



AGENDA

REGULAR JOINT MEETING

* * *

CLAYTON CITY COUNCIL and

CLAYTON SUCCESSOR HOUSING AND SUCCESSOR AGENCIES

TUESDAY, September 17, 2013

6:00 P.M.

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

Mayor: Julie K. Pierce
Vice Mayor: Hank Stratford

Council Members

Jim Diaz
Howard Geller
David T. Shuey

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** CITY COUNCIL ***

September 17, 2013

6:00 P.M.

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

2. **CLOSED SESSION**

- (a) Conference with Labor Negotiator
Government Code Section 54957.6

Instructions to City-designated labor negotiator: City Manager.

1. Employee Organization: Clayton Police Officers Association (CPOA).
 2. Employee Organization: Undesignated City Employees Unit.

Report out from Closed Session: Mayor Pierce.

7:00 P.M.

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

4. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the regular meeting of August 20, 2013. ([View Here](#))
 - (b) Approve Financial Demands and Obligations of the City. ([View Here](#))
 - (c) Approve a Defense and Indemnification Agreement related to the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan revised implementation/mitigation fees. ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring September 2013 as “Personal and Community Preparedness Month.” ([View Here](#))
 - (b) Proclamation declaring September 17-23, 2013 as “Constitution Week.” ([View Here](#))

- (c) Proclamation declaring September 22-28, 2013 as “Fall Prevention Awareness Week.” ([View Here](#))
- (d) Certificates of Recognition to “Do The Right Thing” public school students chosen for exemplifying the character trait of “Courage”.

6. **REPORTS**

- (a) Planning Commission – Commissioner Sandy Johnson.
- (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

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

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

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

8. **PUBLIC HEARINGS**

- (a) Public Hearing to consider the Introduction and First Reading of a proposed City-initiated Ordinance to amend portions of Title 17 - Zoning of the *Clayton Municipal Code* to establish regulations for emergency shelters and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District (ZOA -04-13). ([View Here](#))
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; **4)** Following Council discussion of or any amendments to the proposed Ordinance, approve a motion to have the City Clerk read Ordinance No. 449 by title and number only and waive further reading; and **5)** By motion, approve Ordinance No. 449 for First Reading with findings the action does not constitute a project under CEQA.

9. ACTION ITEMS

- (a) Consider a Resolution establishing new fees and adjusting existing fees in the City Master Fee Schedule for certain user-benefit City services and rental of City facilities or parks in FY 2013-14. ([View Here](#))
(Ass't. to the City Manager)

Staff recommendation: Following the staff report and public comments, by motion adopt the Resolution setting City fee rates for FY 2013-14.

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

11. ADJOURNMENT– the next regularly scheduled City Council meeting is October 1, 2013.

#

*** CLAYTON SUCCESSOR AGENCY and SUCCESSOR HOUSING AGENCY ***

September 17, 2013

1. CALL TO ORDER THE CLAYTON SUCCESSOR AGENCIES – Mayor Pierce.

2. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the Agency on items within the Agency'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 Clerk. 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 Agency 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 Agency.

3. CONSENT CALENDAR

- (a) Approve the minutes of the regular public meetings of January 15, 2013, February 5, 2013, February 19, 2013, and May 21, 2013. ([View Here](#))

4. PUBLIC HEARINGS – None.

5. ACTION ITEMS

- (a) Consider a Resolution to approve and adopt the Agency's 5th Recognized Obligations Payment Schedule (ROPS 2013-14 B) covering the time period from January 1, 2014 through June 30, 2014, pursuant to California Redevelopment Laws. ([View Here](#))
(Finance Manager)

Staff recommendation: Following staff report and public comment, that Council adopt the Resolution.

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

7. ADJOURNMENT – the next regular Successor Agencies meetings will be scheduled as needed.

#

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

TUESDAY, August 20, 2013

Agenda Date: 9/17/13

Agenda Item: 4(a)

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:03 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz, Geller, and Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Charlie Mullen, and City Clerk Laci Jackson.
2. **CLOSED SESSION** On call by Mayor Pierce the Council adjourned into Closed Session for the following purpose:
 - (a) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated labor negotiator: City Manager.
 1. Employee Organization: Clayton Police Officers Association (CPOA).
 2. Employee Organization: Undesignated City Employees Unit.

