erosion slight
24. Buildings, roads, etc. houses, barns, road
25. Possibility of destruction slight
26. House pits none
27. Other features see accompanying notes
28. Burials " " "
29. Artifacts " " "

30. Remarks
31. Published references mentioned in clipping at end of CCo-221 S-1569
32. UCMA Accession No. 33. Sketch map over S8101
34. Date 10/21/52 35. Recorded by Bennyhoff 36. Photos see notes a



CCo-222 S-1569

NOTES OBTAINED FROM MRS. KELLER

10/21/52 J. A. Bennyhoff

S 8101

Previous owners:

Earliest owner remembered was Vincent Liberty. Loyd Tevest, head of Wells Fargo, bought ranch from Liberty. His son, Will Tevest, may remember Indians who worked on ranch.

Mrs. Keller's father bought ranch in 1890 or 1891, sold it to Tevest and Fisher in 1899. After her marriage Mrs. Keller bought the ranch back again.

Indian occupation:

Local Indians worked on the ranch around the turn of the century. She recalls Indians telling her of their childhood participation in grasshopper drives, which they used for flour.

Previous excavation:

Pits and trenches were dug in connection with ranch work at all times, with various remains turning up. Burials were found alongside an old barn, now torn down.

A box of skulls from the site was given to Charlie Clanton, Curator of the Golden Gate Museum.

The University of California is reported to have dug in the site in the 1890's.

A cellar was excavated in 1932. Burials, and associated artifacts, were found (see artifacts below).

Burials: see above.

Artifacts and features:

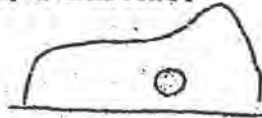
Mortars were used as post-gate pivots in the early days.

Shell ornaments, points, pestles and mortars and other artifacts were found in the 1932 cellar excavation. Small artifacts were given to Mrs. Edward Love of Pittsburgh.

The mortars and pestles have been used for decorating the present house (built in 1932), and the surrounding garden. Most of them are set in cement. The following disposition was made of the large artifacts (see red numbers on sketch map); for location.

1. Slab mortar (25 x 14 x 5½") with 2 holes (5" diam., 4" deep; 4" diam., 1½" deep) merge into one another, on one side only. Sandstone.
2. Boulder mortar (14 x 12 x 7") hole 7" diam., 6" deep). Unmodified except for hole. Sandstone. See Photo: 3 913 +.
3. Bowl mortar made from hollowed-out slab; rim and edges not ground. 13" diam., 4½" high. Rim 1½" thick; hole 3" deep. Sandstone. Photo: 3 913 left

a.

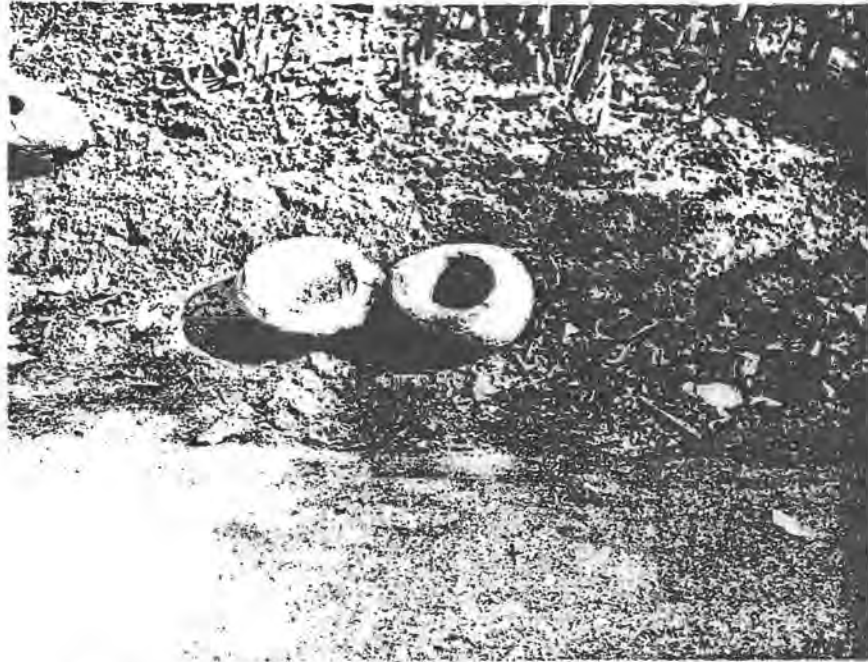
4. Fish pond is lined with rocks, mortars and pestles set in cement (See Photo:   3 small ^{bowl} mortars and 2 boulder mortars. 1 unusual specimen is of volcanic rock, 5" diam., 8" deep. Most pestles are simple, but, as shown in the photograph, one has a modified top. Average length 8". One short one, 5½" long, 2" basal diameter.
5. Boulder mortar 13" diam., 8" high (hole 9" x 6"). Loose. Sandstone.
6. Incipient boulder mortar (11" diam.; hole 4" x 1") set in house foundation. Sandstone
7. Boulder mortar (12" diam., 9" high; hole is 5" x 3") set in fndat. Sandstone.
8. Slab mortar (19 x (12) x ?); hole 4" x 2") set upright at base of foundation. 
9. Carefully worked bowl mortar fixed in inset with pestle and plant in bowl. Volcanic stone. 10½" diam., 6" high. Rim 1" thick. 
10. Carefully worked bowl mortar fixed in inset with pestle and plant in bowl. Volcanic stone. 11" diam., 8" high. Rim 1" thick. Photo: 3915
11. Stone column of house with small boulder mortar set in SE side (8½" diam., 7" high; 1" deep hole); and small bowl mortar set in NW side. Large boulder mortar on ground at SW side (12" diam., 19" high, 8" deep). All of sandstone. 
12. Area of excavated cellar. Midden face forms SE wall. Burials uncovered. Most of mortars and pestles are from this area. in digging.
13. East edge of driveway is lined with almost spherical stone boulders (average 14" diameter). Mrs. Keller stated that she collected these from the adjacent creek bed and bank; 2 or 3 were brought from the road to Port Chicago. (The west driveway is also lined with a variety of boulders, often of unusual shape, painted white). Several of the east driveway boulders have lines and meanders on them (see following sketch by F. B. Fitch. Fitch is incorrect in stating that these boulders came from the mound itself (this is a current belief among many Clayton localites). In view of Mrs. Kellers statements, there is no reason to consider these spheres to be man made. None show signs of manufacture by man, and the "markings" could easily be erosion lines.
14. One of the above boulders may be an incipient mortar, with a slight depression. Photo. 3917
15. The three round boulders which display most of the markings referred to by Fitch. See Photo: for general view of boulders: Photo: 3916
16. 3 pestles from the cellar excavation are set in the inside fireplace. These three are the most elaborate. Average length 8"; 2" basal diam. 

CCo-222
J. A. Bennyhoff photos
November 21, 1952

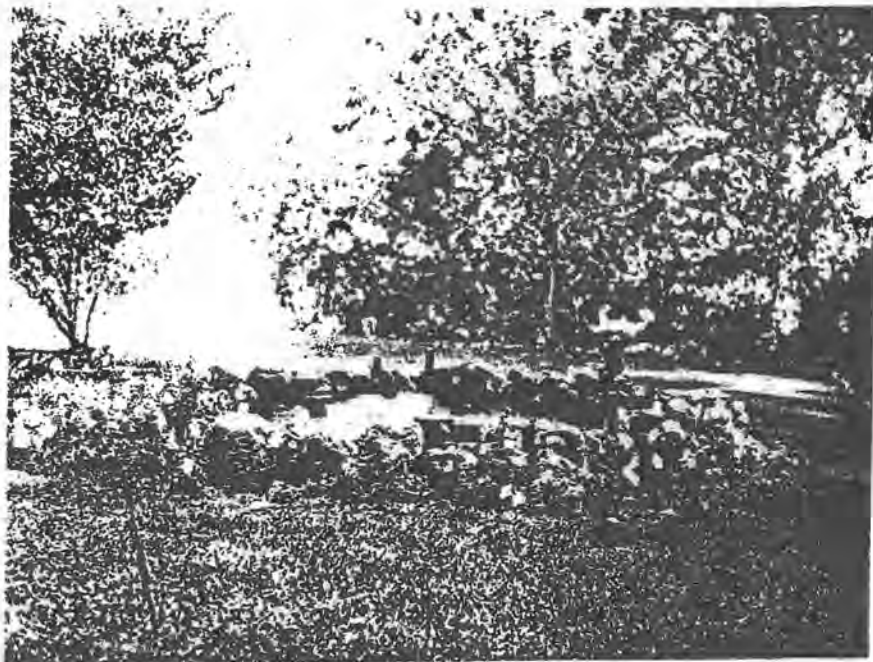
P-07-000105
CA-CCO-222/H



#3917 Incipient boulder mortar



#3913 View of mortars found in cellar excavation



#3914 Mortars and pestles from site set in
cement around fish pond



#3915 Mortar and pestle from site set in wall.



#3916 View of stream boulders lining driveway;
decorated with supposed petroglyphs. See site
record.

ATTACHMENT C

Photographs (2015)

Page 1 of 1

Resource/Project Name: Keller House Outbuildings Year 2015

Camera:

Lens Size: 35mm

Film Type and Speed: Digital

Negatives Kept at: ECORP Consulting, Inc.

[illegible]



IMG_2578



IMG_2584



IMG_2585



IMG_2586



IMG_2588



IMG_2593



IMG_2594



IMG_2597



IMG_2600



IMG_2601



IMG_2613



IMG_2616



IMG_2619



IMG_2620



IMG_2624



IMG_2628



IMG_2631



IMG_2633



IMG_2637



IMG_2639



IMG_2642



IMG_2646



IMG_2648



IMG_2651



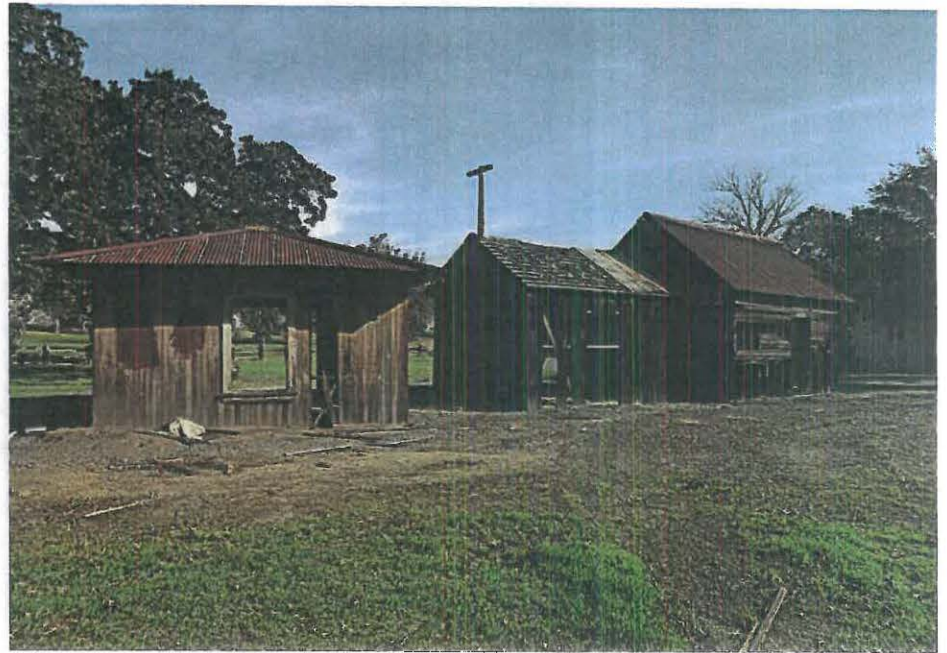
IMG_2759



IMG_2765



IMG_2766



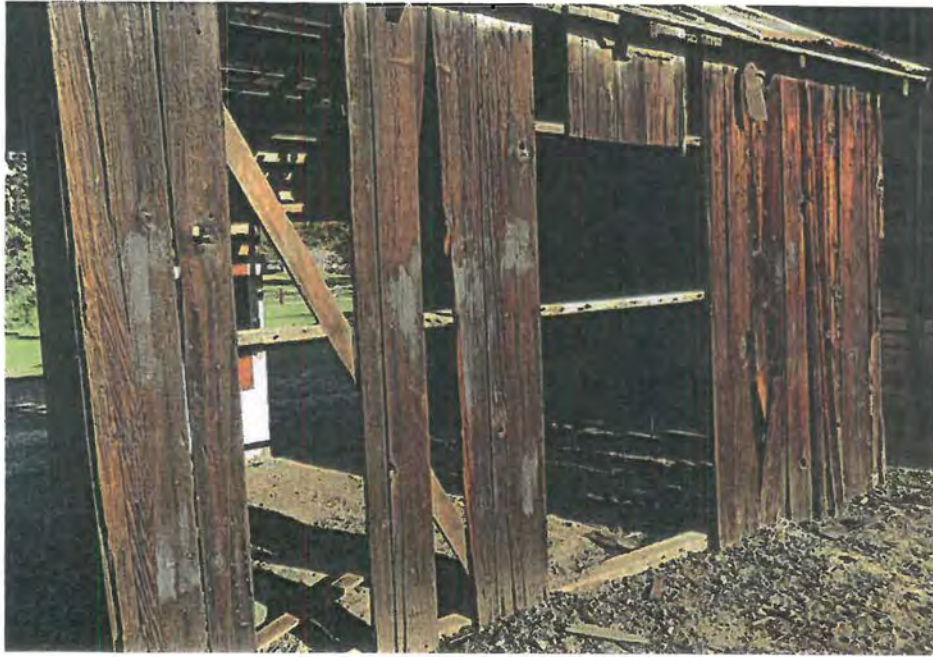












ATTACHMENT D

State Historical Resource Commission (2001)

**STATE HISTORICAL RESOURCES COMMISSION
DEPARTMENT OF PARKS AND RECREATION**

P. O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624
(916) 653-3824 FAX



JOHN D. HENDERSON, FAIA

.....Chairperson

SUE SCHECHTER

.....Vice Chairperson

LAUREN W. BRICKER, PhD

PHILIP P. CHOY

KATHLEEN GREEN

ANTHEA M. HARTIG, PhD

WILLIAM R. HILDEBRANDT, PhD

MARY L. MANIERY

CAROL L. NOVEY

DR. KNOX MELLON

.....Executive Secretary

14 December 2001

STATE HISTORICAL RESOURCES COMMISSION FINDINGS
California Register of Historical Resources
Keller House, Clayton, Contra Costa County

On 2 November 2001, at a regular meeting of the State Historical Resources Commission held in San Simeon, pursuant to Public Resources Code Section 5024.1, the State Historical Resources Commission determined the Keller House, 6015 Heritage Trail, Clayton, to be a significant historical resource and voted to list it in the California Register of Historical Resources. Published herewith are the Commission's findings.

This resource includes the ranch house, and ancillary structures including the granary, storage shed, garage and concrete bridge are significant under criterion 1 for the period 1910 to 1954, for their association with cattle ranching, and industry important in local and regional history. The Keller House is also eligible under criterion 3 for its architecture as a rare example in the Clayton area of Mission Style with Craftsman elements. The bridge, built in 1916, is also individually significant under criterion 3 as a rare example of a privately-funded, concrete bridge which appears to have been built at great cost and shows evidence of engineering and aesthetic considerations in design not common to private, utilitarian bridges in California. The site on which the Keller house and other buildings are located, archaeological site (Cco-222) is also significant under criterion 4 in that it has yielded and has the potential to yet yield information important to understanding the prehistory of this region.

The Commission's determination is based upon the description of the resource and statement of significance provided in the nomination prepared by Thomas Saxby, AIA, at the request and on behalf of the City of Clayton, owner of the resource and applicant.

By virtue of being listed in the California Register, the Keller House, granary, storage shed, garage, and bridge are to be considered significant historical resources which deserve to be protected, to the extent prudent and feasible, from substantial adverse change, pursuant to California Code of Regulations, Title 14, Chapter 3, CEQA Guidelines.

Pursuant to the California Code of Regulations, Title 14, Chapter 11.5, Section 4857, the Commission has the power to reverse or alter its prior determination, in whole or in part, if the prior decision was based on a significant error in the facts, information or analysis, or if it appears, based on new information, that the determination was arbitrary, capricious or based on substantial error.

d.

Requests for redetermination may be submitted within thirty (30) days of the date of this letter. Such requests shall set forth the reasons why the applicant believes the Commission's determination was improper, including all new relevant facts and information. The Commission shall advise the applicant within sixty (60) days after receipt of a request for redetermination whether it will consider such request, and if so, set the date for a hearing by the Commission. If the request for redetermination is denied, the original determination shall become final for all purposes, unless the resource is later shown to be demolished, altered, or has lost its integrity.

Questions or comments regarding this matter can be addressed to the Registration Unit, Office of Historic Preservation, at the above address.

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*

DATE: OCTOBER 2, 2015

SUBJECT: KELLER HOUSE OUTBUILDINGS (CDD-14-15)

RECOMMENDATION

It is recommended the City Council authorize the City Manager to enter into a consultant services contract in order to establish if the three Keller House Ranch outbuildings remain historically significant; to establish options for the future of the three structures; and to understand the process associated with each possible option. Staff will provide its verbal recommendation of the preferred consultant at the conclusion of the discussion at the Council meeting.

BACKGROUND

The Keller Ranch House, which is located on the north side of Town Center, in close proximity to the Clayton Community Library, was built in 1912 by Harry and Elodia Keller, on land that was purchased from the Joel Clayton estate in 1910 (**Attachment 1**). Harry Keller operated a 1300-acre cattle ranch up until his death in 1940, which was subsequently leased out to operators who continued ranching operations up until the property was sold to Pacific Coast Construction Company in 1972. Following an economic downturn and resistance from Native Americans the land was not developed until it was sold to Presley of Northern California in 1987. The City of Clayton acquired the small parcel that contained the Keller House and associated outbuildings as well as the Clayton Library property in 1991.

The Oakhurst EIR, which was completed in 1987, identified over a dozen structures historically located on the Keller Ranch property. Those structures included the house, two large barns, a granary, a chicken coop, a small stable, a bunk house, a work shop, garage and other storage buildings. The three outbuildings that remain today are a granary, a work shed, and a garage, although not in their original locations. According to the EIR, the mortise and tenon construction of the granary and the well-weathered planking suggest pre-1920s construction. However, when dealing with vernacular buildings judging construction dates on stylist analysis alone is difficult. While it seems likely the majority of the structures on the ranch were constructed circa 1910-1920, it is also possible some of the structures postdate this period by a decade or maybe before this time period (**Attachment 2**).

In April 2002, the City of Clayton Redevelopment Agency established the Keller Ranch House Master Plan Steering Committee to assist the City in preparing a master plan for the

preservation, rehabilitation, and reuse of the Keller Ranch House and the surrounding two-acre parcel. The Steering Committee, which was comprised of representatives from the City Council, the Planning Commission, the Historical Society, and other community organizations, was tasked with exploring options to rehabilitate the Keller House on how it would best serve the Clayton community. The Master Plan included a conceptual rehabilitation plan, a ranking of potential uses, and the cost estimates for the various scenarios (**Attachment 3**). The rehabilitation plan contained several options which included: an interpretative center and museum, an interim event center, an interim residential use, an interim office use, and a preservation scenario.

The Master Plan identified a conceptual project budget just shy of two million dollars (2003 dollars) for full rehabilitation of the house and development of the grounds for public use. The budget also included a line item for rehabilitation of the three outbuildings, which was estimated to cost \$21,000 per outbuilding, for a total of \$63,000. Due to the costs associated with the rehabilitation, the lack of a revenue stream/business plan for operation and maintenance of rehabilitated buildings as well as competing priorities using RDA monies for other economic and infrastructure improvements, the City Council decided to pursue the preservation scenario, which included boarding up only the Keller House and performing priority repairs. The outbuildings were not included within this scenario.

In November 2001, the Keller House complex, including the outbuildings, was determined to be significant as a rare example, in the Clayton area, of Mission-style architecture with Craftsman elements. It was elected to the California Register of Historical Resources for the complex's association with cattle ranching, an industry important in local and regional history (**Attachment 4**).

DISCUSSION

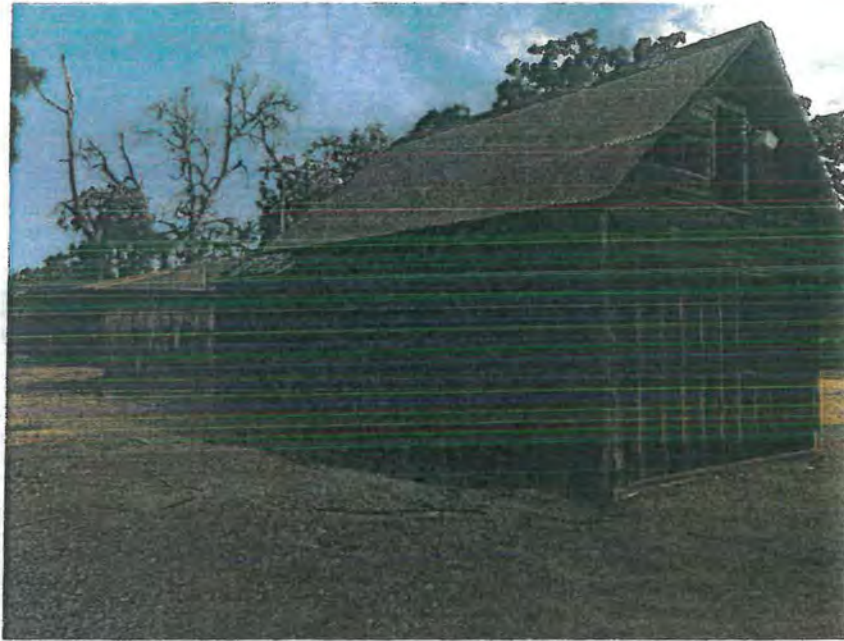
Overview

The City has recently received commentary and complaints in regards to the Keller House outbuildings due to the fact they have become an attractive nuisance because of their deteriorated state and ease of accessibility. Children and teenagers have been known to loiter within the buildings, which has resulted in graffiti, vandalism, and damage (**Attachment 5**). Further, the buildings have not been maintained over the years, which has caused them to become deteriorated and due to their easy accessibility, it has resulted in boards disappearing over the years. Also, local photographers utilize the buildings as a popular backdrop for their photos and have raised concerns regarding the deterioration of the buildings. The City did install a camera, visible on the granary outbuilding, to record acts of ill intent to the historic resources.

Outbuilding Details

Granary - The granary is currently the southernmost outbuilding and is a small-scale, single-story frame structure with a gabled roof of corrugated metal and horizontal plank siding. The gable ends at one time were fully sheathed in clapboard and in the photograph below, one can see the state of the building today, which has significantly deteriorated over the years. The interior walls of the structure are closed as is typical of a granary. There is a ceiling hatch and heavy mortised beams on the interior. The granary has been cited as a fine

representative example of its type and period; however it was determined in Saxby's report to not be significant on an individual basis.



Granary pictured from the southwest.