7:25 p.m. Report out of Closed Session: Mayor Pierce stated the Closed Session will be continued at the end of the meeting.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.
4. **CONSENT CALENDAR**- It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to approve the Consent Calendar (Passed; 5-0 vote).
 - (a) Approved the minutes of the regular meeting of July 30, 2013.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the City's response letter to Civil Grand Jury Report No. 1311, "Assessing Fiscal Risk- Who is Minding the Store?" and authorize the Mayor to sign the letter.
 - (d) Adopted Resolution 29-2013 authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission and committing necessary matching funds and stating the assurance to complete the FY 2014-15 Collector Street Rehabilitation Project (CIP No. 10425).
 - (e) Approved modifications to the Job Classification for the Finance Manager position.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Pierce presented a Certificate of Recognition to Emma Hall for planning and organizing the "Clayton Family Fair and Picnic" held on June 29, 2013. Mayor Pierce stated Emma did all of the work leading up to the event and drafted volunteers from other girl scout troops. She stated the event turned out very well.

6. REPORTS

- (a) Planning Commission- No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager reported the City is recruiting for its Finance Manager upcoming vacancy and qualified candidates are encouraged to apply by October 18th.
- (d) City Council

Councilmember Geller attended two Concerts in The Grove and CBCA's Rib Cook-off.

Councilmember Diaz attended the two concerts, a funeral for a former police officer, and the National Night Out event in his neighborhood. He thanked the Police Chief and officers for their work on that event. He stated the next Thursday Concert will be held this week. He also attended the CBCA Rib Cook-off and is on the CBCA committee for Oktoberfest which will take place October 4-6.

Vice Mayor Stratford noted the "Do the Right Thing" trait for August-September is "Responsibility".

Mayor Pierce attended the Mayors' Conference, a Regional Planning Committee Conference, the National Night Out, and the Concerts in The Grove. She also noted she is working on the planning for the opening of the newest Caldecott Tunnel.

- (e) Other

7. PUBLIC COMMENTS

Herb Yonge, CERT member, stated CERT has been working on helping Clayton obtain status as a Heart Safe Community. He stated 10 CERT members are now trained to teach Hands-Only CPR. He stated CERT participated in the Clayton Family Fair and Picnic. He stated they trained people at two National Night Out events, and trained 27 Rotarians at its monthly meeting. He stated CERT also obtained one additional AED from County EMS and has four sessions planned for Hands-Only CPR and Emergency Preparedness training. He stated the City has reached its goal of being a Heart Safe Community and CERT will continue to contact local swim clubs, HOAs, and other Clayton organizations about receiving the training.

8. PUBLIC HEARINGS

- (a) Public Hearing to consider a request for a Development Plan Permit to establish Planned Development (PD) Zoning District standards for five (5) existing and developed residential properties located on a private driveway off east Marsh Creek Road (8106, 8114, 8118, 8130 and 8140 Marsh Creek Road) in the Marsh Creek Road Specific Plan area (DP-01-13; Matt Mazzei, Applicant).

The City Manager stated he has a conflict of interest on this item because he owns property within the 500 foot conflict radius. It is not a financial or economic interest in the subject property. He stated he must leave the room and noted due to the conflict has not participated in the development of the staff report.

The City Manager exited the meeting room.

The Community Development Director presented the staff report and stated there are five residential properties that would be subject to the proposed Planned Development (PD) standards. He stated the Planning Commission conducted a Public Hearing and provided direction to staff on the standards for residences and accessory structures. He stated on July 23rd the Commission reviewed the proposal, heard public testimony, and recommended the City Council approve the standards. He stated this establishes the minimum PD standards for setbacks and accessory structures, and other standards will fall back to Marsh Creek Road Specific Plan or Zoning Code. He noted the PD standards are consistent with residential planned developments in other parts of the City.

Mayor Pierce opened the Public Hearing at 7:45 p.m.; no public comments were provided; she closed the Public Hearing at 7:46 p.m.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to adopt Resolution 30-2013 approving the Development Plan Permit and establishing Planned Development (PD) Zoning District standards, with CEQA Findings there is no possibility the proposal may have a significant effect on the environment (Passed; 5-0 vote).

9. **ACTION ITEMS**

The City Manager returned to the meeting room.

- (a) Consider the Second Reading and Adoption of Ordinance No. 448 amending Title 17 of the *Clayton Municipal Code* establishing Prohibited Uses and Activities, and specifically prohibiting medical marijuana dispensaries and certain cultivation activities (ZOA-02-13)

The Community Development Director presented the staff report and stated Ordinance No. 448 was introduced at the July 16th meeting. He stated the item is required to be considered at a regular City Council meeting and therefore could not be heard again until this meeting. He stated this Ordinance prohibits dispensaries and establishes local control and regulations. He stated this Ordinance is supported by recent court decisions as shown in communication with the District Attorney's office in a letter dated July 25, 2013.

Mayor Pierce asked for Public Comments.

Daniel Katzman, resident, stated he wishes to speak against this Ordinance. He stated by the 2016 state election, marijuana will be decriminalized. He stated as a medical marijuana patient he currently has plants well under fence height for visibility, and stated they are innocuous plants. He stated the plants are not visible from street and he maintains them outdoors when they do not have odor. He stated he would like to be able exercise his right to grow those plants and bring them inside when they bloom or create an odor. He stated he did not agree with the crime statistics regarding dispensaries presented in the staff report.

Mayor Pierce indicated she had six emails from residents stating they hoped the Council passes an Ordinance like this.

It was moved by Councilmember Shuey, seconded by Mayor Pierce, to have the City Clerk read Ordinance No. 448 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 448 by title and number only.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to adopt Ordinance No. 448 with findings the action does not constitute a project under CEQA (Passed; 5-0 vote).

- (b) Consider actions related to the upcoming League of California Cities' 2013 Annual Conference in Sacramento.

1. Consideration of the designation of the City's Voting Delegate and Alternate to the League of California Cities 2013 Annual Conference to be held September 18 thru September 20, 2013 in Sacramento, CA.

2. Consideration of City Council position and voting instructions on the two (2) proposed General Resolutions at the 2013 Annual Conference of the League of CA Cities.

The City Manager noted report and discussion on this item could ensue if the Council was considering sending a voting delegate.

Mayor Pierce stated the cost is too high for this Conference even for a single day.

By consensus Councilmembers decided not to attend the Conference. Mayor Pierce suggested the Council send a letter to the League of California Cities the Conference is cost prohibitive and that is the reason this City is not attending.

No action taken.

10. **COUNCIL ITEMS** – None.

2. **CLOSED SESSION** On call by Mayor Pierce the Council adjourned back into Closed Session for the following purpose (8:03 p.m.):

- (a) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated labor negotiator: City Manager.

1. Employee Organization: Clayton Police Officers Association (CPOA).

2. Employee Organization: Undesignated City Employees Unit.

8:33 p.m. Report out of Closed Session: Mayor Pierce announced the Council had received a report, discussed matters and gave the City Manager direction.

11. **ADJOURNMENT**– on call by Mayor Pierce the meeting adjourned at 8:34 p.m.

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Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

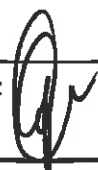
Julie K. Pierce, Mayor



Agenda Date 9/17/2013

Agenda Item:

4(b)

Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER 

DATE: 9/17/2013

SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

9/13/2013 Cash Requirements Report	\$257,772.32
9/13/2013 US Bank Cal Card	\$ 12,438.32
9/13/2013 Best Best & Krieger	\$ 9,730.00
Checks Cut in Advance of Meeting	
8/21/2013 Gregg Fogg-Concert 8/22/13	\$ 250.00
8/21/2013 Ken Joiret-Sound for Concert 8/22/13	\$ 500.00
8/21/2013 Leon Hall - Reimbursement for Clayton Fair	\$ 85.50
8/28/2013 Diamond Terrace - Final Loan Payment	\$200,000.00
9/4/2013 Permco - Invoices 10056-10064	\$ 11,368.25
9/4/2013 Permco - Invoices 10048-10049	\$ 1,509.25
9/4/2013 Chris Rossi-Concert 9/5/13	\$ 500.00
9/4/2013 Ken Joiret-Sound for Concert 9/5/13	\$ 500.00
Total:	\$494,653.64

Attachments:

Cash Requirements Report dated 9/13/2013 (6 pages)

US Bank CalCard Statement/Spreadsheet (8 pages)

BB&K Invoice Worksheet (1 page)

Copies of Checks and Invoices for Advance Checks (19 pages)