Work Shed – The work shed, the middle building, is a small-scale, single-story frame structure with wide vertical board siding and a gable roof of corrugated metal. Today, the majority of the corrugated metal roof is missing over the west gable. Plain bargeboards terminate the overhanging eaves; with several boards missing.



Work shed pictured from the west.

Garage – The garage building, the northernmost building, is a single-story, small-scale frame building with a very low-pitched hip roof and a concrete floor and foundation. The exterior is comprised of narrow vertical strip boarding and the roof is corrugated metal. At one time there were rolling double doors, which are now gone and there were windows on the three other sides.



Garage pictured from the southwest.

Process Overview

Step 1: Determine Historical Significance

While the City does have dated information pertaining to these structures, staff is looking for direction from the City Council whether to commission an updated historical report, specifically on the subject outbuildings to determine the extent of their historical significance in their now deteriorated state. The consultant's report would include whether these structures still retain their integrity and if they are still considered significant. Deterioration of structures can elevate to a point where the architectural character of the structure has eroded; thereby removing their historical significance. Back in 2001, the structures were in significantly better shape than they are today; however because of their deterioration over the years, the integrity of these structures could potentially no longer carry their historical status due to the lack of maintenance and repair as well as their susceptibility to vandalism.

Step 2: Identify Options

Included in the consultant's report would be an outline of the City's options; which include demolition, mothballing, or restoration, and the process the City must undertake for each possible option. City staff has not included an option for rehabilitation due to the costs associated with converting the structures to another use given the historic nature of the buildings being used for non-habitable uses and their current dilapidated state. The possible three options discussed below could apply to all of the buildings or some combination thereof, depending on the outcome of the historical significance report and the Council's direction.

- Demolition would completely remove the outbuilding(s) and result in the removal of a growing attractive nuisance, but also remove a potentially historic resource.
- Mothbailing would preserve the outbuilding(s) in their current state, which could include boarding them up and/or installing fencing around the outbuildings. There are specific standards in regard to boarding up vacant buildings which make it difficult to gain access; this is not a guarantee that a determined individual(s) would not be able to access the structures; however it does act as a deterrent. Mothbailing would retain a potentially historic element of Clayton until such a time the City may find or allocate the necessary funds to fully restore the Keller House complex. This option would also deter vandalism and address some of the safety issues by restricting public access.
- Restoration would return the outbuilding(s) to their previous state in a manner that is historical to the time they were constructed. This option could provide the community with a link to Clayton's ranching history as the outbuilding(s) could be turned into an interpretative area until a time the Keller House has been restored. This option should also include a long term management plan as the City must put funds towards this resource and would want to provide a resource management plan and funds to protect the outbuilding(s) as a City asset.

The City Council may also choose not to take any action, which would leave the outbuildings in their current state; however they would still be an attractive nuisance, subject to vandalism and further degradation. Staff recommends, at a minimum, making a reasonable effort to make the outbuildings inaccessible to the public due to concerns regarding their deteriorated state, which will only become worse over time.

Step 3: Process

The last part of the proposed consultant's report would be the process the City must follow regarding the different aforementioned options based on the historical significance of the outbuildings. The historical significance, or possibly lack thereof, of the outbuildings will play a large role in determining the process as well as which direction the Council directs staff to pursue. If the outbuildings are determined to still be significant, an environmental evaluation (CEQA) may have to be completed unless the actions result in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. For example, if the Council chooses demolition and the buildings are historic then an EIR will be required because the impacts will be significant and unavoidable even with mitigations in place; however if restoration is chosen and it complies with the Secretary of the Interior's Standards, then a CEQA exemption may be appropriate.

The information on the process for all options may not be necessary if the Council determines a singular option for staff; however this information may be necessary if the Council wants additional information in regards to what each option would entail for a particular action prior to providing formal direction.

Proposals

The City received four proposals regarding the aforementioned scope from the following firms: Architectural Resources Group (ARG), ECORP, ESA, and Chris VerPlanck.

- A) Architectural Resources Group is a firm focused on the historical rehabilitation and preservation of buildings. The firm submitted a scope of services for a Historical Resource Evaluation (HRE), which would evaluate the historical context and significance of the outbuildings. The HRE would cost the City \$6,940; however ARG focuses on rehabilitation and preservation; therefore they declined to submit a proposal outlining the City's options and process for the future of the outbuildings. Further, the proposal did not mention completion of the State's DRP 523 forms, which are a recognized tool to record the significance of a historical resource (**Attachment 6**).
- B) ECORP is an environmental consulting firm with an in-house cultural resources staff. Their staff is versed in the management and the treatment of historic properties. The proposal from ECORP is two-fold; the first task includes an updated Integrity Assessment for the outbuildings, which includes updating the DPR 523 record for the outbuildings. This first task will determine if the outbuildings remain as contributing elements to the historic significance of the Keller Ranch property. Upon conclusion of the first task and if the outbuildings are determined to retain sufficient integrity to remain contributing elements to the historical significance, then ECORP will prepare a memorandum outlining the City's potential options. The options will also contain guidance on the process, including an analysis of the Secretary of the Interior's Standards the City will be required to follow as well as ECORP's recommendation for the most feasible option. The budget for the first task is \$5,600 and \$6,500 for the second for combined cost of \$12,100, which does not include consultant expenses. As mentioned earlier, depending on the Council's direction, this scope may contain more information than actually needed, which is why it is significantly higher than the others (**Attachment 7**).
- C) ESA is an environmental and planning consulting firm providing a wide array of services, including compliance with cultural and architectural regulations. Their in-house staff has comprehensive knowledge of state and local environmental regulatory issues associated with cultural resource protection. ESA's proposal is to evaluate the historic designation of the three outbuildings and completion of the State's 523 forms, which are for the determination of significance on the California Register of Historical Resources. The report would also include basic potential options with an outline of the appropriate next steps and will identify appropriate contractors for any demolition, mothballing, or restoration work that would occur. Further, the proposal would also contain a CEQA impact analysis for the outlined options. The proposed budget is not to exceed \$7,530 (**Attachment 8**).
- D) VerPlanck Historic Preservation Consulting is a firm that provides a full range of architectural history and preservation consulting services, including reports for

CEQA documents and assessing impacts to potential historical resources. The scope of services would include preparation of a Historical Resource Evaluation (HRE), which would include the evaluation of significance as well as CEQA impacts for three alternatives, which include: demolition, mothballing, and restoration. The proposed budget is not to exceed \$4,750 including expenses; however it does not include DPR 523 forms or a CHRIS search. These staff recommended additional services would cost \$1,600 for a total budget of \$6,350 plus consultant's expenses (**Attachment 9**).

Proposal Overview

	Determination of Historical Significance	Preservation Assistance	CEQA Services	Total Costs
ECORP	\$5,600	\$6,500	Yes	\$12,100*
VerPlanck Historic Preservation	Combined	Combined	Limited	\$6,350*
ESA	\$7,560	Brief overview included in total costs, but not the level of detailed staff is envisioning	Yes	\$7,560
Architectural Resources Group (ARG)*	\$6,940	N/A	Limited	N/A

*Does not include expenses.

The proposals received from ECORP, ESA, and VerPlanck are relatively similar in scope, with ECORP providing the most comprehensive services. Staff's opinion is that all of these firms would be able to perform the initial scope of work; however depending on the direction provided by the Council there may be a firm that is better suited to provide the needed services based on its expertise and resources. For example, ECORP and ESA also provide CEQA services, while VerPlanck focuses on historic preservation. The verbal recommendation from staff will take into account the Council's discussion and any public input, the proposed budget, as well as any potential required future action, e.g. CEQA.

For outreach purposes, staff mailed and emailed a copy of this staff report to the Clayton Historical Society and members of the Clayton Planning Commission.

FISCAL IMPACT

The costs associated with obtaining a report would be the budget amount of the selected consulting firm. The funds would come from Fund 601, which is the Unassigned Capital Improvement Program, currently holding excess interest earnings of \$119,550.

ATTACHMENTS

1. Aerial Photograph
2. Excerpt from Oakhurst Project EIR [11 pp.]
3. Excerpt from 2002 Keller Ranch House Master Plan [4 pp.]
4. State Historical Resources Commission Findings on the Keller House [2 pp.]
5. Photographs of the Outbuildings [2 pp.]
6. Architectural Resources Group Proposed Scope and Budget [3 pp.]
7. ECORP Proposed Scope and Budget [2 pp.]
8. ESA Proposed Scope and Budget [3 pp.]
9. VerPlanck Historic Preservation Consulting Proposed Scope and Budget [3 pp.]

Aerial Photograph



10.2 HISTORICAL RESOURCES: THE KELLER RANCH

A. Setting

1. The Ranch Building Complex

The Keller Ranch complex of structures is located about 700 feet north of the Town of Clayton's Main Street, near the north side of Mt. Diablo Creek. The complex consists of over a dozen structures historically associated with the large land holdings of and working ranch developed by Charles Henry Keller. Among the buildings are a Mission-style residence, a massive hay barn, an equally substantial cattle and hay barn, a granary, a chicken coop and a small bunk house. The remaining structures include a small stable, a work shop and storage buildings (see Figure 10-2).

2. Historical Background

The property which became known as the Keller Ranch was originally a portion of Rancho Monte del Diablo. According to a history of the Town of Clayton, Juan Salvio Pacheco, the original land grantee, gave the southern part of the rancho to his son-in-law Francisco Galindo. (1) In 1866 Galindo sold a 130-acre tract of this land to early Clayton settler John Denkinger. (2) Judging from the description in the Denkinger deed, this was the southwesternmost portion of what would become the Keller Ranch and included the land on which the ranch house and barns would be constructed. After Denkinger's death in 1907, the property was passed on to another of Clayton's early settlers, Andrew Gehringer, who held the land as trustee for Frederick Denkinger. (3) Charles Keller bought the property in 1910. (4)

The "house, barn and other adjacent farm buildings" of the Keller Ranch are said to have been constructed following Keller's purchase of the property. (5) According to voter registration records, Keller moved from Kalindo Street in Concord to the Clayton area sometime between 1910 and April, 1912, changing his occupation from butcher to farmer during

- (1) George Pettitt, Clayton: Not Quite Shangri-La (Martinez: Contra Costa Historical Society, 1969), pp. 12-13.
- (2) Contra Costa County Recorder's Office (Martinez), Book of Deeds, vol. 14, p. 143.
- (3) Idem., Book of Deeds, vol. 161, p. 175.
- (4) Ibid.
- (5) Brooks Kuehl, "Keller History Reads Like Tale of the West," Concord Transcript, 5 October 1977.

the same period.(1) These records tend to support a c.1910 dating of the initial development of the ranch but do not tie down the construction date(s) of the buildings with authority.

Stylistic detailing of the main house (structure A) and the garage (B) does place the construction of these buildings in the early twentieth century. The braced frame construction of the hay and cattle barns, mortise and tenon construction in the granary and well-weathered planking of most of the buildings on the ranch suggest pre-1920s construction dates but only tenuously. When dealing with vernacular buildings -- particularly farm buildings -- judging construction dates on stylistic analysis alone is difficult. Very often such structures lack period stylistic details. Additionally, building construction traditions in high-style architecture tend to persist beyond their standard eras of existence in vernacular building. While it seems likely the majority of structures on the ranch were constructed in the c.1910-20 time period it is also possible some of the structures post-date this period by more than a decade; others might date from the Denkingers' tenure of this property.

3. Description of Structures

a. Keller House (see photos 10-3 through 10-7)

The Keller House, once known as Casa del Sierra,(2) is a Mission-style residence which also conveys a subtle influence of the Craftsman style. It is a raised, single-story structure with a two-story engaged tower. Exterior walls are stucco above raised and battered basement walls of uncoursed fieldstone. The building has a red tile hip roof, front pergola and open porch. The exterior appears to be largely unaltered and in very good condition, its architectural integrity intact. The landscaping around the house is sparse and somewhat unkempt; however, several mature trees at the sides of the building enhance its setting.

The front (south) facade well summarizes the building's stylistic character. The open front porch with segmental arched openings; two-story tower with wide, open eaves; exposed rafters (vigas) piercing the porch wall and smooth wall surfaces are all classic identifying features of the Mission style. The liberal use of uncoursed

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- (1) Contra Costa County Office of Voter Registration (Martinez), voter registration records for Concord and Clayton, 1910 and 1912.
(2) Kuehl, "Keller History."

stone, the pergola, and the battered pier, porch and basement walls are typically associated with the Craftsman style. Also typical of the Craftsman motif, the ornamental aspect, detailed workmanship and natural materials of the masonry are highlighted. The incorporation of multi-colored mineral types in the stonework -- particularly apparent in the battered pier -- is distinctive; the incorporation of archeological objects (such as mortars) in the pier is unusual. Windows on the first story of the front facade are grouped and double-hung with muntins in the upper panel. There are single and double hung windows on the tower, some in segmental openings and some with segmental surrounds.

The west side of the building is highlighted by an exterior chimney with a wide, uncoursed and battered stone base. Windows are grouped and double hung as well as single (fixed, hopper, awning and/or casement) along this side of the building. The rear (north) side of the building consists largely of an enclosed porch. Porch windows lack the muntins which appear elsewhere on the building, suggesting they may have replaced original windows or enclosed an originally open porch. Attached fencing behind the rear of the house is not original. The east side of the building consists of irregularly placed windows of several sizes and operational types, most with muntins identical in pattern to those on the front facade.

The building's incorporation of elements typical of both the Mission and Craftsman styles places its construction date approximately between 1905 and 1920. (Pebbles embedded in the concrete walkway under the pergola spell out the message "Keller June 1912" which may indicate an accurate building date however the inscription itself does not appear to be original.)

The interior of the building was not examined; however, additional archeological features including a human skeleton said to be embedded in the basement walls.

b. Garage and Storage Shed (see photo 10-8)

This is a single-story, small-scale frame building with a very low-pitched hip roof and concrete floor and foundation. The exterior is narrow vertical strip boarding; the roof is corrugated metal. Exposed narrow rafters project under wide, open overhanging eaves. There is a two-over-two double hung window on each of the west, north and east sides. Front double doors roll

open. A frame shed addition runs along the building's east side. The condition of the original structure appears to be good; that of the addition fair. Stylistically, this outbuilding shows an influence of the Craftsman style, which would place its construction roughly between 1905 and 1930. The shed portion postdates the hipped portion as evidenced by the existence of the east side window on the garage where it meets the shed.

c. Stable (see photo 10-9)

This is a small-scale frame stable with gable roof, wide vertical board siding and a dirt floor. There is a gate on the west facade; part of the east facade is open. The roof is board and batten. A plain bargeboard highlights projecting eaves. Faded lettering on some of the exterior suggests the siding was originally part of another structure -- possibly a barn or billboard. Mangers in the stable are connected to Structure D by feed chutes. The building appears to be in good condition. In as much as the stable blocks the rear window of the garage, it probably postdates the garage.

d. Hay Feeder and Storage Shed (see photo 10-10)

This is a small-scale, single-story frame structure with vertical board siding and a shed roof of corrugated metal. The roof extends beyond the south wall of the structure and is supported by plain posts. Chutes lead to mangers in the stable to the south and outside the structure to the north. The structure's condition is fair.

e. Work and Storage Shed and Hay Feeder (see photos 10-11 and 10-12)

This is a small-scale, single-story frame structure with wide vertical board siding and a gable roof of corrugated metal. Plain bargeboard terminates overhanging eaves. There is a small six-pane window in the center of the west facade. A small, early shed addition stands attached to the east facade. A small modern stable is attached to the rear. The building appears to be in fair condition.

f. Granary (see photos 10-13, 10-14)

This is a small-scale, raised, single-story frame structure. It has a gable roof of corrugated metal and horizontal plank siding; the west side gable end is

sheathed in clapboard. The front (south) door has four panels and is flanked to the east by a six-over-six double hung window. A modern stair addition leads to the front door. The interior walls of the structure are closed as is typical of a granary. There is a ceiling hatch and heavy mortised beams on the interior, also standard in a structure of this type. Some posts are missing from the interior and portions of the walls have been wallpapered indicating a change of use; today the structure is a workshop. The building appears to be in good condition; the modern stair is dilapidated.

g. Storage Shed (see photo 10-15)

This is a tall single-story frame structure with a shed roof. It stands abutted to the east side of the granary. Its siding is vertical plank; roofing material is wood shake. Double, hinged doors are located on each of the west and north facades. Another opening has been cut into the west facade. The building's walls and roof appear to be in poor condition; some vertical siding and many roof shakes are missing and part of the roof is falling in.

h. Chicken Coop (see photo 10-16)

This is a small, single-story frame structure with a salt box roof. Siding is horizontal drop board. Part of the roofing material is corrugated metal; part is wood shake. Some doors and windows have been boarded over; some openings appear to be additions. The building's configuration and elevations are typical of a chicken coop; however, there is a stove on a brick foundation in one section and an apparent steam or spa room adjacent. The building is in fair-to-poor condition.

i. Hay Barn and Stable (see photos 10-17 through 10-20)

Equivalent to approximately three stories in height with equal or larger dimensions in plan, this massive structure visually dominates the complex of ranch buildings. The building is sheathed in plank siding -- horizontal on the front (west) and sides and vertical on the rear. Resting on a stone foundation, its interior structure is a mix of variously dimensioned posts and beams with plank frame braces and siding supports. Some and perhaps all of the siding appears to have been painted at one time. Unpainted at the present, the sheathing has weathered to a distinctive silver-grey which is a hallmark of Western Red Cedar. The building's monitor roof reflects the three-part plan of the

interior: an immense central hay space is flanked on each side by one-story horse stalls and storage space with hay lofts above. The roof is sheathed in corrugated metal, a common replacement for wood shakes. The roof structure is composed of rafters, purlins and tie-beams. Door hinges on the building are iron strap.

The front facade of the barn is symmetrical: a central door with six horizontal panels and glazed ceramic hardware is flanked by four-over-four double hung windows; sliding wagon doors are located on each corner of this facade. A louvered vent opening is located in the top of the gable end.

On each of the north and south sides of the barn there are three six-pane windows, most of which are missing glass and muntins. On the rear facade there are two sliding doors opposite those on the front facade. Above these doors, opening to the lofts, are hay doors. In the center of the building monumental hinged double doors open to the central hay storage space. The condition of the barn appears to be quite good.

j. Barn (see photo 10-21)

This is a one and one-half story barn with vertical plank siding. The gable roof is covered with corrugated metal. There are shed additions on the south and west sides. Another shed addition appears to have stood against the north side but has been removed. Painted lettering on some of the exterior planking suggests the boards were originally used in another structure. While the original gabled structure appears to be in fair condition, the additions are dilapidated.

k. Cattle and Hay Barn (see photos 10-22 through 10-24)

Nearly as massive as the main hay barn, this structure is set out in the fields some distance from the main complex. At the structure's front (north facade) its roof form is a long sloping gable while at rear it is a gable on hip. The roof structure is composed of common rafters with some purlins and corner struts. The roofing material is wood shake; vertical board siding sheaths the gable end and frieze. On the interior the braced framing (with four-by-fours and four-by-sixes) defines a central mow encircled by an open, U-shaped feeding area. Monumental double front doors close off the mow from the livestock. The condition of the structure appears to be fair; however, one of the doors has fallen in and some posts show signs of structural shifting.

1. Pen (see photo 10-25)

This small but substantially structured pen has a gable roof of both plank frame and corrugated metal. It features sliding gates on pulleys which extend through the roof.

m. Bunk House (see photo 10-26)

This structure is a small, one-story dwelling with a shed roof and a rear (south side) addition. Siding is flush horizontal boarding. There is a very plain raised front porch. The front door is similar to that on the amin barn. Windows on the original structure are one-over-one double hung; windows on the addition are single pane. Interior walls are closed. The building appears to be in good condition.

B. Historical Value

1. Standards for Evaluation

Typically, the standards for evaluating the significance of a structure or a group of structures are the National Register of Historic Places' "Criteria for evaluation" (see Appendix D). To meet National Register standards, a property must be at least fifty years old, must meet one or more of four criteria, must possess architectural integrity and must be evaluated within the context of an area's local history. It need only be significant on a local (versus state or national) level to be eligible for the National Register.

2. Evaluation

The interrelationship of the Keller Ranch structures, their location on a single parcel and (probable) concurrent development suggest that consideration of the structures as a complex is the most appropriate basis for evaluation. While several of the structures are individually more notable than others, it is the intact survival of this entire group of structures which highlights the historical significance of these resources.

As noted earlier, it is likely the majority of structures in the complex meet the age requirements for the National Register. Documentation for the Register itself demands more thorough historical proof than that provided from the limited research undertaken here; however, the research and survey do provide a basis on which to estimate, on a preliminary basis, the age of the structures.

The complex is notable for its association with one of the community's earliest land uses and for its intact survival as a representative example of an early-twentieth century ranch. Additionally, within the complex, several structures stand out as notable on an individual basis: the Keller House (Structure A) is a fine representative example of a Mission-style residence (with unusual incorporation of archeological objects) and the main barn (Structure I), cattle barn (K) and granary (F) are fine representative examples of their type and period. The two barns also stand out by virtue of their massive profiles and extensive structuring, both of which constitute an architectural and visual contribution to the community. By virtue of these characteristics, the complex may meet Criteria A and C of the National Register's standards. The relevance of criterion A arises because the structures are associated with the ranching and farming theme which largely dominates the history of this rural-suburban area. Criterion C bears application to the architectural character of the complex in that it "represents a significant and distinguishable entity whose components may lack individual distinction." There is the additional possibility the complex may meet Criterion D due to the archeological objects embedded in the masonry of the Keller House.

The issue of architectural integrity is particularly difficult to assess when dealing with farm buildings. Alterations to structures often erodes their architectural integrity. However, insofar as farm buildings are concerned, alteration in the form of additions have historically been the standard means by which a farm complex is improved. In the case of the Keller Ranch structures, most of the additions neither enhance nor detract from the quality of the original structures and represent the standard historical pattern of the evolution of farm structures over a long period of time. Additionally, most of the additions themselves appear to be over fifty years old. In terms of architectural compatibility, only the modern stable behind structure E stands out as incompatible. the question of integrity also comes into play when deterioration of a structure has elevated to a point at which the architectural character of the structure is eroded. Deterioration of this extent has altered the integrity of Structures G, H and J. Deterioration of the cattle barn (K) is approaching this point.

In that most of the structures in the complex (and all of the most notable structures) retain a substantial degree of integrity, the complex of structures most likely meets the test of integrity.

An additional aspect of the evaluation of the Keller Ranch structures involves a comparison between the complex and other complexes of its kind within the local region. This "contextual" evaluation allows for an identification of a locality's most significant resources. While a structure or complex of structures does not have to be the best or oldest example of its type in a community to merit inclusion in the National Register, it should stand out in some significant manner. If, for instance, the Keller complex is one of a proliferation of identical complexes surviving from the early twentieth century, it may not be significant in terms of Register criteria. At the other end of the spectrum, if it is among the most intact complexes of its type, period and scale, it would very likely meet the criteria requirements. A comparison of this type would prove useful to further identify the level of significance this complex lends to the surrounding community.