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	9/17/2013	7/31/2013	45271	Tow Service	\$25.00	\$0.00		\$25.00
				Totals for Ace Sierra Tow:	\$25.00	\$0.00		\$25.00
American Fidelity Assurance Company								
American Fidelity Assurance Company	9/17/2013	8/16/2013	B034133	September Supplemental Insurance	\$156.64	\$0.00		\$156.64
American Fidelity Assurance Company	9/17/2013	8/29/2013	845258A	September FSA 2013	\$849.10	\$0.00		\$849.10
				Totals for American Fidelity Assurance Company:	\$1,005.74	\$0.00		\$1,005.74
Arlene H. Kikkawa-Nielsen								
Arlene H. Kikkawa-Nielsen	9/17/2013	8/16/2013	September	Library Volunteer Coordinator September 201	\$900.00	\$0.00		\$900.00
				Totals for Arlene H. Kikkawa-Nielsen:	\$900.00	\$0.00		\$900.00
AT&T/ CalNet 2								
AT&T/ CalNet 2	9/17/2013	8/22/2013	000004635432	Phone 7/22/13/8/21/13	\$1,848.32	\$0.00		\$1,848.32
				Totals for AT&T/ CalNet 2:	\$1,848.32	\$0.00		\$1,848.32
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	9/17/2013	8/26/2013	0296349-IN	supplies	\$243.51	\$0.00		\$243.51
				Totals for Bay Area Barricade Serv.:	\$243.51	\$0.00		\$243.51
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	9/17/2013	8/31/2013	0000680548	Planning - Legal Ads	\$434.55	\$0.00		\$434.55
				Totals for Bay Area News Group East Bay (CCT):	\$434.55	\$0.00		\$434.55
CalPERS Retirement								
CalPERS Retirement	9/17/2013	8/21/2013	08/18/2013	Pay Period End 8/18/13	\$21,443.72	\$0.00		\$21,443.72
CalPERS Retirement	9/17/2013	8/26/2013	8/24/13	City Council Period Ending 8/24/13	\$369.48	\$0.00		\$369.48
CalPERS Retirement	9/17/2013	9/11/2013	09/01/2013	PPE 9/1/13	\$21,452.66	\$0.00		\$21,452.66
				Totals for CalPERS Retirement:	\$43,265.86	\$0.00		\$43,265.86
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	9/17/2013	8/15/2013	1365044	Contract 7/15/13-8/14/13	\$411.56	\$0.00		\$411.56
				Totals for Caltronics Business Systems, Inc:	\$411.56	\$0.00		\$411.56
CCC Information Technology								
CCC Information Technology	9/17/2013	8/15/2013	8290	Data Processing Services July 2013	\$54.76	\$0.00		\$54.76
				Totals for CCC Information Technology:	\$54.76	\$0.00		\$54.76
CCC Law & Justice Systems (ACCJIN)								
CCC Law & Justice Systems (ACCJIN)	9/17/2013	8/2/2013	LJIS 13-City	ACCJIN Shared Costs - FY 12/13	\$1,405.41	\$0.00		\$1,405.41
				Totals for CCC Law & Justice Systems (ACCJIN):	\$1,405.41	\$0.00		\$1,405.41
CCC Office of the Sheriff (ARIES)								
CCC Office of the Sheriff (ARIES)	9/17/2013	8/5/2013	13/14 Cityn	ARIES Maintenance - FY 13/14	\$8,350.00	\$0.00		\$8,350.00
				Totals for CCC Office of the Sheriff (ARIES):	\$8,350.00	\$0.00		\$8,350.00

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
CCC Public Works Dept								
CCC Public Works Dept	9/17/2013	5/29/2013	4921	Traffic Signal Maintenance April 2013	\$2,649.56	\$0.00		\$2,649.56
CCC Public Works Dept	9/17/2013	7/8/2013	4962	Traffic Signal Maintenance May 2013	\$1,808.32	\$0.00		\$1,808.32
CCC Public Works Dept	9/17/2013	7/19/2013	4987	Traffic Signal Maintenance June 2013	\$1,658.07	\$0.00		\$1,658.07
CCC Public Works Dept	9/17/2013	8/20/2013	5013	Traffic Signal Maint July 2013	\$2,055.80	\$0.00		\$2,055.80
				Totals for CCC Public Works Dept:	\$8,171.75	\$0.00		\$8,171.75
CCC Sheriff - Forensic Svc Div (Lab)								
CCC Sheriff - Forensic Svc Div (Lab)	9/17/2013	8/26/2013	CLPD-1307	Toxicology/Alcohol July 2013	\$1,350.00	\$0.00		\$1,350.00
				Totals for CCC Sheriff - Forensic Svc Div (Lab):	\$1,350.00	\$0.00		\$1,350.00
City of Concord								
City of Concord	9/17/2013	7/26/2013	33871	Vehicle Maintenance	\$235.45	\$0.00		\$235.45
City of Concord	9/17/2013	8/2/2013	34096	Dispatch Services for August 2013	\$14,053.00	\$0.00		\$14,053.00
				Totals for City of Concord:	\$14,288.45	\$0.00		\$14,288.45
Clean Street								
Clean Street	9/17/2013	8/31/2013	71705	Sweep Fee August, 2013	\$3,500.00	\$0.00		\$3,500.00
				Totals for Clean Street:	\$3,500.00	\$0.00		\$3,500.00
Comcast								
Comcast	9/17/2013	9/5/2013	10/01/13	High Speed Internet September	\$395.70	\$0.00		\$395.70
				Totals for Comcast:	\$395.70	\$0.00		\$395.70
Contra Costa Tractor Mobile Svc								
Contra Costa Tractor Mobile Svc	9/17/2013	8/19/2013	016104	service call Ford 260	\$602.99	\$0.00		\$602.99
				Totals for Contra Costa Tractor Mobile Svc:	\$602.99	\$0.00		\$602.99
CopWare, Inc.								
CopWare, Inc.	9/17/2013	8/8/2013	38949	CA Peace Officers Legal Sourcebook - Site L	\$300.00	\$0.00		\$300.00
				Totals for CopWare, Inc.:	\$300.00	\$0.00		\$300.00
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	9/17/2013	9/7/2013	19372536	Contract 25079777 September 2013	\$432.68	\$0.00		\$432.68
				Totals for De Lage Landen Financial Services, Inc.:	\$432.68	\$0.00		\$432.68
East Bay Rgn Comm System Auth								
East Bay Rgn Comm System Auth	9/17/2013	8/19/2013	201300006	38 Radios for 2013/14	\$11,400.00	\$0.00		\$11,400.00
				Totals for East Bay Rgn Comm System Auth:	\$11,400.00	\$0.00		\$11,400.00
Form Center								
Form Center	9/17/2013	9/5/2013	IN407372	Manual Paychecks - Qty. 50	\$78.21	\$0.00		\$78.21
				Totals for Form Center:	\$78.21	\$0.00		\$78.21
Globalstar LLC								
Globalstar LLC	9/17/2013	8/16/2013	100000004975015	Service 7/16/13-8/15/13	\$65.59	\$0.00		\$65.59

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
Goldfarb & Lipman				<i>Totals for Globalstar LLC:</i>	\$65.59	\$0.00		\$65.59
Goldfarb & Lipman	9/17/2013	8/16/2013	109289	current fees through 7/31/13	\$122.50	\$0.00		\$122.50
				<i>Totals for Goldfarb & Lipman:</i>	\$122.50	\$0.00		\$122.50
Graybar Electric Co, Inc					\$518.63	\$0.00		\$518.63
Graybar Electric Co, Inc	9/17/2013	8/29/2013	968341400	SO # 344100335	\$146.48	\$0.00		\$146.48
				SO # 344100335	\$665.11	\$0.00		\$665.11
Hammons Supply Company				<i>Totals for Graybar Electric Co, Inc:</i>				
Hammons Supply Company	9/17/2013	8/29/2013	79545	Library Supplies	\$250.88	\$0.00		\$250.88
Hammons Supply Company	9/17/2013	8/29/2013	79548	CCP Supplies	\$141.29	\$0.00		\$141.29
Hammons Supply Company	9/17/2013	8/29/2013	79546	City Hall Supplies	\$355.79	\$0.00		\$355.79
Hammons Supply Company	9/17/2013	8/29/2013	79549	EH Supplies	\$105.52	\$0.00		\$105.52
Hammons Supply Company	9/17/2013	8/29/2013	79547	Grove Park Supplies	\$154.38	\$0.00		\$154.38
				<i>Totals for Hammons Supply Company:</i>	\$1,007.86	\$0.00		\$1,007.86
Health Care Dental Trust					\$3,068.80	\$0.00		\$3,068.80
Health Care Dental Trust	9/17/2013	9/4/2013	164428	Dental for October 2013	\$3,068.80	\$0.00		\$3,068.80
				<i>Totals for Health Care Dental Trust:</i>				
HUB Inter of CA Ins Svc					\$128.04	\$0.00		\$128.04
HUB Inter of CA Ins Svc	9/17/2013	8/20/2013	AR6360147	July Premium	\$359.49	\$0.00		\$359.49
HUB Inter of CA Ins Svc	9/17/2013	8/26/2013	August 2013	Insurance premiums August 2013	\$487.53	\$0.00		\$487.53
				<i>Totals for HUB Inter of CA Ins Svc:</i>				
J & R Floor Services					\$4,910.00	\$0.00		\$4,910.00
J & R Floor Services	9/17/2013	9/1/2013	eight	August Billing	\$4,910.00	\$0.00		\$4,910.00
				<i>Totals for J & R Floor Services:</i>				
Jason Delmar					\$300.00	\$0.00		\$300.00
Jason Delmar	9/17/2013	9/10/2013	219	Network repair/Agenda upload	\$300.00	\$0.00		\$300.00
				<i>Totals for Jason Delmar:</i>				
LarryLogic Productions					\$350.00	\$0.00		\$350.00
LarryLogic Productions	9/17/2013	8/24/2013	1353	City Council Meeting 8/20/13	\$350.00	\$0.00		\$350.00
				<i>Totals for LarryLogic Productions:</i>				
MailFinance (Neopost Leasing)					\$113.60	\$0.00		\$113.60
MailFinance (Neopost Leasing)	9/17/2013	9/5/2013	N4187630	Lease 10/7/13-11/6/13	\$113.60	\$0.00		\$113.60
				<i>Totals for MailFinance (Neopost Leasing):</i>				
Maria Del Carmen Zuno					\$110.00	\$0.00		\$110.00
Maria Del Carmen Zuno	9/17/2013	9/11/2013	26369	Refund for CCP Reservation 9/8/2013 - Morg	\$110.00	\$0.00		\$110.00
				<i>Totals for Maria Del Carmen Zuno:</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
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	9/17/2013	8/28/2013	113-17611	Service Call VED Tripped	\$282.50	\$0.00		\$282.50
				Totals for Marken Mechanical Services Inc:	\$282.50	\$0.00		\$282.50
Martell Water Systems, Inc.								
Martell Water Systems, Inc.	9/17/2013	8/22/2013	20153	Service Call Westwood Park	\$594.99	\$0.00		\$594.99
				Totals for Martell Water Systems, Inc.:	\$594.99	\$0.00		\$594.99
MCK Services Inc								
MCK Services Inc	9/17/2013	7/1/2013	17889	Progress Payment #3	\$4,737.08	\$0.00		\$4,737.08
				Totals for MCK Services Inc:	\$4,737.08	\$0.00		\$4,737.08
Miracle Playsystems Inc								
Miracle Playsystems Inc	9/17/2013	8/14/2013	12013-1056	Repair rubber surfacing Grove Park/Lydia La	\$1,193.16	\$0.00		\$1,193.16
				Totals for Miracle Playsystems Inc:	\$1,193.16	\$0.00		\$1,193.16
Municipal Pooling Authority								
Municipal Pooling Authority	9/17/2013	8/14/2013	GI303	Worker's Comp Work Alternative 2013/2014	\$106.25	\$0.00		\$106.25
Municipal Pooling Authority	9/17/2013	8/19/2013	CM-1303	CARMA Premium 2013-2014	\$16,174.00	\$0.00		\$16,174.00
Municipal Pooling Authority	9/17/2013	8/19/2013	L1303	Liability Premium 2013-2014	\$44,330.00	\$0.00		\$44,330.00
Municipal Pooling Authority	9/17/2013	8/19/2013	B1303	Worker's Compensation Premium Inst #1	\$33,071.50	\$0.00		\$33,071.50
Municipal Pooling Authority	9/17/2013	8/19/2013	K1303	Wellnes Premium 2013/14	\$607.00	\$0.00		\$607.00
				Totals for Municipal Pooling Authority:	\$94,288.75	\$0.00		\$94,288.75
NBS Govt. Finance Group								
NBS Govt. Finance Group	9/17/2013	8/19/2013	81300035	Interim Arbitrage Rebate Analysis - tax alloc. 1	\$1,200.00	\$0.00		\$1,200.00
				Totals for NBS Govt. Finance Group:	\$1,200.00	\$0.00		\$1,200.00
Neopost (add postage)								
Neopost (add postage)	9/17/2013	9/9/2013	9/9/13	Postage added to machine	\$300.00	\$0.00		\$300.00
				Totals for Neopost (add postage):	\$300.00	\$0.00		\$300.00
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	9/17/2013	8/21/2013	564196	Courtyard pay phone September 2013	\$73.00	\$0.00		\$73.00
				Totals for Pacific Telemanagement Svc:	\$73.00	\$0.00		\$73.00
PERMCO, Inc.								
PERMCO, Inc.	9/17/2013	9/9/2013	10070	Retainer - General Services	\$4,200.80	\$0.00		\$4,200.80
PERMCO, Inc.	9/17/2013	9/9/2013	10071	CCWD - Minor EP	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	9/17/2013	9/9/2013	10072	General Stormwater Tasks/Inspections	\$2,318.00	\$0.00		\$2,318.00
PERMCO, Inc.	9/17/2013	9/9/2013	10073	Diablo Pointe Construction Inspection	\$560.25	\$0.00		\$560.25
PERMCO, Inc.	9/17/2013	9/9/2013	10074	2013 Pavement Rehabilitation Project	\$610.00	\$0.00		\$610.00
PERMCO, Inc.	9/17/2013	9/9/2013	10075	PG&E Replace Gas Lines - Dana Hills	\$394.25	\$0.00		\$394.25
PERMCO, Inc.	9/17/2013	9/9/2013	10076	Creekside Terrace - Proposal review/comment	\$150.00	\$0.00		\$150.00
				Totals for PERMCO, Inc.:	\$8,254.05	\$0.00		\$8,254.05