3. Conclusion

The Keller Ranch, consisting of both structures and extensive agrarian acreage, represents an important aspect of the Clayton-Concord area's cultural heritage. Several of the buildings on the ranch -- the main house, the hay barn, the cattle barn, and possibly the granary demonstrate significance on an individual basis. Additionally, all of the structures taken together are significant as an intact complex of interrelated structures. This complex may meet the requirements of the National Register of Historic Places. Eligibility in this case appears to hinge largely on 1) whether or not most or many of the structures were built over fifty years ago and in the same general time frame and 2) whether or not the complex is among the best surviving examples or is a rare surviving example of its type, period and scale in the area. Further historical data which would confirm the construction dates of the many associated structures and an inventory of surrounding-area ranches and farms for purposes of comparison would prove useful (and are perhaps necessary) to document the level of significance demonstrated by the Keller Ranch structures.

C. Potential Impacts

1. The ranch house would be preserved under the proposed Project plan. However, arrangements for renovation and maintenance have not been worked out, and the historic and visual qualities of this building could deteriorate over time.
2. The fate of the ranch barns, other outbuildings, and the access road bridge is uncertain. Current golf course alignment would require the removal or relocation of the large barn and some other structures.

3. Current golf course alignment could result in removal of some large trees, reducing the scenic qualities of the ranch complex.

D. Mitigation Measures

PREMITIGATION: The applicant has agreed to preservation of the Keller Ranch house.

- 10-5. Building Complex Structures. Interested citizens, Project sponsor and ultimately, the City should decide some form of the following:

- a. Preserve the building complex intact. If the City should find the building complex significant, an effort should be made to find uses for the buildings which do not cause considerable alteration to them. If they are put on the National Register and financial support is sought to restore or rehabilitate them for new uses there would be certain restrictions placed upon the form the restoration could take.
- b. Preserve portions of the building complex. In conjunction with local interests, a decision could be reached to preserve only portions of the complex, to be used for other purposes or to be left in their present condition. If this alternative were chosen, then mitigation of impacts to those buildings to be taken down would be needed. At a minimum an archaeologist would be needed to document the process of demolition to capture on film details of construction -- earthmoving in these areas should already be covered under the need to have an archaeologist either do the digging or monitor the earthmoving due to the presence of prehistoric materials underneath the existing structures.

Attempts should be made to give the buildings intact or to give any significant architectural pieces to interested local historical societies along with any historical materials retrieved during monitoring of the building removal.

- c. Preserve none of the building complex

Recommendations made in the above paragraph would apply here, with a renewed emphasis that destruction be monitored and if necessary, supervised by archaeologists or historians trained in the recording of architectural detail of the structures.

- 10-6. Community Interest. The local community should be consulted concerning their interest in the complex. If the community is concerned with their preservation, they will need to attempt to place the complex on the register as a first step towards getting their designation. Possible uses of the ranch should be placed in front of the community. A plan for preservation should be developed whether for all or part of the building complex. If it is a less ambitious plan for the ranch, such as saving and using only a portion of the buildings, the remainder of the complex does have historical significance in and of itself. If individual buildings should be removed, the details of their construction, any buried information underneath them, and the buildings themselves should be documented as they possibly have meaning outside the local community, representing as they do a rapidly disappearing chapter in the history of Contra Costa County.
- 10-7. Existing Trees. Mature, healthy trees in the ranch building complex should be protected wherever possible. In particular, the massive oak in the center of the ranch complex should be retained. Arrangements are needed to evaluate trees, taking safety considerations into account, and to provide proper horticultural treatment.
- 10-8. Bridge. Consideration should be given to preservation of the picturesque bridge on the Keller Ranch access drive. Evaluations of structural condition, hydrologic factors, and possible uses of the bridge are needed. Arrangements would be needed for any necessary improvements, as well as long-term maintenance of the bridge.

10.3 HISTORICAL RESOURCES: THE CLAYTON/DEMARTINI WINERY

A. Setting

The Clayton/DeMartini Winery property has a common boundary with the Project site for a few hundred feet along Mitchell Creek and Mt. Diablo Creek at their confluence on the west side of the site. The 8.33 acre parcel is bounded on the east by Mitchell Creek, on the north by Mt. Diablo Creek, on the south by Clayton Road between Oak and Mt. Zion streets and on the west by a residential subdivision. In addition to the now vacant 3-story stone winery building and a barn and shed, other uses of the site are an untended almond orchard and eucalyptus, walnut, oak, palm, and various fruit trees.

Because of the significance of the winery and the vineyard land associated with it to the history of Clayton and Contra Costa County, the property qualified as a historic site and was placed on the National Register of Historic Places in 1984.

Keller Ranch Master Plan

In April 2002, the Clayton Redevelopment Agency established the Keller Ranch Master Plan Steering Committee to assist the City in preparing a master plan for the preservation, rehabilitation, and reuse of the Keller Ranch House and the surrounding two-acre parcel. From May 2002 until January 2003, the Steering Committee met to discuss options for rehabilitating the Keller House to best serve the residents of Clayton. In support of this effort, a consulting team was assembled to prepare this master plan. This plan includes the master plan for site, a conceptual rehabilitation plan for the Ranch House, a ranking of potential uses, and the following cost estimates (see attached budget sheets for additional budgetary information):

- ▶ Conceptual Project Budget - \$1,999,820. This would be the full rehabilitation of the House and development of the grounds for public uses including:
 - Rehabilitation of Ranch House. This includes the demolition, repair, and restoration of the Ranch House. These costs are budgeted at \$431,300.
 - Out-Buildings and Miscellaneous Structures. This includes the restoration of the existing out-buildings; upgrade of the bridge; and construction of the open air pavilion, new storage building, restrooms, water tower, windmill, play structure, and pedestrian bridge. These costs are budgeted at \$425,700.
 - Site Improvements and Amenities. This includes the site preparation, parking lot, picnic tables, fire hydrant, utility extensions, and landscaping. These costs are budgeted at \$306,665.
 - Fees, Design Costs, Overhead, and Contingency Costs. This includes architectural and engineering fees; utility (except water) hook-up fees; permit fees, overhead; and contingency costs. These costs also include \$250,000 for an archeologist to conduct a major archeological excavation and analysis program which would partially mitigate the project's archeological impacts. The scope of the archeological investigation is dependant upon nature of the archeological deposit. These costs are budgeted at \$836,155.
- ▶ Pavilion Interim Scenario - \$1,335,634. This scenario would allow use of the grounds for public and private event activities and includes the following:
 - Improvement of the grounds and construction of a stand-alone kitchen.
 - Shelter for events would be provided by a tent which could accommodate 100-150 persons.
 - No improvements to the Ranch House, except security fencing and waterproofing.

- ▶ Residential Interim Scenario - \$877,175. This scenario would involve repair of the Ranch House to allow the structure to be leased for residential purposes.
 - The storage building would be constructed for the CBCA and Library Foundation.
 - No improvements to the grounds, except as needed to serve the residence and storage building.
- ▶ Office Interim Scenario - \$980,575. This scenario would involve repair of the Ranch House to allow the structure to be leased for office purposes.
 - The storage building would be constructed for the CBCA and Library Foundation.
 - No improvements to the grounds, except as needed to serve the office and storage building.
- ▶ Preservation scenario \$65,010. This scenario would involve securing the Ranch House to prevent vandals from approaching or entering the structure.
 - Selective actions would be taken to retard ongoing deterioration of the foundation, windows, doors, skylight, and exterior.

An archaeological assessment of the property and a structural report for the house and bridge were also prepared and are available at the Clayton Community Development Department.

As part of the master plan preparation, City staff surveyed similar historic homes in the area to determine compatible uses, the costs to maintain and manage the facilities, and the income derived from use of these properties. After thorough consideration of the information provided, the Steering Committee agreed that the Keller Ranch House was an historic resource worthy of preservation and that it could be used for a variety of uses including an interpretative center and museum, as well as a location to host various public and private events or meetings, and that the grounds should be developed to support these events.

Background on Ranch House

The Keller Ranch House was built in 1912 by Charles Henry (Harry) Keller and his wife Elodia (Liberty) Keller. Harry was a member of one of the oldest pioneer families in this part of California. His grandfather, John Keller, crossed the plains with ox teams in 1849. Harry Keller became the owner of three large cattle ranches and is identified as one of the outstanding figures among cattlemen of the West, buying and selling cattle in Oregon, Nevada, Idaho, Wyoming and Utah. Prior to the Keller's occupation of the property, the land was owned by Joel Clayton, founder of Clayton. The property is also thought to have been part of the principal village site of the Chupcan or Volvon people who occupied the area around Mt. Diablo three to four thousand years ago. In November 2001, the property was elected to the California Register of Historical Resources for its association with cattle ranching, an industry important in local and regional history. The Keller House was determined to be significant as a rare example,

in the Clayton area, of Mission-Style architecture with Craftsman elements. The remaining outbuildings from the ranching period also contribute to the historic site. The Keller Bridge was determined to be significant as a rare example of a privately-funded concrete bridge which incorporated engineering and aesthetic considerations in design not common to private, utilitarian bridges in California. The overall site was determined to be significant as an archaeological site with the potential to yield information important to understanding the prehistory of this region.

The Ranch House remains virtually unaltered from its original 1912 construction and retains much of its historic fabric from the period of significance when the Keller Ranch was at the height of its operations. Rehabilitation of this historic resource will preserve an important element of Clayton's history and promote an understanding of the local cattle ranching period.

Features of Site and Ranch House

The Keller Ranch site is located on the north side of Town Center, in close proximity to the Community Library. The property borders on the north side of Mt. Diablo Creek at its convergence with Mitchell Creek, and consists of several structures historically associated with the 1,300-acre working cattle ranch established by Charles Henry Keller. The Ranch House site occupies approximately two acres and includes an arched concrete bridge and several smaller outbuildings from the historic ranching period. The House's style is eclectic, featuring both the Mission style that is commonly associated with California from 1890 to 1920, and the Craftsman style common during the period from 1905 to 1930. Identifying features associated with the Mission style include the red tile roof covering, the wide overhanging open eaves, a porch roof supported by large square piers with segmented-arch openings, and the stuccoed exterior wall surfaces. The Craftsman features include the battered stone foundation walls (veneer), groups of three or more multi-paned double-hung window sash, and a pergola extending from the entry porch. The uncoursed stone masonry is used prominently to display the natural, multicolored fieldstones and incorporates prehistoric artifacts on the south and west facades, particularly around the building entry. It is thought that the custom features of the design could be associated with a well-known architect of the time, such as Schweinfurth or Polk, but it is not known for certain.

The interior of the Keller Ranch House is organized in a simple and functional plan that features the use of natural materials associated with the Craftsman style. This style promoted a reformist message of simplicity, utility, and hand-crafted construction in tune with nature, as well as a return to a humbler, more practical life style. The large Entry of the Keller House originally had a large skylight over the middle of the room with a fountain below. The purpose of this room seems to have been a kind of interior atrium said to have once been filled with plants and a large bird cage, with the sound of running water throughout. Remnants of the skylight curb remain in the attic which provide information about the original size and configuration of this feature. All that remains of the fountain is a concrete base blended smooth with the adjacent floor. The Living Room and Dining Room areas exhibit strong Craftsman features with the stone fireplace, wood paneling, coffered wood beam ceiling, and copper light fixtures. The Dining Room is visually associated with the garden where Elodia Keller planted flowers and enjoyed her garden pond. The large Kitchen with its attached Screen Porch was

most likely the center of the daily activities and chores around the house with meals for the regular ranch hands served on the porch. Three Bedrooms are located along the east side of the House with the front (southern) bedroom the most architecturally detailed of the three. At the top of the front hall stairs is the Tower Room. This room features windows on all four sides that capture a panoramic view of Mt. Diablo and the surrounding area. It is thought that this room may have been used by Elodia Keller as an art studio.

Rehabilitation

The Keller House has been vacant since the mid-1980's and has been subject to vandalism. Currently the building is boarded up to prevent further vandalism, and is being used for storage. Structurally, the House is in poor condition with weak concrete footings and significant settlement problems. Although one and two-story wood-framed structures are considered to be relatively safe in earthquakes, the House does not have adequate lateral load-resisting capacity to avoid severe damage during a major earthquake. In order for the building to be safely used, major structural improvements are required including replacement of the foundation. Rehabilitation of the Keller House would include the repair and refurbishing of all exterior and interior surfaces, windows, and doors. Since the amount of historic fabric remaining is very high, an effort should be made to salvage the existing materials for reuse. Missing elements such as the skylight over the Entry would be reconstructed to restore the character of the room to its earlier appearance. In addition, improvements to address various building code issues would be undertaken to bring the building into compliance with the State Historic Building Code.

If the Ranch House is used as an interpretive center and a museum, or as a place to host various public and private functions, the Entry area could serve as one of two exhibit areas with natural light illuminating a central display case while pictures and other information could be setup along the walls. The Living Room and Dining Room area could be furnished with Craftsman Style furnishings suitable for group meetings, receptions or casual lounging. A modification to the back bedrooms (northeast corner) is recommended to create another exhibit room or large meeting room and a new exit to satisfy safety concerns. The Front Bedroom could be used as an office or special use area. A handicap ramp enabling access to the Front Porch from the east side would resemble the battered stone foundation walls of the original house. In order that the facility adequately support the hosting various public and private functions, the Kitchen could be remodeled to include modern cooking and cleaning equipment integrated into the historic setting. The Screen Porch would serve as the primary cooking area in order to meet building code requirements. The main Kitchen could be used for preparations and cleaning. The Tower Room, due to its restricted accessibility, has limited options for reuse.

It is easy to imagine the rehabilitated Keller Ranch House becoming a facility to preserve important information about the prehistory of the region as well as the important cattle ranching period in Clayton. Its charming character and bucolic setting also make it an attractive location to host community events, and establish the Keller Ranch House as an important local historical landmark.



DEC 17 2001

City of Clayton

JOHN D. HENDERSON, FAIA

.....Chairperson

SUE SCHECHTER

.....Vice Chairperson

LAUREN W. BRICKER, PhD

PHILIP P. CHOY

KATHLEEN GREEN

ANTHEA M. HARTIG, PhD

WILLIAM R. HILDEBRANDT, PhD

MARY L. MANERY

CAROL L. NOVEY

DR. KNOX MELLON

.....Executive Secretary

14 December 2001

STATE HISTORICAL RESOURCES COMMISSION FINDINGS
California Register of Historical Resources
Keller House, Clayton, Contra Costa County

On 2 November 2001, at a regular meeting of the State Historical Resources Commission held in San Simeon, pursuant to Public Resources Code Section 5024.1, the State Historical Resources Commission determined the Keller House, 6015 Heritage Trail, Clayton, to be a significant historical resource and voted to list it in the California Register of Historical Resources. Published herewith are the Commission's findings.

This resource includes the ranch house, and ancillary structures including the granary, storage shed, garage and concrete bridge are significant under criterion 1 for the period 1910 to 1954, for their association with cattle ranching, and industry important in local and regional history. The Keller House is also eligible under criterion 3 for its architecture as a rare example in the Clayton area of Mission Style with Craftsman elements. The bridge, built in 1916, is also individually significant under criterion 3 as a rare example of a privately-funded, concrete bridge which appears to have been built at great cost and shows evidence of engineering and aesthetic considerations in design not common to private, utilitarian bridges in California. The site on which the Keller house and other buildings are located, archaeological site (Cco-222) is also significant under criterion 4 in that it has yielded and has the potential to yet yield information important to understanding the prehistory of this region.

The Commission's determination is based upon the description of the resource and statement of significance provided in the nomination prepared by Thomas Saxby, AIA, at the request and on behalf of the City of Clayton, owner of the resource and applicant.

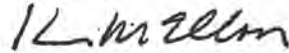
By virtue of being listed in the California Register, the Keller House, granary, storage shed, garage, and bridge are to be considered significant historical resources which deserve to be protected, to the extent prudent and feasible, from substantial adverse change, pursuant to California Code of Regulations, Title 14, Chapter 3, CEQA Guidelines.

Pursuant to the California Code of Regulations, Title 14, Chapter 11.5, Section 4857, the Commission has the power to reverse or alter its prior determination, in whole or in part, if the prior decision was based on a significant error in the facts, information or analysis, or if it appears, based on new information, that the determination was arbitrary, capricious or based on substantial error.

Requests for redetermination may be submitted within thirty (30) days of the date of this letter. Such requests shall set forth the reasons why the applicant believes the Commission's determination was improper, including all new relevant facts and information. The Commission shall advise the applicant within sixty (60) days after receipt of a request for redetermination whether it will consider such request, and if so, set the date for a hearing by the Commission. If the request for redetermination is denied, the original determination shall become final for all purposes, unless the resource is later shown to be demolished, altered, or has lost its integrity.

Questions or comments regarding this matter can be addressed to the Registration Unit, Office of Historic Preservation, at the above address.

Sincerely,

A handwritten signature in dark ink, appearing to read "Knox Mellon", written in a cursive style.

Dr. Knox Mellon
State Historic Preservation Officer

ATTACHMENT 5
Photographs of the Outbuildings







Historic Resource Evaluation
Keller Ranch
Clayton, CA
Client: City of Clayton

Proposed Scope of Services
September 3, 2015

Architectural Resources Group, Inc. (ARG) proposes the following scope of services to complete the Historic Resource Evaluation (HRE) that has been requested by the City of Clayton for the outbuildings located at Keller Ranch. The HRE report will include a description of the subject property, an overview of its historical context, and an evaluation of the outbuildings per the California Register of Historical Resources (California Register) criteria.

Proposed tasks include:

A. Scoping Meeting

ARG will confer with the Client to come to an agreement regarding the scope and content of the required Historical Resource Evaluation (HRE). This task also includes time for ongoing communication with the Client throughout the project.

B. Site Visit

ARG will visit the subject property to note and photograph architectural features and visible alterations. Site visit preparation, download, travel, and coordination time are included in this task.

C. Research & Materials Review

ARG will review existing materials and conduct historic property research at various repositories (such as the Clayton Historical Society, the Contra Costa County Historical Society, the Clayton Building Department, and the Contra Costa County Public Library), as necessary, to assess the buildings' historic significance.

D. Draft HRE Report

ARG will develop a draft HRE report for the subject property and it will be submitted to the Client for one (1) round of review and revisions. The HRE will include:

1. An introduction and methodology section;
2. A summary of any past historic evaluations of the property and the property's current historic status;
3. A physical description of the property;
4. A summary history of the property, including selected occupant history and history of known alterations;
5. A focused historical context;
6. An evaluation of the property's historic significance and integrity with respect to the California Register's eligibility criteria; and
7. Photographs of the property, including historic if available.

E. Final HRE Report

Following receipt of one (1) round of comments from Client on the draft HRE report, ARG will revise the draft and provide the Client with the final report.



Historic Resource Evaluation (HRE)

Keller House

Clayton, CA

Client: City of Clayton

Architectural Resources Group (A/RG),

September 3, 2015

ARG Project 15185

Proposed Scope and Fee*	Project Manager/ Arch. Historian II	Architectural Historian I
A. Scoping Meeting	2	2
B. Site Visit	0	6
C. Research & Materials Review	2	12
D. Draft HRE Report	6	22
E. Final HRE Report	2	4
Total Hours	12	46
Rate/Hr.	\$125	\$115
Subtotal Labor	\$1,500	\$5,290
Subtotal, Labor (Tasks A - E)	\$6,790	
Reimbursables** (estimated)	\$150	
TOTAL LUMP SUM FEE (Tasks A - E, plus Reimbursables)	\$6,940	

Notes

Any meetings will be billed hourly at the rates above.

Reimbursable expenses shall be billed based on the attached rate sheet.

Billing will occur monthly based on percentage of work completed.

*See attached Proposed Scope of Services for detailed descriptions of each task.

**Reimbursables may include, but are not limited to: communication, delivery, postage, copying, reproduction, travel, and research fees.



STANDARD BILLING RATES

1. Direct personnel expense shall be billed at the following rates, including time for meetings, public meetings, and presentations:

Founding Principal	\$230.00/hour
Principal	\$210.00/hour
Associate Principal	\$180.00/hour
Senior: Designer 3, Architect 3, Planner 3, Historian 3, and Conservator 3	\$160.00/hour
Architect 3, Planner 3, Historian 3, and Conservator 3	\$140.00/hour
Architect 2, Planner 2, Historian 2, and Conservator 2	\$125.00 to \$140.00/hour
Planner 1, Historian 1, and Conservator 1	\$100.00 to \$115.00/hour
Designer, Technical Staff and Intern	\$100.00 to \$125.00/hour
Administrative Staff	\$85.00/hour

2. Reimbursable Expenses shall be billed at cost plus 15% and shall include the following:
- Reproduction costs such as printing or duplication of drawings, specifications, written reports, and cost estimates, etc.
 - Lodging, subsistence, and out-of-pocket expenses for authorized travel in connection with work.
 - Travel: (including local) IRS allowable rate plus tolls and parking.
 - Data: Long distance telephone/telegraph/telex/fax charges/database access charges, etc.
 - Cost of models, special renderings, photography, special process printing, special printed reports or publications and maps.
 - Computer time for drafting is included in our standard billing rates. Computer time and labor time for plotting and trimming of drawings for formal submittals and Owner's use, as well as packaging electronic files for Owner or Contractor use, will be charged at \$18 per plot or plot file.
 - Postage and delivery charges.
 - Professional consultants retained with client approval.
 - Specialized equipment rental (required by the project).
3. Rates effective January 1, 2015 through December 31, 2015.
4. Rates shall increase 5% each year until the project is completed.

15 September 2015
(P15-380)

Scope of Work and Cost Estimate¹ for
Environmental Services
Regarding
Keller House Outbuildings
For
City of Clayton, Community Development Department

Cost Estimate

Proposed Tasks:

Task One: Updated Integrity Assessment of the Keller House Outbuildings

ECORP will first conduct an updated records search with the California Historical Resources Information System (CHRIS) of the California Office of Historic Preservation, to obtain full copies of existing research and information previously prepared for the Keller House. Information will be obtained on any previous cultural resource studies conducted on the property, including any copies of DPR 523 records and other relevant background information related to the building.

An ECORP architectural historian, meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history, will carry out a property visit to assess the current state of integrity of the outbuildings at the Keller house to inform the assessment of their contributing or non-contributing status. The site visit will include data gathering to generate a description and photographic documentation of the changes to the outbuildings and their immediate surroundings since the 2001 assessment by Saxby. ECORP requests that the City secure access for the property visit in advance and provide ECORP with a local point of contact to coordinate access.

Based on the results of the records search and field visit, ECORP will prepare an update to the DPR 523 record, if one exists, for the property. If a DPR 523 record does not exist, ECORP will prepare a DPR 523 record for the outbuildings only. The update will include a narrative description and current photographs of the outbuildings, and a detailed integrity assessment with conclusions regarding continued contributing or non-contributing status of the outbuildings to the Keller House. ECORP will also prepare a brief technical memorandum that will describe the update effort and conclusions of the integrity assessment.

ECORP will submit the draft DPR 523 record update and technical memorandum to the City within 30 days of contract execution and notice to proceed. ECORP will address up to two rounds of comments on the update from the City.

¹ Estimate based on time and material and is valid for 90 days.
Keller House Outbuildings (new)

This task does not include a cultural resources inventory of the entire property, an updated evaluation of the Keller House, evaluation of significance or recording of archaeological resources, excavation, mapping, Native American consultation, paleontological surveys, authoring environmental document sections, hard copies of reports, project meetings, or conference calls; however, ECORP will prepare a customized scope and cost for any of these additional tasks upon request.

Task One: \$5,600

Task Two: Preservation Planning Assistance

If during the update (Task One) the outbuildings are determined to retain sufficient integrity to remain contributing elements to the historically significant Keller House, then the City has requested guidance on the process for future use of the outbuildings.

ECORP will prepare a memorandum which outlines options for potential future uses of the outbuildings; which may include: demolition, options for rehabilitation, and options for leaving in place. The options for potential future uses will include guidance on the process the City will be required to follow for each option and ECORP's recommendation for the most feasible option. ECORP will participate in up to two conference calls with the City and one site visit or in-person meeting with the City, as necessary, to discuss the options and process.

Task Two: \$6,500

TOTAL COST ESTIMATE FOR TASKS ONE AND TWO: \$12,100

Expense Reimbursement/Other:

1. Computer, facsimile, and telephone are included in the billing rates, and there is no additional charge.
 2. Copies (color and black and white), equipment and other direct expenses are reimbursed with a 14% administrative handling charge (excluding mileage and per diem).
 3. Subcontractor expenses are reimbursed with a 12% administrative handling charge.
 4. Mileage is reimbursed at current IRS rate.
 5. Per Diem, depending upon location, may be charged where overnight stays are required.
 6. Expert Witness Testimony, including Depositions, is billed at time and a half.
 7. When non-standard billing is requested, time spent by office administrative personnel in invoice preparation is a cost to the project and charged as technical labor.
-

Keller House Outbuildings (new)

• 2525 Warren Drive

• Rocklin, California 95677

• Phone: (916) 782-9100

• Fax: (916) 782-9134

• Web: www.ecorpconsulting.com

September 10, 2015

Mindy Gentry
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Subject: Evaluation of outbuildings associated with Keller House

Thank you for considering ESA's Cultural Resources Group for evaluation tasks associated with three farm-related outbuildings at the Keller House in Clayton. ESA is an environmental consulting and planning firm staffed with employee-owners that have been successfully guiding clients through the environmental review process for more than 42 years. Our offices in San Francisco and Sacramento give us convenient access to the project area, and flexibility as schedules develop and evolve. Our cultural resources group has a dedicated staff of architectural historians and preservation professional that brings extensive knowledge of the east Bay Area's historical past. This includes comprehensive knowledge of state and local environmental regulatory issues associated with cultural resource protection, as well as experience in coordinating with municipal planning departments.

Project Understanding

According to the Keller Ranch Master Plan (2003, authored by Thomas Saxby), there are three outbuildings associated with the Keller House. The Keller Ranch was built in 1912; the date of the outbuildings is currently undocumented. ESA proposes to document, record, and evaluate these three structures for historic designation to the City of Clayton, or for potential listing in the California Register of Historical Resources.

ESA will review existing documentation from the City of Clayton, perform archival research as needed to document the outbuildings, visit and physically document the buildings with digital photography, and formally evaluate the sites using California Department of Parks and Recreation (DPR 523) forms. We will consider the outbuildings as individual resources, and record and evaluate them as such. Please note that it is possible that the buildings may be part of a larger Keller Ranch historic district, and the buildings would also need to be considered and evaluated as contributing or non-contributing elements of the larger Keller Ranch complex. Should that be the case, identification of the larger district may be one of ESA's recommendations.

In addition to producing appropriate DPR 523 forms, ESA will create a memo with our assessments and recommendations. We will discuss our assessment of significance with City staff, and outline potential options for the three outbuildings: demolition, preservation in place, mothballing, rehabilitation, etc. Following those discussions, the memo will outline potential next steps.

Please note that this scope of work does not address archaeological features or sites that may be on the ranch property. It addresses only architectural historical components.

Project Schedule and Staff

Following receipt of a Notice to Proceed, ESA can complete the archival review, field visit, and completion of appropriate DPR 523 forms within 30 days of a written contract.



Mindy Gentry
September 10, 2015
Page 2

We assume that the City will review the DPR forms in an electronic format. ESA will revise the forms within 10 working days of receipt of comments.

I assume there will be one face-to-face meeting with you (and other appropriate staff) to review the findings of the DPR 523 forms, and assess the potential next steps. The schedule for the memo is dependent upon the meeting schedule; ESA will produce a draft memo for review within 10 working days of that meeting. We will work closely with you to determine the potential options, outline appropriate next steps, and identify appropriate contractors for any demolition, renovation, or rehabilitation that would occur.

I will serve as the Principal Investigator and Point-of-Contact. Katherine Anderson in our Sacramento is our Senior Historian, and will be performing the fieldwork, and serve as the alternate Point-of-Contact.

Budget

Attached is a detailed budget with our proposed hours, summarized here.

Subtotal Labor: \$7420

Expenses: \$110 (mileage and copying)

Total Not-To-Exceed Budget: \$7530

If it appears that ESA may exceed the budget due to unforeseen circumstances, I will immediately notify your office before proceeding, and will not resume work without written authorization to exceed this estimated budget ceiling.

Please let me know if you have any questions. I will be out of my office from Sept 14-28, but Katherine Anderson is available to assist you: 916-231-1280 office; kanderson@esassoc.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Allen", is positioned above the typed name.

Rebecca Allen, Ph.D.
Cultural Resources Director
916-221-1484 cell
rallen@esassoc.com

ESA Labor Detail and Expense Summary

		<i>Employee Name</i>						
		RSA	KCA	WP				
<i>Title</i>		Director II	Senior Associate III	Associate I	Subtotal	Subtotal	Hours	Labor Price
Task #	Task Name/Description	\$205	\$150	\$95				
	Archival Research		12		\$ 1,800	\$ -	12	\$ 1,800
	Recordation and DPR Forms	2	16	1	\$ 2,905	\$ -	19	\$ 2,905
	Staff Meeting and Memo	4	12	1	\$ 2,715	\$ -	17	\$ 2,715
					\$ -	\$ -	-	\$ -
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Total Hours		6	40	2		\$ -	48	
Subtotals - Labor Costs		\$ 1,230	\$ 6,000	\$ 190	\$ 7,420	\$ -		\$ 7,420
Percent of Effort - Labor Hours Only		12.5%	83.3%	4.2%			100.0%	
Percent of Effort - Total Project Cost		16.3%	79.7%	2.5%				98.5%

ESA Labor Costs	\$ 7,420
	\$ -

Expenses	\$ 110
	\$ -
	\$ -

Subconsultant Costs (see Attachment B for \$ -

TOTAL PROJECT PRICE	\$ 7,530.00
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23 September 2015

Ms. Mindy Gentry
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Re: Historic Resource Evaluation for the Sheds at the Keller House Property

Dear Mindy,

I am pleased to prepare a scope of work describing preservation consulting services required to evaluate three agricultural outbuildings (sheds) behind the historic Keller House in Clayton, California. This letter provides a detailed scope of work, fee, and schedule for the work in the sections below. The product of this work will be a historic resource evaluation (HRE) that will establish the potential significance, or lack thereof, of the three outbuildings at the rear of the Keller House property. If the structures appear to be historic I will explore three potential project alternatives, including demolition, mothballing, and restoration for an interpretive use. My conclusions will be devised to assist the City of Clayton (City) devise an appropriate and CEQA-compliant treatment for the sheds as part of its stewardship of the historic Keller House.

Scope of Work

The scope of work consists of three components: fieldwork, research, and preparation of an HRE that describes the three sheds, summarizes their historical development and use, evaluates their significance, and explores three alternative treatments. The following sections describe each of the three components in more depth:

- **Fieldwork:** I will meet with you at the site at a time that is mutually convenient so that I may photograph the three sheds, the Keller House, and the surrounding property. I will record fieldnotes that describe the sheds' materials, construction techniques, floor plans, and possible historic uses.
- **Research:** I will rely on Thomas Saxby's excellent *Keller House Report* of 2001 for historical background on the Keller property, including the main house, outbuildings, and any remaining cultural landscape features. The report appears to be quite well-written and documented, but information on the three sheds, which were evidently relocated from elsewhere on the property, is scanty. I will therefore need to pursue additional sources of information to determine where the sheds were originally located on the site and what their original purpose(s) may have been. To that end I will consult historic USGS topographical maps, aerial photographs,

57 Post Street, Suite 810
San Francisco, CA 94104
415.606.0920
chris@verplanckconsulting.com

and other historic maps – to the extent that they are available – to round out my understanding of the sheds and how they either contribute or do not contribute to the property. I will also consult with the Clayton Historical Society to assist me with my research.

- HRE: I will prepare a 15-20-page Historic Resource Evaluation for the three sheds that adheres to the following outline:

- I-Executive Summary
- II-Methodology
- III-Regulatory Environment
- IV-Concise Property Description (emphasizing the sheds)
- V-Concise Property History (emphasizing the sheds)
- VI-Evaluation of Significance (emphasizing the sheds)

If the sheds appear to be historic, either individually or as contributors to the larger Keller Property, I will prepare the following sections:

- VII-Project Description of three alternatives: demolition, mothballing, and restoration for an interpretive use
- VIII-CEQA Impact Analysis of three alternatives: demolition, mothballing, and restoration for an interpretive use. I will use the Secretary of the Interior's Standards to complete the analysis of each alternative. Project alternatives that comply with all 10 Standards benefit from a regulatory presumption that they will have a less-than-significant impact on the environment.
- IX-Conclusion
- X-Bibliography
- Appendix: Mothballing Guidelines and Rehabilitation Standards

Fee

I propose to bill my services on a time-and-materials basis, not to exceed \$4,750, including expenses, without prior written authorization from you. My billing rate is \$135/hour.

Schedule

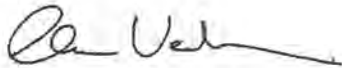
My schedule is heavily booked for the rest of the month and well into October, but I will prioritize the fieldwork for early October so I can get the fieldwork and research completed. I am going on vacation with my family during the third week of October, so I anticipate completing the final HRE not until late October/early November.

I am very happy to meet with you privately to discuss the project before or after my fieldwork session but this scope of work does not include my attendance at any public hearings.

This proposal expires within two weeks of the date on the letterhead.

Please let me know if you have any questions about this proposal.

Sincerely,



Christopher VerPlanck

Accepted by: _____

Date: _____



Agenda Date: 1-19-2016

Agenda Item: 8d

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MGS*

DATE: JANUARY 19, 2016

SUBJECT: EXECUTIVE SUMMARY - CITY OF PITTSBURG'S TUSCANY MEADOWS PROJECT (CDD-01-16)

RECOMMENDATION

It is recommended the City Council, after discussion and opportunity for public comment, receive for file this assessment summary of Tuscany Meadows, a proposed project to develop 917 single family homes and up to 365 multi-family units on approximately 170 acres within the City of Pittsburg.

BACKGROUND

Recently, Mayor Geller inquired of City staff as to any possible impacts to the Clayton community associated with the "Tuscany Meadows" residential project to be constructed in the nearby City of Pittsburg.

The proposed Tuscany Meadows project consists of 917 single family homes and up to 365 multi-family units on approximately 170 acres, which is bounded to the north by Buchanan Road, the Contra Costa Canal and Somersville Road to the east, Highlands Ranch subdivision to the west, and the Black Diamond Ranch subdivision to the south (APNs: 089-150-013 and -015) (**Attachment 1**). The project is currently located within an unincorporated area of Contra Costa County between the City of Pittsburg and the City of Antioch; however in 2011, the City of Pittsburg amended its General Plan and the Urban Limit Line via a voter initiative to accommodate the proposed project in anticipation of future annexation and development. The area also includes the existing Chevron facility, which contains a pumping facility and a field office; however the Chevron facility is only subject to the reorganization and is not part of the proposed project improvements.

The developer, Discovery Builders, Inc., is requesting the following entitlements: Sphere of Influence amendment, annexation to the City of Pittsburg, annexation into the Contra Costa County Water District (CCWD) and inclusion in the Central Valley Water Project (CVP), annexation to Delta Diablo, a Vesting Tentative Map, and Development Agreement.

Historically, the site was an above-ground crude oil tank farm owned by Chevron USA, Inc.; however the tanks and the associated piping were removed from the site in 1981. Currently, the site is undeveloped vacant land that is undergoing soil remediation under the oversight of the San Francisco Bay Regional Water Quality Control Board.

PROJECT OVERVIEW

Land Use

The City of Pittsburg land use designations for the site are Low Density Residential (LDR), High Density Residential (HDR), and Industrial. The 917 single family homes would be constructed on approximately 135.6 acres with the average lot size being 4,400 square feet (**Attachment 2**). The lots for the single family homes would range in size from 4,000 to 10,700 square feet. The high density portion of the project is located in the northeastern corner of the project site where Buchanan Road crosses the Contra Costa Canal (Parcel A on the Vesting Tentative Map). The maximum allowable density would be 25 units per acre; the 14.6 acre high density parcel could result in a development of up to 365 multi-family units.

Parks/Detention Basins

The project includes 18.6 acres of parks/detention basins divided among three on-site locations, as well as 0.19 acres at the subdivision entrance. An approximately 6.6 acre park, Parcel C, would be located in the northwestern portion of the project along Buchanan Road and Tuscany Meadows Drive. A 5.4 acre park, Parcel M, would be located along the east side of Tuscany Meadows Drive, south of the Chevron facility. A 6.6 acre park/detention basin, Parcel B, would be located in the northeastern portion of the project site.

Project Access

There are three points of vehicular access being proposed for this project: Buchanan Road, Somersville Road, and James Donlon Boulevard. New roadways, Tuscany Meadows Drive and Sequoia Drive, would be constructed to facilitate ingress and egress to the development. Tuscany Meadows Drive is proposed in the north and south direction and would connect Buchanan Road and James Donlon Boulevard, while Sequoia Drive is proposed in the east and west direction providing access to Somersville Road.

MONTREUX RESIDENTIAL SUBDIVISION

Staff wishes to highlight that the City of Pittsburg also approved the Montreux Residential Subdivision and will be petitioning LAFCO for annexation into its city limits. While, the number of units for the Montreux project is substantially lower than Tuscany Meadows, there are a significant number of units being proposed and the project is located in closer proximity to Clayton than Tuscany Meadows. The project consists of 356 single family homes on 165 acres located on the west side of Kirker Pass Road approximately one mile south of Buchanan Road (**Attachment 3 and 4**).

PROJECT IMPACTS TO CLAYTON

The Tuscany Meadows project is approximately 10 miles from the City of Clayton and due to the distance between the City and the project, the largest potential impact would be traffic via Kirker Pass Road. Given the location of the project, it is not anticipated nor was it assumed in the Traffic Impact Analysis for the project that vehicle trips from the project would travel through the City of Clayton via Marsh Creek Road. No intersections within the

City of Clayton limits were studied in the EIR; however the following intersections adjacent to the City of Clayton were studied: Kirker Pass Road and Myrtle Drive, Ygnacio Valley Road and Concord Boulevard/Oakhurst Drive, and Ygnacio Valley Road and Clayton Road (incorrectly identified in the Tuscany Meadows EIR as Clayton Boulevard). The draft EIRs for both Tuscany Meadows and the Montreux subdivision were not tendered to our City for comment.

The existing Level of Service (LOS) for Kirker Pass Road and Myrtle Drive is A in both the AM and PM peak. Ygnacio Valley Road and Concord Boulevard/Oakhurst Drive has a LOS of C in the both AM and PM peak while Ygnacio Valley Road and Clayton Road is LOS D for both AM and PM peak. **Attachment 5** provides the Level of Service definitions for signalized intersections, which identifies the average delay in seconds per vehicle and the volume to capacity ratio for each level of service. In the City of Concord, the Kirker Pass Road and Ygnacio Valley Road signalized intersections are considered to have significant impacts if project-related traffic causes the LOS rating to deteriorate from LOS D or better to LOS E, LOS F, or from LOS E to LOS F (**Attachment 6**).

The project is forecasted to generate 9,940 new daily trips, 797 vehicle trips during the AM peak and 947 in the PM peak hour. The traffic study assumed that 11 percent of the proposed project's traffic would travel west over Kirker Pass Road. The Traffic Impact Analysis forecasted that the three intersections adjacent to the City of Clayton, namely Kirker Pass Road and Myrtle Drive, Ygnacio Valley Road and Concord Boulevard/Oakhurst Drive, and Ygnacio Valley Road and Clayton Road, would each operate at acceptable levels with and without the project and even in the cumulative scenario (2035). The table below provides the Level of Service and the delay in seconds per vehicle in various scenarios with and without the project. All of the scenarios that were contemplated in the EIR for the three intersections adjacent to the City of Clayton have been included as **Attachment 7**. The cumulative scenario, which included the Montreux Residential Subdivision, also assumed the construction of the James Donlon Boulevard extension, which will run from the current terminus of James Donlon Boulevard in the City of Antioch to Kirker Pass Road.

Intersection	Existing LOS AM/ Delay in Seconds	Existing LOS PM/ Delay in Seconds	Baseline* Plus Project AM/ Delay in Seconds	Baseline* Plus Project PM/ Delay in Seconds	Cumulative Conditions AM (2035)/ Delay in Seconds	Cumulative Conditions PM (2035)/ Delay in Seconds	Cumulative Conditions AM (2035) Plus Project/ Delay in Seconds	Cumulative Conditions PM (2035) Plus Project/ Delay in Seconds
Kirker Pass Rd & Myrtle Drive	A 6.7	A 4.6	A 6.9	A 5.0	A 7.4	A 5.5	A 7.5	A 5.7
Ygnacio Valley Rd/ Concord Blvd./Oakhurst Dr	C 34.1	C 30.0	D 39.3	C 33.6	D 47.0	D 37.3	D 50.0	D 38.0
Ygnacio Valley Rd & Clayton Rd	D 35.9	D 36.5	D 38.6	D 38.9	D 43.2	D 45.0	D 44.0	D 46.5

*Baseline constitutes the existing conditions with the addition of traffic from reasonably foreseeable projects in the area.

The Tuscany Meadows Traffic Impact Analysis reached a conclusion all three intersections adjacent to Clayton will result in an increase in delays. The difference between the existing conditions and the baseline plus the project will result in an increase in delay in the AM peak by 0.2, 5.2, and 2.7 seconds for Kirker Pass Road and Myrtle Drive, Ygnacio Valley Road and Concord Boulevard/Oakhurst Drive, and Ygnacio Valley Road and Clayton Road

respectively. The PM peak would increase the delay by 0.4, 3.6, 2.4 seconds respectively. The cumulative scenario (2035) plus the project would result in the following increases for the AM peak: 0.8, 15.9, 8.1 seconds respectively. The cumulative scenario (2035) plus the project would result in the following increase in delays for the PM peak: 1.1, 3.9, and 10.6 seconds respectively.

According to the EIRs for both the Tuscany Meadows project and the Montreux Residential Subdivision, the projects will result in additional traffic on Kirker Pass Road, however the impacts will be less than significant due to increase in delays not exceeding the Level of Service significance thresholds (**Attachment 6**) and still maintaining acceptable levels of service at the three intersections adjacent to the City of Clayton. Based on the information contained in the certified EIR, it did not anticipate the Tuscany Meadows project will have any significant impacts to the Clayton community.

DISCUSSION

The Tuscany Meadows Draft EIR was circulated for public review between November 1, 2014 and December 15, 2014. The public comment period, which requires a response from the City of Pittsburgh for any comments received, has been effectively closed since December 15, 2014. The EIR was certified by the Pittsburgh City Council on August 3, 2015; however the project was not brought before the Council for consideration at the time the EIR was certified. The statute of limitations to challenge the CEQA document will begin upon project approval. Further, the City of Pittsburgh Planning Commission and City Council will be conducting public hearings on the project prior to any action being taken. Assuming approval by Pittsburgh's City Council, LAFCO would then need to consider the reorganization request. These three hearings would provide opportunities for the City of Clayton to voice any concerns with the project. If there were concerns from the City Council on the Tuscany Meadows project, staff could write a letter to be included in the public record and/or provide oral comments during the public hearings. Lastly, if the project is approved, the City of Clayton could legally challenge the project approvals and the adequacy of the EIR if it is within the statute of limitations. In order to pursue this option the City of Clayton would have to hire technical experts to challenge the EIR and its methodology as well as legal counsel in order to pursue any legal remedies.

The Montreux Residential Subdivision EIR was certified on August 17, 2015 and the entitlements for the project were approved by the City of Pittsburgh City's Council on November 16, 2015. The next step is for Pittsburgh to petition LAFCO for approval of the boundary changes, which is an opportunity for the City of Clayton to provide comments. If that statute of limitations has not lapsed, the City of Clayton could challenge the adequacy of the EIR as well as the project approvals. Again, the City of Clayton would have to hire technical experts to challenge the EIR and its methodology as well as legal counsel in order to pursue any legal remedies.

PROJECT STATUS

The Tuscany Meadows project was initially scheduled to be heard by the City of Pittsburgh's Planning Commission on December 8, 2015, but due to outstanding issues with the developer regarding the conditions of approval for traffic, the project was tentatively rescheduled until the February 9, 2016 meeting. After the Planning Commission hearing, the

project will then go before the Pittsburg City Council for a hearing. Assuming approval, Tuscany Meadows will then proceed to LAFCO for review of the proposed reorganization.

FISCAL IMPACT

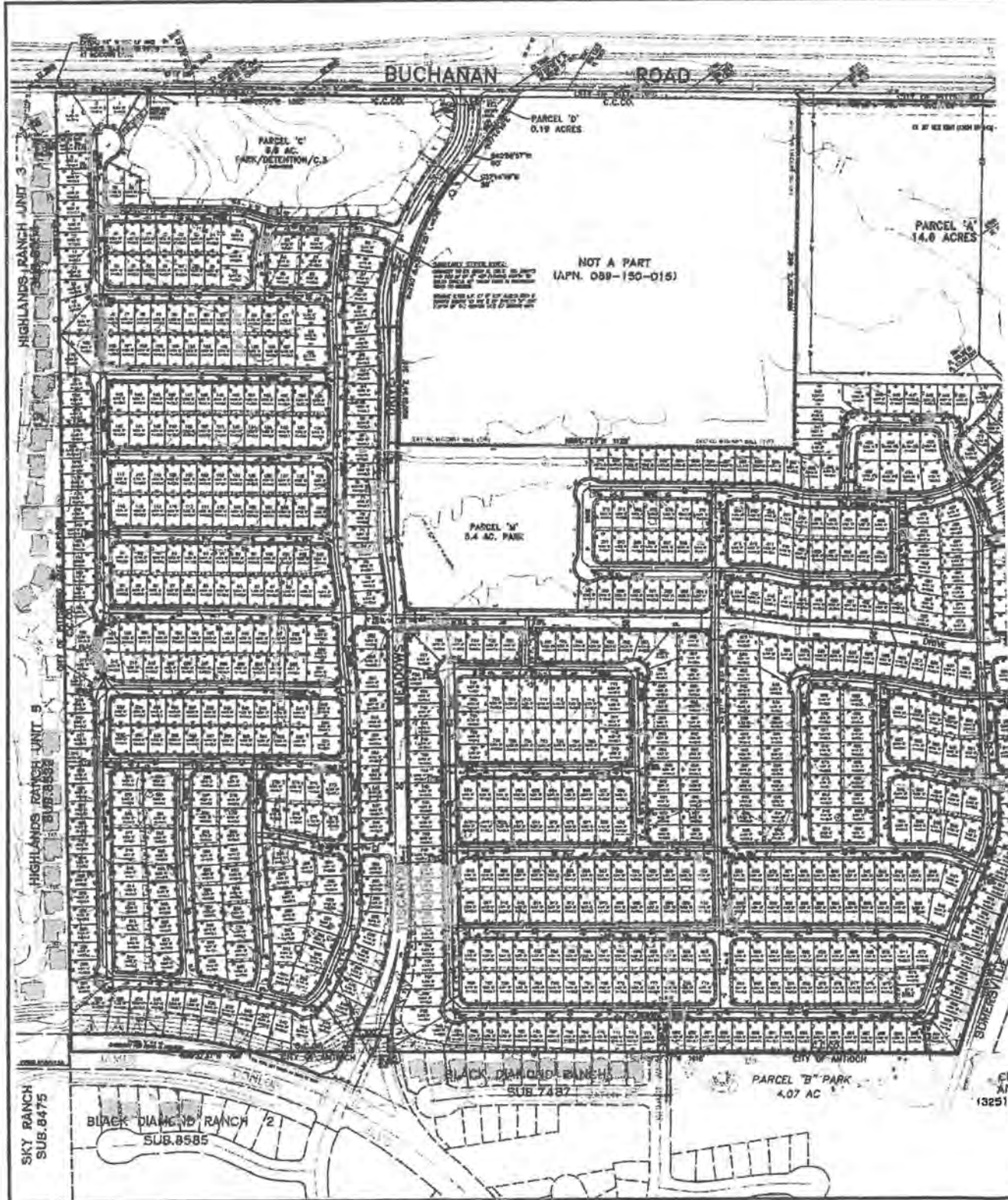
None.