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
PG&E	9/17/2013	7/23/2013		Service 6/21/13-7/22/13	\$743.77	\$0.00		\$743.77
PG&E	9/17/2013	8/15/2013	July/Aug	Service 7/17/13-8/14/13	\$17,523.02	\$0.00		\$17,523.02
				Totals for PG&E:	\$18,266.79	\$0.00		\$18,266.79
Pinnacle Construction Services, Inc								
Pinnacle Construction Services, Inc	9/17/2013	9/3/2013	1768	Diablo Estates Management September 2013	\$4,099.00	\$0.00		\$4,099.00
				Totals for Pinnacle Construction Services, Inc:	\$4,099.00	\$0.00		\$4,099.00
Riso Products of Sacramento								
Riso Products of Sacramento	9/17/2013	8/20/2013	112844	Contract 8/18/13-9/17/13	\$94.86	\$0.00		\$94.86
				Totals for Riso Products of Sacramento:	\$94.86	\$0.00		\$94.86
Rock & Waterfall Co								
Rock & Waterfall Co	8/28/2013	8/28/2013	113-34	9/17	\$650.00	\$0.00		\$650.00
				Totals for Rock & Waterfall Co:	\$650.00	\$0.00		\$650.00
Sprint Comm (PD)								
Sprint Comm (PD)	9/17/2013	7/29/2013	70335311-139	service May 26-June 25, 2013	\$261.30	\$0.00		\$261.30
				Totals for Sprint Comm (PD):	\$261.30	\$0.00		\$261.30
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	9/17/2013	8/29/2013	531409315-136	Invoice 7/26/13-8/25/13	\$243.42	\$0.00		\$243.42
				Totals for Sprint Comm (PW & ADM):	\$243.42	\$0.00		\$243.42
The Radar Shop								
The Radar Shop	9/17/2013	8/14/2013	9625	Recertification - Radar & Laser	\$287.00	\$0.00		\$287.00
				Totals for The Radar Shop:	\$287.00	\$0.00		\$287.00
Turf Star, Inc.								
Turf Star, Inc.	9/17/2013	8/14/2013	6815751-00	Supplies	\$243.07	\$0.00		\$243.07
				Totals for Turf Star, Inc.:	\$243.07	\$0.00		\$243.07
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	9/17/2013	9/3/2013	10641	removed 3 dead pine trees - Mitchell Canyon	\$1,600.00	\$0.00		\$1,600.00
				Totals for Waraner Brothers Tree Service:	\$1,600.00	\$0.00		\$1,600.00
Wells Fargo Bank -WF8113								
Wells Fargo Bank -WF8113	9/17/2013	7/25/2013	984523	Lydia Lane Sewer Assessment District Series 2	\$10,499.75	\$0.00		\$10,499.75
				Totals for Wells Fargo Bank -WF8113:	\$10,499.75	\$0.00		\$10,499.75
Wells Fargo Bank, N.A.								
Wells Fargo Bank, N.A.	9/17/2013	8/1/2013	988185	Paying Agent Fee Lydia Lane Sewer Assessment	\$500.00	\$0.00		\$500.00
				Totals for Wells Fargo Bank, N.A.:	\$500.00	\$0.00		\$500.00
Western Exterminator								
Western Exterminator	9/17/2013	8/31/2013	1543722	August 2013	\$353.00	\$0.00		\$353.00
				Totals for Western Exterminator:	\$353.00	\$0.00		\$353.00

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
YP (Advertising - yellow pages)	9/17/2013	8/23/2013	8/23/13	Listing Fees	\$85.12	\$0.00		\$85.12
YP (Advertising - yellow pages)				Totals for YP (Advertising - yellow pages):	\$85.12	\$0.00		\$85.12
GRAND TOTALS:					\$257,772.32	\$0.00		\$257,772.32

Vendor #3091

Best Best & Krieger

PO Box 1028

Riverside, CA 92502

Invoice Date: 9/6/2013

Month of: August

Invoice Numbers: 709500

709501

709502

Reimb.															
Invoice #		Fees		Costs		ADJ		Billing		Totals		Account #		Project #	
General Retainer		709500	\$ 4,346.00	\$ 79.82	\$ 1,027.25	\$	5,453.08	\$5,453.08	101-7411-02						
Admin/Finance		709500	\$ 80.00	\$ 18.91	\$	98.91	\$98.91	101-7411-02							
Engineering		709500	\$ 620.00	\$ 146.55	\$	766.55	\$766.55	101-7411-08							
Community Development		709500	\$ 400.00	\$ 94.55	\$	494.55	\$494.55	101-7411-04							
Code Enforcement		709500	\$ 960.00	\$ 226.91	\$	1,186.91	\$1,186.91	101-7411-04							
Legal Services - Mazzei		709501	\$ 150.00		\$	150.00	\$150.00	601-2740-00						1028	
Legal Services - Oak Creek Canyon		709501	\$ 397.50		\$	397.50	\$397.50	601-2740-00						0077	
Police Dept - Labor /Employment		709502	\$ 1,182.50		\$	1,182.50	\$1,182.50	101-7411-06							

Total \$9,730.00

Murray Sullivan

Authorization

9/13/13

Date



City Manager Approval

09-13-13

Date

To: Gregg Fogg
5295 Olive Drive
Concord, CA 94521-3228

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
08/22/2013	8/19/2013	Concert 8/22/13	\$250.00	\$0.00	\$250.00
		Totals:	\$250.00	\$0.00	\$250.00

Form # F636 To order, please call Blackboard Forms at our toll free number, 855.410.0576

THIS DOCUMENT CONTAINS A TRUE WATERMARK. HOLD TO LIGHT TO VERIFY WATERMARK



6000 HERITAGE TRAIL, CLAYTON, CALIFORNIA 94517

BANK OF AMERICA, NA
11-35/1210

029710

CHECK DATE CHECK NO.