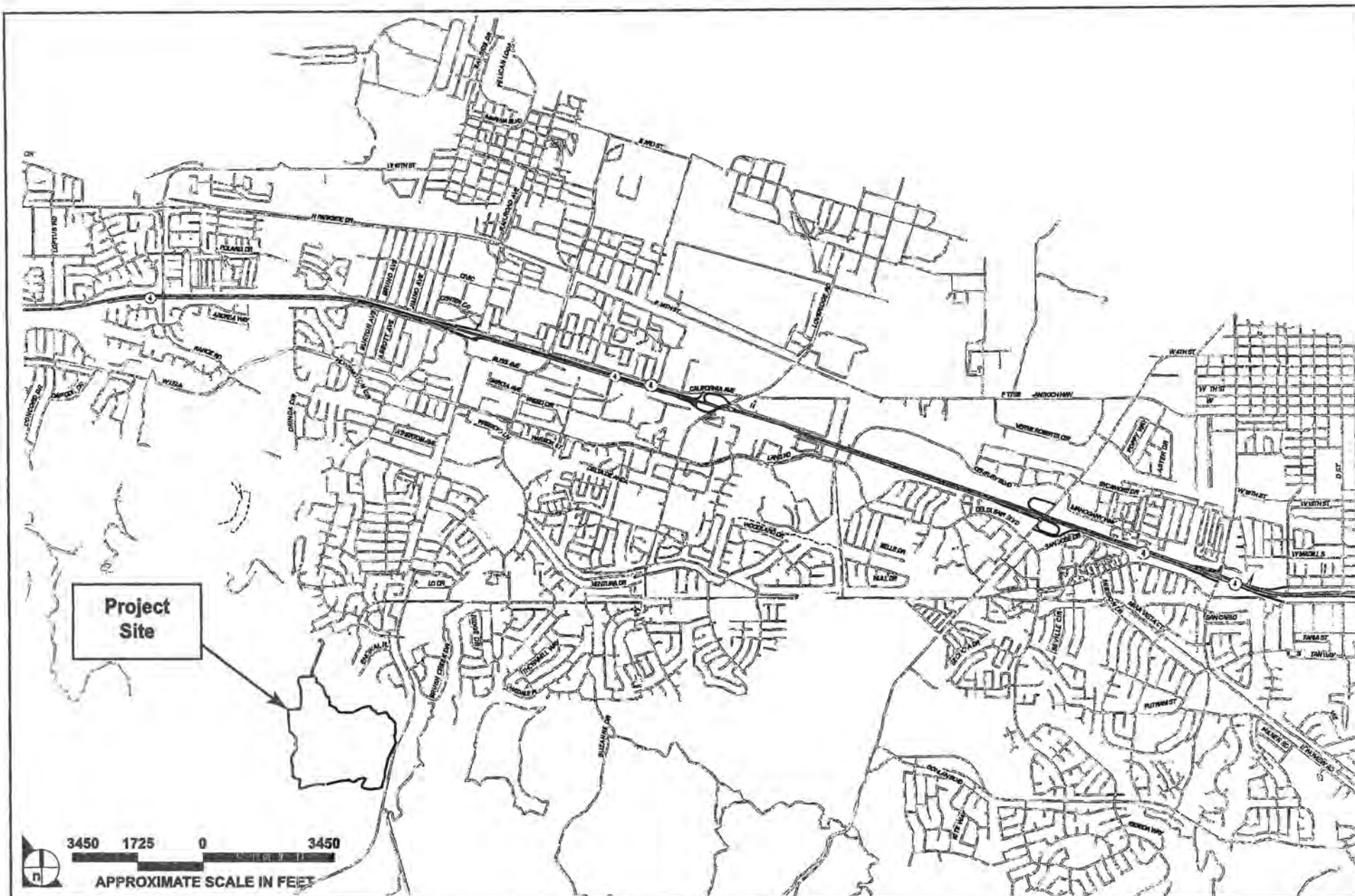
ATTACHMENTS

1. Project Location Map from the Tuscany Meadows Draft EIR [1 pp.]
2. Proposed Tuscany Meadows Vesting Tentative Map [1 pp.]
3. Montreux Residential Subdivision Vicinity Map and Aerial Photograph [2 pp.]
4. Montreux Conceptual Site Plan [1 pp.]
5. Signalized Intersection LOS Definitions [1 pp.]
6. Intersection LOS Significance Criteria [1 pp.]
7. Tuscany Meadows Intersection LOS Scenarios from the Project EIR [5 pp.]

**Figure 3-2
Project Location Map**







SOURCE: Google Earth – October 2011

FIGURE 3.0-2

Project Vicinity

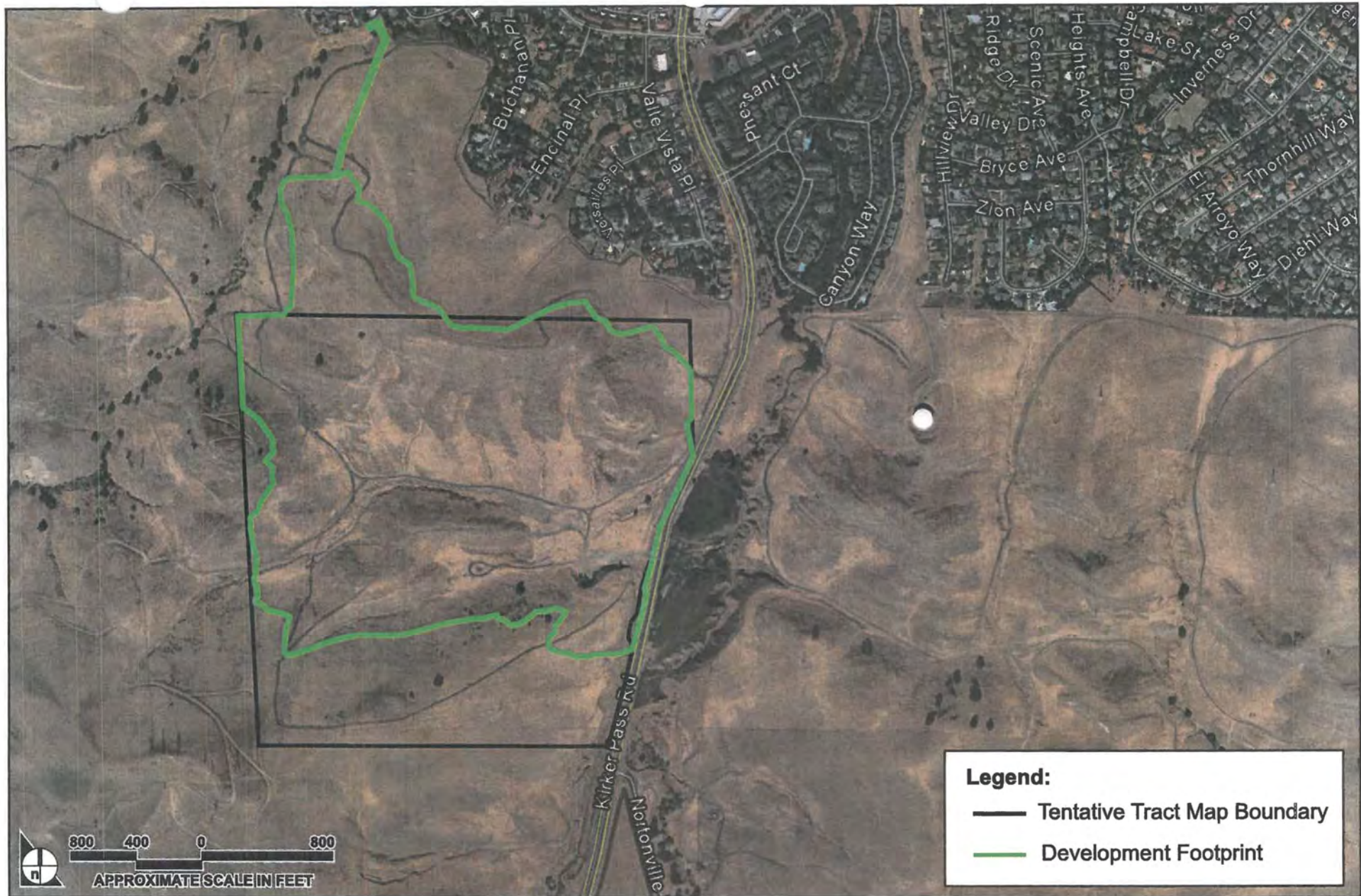


FIGURE 3.0-3

Project Aerial Photograph

Common Traffic Analysis Terms

LOS is a qualitative measure of traffic operating conditions, whereby a letter grade, from A to F is assigned, based on quantitative measurements of delay per vehicle. The grades represent the perspective of drivers and are an indication of the comfort and convenience associated with driving. In general, LOS A represents free-flow conditions, and LOS F represents severe delay under stop-and-go conditions.

Tables 4.9-1 and 4.9-2 summarizes the relationship between delay and LOS for signalized and unsignalized intersections. The delay ranges for unsignalized intersections are lower than for signalized intersections as drivers expect less delay at unsignalized intersections.

Table 4.9-1 Signalized Intersection LOS Definitions			
Level of Service	Description of Operations	Average Delay (sec/veh)	Volume to Capacity Ratio (v/c)
A	Insignificant Delays: No approach phase is fully used and no vehicle waits longer than one red indication.	≤ 10	$\leq .60$
B	Minimal Delays: An occasional approach phase is fully used. Drivers begin to feel restricted.	> 10 to 20	> 0.61 to 0.70
C	Acceptable Delays: Major approach phase may become fully used. Most drivers feel somewhat restricted.	> 20 to 35	> 0.71 to 0.80
D	Tolerable Delays: Drivers may wait through no more than one red indication. Queues may develop but dissipate rapidly without excessive delays.	> 35 to 55	> 0.81 to 0.90
E	Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues from upstream.	> 55 to 80	> 0.91 to 1.0
F	Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	> 80	> 1.0
Note: sec/veh = Seconds per vehicle <i>Sources:</i> <i>Highway Capacity Manual (Transportation Research Board 2010).</i> <i>Technical Procedures Update. Contra Costa Transportation Authority, January 16, 2013.</i>			

Table 4.9-4 Intersection LOS Significance Criteria					
Intersection	Control	CCTALOS Standards ¹		HCM Standards ²	
		v/c ³	LOS	Delay ⁴	LOS
22. Somersville Rd & Buchanan Rd	Traffic Signal	< 0.85	mid D	< 45	mid D
23. Somersville Rd & Tuscany Meadows	Traffic Signal	< 0.85	mid D	< 45	mid D
24. Somersville Rd & James Donlon Blvd	Traffic Signal	< 0.85	mid D	< 45	mid D
25. Buchanan Rd & Delta Fair Blvd	Traffic Signal	< 0.85	mid D	< 45	mid D
26. James Donlon Blvd & Contra Loma Blvd	Traffic Signal	< 0.85	mid D	< 45	mid D
27. James Donlon Blvd & Lone Tree Way	Traffic Signal	< 0.85	mid D	< 45	mid D
28. Kirker Pass Rd & Myrtle Dr	Traffic Signal	< 0.90	D	< 55	D
29. Ygnacio Valley Rd & Concord Blvd	Traffic Signal	< 0.90	D	< 55	D
30. Ygnacio Valley Rd & Clayton Blvd	Traffic Signal	< 1.0	E	< 80	E
31. Buchanan Rd & Chateau Mobile Park	Traffic Signal ⁷	< 0.85	mid D	< 45	mid D
32. Delta Fair Blvd & Century Blvd	Traffic Signal	< 0.85	mid D	< 45	mid D
33. Somersville Rd & Fairview Dr	Traffic Signal	< 0.85	mid D	< 45	mid D
34. Delta Fair Blvd & Fairview Dr	Traffic Signal	< 0.85	mid D	< 45	mid D
Notes: 1. Previously adopted CCTA standards based on the CCTALOS methodology. 2. Currently adopted CCTA standards based on the 2010 HCM methodology. 3. v/c = volume to capacity ratio 4. For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for the overall intersection. 5. With project implementation, intersection Metcalf St & James Donlon Blvd would become Tuscany Meadows Dr & James Donlon Blvd. 6. Implementation of Traffic Signal is part of the JDE. 7. Implementation of Traffic Signal is part of the City of Antioch's Buchanan Crossings Shopping Center improvement.					
Source: Abrams Associates, 2014.					

As the designated CMA representing the jurisdictions of CCC, CCTA is responsible for preparing and adopting a Congestion Management Program (CMP). Consistent with the CMP legislation, the CCTA has established a level-of-service standard of LOS E for all parts of the CMP network except those that were already operating at worse levels of service in 1991.

Table 4.9-3 Intersection LOS – Existing Conditions					
Intersection	Control	AM Peak Hour		PM Peak Hour	
		Delay ¹	LOS	Delay ¹	LOS
7. Harbor St & Buchanan Rd	Traffic Signal	38.5	D	23.6	C
8. California Ave & SR-4 WB Ramps (Loveridge)	Traffic Signal	18.4	B	28.0	C
9. Loveridge Rd & California Ave	Traffic Signal	34.4	C	23.2	C
10. Loveridge Rd & SR-4 EB Ramps	Traffic Signal	22.3	C	26.2	C
11. Loveridge Rd & E. Leland Rd	Traffic Signal	23.5	C	29.8	C
12. Loveridge Rd & Buchanan Rd	Traffic Signal	38.8	D	25.4	C
13. Buchanan Rd & Ventura Dr	Traffic Signal	15.3	B	22.2	C
14. Ventura Dr & James Donlon Blvd	Traffic Signal	N/A	N/A	N/A	N/A
15. Buchanan Rd & Tuscany Meadows Dr	Traffic Signal	N/A	N/A	N/A	N/A
16. Metcalf St & James Donlon Blvd	Side Street Stop ²	N/A	N/A	N/A	N/A
17. Buchanan Rd & Tuscany Meadows Apartments	Traffic Signal	N/A	N/A	N/A	N/A
18. Auto Center Dr & Century Blvd	Traffic Signal	17.1	B	21.1	C
19. Somersville Rd & SR-4 WB Ramps	Traffic Signal	24.3	C	22.9	C
20. Somersville Rd & SR-4 EB Ramps	Traffic Signal	12.2	B	20.8	C
21. Somersville Rd & Delta Fair Blvd	Traffic Signal	19.3	B	19.8	B
22. Somersville Rd & Buchanan Rd	Traffic Signal	33.5	C	29.6	C
23. Somersville Rd & Tuscany Meadows	Traffic Signal	N/A	N/A	N/A	N/A
24. Somersville Rd & James Donlon Blvd	Traffic Signal	9.9	A	8.5	A
25. Buchanan Rd & Delta Fair Blvd	Traffic Signal	9.8	A	12.0	B
26. James Donlon Blvd & Contra Loma Blvd	Traffic Signal	17.8	B	13.1	B
27. James Donlon Blvd & Lone Tree Way	Traffic Signal	19.2	B	23.2	C
28. Kirker Pass Rd & Myrtle Dr	Traffic Signal	6.7	A	4.6	A

(Continued on next page)

Table 4.9-3 Intersection LOS – Existing Conditions					
Intersection	Control	AM Peak Hour		PM Peak Hour	
		Delay ¹	LOS	Delay ¹	LOS
29. Ygnacio Valley Rd & Concord Blvd	Traffic Signal	34.1	C	30.0	C
30. Ygnacio Valley Rd & Clayton Blvd	Traffic Signal	35.9	D	36.5	D
31. Buchanan Rd & Chateau Mobile Park	Side Street Stop ²	11.9	B	21.3	C
32. Delta Fair Blvd & Century Blvd	Traffic Signal	12.9	B	15.8	B
33. Somersville Rd & Fairview Dr	Traffic Signal	16.7	B	32.3	C
34. Delta Fair Blvd & Fairview Dr	Traffic Signal	17.5	B	20.1	C
Notes:					
1. For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for the overall intersection.					
2. For stop controlled intersections the results for the worst side street approach are presented.					
Source: Abrams Associates, 2014.					

Transit System

Three major public mass transit operators provide service within or adjacent to the study area, including Bay Area Rapid Transit (BART), the Eastern Contra Costa Transit Authority (or Tri Delta Transit), and the County Connection.

BART

BART is a rapid mass transit system which provides regional transportation connections to much of the Bay Area. BART runs from the North Bay Area in Richmond to the South Bay Area in Fremont. In the east-west direction BART runs from Pittsburg to the San Francisco Airport and Milbrae with several connections in Oakland. The Pittsburg/Bay Point BART station, which is closest to the proposed project, serves all of Pittsburg, Bay Point, Antioch, and all other surrounding cities and runs from 4:00 AM to 12:00 AM daily, with a weekday frequency of 15 minutes. A future E-BART extension to Hillcrest Avenue in Antioch is currently under construction. The E-BART service will connect with BART at the Bay Point BART station. It should be noted that an additional E-BART Station is also planned at Railroad Avenue and the widening of SR 4 is currently underway to accommodate the planned station.

Tri Delta Transit

Tri Delta Transit serves the East County including Brentwood, Oakley, Pittsburg, Antioch, Bay Point and unincorporated areas of East County. Tri Delta Transit operates fourteen local bus routes from Monday to Friday, including three express services, and three local bus routes during weekends and holidays. The Tri Delta Transit routes that run closest to the proposed project are

**Table 4.9-6
Intersection LOS – Existing Plus Project Conditions**

Intersection	Control	Existing Conditions				Existing Plus Project Conditions			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		Delay ¹	LOS	Delay ¹	LOS	Delay ¹	LOS	Delay ¹	LOS
Rd									
13. Buchanan Rd & Ventura Dr	Traffic Signal	15.3	B	22.2	C	17.7	B	30.4	C
14. Ventura Dr & James Donlon Blvd	Traffic Signal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
15. Buchanan Rd & Tuscany Meadows Dr	Traffic Signal	N/A	N/A	N/A	N/A	41.5	D	30.2	C
16. Tuscany Meadows Dr ² & James Donlon Blvd	Traffic Signal ³	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
17. Buchanan Rd & Tuscany Meadows Apartments	Traffic Signal	N/A	N/A	N/A	N/A	23.6	C	40.7	D
18. Auto Center Dr & Century Blvd	Traffic Signal	17.1	B	21.1	C	17.2	B	21.5	C
19. Somersville Rd & SR-4 WB Ramps	Traffic Signal	24.3	C	22.9	C	30.3	C	24.9	C
20. Somersville Rd & SR-4 EB Ramps	Traffic Signal	12.2	B	20.8	C	12.3	B	21.0	C
21. Somersville Rd & Delta Fair Blvd	Traffic Signal	19.3	B	19.8	B	20.7	C	19.9	B
22. Somersville Rd & Buchanan Rd	Traffic Signal	33.5	C	29.6	C	64.2	E	58.3	E
23. Somersville Rd & Tuscany Meadows	Traffic Signal	N/A	N/A	N/A	N/A	8.3	A	4.8	A
24. Somersville Rd & James Donlon Blvd	Traffic Signal	9.9	A	8.5	A	9.9	A	8.5	A
25. Buchanan Rd & Delta Fair Blvd	Traffic Signal	9.8	A	12.0	B	10.4	B	12.3	B
26. James Donlon Blvd & Contra Loma Blvd	Traffic Signal	17.8	B	13.1	B	18.0	B	13.2	B
27. James Donlon Blvd & Lone Tree Way	Traffic Signal	19.2	B	23.2	C	19.3	B	23.5	C
28. Kirker Pass Rd & Myrtle Dr	Traffic Signal	6.7	A	4.6	A	6.7	A	4.7	A
29. Ygnacio Valley Rd & Concord Blvd	Traffic Signal	34.1	C	30.0	C	35.8	D	31.3	C
30. Ygnacio Valley Rd & Clayton Blvd	Traffic Signal	35.9	D	36.5	D	36.6	D	37.1	D
31. Buchanan Rd & Chateau Mobile Park	Traffic Signal ⁴	11.9	B	21.3	C	13.8	B	27.5	D
32. Delta Fair Blvd & Century Blvd	Traffic Signal	12.9	B	15.8	B	13.2	B	16.4	B

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**Table 4.9-7
Intersection LOS – Baseline Plus Project Conditions**

Intersection	Control	Baseline Conditions				Baseline Plus Project Conditions			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		Delay ¹	LOS	Delay ¹	LOS	Delay ¹	LOS	Delay ¹	LOS
26. James Donlon Blvd & Contra Loma Blvd	Traffic Signal	20.0	C	13.5	B	21.7	C	13.7	B
27. James Donlon Blvd & Lone Tree Way	Traffic Signal	20.0	B	24.1	C	20.3	C	24.2	C
28. Kirker Pass Rd & Myrtle Dr	Traffic Signal	6.8	A	4.8	A	6.9	A	5.0	A
29. Ygnacio Valley Rd & Concord Blvd	Traffic Signal	37.1	D	32.5	C	39.3	D	33.6	C
30. Ygnacio Valley Rd & Clayton Blvd	Traffic Signal	37.7	D	38.4	D	38.6	D	38.9	D
31. Buchanan Rd & Chateau Mobile Park	Traffic Signal ⁴	4.7	A	6.4	A	4.3	A	6.5	A
32. Delta Fair Blvd & Century Blvd	Traffic Signal	13.3	B	16.8	B	13.6	B	17.1	B
33. Somersville Rd & Fairview Dr	Traffic Signal	17.1	B	32.0	C	20.3	C	37.3	D
34. Delta Fair Blvd & Fairview Dr	Traffic Signal	18.5	B	22.4	C	22.2	C	26.3	C

Notes:

1. For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for the overall intersection.
2. With project implementation, intersection Metcalf St & James Donlon Blvd would become Tuscany Meadows Dr & James Donlon Blvd.
3. Implementation of Traffic Signal is part of the JDE. Although the table shows the intersection LOS for Tuscany Meadows Dr & James Donlon Blvd, the baseline scenario does not include the JDE. Therefore, Tuscany Meadows Dr & James Donlon Blvd is not a full intersection under the baseline scenario.
4. Implementation of Traffic Signal is part of the City of Antioch's Buchanan Crossings Shopping Center improvement.

Bold indicates unacceptable operations.

Source: Abrams Associates, 2014.

Mitigation Measures

The project applicant would be required to pay local and regional transportation impact fees, which would provide funding for roadway improvements. In addition, implementation of the following mitigation measures would reduce the above impacts to a less-than-significant level at the Railroad Avenue & E. Leland Road intersection; however, the widening of Buchanan Road is not a feasible mitigation measure due to the lack of available right of way (see Table 4.9-8). Furthermore, successful implementation of the alternatively recommended additional metering would need approval by all local agencies in the area, of which the City of Pittsburg has no control.

**Table 4.9-9
Intersection LOS – Cumulative Conditions**

Intersection	Control	Cumulative Conditions				Cumulative Plus Project Conditions			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		Delay ¹	LOS	Delay ¹	LOS	Delay ¹	LOS	Delay ¹	LOS
22. Somersville Rd & Buchanan Rd	Traffic Signal	39.4	D	34.6	C	62.7	E	60.6	E
23. Somersville Rd & Tuscany Meadows	Traffic Signal	N/A	N/A	N/A	N/A	6.8	A	3.6	A
24. Somersville Rd & James Donlon Blvd	Traffic Signal	20.2	C	25.6	C	21.0	C	26.1	C
25. Buchanan Rd & Delta Fair Blvd	Traffic Signal	12.0	B	15.9	B	12.7	B	16.2	B
26. James Donlon Blvd & Contra Loma Blvd	Traffic Signal	41.8	D	19.6	B	43.7	D	19.9	B
27. James Donlon Blvd & Lone Tree Way	Traffic Signal	22.8	C	27.4	C	23.1	C	27.8	C
28. Kirker Pass Rd & Myrtle Dr	Traffic Signal	7.4	A	5.5	A	7.5	A	5.7	A
29. Ygnacio Valley Rd & Concord Blvd	Traffic Signal	47.0	D	37.3	D	50.0	D	38.0	D
30. Ygnacio Valley Rd & Clayton Blvd	Traffic Signal	43.2	D	45.0	D	44.4	D	46.5	D
31. Buchanan Rd & Chateau Mobile Park	Traffic Signal ⁴	4.9	A	6.8	A	4.6	A	6.9	A
32. Delta Fair Blvd & Century Blvd	Traffic Signal	14.9	B	19.4	B	15.5	B	19.7	B
33. Somersville Rd & Fairview Dr	Traffic Signal	30.2	C	29.0	C	27.6	C	40.2	D
34. Delta Fair Blvd & Fairview Dr	Traffic Signal	22.9	C	31.5	C	29.6	C	34.2	C

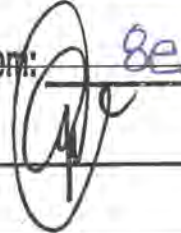
Notes:

1. For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for the overall intersection.
2. With project implementation, intersection Metcalf St & James Donlon Blvd would become Tuscany Meadows Dr & James Donlon Blvd.
3. Implementation of Traffic Signal is part of the JDE.
4. Implementation of Traffic Signal is part of the City of Antioch's Buchanan Crossings Shopping Center improvement.

Bold indicates unacceptable operations.

Source: Abrams Associates, 2014.



Agenda Item:	8e
Approved:	
Gary A. Napper City Manager	

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Laura Hoffmeister, Assistant to the City Manager 

MEETING DATE: January 19, 2016

SUBJECT: Consider a proposed extension to an existing special real property parcel tax supporting and funding the Citywide Landscape Maintenance District by a local ballot measure on the June 2016 Election.

RECOMMENDATION

Following the staff report and public comment, City Council to determine policy direction to staff regarding the proposed 10-year time extension to the existing special parcel tax for the Citywide Landscape District (CFD 2007-1), retaining the current tax rate methodology; and adopt the attached Resolution of Consideration, setting the public hearing for March 1, 2016.

BACKGROUND

Generally citywide public landscaping services on roadways, trails and open space have always been funded by a special revenue levied on private properties throughout the City. Prior to 1997, the City of Clayton had two (2) special tax districts for the care and maintenance of public roadway landscaping, trails and open space. The "Clayton Landscape Maintenance District" covered neighborhoods in the original sections of town and had an annual tax rate of \$112.20. A newer second District known as the "Oakhurst Landscape Maintenance District" was created with the residential Oakhurst Development and had an annual tax rate of \$205.00. In addition there were other sections of the City that were not included in any landscape maintenance district (e.g. Dana Hills), although they received similar general benefits for the care and maintenance of citywide roadway landscaping, trails and open space.

To correct this inconsistency and establish one (1) uniform special tax rate for the maintenance of the general benefit areas, voters in November 1997 passes Measure E that created a Citywide Landscape Maintenance District (CFD 1997-1) for a ten (10) year period. The special tax was replaced by CFD 2007-1 in June 2007.

In 2007 a new Community Facilities District (CFD) was established to replace the old 1997 Landscape Maintenance District. The City Council and Clayton voters established (CFD) 2007-1, to receive dedicated maintenance and operation funds if the public voted

Subject: Consider a proposed 10-year time extension to an existing special real property parcel tax supporting and funding the Citywide Landscape Maintenance District by a local ballot measure on the June 2016 Election.

Date: January 19, 2016

Page 2 of 3

for a special parcel tax. The tax revenue pays for costs related to the operation, maintenance, repair and replacement landscaping, irrigation, roadway landscaping, trails and open space including fire breaks. City parks are not maintained by this special tax (but through the General Fund). In June 2007 a ballot measure for such dedicated funds was placed before the voters for the special tax known as Measure "B" for a 10 year period through FY 16/17. It received 82.94% voter approval (more than the minimum 66.66% required for a special tax). The special tax has been levied on the real property tax bills since FY 07/08. The City Council also set forth a Citizens Oversight Committee for the Landscape Maintenance District

DISCUSSION

The Trails and Landscape Committee (TLC) reviewed and considered this matter at three meetings: March 16, 2015, June 6, 2015 and January 11, 2016. The TLC unanimously recommended:

- The CFD 2007-1 Landscape Maintenance District extension be placed before the voters in the June 2016 election.
- The time period be for 10 years
- The tax rate methodology as currently exists.
- Retain the citizens oversight committee

This special tax serves as the sole funding source for the Landscape Maintenance District Downtown Park Operation and Maintenance – known officially as Community Facilities District (CFD) 2007-1. To levy the tax the City placed a ballot measure on the November 2007 consolidated election and received more than the minimum vote threshold (66.66%) to enact the tax.

The tax revenue pays for costs related to the operation, maintenance, repair and replacement landscaping, irrigation, roadway landscaping, trails and open space including fire breaks. City parks are not maintained by this special tax (but through the General Fund).

The actual collection of the tax is done by the County. Established in the current voter-approved tax is the authorization after the initial year, to increase the assessment by the CPI with a maximum of 3% annually. It is recommended the City Council direct staff to prepare the public notice for a hearing on March 1, 2016 for consideration of the ballot information for the June 2016 election which would extend the time period of the tax by 10 years beyond its expiration in 2017 with the same tax rate methodology.

In order to extend the current special tax to a longer period, the process requires technically the levying a new special tax in the CFD to extend the current tax; and consists of three major steps: (1) adopting a Resolution of Consideration to start the process, (2) conducting a public hearing on the Resolution and (3) submitting the tax extension to the voters. The enclosed Resolution of Consideration is the first step. It would schedule a public hearing for March 1st for affected parties to provide comments regarding the proposal. As long as less than half of all affected property owners do not submit written protests regarding the proposal at the hearing, the City Council can submit the measure to the voters at the June election. The measure requires two-thirds (66.66%) voter support to be approved.

Subject: Consider a proposed 10-year time extension to an existing special real property parcel tax supporting and funding the Citywide Landscape Maintenance District by a local ballot measure on the June 2016 Election.

Date: January 19, 2016

Page 3 of 3

At February 2016 City Council meetings staff will provide sample ballot language for the Council's consideration.

FISCAL IMPACT

For fiscal year 2015-16 fiscal year the total annual levy amount was \$234.84 per residential parcel, or per acre or fraction thereof for non-residential parcels.

Currently there are approximately 4,103 parcels subject to the special tax; of these 4,043 are residential and approximately 60 are non-residential. The total amount of revenue received from this tax for FY 2015-16 is \$1,029,751. These tax revenues are placed into a Special Revenue (restricted use) Fund (No. 210) through which all eligible expenses are tracked, paid and audited. Allowable expenses include only that for the purposes of the Landscape District Operation and Maintenance District such as materials, supplies, equipment, utilities, labor, and administration (currently \$33863/year; 3.3%).

If the special tax is not placed before the voters the last tax levy will occur in FY 16/17 and thereafter there is no funding to continue its operations and maintenance. It is improbable to imagine the City's \$4 million General Fund budget could absorb this annual \$1 million service considering Police operations use 51.7% of the General Fund Budget.

No general fund monies will be expended in connection with this ballot measure; cost for the ballot portion related to the Landscape Maintenance Tax would be paid for out of the CFD Funds. The cost for an election is less expensive when combined with a consolidated election cycle rather than off year (ie: 2015) election cycle. If the election is held in the next election cycle (June 2016) and is unsuccessful there remains an opportunity to place it on the November 2016 election without a gap in the funding stream.

CONCLUSION

It is recommended the City Council direct staff to prepare necessary documents to set a public hearing on March 1, 2016 and authorize other matters relating thereto, for proceeding with the process for placement of a time extension of 10 years with the same tax rate methodology of Community Facilities District (CFD 2007-1) special tax for the Landscape Maintenance District on the June 2016 election ballot.

Attachments:

TLC reports regarding their consideration of the Tax extension

RESOLUTION NO. ____-2016

**A RESOLUTION OF CONSIDERATION TO EXTEND FOR TEN YEARS
THE EXISTING SPECIAL TAX SUBJECT TO THE
SAME ADJUSTMENT METHODOLOGY FOR COMMUNITY
FACILITIES DISTRICT 2007-1**

**CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance District)**

WHEREAS, the City of Clayton established Community Facilities District 2007-1 ("CFD") within the City of Clayton, authorized the levy of a special tax on real property within the CFD and established an initial appropriations limit for the CFD; and

WHEREAS, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 ("Act"), Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, the City Council of the City of Clayton has determined the public convenience and necessity require that an extension of the existing special tax should be proposed within the CFD to extend the existing special tax for ten years, from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2026/2027 (i.e., ending June 30, 2027), subject to the same adjustment methodology and that it should, therefore, adopt a Resolution of Consideration pursuant to Sections 53331 and 53334 of the Act to initiate proceedings for the consideration of such special tax levy; and

WHEREAS, the City Council wishes to schedule a public hearing on such proposed tax extension for March 1, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:

SECTION 1. Findings and Background. The City Council finds the preceding recitals are correct and are incorporated into this Resolution.

SECTION 2. Affected Area. The affected area is the Community Facilities District 2007-1 (Citywide Landscape Maintenance District) ("CFD"). The territory within the District is generally shown and described on the map of the boundaries of the CFD which was recorded in the Contra Costa Recorder's Office on January 23, 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts.

SECTION 3. Extended Special Tax. The City Council proposes that an extension of the existing special tax should be levied within the CFD to extend the existing special tax, at its current and existing rate and method of apportionment, for ten years from Fiscal Year 2017/2018 through Fiscal Year 2026/2027 ("Special Tax"). As such, all references to the expiration or term of the Special Tax in the rate and method of apportionment shall reflect the new expiration date

of Fiscal Year 2026/2027. The rate and method of apportionment for the Special Tax, subject to the extended term set forth in this section, is more particularly described and set forth in Resolutions No. 06-2007 and 07-2007. True and correct copies of these Resolutions are attached as Exhibit A and incorporated by this reference and are on file with the Clayton City Clerk.

SECTION 4. No Changes to Services. This Resolution does not propose any changes to the services or facilities provided by the CFD. The CFD would continue to provide operation and maintenance services for the Citywide Landscape Maintenance District through the extended term of Fiscal Year 2026/2027 as it currently does without any amendments or modifications.

SECTION 5. Appropriations Limit. The previously approved appropriations limit for the CFD shall not be effected by this Resolution and shall be adjusted by the City as permitted by applicable law.

SECTION 6. Public Hearing. Notice is given that on March 1, 2016, at 7:00 p.m. or as soon thereafter as the matter may be heard, at Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA 94517, a public hearing will be held where the City Council will consider the extension of the Special Tax as proposed herein. At the above-mentioned time and place for public hearing any persons interested, including taxpayers and property owners may appear and be heard. The testimony of all interested persons for or against the Special Tax will be heard and considered. Any protests may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing. If a written majority protest is filed against the Special Tax, the proceedings shall be abandoned.

SECTION 7. Election. If, following the public hearing described in the Section 6 above, the City Council determines to approve the extension of the existing Special Tax, the City Council shall then submit the amendment to the qualified electors of the CFD. As at least twelve (12) persons have been registered to vote within the CFD for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters of the CFD, with each voter having one (1) vote. Approval of the Special Tax shall require two-thirds approval of those voting on the measure.

SECTION 8. Notice. The City Clerk shall provide notice of the public hearing identified in Section 6 as required by Government Code sections 53322 and 53335. The City Council elects not to provide the optional notice permitted by Government Code section 53322.4.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular meeting thereof held on January 19, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on January 19, 2016.

Janet Brown, City Clerk

EXHIBIT A

RESOLUTION NO. 06-2007

**A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT) FOR A PERIOD OF TEN
YEARS, AND AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND
PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR**

**The City Council
City of Clayton, California
Community Facilities District 2007-1
(Citywide Landscape Maintenance)**

WHEREAS, on 16 January 2007 this City Council adopted Resolution No. 04 - 2007 entitled "*A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Citywide Landscape Maintenance District for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein*" (the "Resolution of Intention"), stating its intention to form the City of Clayton, Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the Services (as described herein) to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services (as hereafter defined) with respect to the CFD, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on 20 February 2007 this City Council held a duly noticed public hearing as required by the Act on the Resolution of Intention relative to the proposed formation of the CFD; and

WHEREAS, at said public hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the City Manager (the "Report") as to the Services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this City Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein, as set forth in Exhibit A hereto, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.

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

1. Recitals. The foregoing recitals are true and correct.
2. No Majority Protest. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Act.
3. Prior Proceedings. All prior proceedings taken by this City Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This City Council hereby finds and determines that the CFD is in conformity with the goals and policies heretofore adopted by this City Council with respect to the formation of the CFD.
4. CFD Established. The community facilities district designated "City of Clayton, Community Facilities CFD No. 2007-1 (Citywide Landscape Maintenance)" is hereby established pursuant to the Act.
5. Boundaries Described. The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Contra Costa County Recorder's Office on 23 January 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts, are hereby approved and incorporated herein by reference and shall be the boundaries of the CFD.
6. Services. The type of public Services proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as Services on Exhibit A attached hereto and by this reference incorporated herein (the "Services").
7. Special Taxes. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof, secured by a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method

of apportionment of the special tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the probable maximum amount such owner will have to pay, are described in Exhibit B attached hereto and by this reference incorporated herein.

8. Tax Collector For City. The City Manager, 6000 Heritage Trail, Clayton, California, 94517 telephone number (925) 673-7300 is the officer of the City who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

9. Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City ceases.

10. Appropriations Limit. In accordance with Section 53325.7 of the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$850,550.00 and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

11. Election. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

12. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

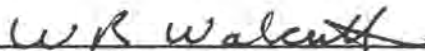
AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

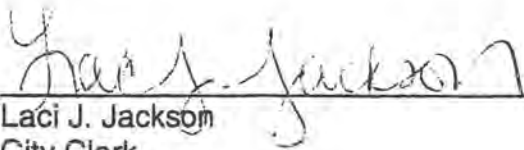
ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA



William R. Walcutt, Mayor

ATTEST:



Laci J. Jackson
City Clerk

#

EXHIBIT A

CITY OF CLAYTON Community Facilities District 2007-1 (Citywide Landscape Maintenance)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services to be financed by the special taxes of the City of Clayton Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") shall include the Maintenance of:

A. Public Roadway Landscaping – which includes but is not limited to the following improved rights-of-way:

Atchinson Stage Road – from Pine Hollow Road to Caulfield Drive
Black Point Place – center median island.
Caulfield Court – center median island.
Center Street – from Oak Street to Clayton Road.
Clayton Road – from the western city limits to the southern Marsh Creek Road intersection.
Cul-de-sacs: landscaped areas at end of Ahwanee Lane, Wawona Court, Tuyshtak Court, Antelope Court, Obsidian Court, Blue Oak Lane, Falcon Place, Windmill Canyon Place, Hummingbird Place, Raven Place, and Golden Eagle Place.
Diablo Parkway – from Marsh Creek Road to El Portal Drive.
Eagle Peak Avenue – from the east intersection with Oakhurst Drive to just west of the Ohlone Heights intersection, and including the west intersection with Oakhurst Drive.
Indianhead Way – entrance area at Oakhurst Drive
Indian Wells Way – both entrance areas with Oakhurst Drive, and center medians up to Anizume Court and Jalalon Place.
Jeffry Ranch Court – center median island.
Keller Ridge Drive – to Golden Eagle Place intersection.
Lydia Lane – from intersection of Clayton Road to Lydia Lane Park.
Main Street – from Clayton Road to (old) Marsh Creek Road.
Marsh Creek Road – from the northern intersection of (old) Marsh Creek Road to the eastern city limits.
Oakhurst Drive – from the western city limits to Clayton Road intersection.
Peacock Creek Drive – from Clayton Road to approximately the Pebble Beach Drive intersection.
Pine Hollow Road – from Atchinson Stage Road to Panadero Way.
Regency Drive – median entrance from Marsh Creek Road.
So. Mitchell Canyon Road – from approx. Del Trigo Lane to Herriman Court intersection.

B. Open Space and Trails – which include but are not limited to:

Publicly-owned creek-side, intra-community and open space trails located within the boundaries of the CFD.

C. Clayton Fountain – which includes but is not limited to:

Maintenance to the fountain itself, rock structure and all attendant appurtenances, including the geyser and water pump system as well as the surrounding public landscaped area located at east side of the intersection of Oakhurst Drive, Center Street and Clayton Road.

Definitions

“Maintenance” means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of the public landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any landscaping and appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, moles and wild pigs. “Maintenance” also includes the furnishing of water for irrigation of the public landscaping, and the supply of electricity to operate the attendant irrigation systems.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

“Costs” means the costs and expenses directly or indirectly incurred by the City in connection with the Maintenance described above. Allowable Costs payable from special taxes of the District also include the County’s imposed cost to levy and collect the District’s assessment through the annual property tax bill, the City’s shared equipment and facilities charges, City prorated overhead charges to administer and manage the District and collect the special taxes, and District reserve funds for replacement and major repairs.

EXHIBIT B

CITY OF CLAYTON Community Facilities District 2007-1 (Citywide Landscape Maintenance)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

<u>Taxable Parcels:</u>	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
<u>Exempt Parcels:</u>	Parcels of land owned by a public agency, right-of-way parcels, schools, hospitals, cemeteries, mortuaries, libraries, parks, mineral rights, private roads, pipelines, public parking facilities and common areas.
<u>Residential Parcels:</u>	Taxable parcels of land that are classified as either single-family, condominium, townhouse, multi-family or rural residential parcels.
<u>Non-residential Parcels:</u>	Taxable parcels that are not classified as "Residential Parcels".
<u>Special Tax:</u>	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

- A. Residential Parcels: An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: \$196.77

B. Non-residential Parcels: An annual special tax will be levied on all Non-residential Parcels at the per acre rate shown below for each fiscal year 2007-2008 through 2016-2017:

Non-residential Parcel Annual Special Tax Rate: \$196.77 per acre or fraction thereof, based on parcel size as shown on the then-current County tax roll.

Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

Special Tax Escalator Factor

In fiscal years 2008-2009 through 2016-2017, the special tax may be increased annually by the Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined to be necessary due to expected increases in the operational and maintenance expenses attributable to the CFD. Such determination shall be made by action of the Clayton City Council, which must occur at a regular public meeting thereof accompanied by a prior recommendation of the citizens' Trails and Landscaping Committee established by the City Council in February 2006 (City Resolution No. 08-2006). In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

Relationship to Special Tax of Community Facilities District 1997-1

An intent of the new Community Facilities District 2007-1 is to replace the City's Community Facilities District 1997-1 that levied an annual special tax for Citywide Landscape Maintenance purposes during the last ten years and which special tax automatically expires on June 30, 2007. No further special tax can be levied by CFD 1997-1.

CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF
CLAYTON, THIS 4th DAY OF January, 2008.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 11th DAY OF January, 2008, BY ITS RESOLUTION NO. 04-3007

FILED THIS 23RD DAY OF JANUARY, 2008, AT THE
HOUR OF 12:30 O'CLOCK P.M. IN BOOK 81 OF MAPS
OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS,
AT PAGE 15, AND AS INSTRUMENT NUMBER 07-23014
IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA
COUNTY, STATE OF CALIFORNIA.

--- CITY LIMIT LINE AND
COMMUNITY FACILITY DISTRICT BOUNDARY

RESOLUTION NO. 07- 2007

**A RESOLUTION CALLING SPECIAL ELECTION
IN A COMMUNITY FACILITIES DISTRICT**

**THE CITY COUNCIL
CITY OF CLAYTON, CALIFORNIA
Community Facilities District 2007-1
(Citywide Landscape Maintenance)**

WHEREAS, on this date, this City Council adopted its Resolution No. 06 -2007 entitled "A Resolution of Formation of a Community Facilities District (Citywide Landscape Maintenance District) for a Period of Ten Years, and Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor" (the "Resolution of Formation"), ordering the formation of City of Clayton Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD at a special election as required by the Act; and

WHEREAS, this City Council desires that the special election be consolidated with any other election to occur in the City on June 5, 2007 and that the proposition be included on the ballot for such election which ballot is prepared by the officer charged with the duty of conducting the general and special elections for the County of Contra Costa, such official being the Registrar of Voters of the County of Contra Costa (the "Election Official"); and

WHEREAS, Section 9280 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9281 to 9287 of said code authorize the filing of written arguments for or against any ballot proposition, and, if adopted by the City Council, rebuttal arguments.

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

1. Issues Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issues of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below. The question to be voted upon as it shall appear on ballot shall be as follows:

Shall a new Community Facilities District 2007-1 (Citywide Landscape Maintenance District) be funded to replace the expiring District for a period of ten years to operate and maintain public roadway landscaping, trails system, open space weed abatement and related costs, with an annual levy of a special tax in the initial amount of \$196.77 per residential parcel and per non-residential acre or fraction thereof, and with an initial yearly appropriations limit of \$850,550?

The full text of the measure to be printed in the Voter Pamphlet shall include the "Description of Services to be Financed by the CFD" and the "Rate and Method of Levy of Special Tax", attached as Exhibits "A" and "B", respectively, to the Resolution of Formation of a Community Facilities District (Resolution No. 06 -2007).

2. Qualified Electors. Pursuant to Section 53326 of the Act, the vote shall be by the registered voters of the proposed CFD, with each voter having one vote.

3. Conduct of Election. This City Council hereby calls a special election (the "Election") to consider the measure described in paragraph 1 above, which election shall be held on June 5, 2007, and conducted by the Election Official. Within three business days of the adoption of this Resolution, the City Clerk shall provide to the Election Official a copy of this Resolution, a certified map of the proposed boundaries of the CFD, and a sufficient description to allow the Election Official to determine the boundaries of the CFD.

The Election is hereby ordered consolidated with any other election to be held within the City on said date, and within the territory affected by the consolidation; the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating general and special elections in the City and State and specified herein. The precincts used at the election shall be those used for citywide municipal elections, and, where necessary, the County Clerk may adjust precinct lines to coincide with the boundaries of the City. The Board of Supervisors of the County of Contra Costa is hereby requested to order the consolidation of the Election hereby called with any other election held in the City on said date, and to permit the County Clerk and the County Election Department to render services relating to the conduct of said election, which services will be determined by the City and the County Election Department, and the Board of Supervisors of the County of Contra Costa is hereby authorized to canvass the returns of said special municipal election, and said election shall be held in all respects as if there were only one election, only one form of ballot shall be used and the returns of the election need not be canvassed by the City Council. The City Clerk is hereby authorized and directed to work with the Elections Official and other appropriate officials of the County to ensure that the applicable requirements of the Elections Code are met.

4. Ballot Materials. The City Attorney is hereby requested to prepare and to provide to Election Official the ballot material described in Section 53327 of the Act.

Impartial Analysis. The City Clerk is hereby directed to submit to the City Attorney a certified copy of the measure set forth above. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measures showing the effect of the measures on the existing law and the operation of the measures, said analysis to be submitted by the City Attorney to the Election Official for printing before the arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California. The deadline date for the submittal of the analysis and primary arguments shall be March 13, 2007.

5. Filing of Primary and Rebuttal Arguments. The deadline for filing primary arguments concerning the ballot measure is March 13, 2007. Provisions for Rebuttal Arguments have been previously adopted by the Council. Rebuttal arguments must be filed by March 23, 2007.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

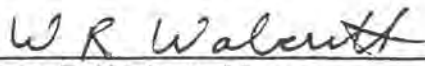
AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

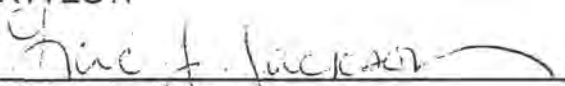
ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA



William R. Walcutt, Mayor

ATTEST:



Laci J. Jackson
City Clerk



Agenda Date: Jan. 11, 2016

Agenda Item: 4d

Memo

To: Trails and Landscape Committee
From: Asst. to the City Manager
Date: January 11, 2016
Re: Landscape Maintenance District Renewal of CFD 2007

The Trails and Landscape Committee considered and reviewed at its March 16, 2015 meeting and June 8, 2015 making a recommendation to the City Council of placing on the June 7, 2016 ballot a measure for the voters to consider extending the Landscape Maintenance District special tax called Community Facilities District 2007-1. This special tax was established by the voters in June 2007. The tax had a 10 year time limit, unless revote by the electorate. The tax is a special tax which requires 66.66% of the votes cast to be in favor to pass. In June 2007 it received 82.94% support. This is the final meeting for the TLC to discuss and finalize its recommendation to the City Council. The City Council will be discussing this matter at its January 19, 2016 meeting.

At the March and June meeting the TLC considered alternative time frames of 15 and 20 years in addition to the 10 years. The TLC also discussed if different funding methodology should be used. After discussion at the June meeting, the TLC felt the 10 year time frame was better as it was consistent with what the voters previously approved. Also identified was a longer period might lock down a rate where change might be needed after 10 years.

The TLC also expressed a preference for keeping the same methodology, as a different methodology (establishing a higher base rate to start with or higher annual adjustment) require additional time to prepare the needed information, and potentially more uncertainty with the voters as to the change. TLC indicated by keeping the same methodology etc. there would be less uncertainty with voters and a potential higher potential of passage. Staff has provided the above summary so that the TLC can confirm their preference as this is the last time to consider prior to moving forward to the City Council. TLC also asked for staff to bring back the annual levy rate history and rate increases under the current methodology for final confirmation of their preference/direction. Staff has also prepared three options for discussion of potential ballot wording should the TLC also like to provide input to the City Council.

Attached is a draft schedule of the time frame that would be involved for placing a ballot measure before the voters, the history of the annual tax levy amount and increases. [Note the current methodology specifies that the annual rate may increase by the CPI not to exceed 3% annually. The history shows that over the last 9 years the CPI rate did not exceed 3% the amount varied from a low of 0.8% to a high of 2.88%.

Staff has also attached the prior (June 2007) ballot information including election results, ballot wording, methodology, attorney impartial analysis, and map as background.

The Trails and Landscape Committee, acting as the Measure B Citizens Oversight Committee, will need to provide a final recommendation to the City Council regarding the expiration of the current tax and placing a measure before the voters in 2016 for a new tax, i.e.: continuation of the current tax, the rate and methodology.

The recommendation of the TLC should include:

- Should there be a measure be placed before the voters in June 2016?

[Alternatively if done in November 2016 and fails there would not be another opportunity without another source of funds available to maintain the current roadway landscaping and trails maintenance]

If a measure is placed before the voters in June 2016:

- What should the duration be? (The current time frame was for 10 years, options include 5, 10, 15 years or 20 years).

The TLC previously indicated a preference for 10 years same as the current measure.

- What should be the amount (continue with same rate and same formula or different base amount and formula).

The TLC previously indicated a preference for keeping the same rate and methodology formula – ie: residential at same rate; non-residential at the base rate for each acre or fraction thereof, with an annual increase the CPI but not to exceed 3% annually.

- Does the TLC want to recommend a preference on ballot wording

[Note: The City Council will make the final ballot wording].

Staff has prepared three ballot wording options for review and discussion.

- Does the TLC want to establish an Ad Hoc committee to work on ballot measure education information (education and outreach not advocacy).

This could include articles in the paper, attending community events and community meetings such as Clayton Cleans Up, Art and Wine, CBCA, Rotary etc., with informational handout materials and informational photo display showing actions taken by the LMD over since 2007.

City of Clayton Landscape Maintenance District History													Page 1
		carry over funds from close out old CFD 1997 6/30/07	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	adoptedFY 2015/16 Budget (Includes amendments)	9 year total	
	tax levy amount (per res-parcel and non res per acre or fraction thereof)		\$ 196.76	\$ 202.44	\$ 204.06	\$ 207.56	\$ 213.42	\$ 217.86	\$ 223.04	\$ 229.29	\$ 234.84		
	Clayton LMD tax revenues	\$ 100,000	\$ 860,852	\$ 887,298	\$ 897,294	\$ 910,571	\$ 935,850	\$ 954,704	\$ 978,034	\$ 1,005,308	\$ 1,029,751		
	Interest		\$ 9,082	\$ 12,309	\$ 20,201	\$ 12,257	\$ 15,117	\$ (3,448)	\$ 2,914	\$ 6,504	\$ 4,000		
	Total Revenues	\$ 100,000	\$ 869,934	\$ 899,607	\$ 917,495	\$ 923,107	\$ 950,967	\$ 951,256	\$ 980,948	\$ 1,011,812	\$ 1,033,751	\$ 8,638,877	
	Total Expenses		\$ (807,157)	\$ (682,411)	\$ (685,461)	\$ (1,011,864)	\$ (981,969)	\$ (1,040,823)	\$ (799,846)	\$ (795,477)	\$ (1,360,905)	\$ (8,165,913)	
	est. expenses (includes renovation and replacement projects)												
	annual residual fund bal	\$ 100,000	\$ 62,777	\$ 217,196	\$ 232,034	\$ (88,757)	\$ (31,002)	\$ (89,567)	\$ 181,102	\$ 216,335	\$ (327,154)	\$ 472,964	
actual cpi			n/a	2.88%	0.8%	1.72%	2.82%	2.08%	2.38%	2.78%	2.44%		
cpi amount increase			n/a	2.88%	0.8%	1.72%	2.82%	2.08%	2.38%	2.78%	2.44%		
\$ amount increase			n/a	\$ 5.68	\$ 1.62	\$ 3.50	\$ 5.86	\$ 4.44	\$ 5.18	\$ 6.22	\$ 5.58		
note: levy limited to annual increase of CPI not to exceed 3%													
											total reinvestm	\$1,044,938 Jun-15	
											total additional	\$407,000 2015/16	
											total est reinve	\$1,451,938 Jun-16	

revised 1/11/16 Replacement Projects Landscape Maintenance District (Measure B approved June 2007 duration 2007-08 through 2016-17)	amount -apx.	year -apx
Completed:		
<u>Landscaping</u>		
mediain tree replacement clayton road mitchell cyn to Atchinson stage (14 sycamore trees) donations paid for these	\$2,500	2008
Oakhurst Drive decorative pavers in narrow median noses, redo irrigation and replanting	\$70,000	2010
Clayton Water Feature replanting/redo irrigation	\$114,000	2010
March Creek Circle landscape berm mitigation irrigation upgrades replanting	\$19,400	2011
Clayton Road median (Oakhurst to Mitchell Cyn) and retaining wall from CVS to Daffodil Hill irrigation installation and new landscaping	328,011	2012
Daffodil Hill new irrigation and new planting (\$27,500 donated by CBCA)	\$29,000	2012
citywide Extra Tree Trimming for safety (annually \$20,000 for 5 years)	\$100,000	2010-2016
citywide open space tree canopy trim and lifting for fire protection 100 feet from res prop lines	\$ 40,000	2012/13-15
<u>Trails:</u>		
Peacock Creek install new headboards, apply new 1/4 x dust gravel and compact, install waterboard weir drainage	\$ 20,000	2008
Bruce Lee Trail Regency to Easley trail repaving	\$ 50,000	2008
Upper Easley El Molino /old Marsh Creek Rd to Center Street	\$70,000	2013
Lower Easley	\$30,000	2015
Mt Diablo Elem School Hill Trail	\$ 19,800	2015
pedestrial Trail Bridge surface replacement	\$ 79,000	2015
<u>Other:</u>		
Purchase New Irrigation Control Vehicle (Capital Equipment and Replacment Fund)	\$ 35,000	2007/08
Master Remote Computer Controller for all Irrigation Systems	\$30,000	2012/13
<u>Adopt a Trail (from donations only)</u>		
trail sponsorship signs and plaques (incl posts/signs and installation)	\$3,827	2009
installation of new uplights and electrical at oak trees - cardinet trail east side of library	\$4,400	2011/12
To be done:	\$1,044,938	
<u>Landscaping</u>		
Keller Ridge Drive street tree replacements	\$46,000	2016
Jeffry Ranch Ct island replant/hardscape	\$6,000	2016
various subdivision entry redesign relandscape including hardscape	\$300,000	2016
downtotwn planter boxes	\$35,000	2016
<u>Other:</u>		
replace irrigation system central control field panel	\$20,000	2016
total reinvestment to Landscape Maintenance District through 12/31/15	\$1,044,938	
total additional reinvestment planned through 2016-17	\$407,000	
total est reinvestment through 6/30/17	\$1,451,938	
<i>Laura/tlc capital projects status measure b</i>		



Agenda Date: 6/8/15

Agenda Item: 4e

Memo

To: Trails and Landscape Committee
From: Asst. to the City Manager
Date: June 6, 2015
Re: Landscape Maintenance District Renewal of CFD 2007

As was reviewed at your March 16, 2015 meeting, the Clayton Landscape Maintenance District has a special tax called Community Facilities District 2006, which will be expiring in November 2017. This special tax was established by the voters in June 2007. The tax had a 10 year time limit, unless revote by the electorate.

At your March meeting staff recommended and the TLC concurred that a renewal or extended measure should be placed before the voters on the June 2016 ballot. The tax is a special tax which requires 66.66% of the votes cast to be in favor to pass. By placing it on the June 2016 ballot it would allow for another consideration in November 2016 should it not be successful. However the November 2016 consideration (only if June was not to get the required minimum votes) would need to be different – different can be a different time frame and/or a different amount; however it cannot be the exact same as was previously considered in the most recent election.

The Trails and Landscape Committee, acting as the Measure B Citizens Oversight Committee, will need to provide a recommendation to the City Council at their September or October meeting regarding the expiration of the current tax and placing a measure before the voters in 2016 for a new tax, i.e.: continuation of the current tax, the rate and methodology.

In order to meet the schedule the TLC will need to finalize its recommendation in August/September. The TLC can establish an Ad-Hoc committee of up to four members to work on this aspect with staff over the next few months in order to have options prepared timely for the entire TLC to review and consider at a public meeting in August/September. Attached is an updated draft schedule of the time frame that would be involved for placing a ballot measure before the voters.

Some of the considerations will be:

What should the duration be (how long-the current time frame was for 10 years; should it be longer such as 15 or 20 years.

What should be the amount [continue with same rate and same formula or different base amount and formula (If there is a different methodology desired, additional analysis will be required and new legal reports prepared, and possibly additional public meetings could be required)].



Agenda Date: 3-16-15

Agenda Item: 6h

Memo

To: Trails and Landscape Committee
From: Asst. to the City Manager
Date: March 16, 2015
Re: Landscape Maintenance District Renewal of CFD 2007

The Clayton Landscape Maintenance District has a special tax called Community Facilities District 2006. This special tax was established by the voters in June 2007. The tax had a 10 year time limit, unless revote by the electorate. Staff is planning for the consideration by the voters of the Landscape Maintenance District tax measure for the 2016 ballot process. It is planned that a tax measure would be placed before the voters in June 2016. The tax is a special tax which requires 66.66% of the votes cast to be in favor to pass. By placing it on the June 2016 ballot it would allow for another consideration in November 2016 should it not be successful. However the November 2016 consideration (only if June was not to get the required minimum votes) would need to be different – different can be a different time frame and/or a different amount; however it cannot be the exact same as was previously considered in the most recent election.

Attached is a draft schedule of the time frame that would be involved for placing a ballot measure before the voters.

The Trails and Landscape Committee, acting as the Measure L Citizens Oversight Committee, will need to provide a recommendation to the City Council regarding the expiration of the current tax and placing a measure before the voters in 2016 for a new tax, i.e.: continuation of the current tax, the rate and methodology.

Some of the considerations will be:

Should there be a measure placed before the voters (if the measure expires there is not another source of funds available to maintain the current roadway landscaping and trails maintenance)

If a measure is placed before the voters in 2016:

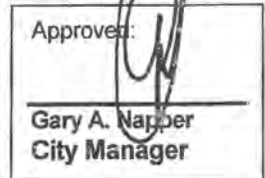
What should the duration be (how long-the current time frame was for 10 years)

What should be the amount (continue with same rate and same formula or different base amount and formula)



Agenda Date: 1-19-2016

Agenda Item: 8F



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 19 JANUARY 2016

**SUBJECT: SET DATE FOR CITY COUNCIL SPECIAL MEETING
COUNCIL - MANAGER GOALS AND OBJECTIVES FOR 2016**

RECOMMENDATION

It is recommended the City Council, by motion, determine a specific date, time and location for a City Council special meeting for the purpose of discussing progress and the relevance of existing goals, plus the setting of any new goals and/or objectives for Calendar Year 2016.

BACKGROUND

The Clayton City Council meets at least once a year with its City Manager to discuss progress on its Council – Manager Goals and Objectives set in motion the previous year(s), and to establish new and/or modified goals for the ensuing calendar year.

A separate meeting is usually called for this purpose as it allows sole attention and focus specifically on the achievement, progress, and establishment of City goals and objectives for the current calendar year.

Attached are calendars for the months of January and February 2016 for past reference as to the selection of a date and time for the proposed special meeting. In the past this meeting has been held in the 3rd Floor Conference Room of Clayton City Hall. Often, previous meetings were held prior to a City Council regular public meeting later that same evening:

In Calendar Year

2015
2014
2013

Meeting Date/Time

Tues., January 20th, 5:00 p.m.
Tues., January 21st, 5:00 p.m.
Tues., February 5th, 5:00 p.m.

FISCAL IMPACT

No direct fiscal impact. The lack of clearly defined goals and objectives may actually cost the City and its community money over the short and long-term operations of the public entity due to misdirection and/or absence of priorities.

January 2016

January 2016						
◀ December 2015						February 2016 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 New Years Day	2
3	4	5	6	7 Contra Costa Mayors Conference – San Ramon	8	9
10	11	12 Planning Commission Meeting	13	14	15	16
17	18 Martin Luther King Day	19 City Council Meeting	20	21	22	23
24	25	26 Planning Commission Meeting	27	28 CBCA meeting	29	30
31	Notes:					

February 2016

February 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 City Council Meeting	3	4 Contra Costa Mayors' Conference - Oakley	5	6
7	8	9 Planning Commission Meeting	10	11	12	13
14	15 Presidents' Day	16 City Council Meeting	17	18	19	20
21	22	23 Planning Commission Meeting	24	25 CBCA Meeting	26	27
28	29 Joint City Council meeting with MDUSD	Notes:				

MINUTES
CLAYTON FINANCING AUTHORITY
REGULAR MEETING
November 3, 2015

1. **CALL TO ORDER AND ROLL CALL** - the meeting was called to order by President Shuey at 8:44 p.m. in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road. Board of Directors present: President Shuey, Vice President Geller, Board Members Diaz, Haydon and Pierce. Board of Directors absent: None. Staff members present: Executive Director Napper, Secretary Brown, and General Counsel Subramanian.
2. **CLOSED SESSION** – None.
3. **PUBLIC COMMENTS** – None.
4. **CONSENT CALENDAR** – It was moved by Board Member Pierce, seconded by Vice President Geller, 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 the Clayton Financing Authority's Audited Financial Statement for Fiscal Year 2014-2015.
5. **ACTION ITEMS** - None.
6. **BOARD ITEMS** – None.
7. **ADJOURNMENT**- On call by President Shuey the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Janet Brown, Secretary

Approved by
Board of Directors, Clayton Financing Authority

David T. Shuey, President

ANNUAL REPORT

TO: HONORABLE PRESIDENT AND BOARD OF DIRECTORS
FROM: EXECUTIVE DIRECTOR
MEETING DATE: 19 JANUARY 2016
SUBJECT: ANNUAL REPORT FOR 2015

RECOMMENDATION

It is recommended the Board of Directors receive and approve for file its Clayton Financing Authority (CFA) Annual Report for 2015.

BACKGROUND

On 04 December 1990, the City Council of Clayton, California adopted Resolution No. 120-90, which created the Clayton Financing Authority via a joint exercise of powers agreement. The CFA was initially established to allow redevelopment tax allocation bonds to be sold at a more favorable negotiation basis versus a public bid process. This particular Financing Authority is registered with the State of California Controller's Office and is subject to the laws pertaining to special districts. As a legal, separate public entity, the Authority is required to file an Annual Report with the State of California [ref. Section 26909, *CA Government Code*].

The By-Laws of the Clayton Financing Authority require an annual meeting at the same place immediately following the completion of the first Clayton City Council meeting held in January of each year. Article VIII of the Joint Powers Agreement requires the Board to adopt an annual budget for the Financing Authority and to report on activities of the Authority during the proceeding calendar year.

2015 ACTIVITY REPORT

In Calendar Year 2015, the Clayton Financing Authority met three (3) times and conducted associated activities as summarized below:

1. 06 January 2015 Meeting

The Board approved minutes from its public meeting held on 07 January 2014 and adopted its Annual Report for calendar year 2014.

2. 20 January 2015 Meeting

The Board approved minutes from its public meeting held on 06 January 2015 and approved the Clayton Financing Authority's Audited Financial Statement for FY 2013-14, a new annual requirement and expense imposed by the State Controller's Office.

3. 03 November 2015 Meeting

The Board approved minutes from its public meeting held on 20 January 2015 and approved the Clayton Financing Authority's Audited Financial Statement for FY 2014-15.

FINANCIAL REPORT

A. All Authority debt, demands and other fiscal obligations were paid in full and on time. The Authority did not enact an annual budget for Year 2015 as no routine expenses, administrative overhead or inter-agency expenses were charged against the Authority by the Successor Agency to the former Clayton Redevelopment Agency, City Agency Funds or by the City of Clayton. The Authority did incur a new, recurring expense (\$3,500) associated with preparation of annual audited financial statements.

B. As a result of the Authority's sale of title to its one acre commercial real property on 31 October 2006 to Endashian, LLC in the amount of \$800,815 (for subsequent development of the Longs Drugs Store, now CVS/Pharmacy, located at the southwest corner of the Center Street and Clayton Road intersection), the Authority holds cash proceeds from the sale of this land. As of 30 June 2015 the current cash value is \$697,701 (includes interest earnings posted on 30 June 2015 of \$6,530).

In FY 2007-08 the Board transferred \$170,000 from this account to assist the City in completing necessary and desired picnic and play apparatus improvements at Clayton Community Park (CIP Nos. 10385 & 10407).

In FY 2012-13 the Board transferred \$90,000 from this account to assist the City in repaving the public parking lots at City Hall, Clayton Community Library, and Lydia Lane Park (CIP No. 10417).

Despite the two (2) allocated expenses noted above from the Fund's proceeds, the Authority still holds eighty-six percent (87.1%) of its original principal amount from the land sale.

The Board of Directors retains full discretion as to the ultimate disposition of these funds. The monies are not linked in any manner to the CFA's bond issuances or debt.

C. In November 1997, the Clayton Financing Authority issued \$7,160,000 in Special Tax Revenue Refunding Bonds. These bonds were used primarily to purchase a series of special tax bonds issued by the City of Clayton to refinance the City's \$6,435,000 original aggregate principal amount of Community Facilities District No. 1990-1 [original]

Special Tax Bonds issued in December 1990, and which had an outstanding balance of \$6,295,000 at the time of refunding issuance. The original Special Tax Bonds were issued to finance a portion of the construction of a public middle school (i.e. Diablo View Middle School) and site preparation of adjacent playing fields (i.e. Clayton Community Park). These obligations are secured by annual special taxes levied on taxable real properties within the specified Community Facilities District (CFD) of the Oakhurst Development (1,358 parcels). The bonds were issued in such a manner as to not constitute a City of Clayton fiscal obligation.

These bonds were refinanced by CFA Board action in May 2007 to obtain a lower interest rate resulting in lower annual payments for the CFD's real property owners, with ultimate sale occurring on 07 June 2007 in the face amount of \$5,060,000. The information herein is dated as of the fiscal year ending 30 June 2015:

The outstanding principal of the 2007 Special Tax Revenue Refunding Bonds as of 30 June 2015 is \$2,880,000 (reduced from \$3,185,000 last year). Total principal and interest remaining on the bonds is \$3,365,046, payable through September 2022.

A comparative trend line in delinquent dollars and land owners within the specified District for the Tax Year is outlined below:

<u>Tax Year</u>	<u>Percentage Delinquent</u>	<u>Delinquency Amount</u>
2014-2015	1.08%	\$ 4,407.30
2013-2014	1.18%	\$ 5,111.26
2012-2013	0.20%	\$ 1,899.48
2011-2012	0.26%	\$ 2,656.22
2010-2011	1.71%	\$12,207.31
2009-2010	2.60%	\$14,404.71
2008-2009	2.39%	\$18,998.00
2007-2008	1.15%	\$12,043.60
2006-2007	2.98%	\$16,099.14
2005-2006	0.98%	\$ 5,309.24

As of 30 June 2015 there were no delinquent taxpayers responsible for five percent (5%) or more of the total special taxes levied, the issuance threshold requiring stricter Board intervention and foreclosure actions. The list of FY 2014-15 delinquencies reveals twenty-seven (27) overdue installment payments for the year (0.99% of the total installments billed; the District's total assessed valuation is \$691.2 million). This financial delinquency rate and raw number of delinquent installments continues to march downward and remains lower than the high watermark reached in the 2007 Annual Report wherein 40 parcels (2.98%) were behind in obligations. A few real property owners within this Community Facilities District (CFD) continue to experience residual challenges emerging from The Great Recession. City staff and NBS monitor the delinquency status regularly with Reminder Letters as well as Demand Letters sent as appropriate to delinquent property owners to remind them of their financial obligation.

The required Reserve Fund has a balance of \$458,159 (as of 30 June 2015) which is sufficiently funded to address actual and all nominal delinquencies. This balance includes invested cash reserves held by the trustee as well as a Qualified Reserve Fund Credit Instrument in the form of a surety bond.

Therefore, no projected draw on the Reserve is necessary at this time. There were no "significant financial events" that occurred during the Fiscal Year ending 30 June 2015 which would have necessitated notice to the holders of the affected Bonds.

D. It is recommended the Board not enact an annual budget for 2016 due to *de minimus* activity required of the Authority in the coming calendar year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary A. Napper", written over a horizontal line.

Gary A. Napper
Executive Director

**MINUTES
OF THE
REGULAR MEETING**

CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES

Agenda Date: 1-19-2016

Agenda Item: 2a SA

September 15, 2015

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 8:09 p.m. by Vice Chair Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Board Members present: Vice Chair Geller, Boardmembers Diaz, Haydon and Pierce. Board Members absent: Chairman Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk/Secretary Janet Brown, Finance Manager Kevin Mizuno.
2. **CONSENT CALENDAR-** It was moved by Board Member Pierce, seconded by Board Member Diaz, to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular public meetings of September 16, 2014.
 - (b) Adopted Resolution No. 01-2015SA approving the Successor Agency's 9th Recognized Obligation Payment Schedule for the time period covering January 1, 2016 through June 30, 2016 (ROPS 2015-16B) required by the CA Department of Finance (DOF).
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 Vice Chair Geller the meeting adjourned at 8:10 p.m.

###

Respectfully submitted,

Janet Brown, Secretary

Approved by the
Clayton Successor and Successor Housing
Agencies Board

David T. Shuey, Mayor



Agenda Date: 1-19-2016

Agenda Item: 2b SA

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: CITY OF CLAYTON SUCCESSOR AGENCY BOARD

FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA

DATE: JANUARY 19, 2016

SUBJECT: CONSIDER A RESOLUTION TO APPROVE AND ADOPT THE 10TH RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 2016-2017), PURSUANT TO THE DISSOLUTION ACT

RECOMMENDATION

It is recommended the Successor Agency Board adopt the attached Resolution approving the 10th Recognized Obligation Payment Schedule" (ROPS 2016-2017) covering the timeframe July 1, 2016 through June 30, 2017 pursuant to Section 31471(h) and 34177(l)(1) of the California Redevelopment Law – the Dissolution Act, [ABx1 26 and 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 Contra Costa County Auditor-Controller (CAC) 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 10th Recognized Obligation Payment Schedule (ROPS 2016-2017). Pursuant to Health and Safety Code section 34177(o)(1), commencing with the ROPS covering the period July 1, 2016 to June 30, 2017 and thereafter, agencies shall now submit an Oversight Board approved annual ROPS to the State Department of Finance (DOF) and the CAC by February 1, 2016 and each February 1, thereafter. The DOF will make its determination by April 15, 2016, and each April 15 thereafter. On this ROPS, the Successor Agency is requesting redevelopment property tax trust fund (RPTTF) monies to pay for obligations totaling \$973,028 and \$753,465 for the six month periods ending December 31, 2016 and June 30, 2017, respectively.

For the six month period ending December 31, 2016 the Successor Agency is requesting payment for the following enforceable obligations:

- Principal and interest on the 2014 Refunding Tax Allocation Bonds,
- Full repayment of the Fire Station Note (re-entered into by the City of Clayton and Successor Agency on May 15, 2012),
- Administrative costs under *Health and Safety Code* section 34171(b), and
- Trustee and other professional service fees directly related to the bonds.

For the six month period ending June 30, 2017 the Successor Agency is requesting payment for the following enforceable obligations:

- Interest on the 2014 Refunding Tax Allocation Bonds,
- Full repayment of the SERAF cash loan from the Successor Housing Fund (No. 616) to Successor Agency Fund (No. 615), and
- Administrative costs under *Health and Safety Code* section 34171(b).

The DOF Determination Letter pertaining to the Successor Agency's ROPS 2015-16B dated October 28, 2015 approved all obligations requested by the Successor Agency. A payment for the prior ROPS period was received in full in early January 2016.

Notice of Completion Received

Both the Low-Moderate Income (LMI) Assets and All Other Assets DDRs were approved by the Successor Agency Oversight Board and submitted to the DOF for review and final approval on March 19, 2015. On April 24, 2015, the Successor Agency received a Final Determination Letter from the DOF approving the LMI DDR "as is" and ordering the release of the "unencumbered" balance of the LMI fund (No. 616) to the CAC totaling \$3,679,225. This payment was remitted on May 1, 2015.

On October 28, 2015, the Successor Agency received a Determination Letter from the DOF demanding two modifications to the All Other Assets DDR. The first modification (Modification 1) was an increase to the balance owed totaling \$230,983 for inter-agency transfers and payments during the 13 month "claw-back" period from January 1, 2011 through January 31, 2012. City management disagreed with Modification 1 as an internal review revealed the demanded increase included \$41,825 in double counted "claw-back" monies already included in the DOF's approval of the LMI DDR. The second modification (Modification 2) demanded by the DOF was to disallow the retention of funds for the Fire Station Note totaling \$475,000 and a corresponding increase to the balance owed to on the DDR. In a Meet and Confer held with the DOF on November 9, 2015, City management communicated our disagreement with both modifications and provided supporting documentation. In the Meet and Confer meeting, City management communicated our agreement with Modification 2 under the condition that the DOF could provide assurance the Fire Station Note would be "fully recoverable" after receipt of a Notice of Completion through the ROPS filing process.

On November 30, 2015, the Successor Agency received a Final Determination Letter on the All Other Assets DDR after the completion of the Meet and Confer. In the letter, the DOF disagreed with the Successor Agency's protest to Modification 1 and made reference to *Health and Safety Code* section 34191.4 outlining a pathway for obtaining repayment on the Fire Station Note to alleviate our concerns regarding Modification 2. As the Successor Agency had now fully exhausted any means of contesting the DOF under their post-dissolution administrative procedures, the final pathway to seek restitution was to file a lawsuit with the DOF. However, weighing the risks associated with litigation against the benefits of a favorable ruling on the disputed \$41,825 in Modification 1, management elected to concede to the November 30, 2015 DOF letter. The final revised All Other Assets DDR obligation totaling \$1,256,182 was remitted to the CAC on December 16, 2015. To accompany this payment and to solidify the City's position on the two modifications, management issued a letter dated December 1, 2015 to the DOF, copying California 7th District State Senator Steve Glazer, who has been supportive of the Successor Agency's position on the Fire Station loan.

Shortly following payment of the All Other Assets DDR "unencumbered balance" to the CAC, the Successor Agency received a Finding of Completion dated December 30, 2015. After receipt of this letter, the Successor Agency is now authorized to do the following:

- Place loan agreements between the former redevelopment agency and sponsoring entity on the ROPS as enforceable obligations, provided the Oversight Board makes a finding the loans were for legitimate redevelopment purposes, per *Health and Safety Code* section 34191.4(b)(1). Loan repayment will be governed by criteria in *Health and Safety Code* section 34191.4(b).
- Utilize proceeds derived from bonds, pursuant to the conditions outlined in *Health and Safety Code* section 34191.4(c).

Fire Station Promissory Note

In June 1999, the City Council and Redevelopment Agency (former Agency) Board approved an agreement selling title to unimproved City real property (approximately 1.18 acres) generally located at the southeast corner of Clayton Road abutting what is now considered Center Street. The Former Agency approved and executed a Promissory Note to the City in the principal amount of \$475,000 for the land with an annual interest rate of 6.5% until the principal loan was paid in full to the City on or before January 1, 2023. In turn, the former Agency gifted the vacant parcel to the Central Contra Costa County Consolidated Fire District (now known as the Contra Costa County Fire Protection District) for its eventual construction of its existing Fire Station No. 11 on Center Street.

In 2012, special legal counsel of the Successor Agency (Karen Tiedemann, Esq.) advised City management thereof that California Health and Safety Code does allow and authorize a successor agency and its local governing body (i.e. City Council) to re-enter into said loan agreements provided the action receives Oversight Board approval. Specifically, *Health and Safety Code* Section 34178(a), as originally enacted in ABx1 26, provided that agreements between a redevelopment agency and city were generally invalid, however, it also provided that "a successor entity wishing to enter or reenter into agreements with the city... may do so upon approval of its oversight board". As such, at its initial meeting held on April 26, 2012, Ms. Tiedemann advised the Oversight Board of this option and the Oversight Board swiftly and unanimously took action to approve such an agreement. It was the Oversight Board's clear expression and sentiment that the Fire Station loan agreement was legally enacted during the lawful existence of the former Agency, that said loans not only benefited the City of Clayton but also its former Agency, the Clayton Community, and in particular the Contra Costa County Fire Protection District (a separate public taxing entity), and that it was not right for the state to deny the repayments.

Consequently, and pursuant to Successor Agency Oversight Board action and recommendation, the City Council of the City of Clayton and the Clayton Successor Agency Board approved and executed Resolution 12-2012 and 24-2012, respectively, thereby reentering into the Fire Station loan agreement and restoring the legal and ethical obligations owed the City of Clayton in this regard.

Ultimately, the DOF took the position that *Health and Safety Code* Section 34178(a) did not mean what it said and sponsored AB 1484, effective June 27, 2012, essentially revoking the authority of successor agencies to enter or re-enter agreements. In response to this action,

several California cities filed legal challenges to DOF's determinations that re-entered into agreement approved before the enactment of AB 1484 were not authorized. The lead case was *City of Emeryville v. Cohen*. This case was finally decided in January 2015 in a published appellate court decision. It held that re-entered agreements between a successor agency and its sponsoring city were valid under Section 34178(a) if they were approved prior to the effective date of AB 1484 – June 27, 2012.

For this reason, under guidance from current legal counsel (Attachment 2), the ROPS 2016-2017 lists the re-entered Fire Station loan agreement (ROPS Detail Line No. 13) and is requesting full payment from the RPTTF under Section 34178(a). Requesting repayment via *Health and Safety Code* section 34191.4, though technically a possibility, would subject loan repayments to the City to numerous negative limitations (e.g., amount that can be repaid, amount of interest, use of funds), resulting in repayment of less money under less favorable terms.

SERAF Loan

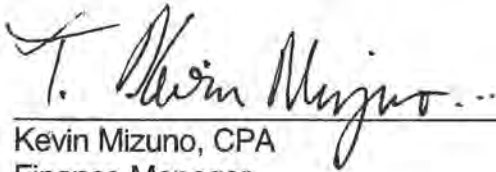
During FY 2009-10, as part of the State of California's emergency measures address its own budgetary issues they imposed a two year raid on local redevelopment agencies in the form of Supplemental Education al Revenue Augmentation Fund (SERAF) demands. To the former Agency, this meant an astounding \$2,371,940 in SERAF payments was required to be made to the CAC between FY 2009-10 and FY 2010-11. In order to meet this massive obligation, an intra-agency loan of \$592,412 was established from the low-moderate income fund to the non-housing fund on May 19, 2010. The principal amount of this loan was originally scheduled for repayment in four equal installments of \$148,103 commencing FY 2011-12 and ending in FY 2014-15. With the state-imposed dissolution of redevelopment agencies effective February 1, 2012 and the rigorous new restrictions on SERAF loan repayments established through AB1484, the full principal balance the SERAF loan is currently outstanding and unpaid.

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 (DDR's); (2) the results of the DDR's are reviewed by the Oversight Board; and (3) the Successor Agency has received a Notice of Completion by the DOF. As the Successor Agency has met each of these requirements, this ROPS includes a request for re-payment of the SERAF loan in full in the six month period ending June 30, 2017. Repayment of the SERAF loan is an inter-fund transaction between the Successor Agency and Successor Housing Agency, and has no impact to the City of Clayton General Fund.

FISCAL IMPACT

Once approved by the DOF, ROPS 2016-2017 will be in place for the Successor Agency to make payments on agreements and other obligations of the former Redevelopment Agency for the period of time July 1, 2016 through June 30, 2017. Absence this approval the Successor Agency is not permitted to make such payments.

Respectively submitted,

A handwritten signature in black ink, appearing to read "T. Kevin Mizuno...", is written over a horizontal line.

Kevin Mizuno, CPA
Finance Manager

Attachments:

1. Successor Agency Resolution approving the 10th ROPS 2016-2017 Resolution (3 pp.)
 - o Exhibit A: 10th Recognized Obligation Payment Schedule (ROPS 2016-2017)
2. Legal Opinion Letter (Best, Best & Krieger)

RESOLUTION NO. 01- 2016

**A RESOLUTION APPROVING AND ADOPTING THE
10th RECOGNIZED OBLIGATION PAYMENT SCHEDULE
(ROPS 2016-2017) FOR THE TIME PERIOD OF
01 JULY 2016 THROUGH 30 JUNE 2017,
PURSUANT TO SECTION 31471(h) AND 34177(l)(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, 29 December 2015 the California Department of Finance (DOF) posted instructions for completing the 10th Recognized Obligation Payment Schedule (ROPS 2016-2017) covering the time period of 01 July 2016 through 30 June 2017, including the requirement that the ROPS 2016-2017 must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the DOF by 01 February 2016; 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 City of Clayton Successor Agency Board has reviewed and duly considered the Staff Report, the proposed 10th Recognized Obligation Payment Schedule (ROPS 2016-2017), plus documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, and serving as the Successor Agency Board, 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 Successor Agency Board does hereby approve and adopt the 10th Recognized Obligation Payment Schedule (ROPS 2016-2017), attached hereto as "Exhibit A" and incorporated herein as if fully set forth in this Resolution.

BE IT FURTHER RESOLVED that the Successor Agency Board authorizes and directs its City Manager or the City Manager's designee to: (1) post the 10th Recognized Obligation Payments Schedule (Exhibit A) on the City's website; (2) designate a City representative to whom all questions related to the 10th 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 Oversight Board's action to adopt the 10th Recognized Obligation Payment Schedule (ROPS 2016-2017), 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 Exhibit A, 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, Exhibit A or any part thereof. The Successor Agency Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Exhibit A 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 Exhibit A 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 Successor Agency Board of Clayton, California at a regular public meeting thereof held on the 19th day of January 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Howard Geller, Chair

ATTEST:

Janet Brown, City Clerk



BEST BEST & KRIEGER
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T. Brent Hawkins
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brent.hawkins@bbklaw.com

January 13, 2016

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

Re: Listing of "Agreement Reentering Into Reimbursement of Two Previous Loan Agreements" on ROPS for Period of July 1, 2016 – June 30, 2017

Dear Mr. Napper:

You have requested our advice concerning how to list the "Agreement Reentering Into Reimbursement of Two Previous Loan Agreements By and Between the City of Clayton and the Successor Agency to the Former Redevelopment Agency of the City of Clayton" ("Reentered Agreement") on the Recognized Obligation Payment Schedule ("ROPS") for the period July 1, 2016 to June 30, 2017. As discussed in greater detail below, we advise that the Reentered Agreement be listed as a reentered agreement pursuant to Health and Safety Code Section 34178(a).

FACTS

On June 17, 1999, the Redevelopment Agency of the City of Clayton ("Redevelopment Agency") and the City of Clayton ("City") entered into a Purchase and Sale Agreement and Promissory Note pursuant to which the City agreed to sell certain real property to the Redevelopment Agency for the construction of a fire station and took a promissory note for the purchase price in the amount of \$475,000.

In June of 2011, the Legislature enacted and the Governor signed ABx1 26 which dissolved all redevelopment agencies in the State of California and established successor agencies in every community in which a redevelopment agency had functioned. Successor Agencies were charged with carrying out the enforceable obligations of the former redevelopment agencies and winding down their affairs. ABx1 26 added Section 34178(a) to the Health and Safety Code which provides generally that agreements between a redevelopment agency and its sponsor city are not binding on the successor agency. However, Section 34178(a) also provided that "... a successor entity wishing to enter or reenter into agreements with the city ... may do so upon the approval of the oversight board."

Recognized Obligation Payment Schedule (ROPS 16-17) - Summary

Filed for the July 1, 2016 through June 30, 2017 Period

Successor Agency: Clayton
County: Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		16-17A Total	16-17B Total	ROPS 16-17 Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding				
A	Sources (B+C+D):	\$ 41,828	\$ 36,053	\$ 77,881
B	Bond Proceeds Funding	41,828	36,053	77,881
C	Reserve Balance Funding	-	-	-
D	Other Funding	-	-	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 931,200	\$ 717,412	\$ 1,648,612
F	Non-Administrative Costs	806,200	592,412	1,398,612
G	Administrative Costs	125,000	125,000	250,000
H	Current Period Enforceable Obligations (A+E):	\$ 973,028	\$ 753,465	\$ 1,726,493

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) 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 successor agency.

Name Title
/s/_____
Signature Date

Clayton Recognized Obligation Payment Schedule (ROPS 16-17) - ROPS Detail
July 1, 2016 Through June 30, 2017

EXHIBIT A

A	B	C	D	E	F	G	H	I	J
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
								\$ 5,196,290	
3	City Loan entered into on 5/19/10	SERAF/ERAF	5/19/2010	6/30/2017	Successor Agency LMI	Inter-loan for SERAF payment to State of CA	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	6/30/2017	City of Clayton	Expenses for Successor Agency Operation	All	250,000	N
8	Contract for Consulting Services	Housing Entity Admin Cost	2/22/2011	12/31/2015	Ranney Planning	Housing Element Implementation	All	50,000	N
11	Contract for Consulting Services	Fees	6/7/1988	9/10/2019	NBS Local Government Solutions	RDA Arbitrage Reporting	All	1,200	N
13	City Loan entered into on 6/17/99	Reentered Agreements	6/17/1999	1/1/2023	City of Clayton	City Loan entered into on 6/17/99 Firestation Project	All	475,000	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	3,825,698	N
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	-	Y
19	Section 33686 2% election pass through payments	Miscellaneous	2/16/2010	6/30/2016	City of Clayton	County-confirmed 2% Election Payments per Section 33686 owed (FY 1988-89 through FY 2008-09)	All		Y

EXHIBIT A

[illegible]

Clayton Recognized Obligation Payment Schedule (ROPS 16-17) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), 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 CASH BALANCE TIPS SHEET								
A	B	C	D	E	F	G	H	I
	Cash Balance Information by ROPS Period	Fund Sources						Comments
		Bond Proceeds		Reserve Balance		Other	RPTTF	
		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	
ROPS 15-16A Actuals (07/01/15 - 12/31/15)								
1	Beginning Available Cash Balance (Actual 07/01/15)	274,093	-	1,325,017	-	111,832	8,921	
2	Revenue/Income (Actual 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015	9	-	368,286	-	10,165	588,829	E2- \$368,286 pertains to receipt from City General Fund pursuant to DOF final approval of All Other Funds DDR.
3	Expenditures for ROPS 15-16A Enforceable Obligations (Actual 12/31/15)	45,565	-	1,632,606	-	-	591,700	E3- Includes payment to County Auditor Controller's Office of \$1,256,182 pursuant to the DOF Determination Letter on the All Other Funds DDR. Also includes repayment to City of Clayton on the 2% Election Agreement of \$376,424.
4	Retention of Available Cash Balance (Actual 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	-	-	-	-	-	-	
5	ROPS 15-16A RPTTF Balances Remaining	No entry required					-	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 228,537	\$ -	\$ 60,697	\$ -	\$ 121,997	\$ 6,050	
ROPS 15-16B Estimate (01/01/16 - 06/30/16)								
7	Beginning Available Cash Balance (Actual 01/01/16) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 228,537	\$ -	\$ 60,697	\$ -	\$ 121,997	\$ 6,050	
8	Revenue/Income (Estimate 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016	-	-	-	-	-	125,000	
9	Expenditures for ROPS 15-16B Enforceable Obligations (Estimate 06/30/16)	39,848	-	-	-	-	125,000	
10	Retention of Available Cash Balance (Estimate 06/30/16) 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)	\$ 188,689	\$ -	\$ 60,697	\$ -	\$ 121,997	\$ 6,050	

BBK
BEST BEST & KRIEGER
ATTORNEYS AT LAW

January 13, 2016
Page 2

On May 15, 2012, the City and the Successor Agency to the Redevelopment Agency of the City of Clayton ("Successor Agency") entered into the Reentered Agreement pursuant to Section 34178(a). Pursuant to the Reentered Agreement, the City and the Successor Agency reentered into the Purchase and Sale Agreement and Promissory Note. The Oversight Board approved the Reentered Agreement on April 26, 2012.

In June of 2012, the Legislature enacted AB 1484 which effectively revoked the authority of successor agencies and their host cities to reenter into agreements under Section 34178(a).

ANALYSIS

Following the failure of the Department of Finance ("DOF") to approve reentered agreements under Section 34178(a), several successor agencies filed legal actions challenging DOF's determinations. The lead case was *City of Emeryville v. Cohen* 233 Cal.App.4th 293, decided in January, 2015, in a published appellate court opinion. The court concluded that reentered agreements between a city and a successor agency under the authority of Section 34178(a) were valid enforceable obligations and should have been approved by DOF if they were entered into prior to June 27, 2012, the effective date of AB 1484.

Because the Reentered Agreement was entered into and approved by the Oversight Board prior to June 27, 2012, it qualifies as an enforceable obligation under Section 34178(a) and the *Emeryville* decision. It should be listed on the ROPS as a reentered agreement.

Sincerely,



T. Brent Hawkins
of BEST BEST & KRIEGER LLP

TBH:lmg

Cc: Malathy Subramanian, City Attorney
Kevin Mizuno