8/21/2013 29710

CHECK AMOUNT

\$** 250.00

Two hundred fifty and 00/100 Dollars

PAY

TO THE
ORDER
OF

Gregg Fogg
5295 Olive Drive
Concord, CA 94521-3228

VOID AFTER 6 MONTHS

AUTHORIZED SIGNATURE

Details on Back
Security Features Included

⑈029710⑈ ⑆121000358⑆ 09825⑈04799⑈

8-19-13
DATE
AUTHORIZED BY
3285
VENDOR #
ACCOUNT #
601-2750-00 #7029
CITY OF CLAYTON, CA
CONCERTS IN THE GROVE
PERFORMANCE SERVICES AGREEMENT
CITY MANAGER
08-21-13



(925) 673-7300

In entering into this Music Performance Service Agreement ("Agreement"), the City of Clayton ("City") and My Evergreen Soul [insert performers'/band's name] ("Band") (collectively, the "parties" and each individually a "party"), do mutually agree and promise as follows:

1.) Performance Information

A. The Band shall perform as specified in this Agreement ("Performance") on Thursday August 22, 2013 ("Performance Date") in the "The Grove," which is an approximately 1-acre outdoor public park located at 6100 Main St., on (old) Marsh Creek Road between Main and Center Streets, in Clayton, California ("Property").

B. Performance Time: 7:00 p.m. ("Performance Start Time") to 8:30 p.m. ("Performance End Time").

C. Performance Requirements: 2 sets, approximately 40 minutes each; 1 break of 10 minutes in duration between the two sets; and one encore of 15 minutes.

D. General Description of Music Genre: (i.e., Classical, Jazz, Rock and Roll, etc.)
Contemporary

E. The Band includes: (i.e., singers/pieces/instruments/etc.)
Five (5) performers: Violin / Keyboard, Lead Guitar, Bass, and Drums

F. Full Payment Amount: \$250.00 ("Performance Fee")

Payee name (*must be same as that on W-9*)

My Evergreen Soul / Greg Fogg

Payee Address (*must be same as that on W-9*)

5295 Olive Drive

Concord, CA 94521-3228

G. Band Address: 5295 Olive Drive, Concord, CA 94521-3228

Phone: (925) 826-8222

Band Primary Contact Person:

Name: Greg Fogg Cell (925) 826-8222 email: bikerfogg1@gmail.com

2.) Set Up and Clean Up. The Band shall arrive for set-up no earlier than 4:00 p.m. on the Performance Date. The Band shall completely remove all equipment from Property within one and one half hours following the Performance End Time, and in no event later than 9:30 p.m. on the Performance Date. The Band shall be solely responsible for its own set-up and tear-down of all personal property and equipment used by Band. The Band shall be ready to begin the Performance at the Performance Start Time.

3.) Performance Standards/Sound Check. The Band will provide all necessary musical instruments and basic sound system-related equipment needed for the Performance. A suitable single or multi-

To: Ken Joiret
1542 Lavetta Way
Concord, CA 94521

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
08/22/2013	8/19/2013	Concert Sound 8/22/13	\$500.00	\$0.00	\$500.00
		Totals:	\$500.00	\$0.00	\$500.00

Item # FK36 To receive payment on Bank of America at our toll free number 800.482.2579

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BANK OF AMERICA, NA
11-35/1210

029711

6000 HERITAGE TRAIL, CLAYTON, CALIFORNIA 94517

CHECK DATE CHECK NO.

8/21/2013 29711

CHECK AMOUNT

\$** 500.00

PAY

Five hundred and 00/100 Dollars

TO THE
ORDER
OF

Ken Joiret
1542 Lavetta Way
Concord, CA 94521

VOID AFTER 6 MONTHS

AUTHORIZED SIGNATURE

⑈029711⑈ ⑆121000358⑆ 09825⑈04799⑈



CITY OF CLAYTON

CONSULTING SERVICES AGREEMENT
(General)

Jan Jan 8-19-13
AUTHORIZED BY DATE
3042 601-2750-00 #7029
\$500 ACCOUNT #
AMOUNT CITY MANAGER APPROVAL 08-20-13

1. Special Conditions:

- A) Consultant's Name & Address: Ken Joiret
Address: 1549 Lavetta Way, Concord, CA 94521-1739
- B) Effective Date: July 11, 2013 C) Payment Limit: \$2,500.00 D) Expense Limit: \$0
- E) Completion Date: September 19, 2013
- F) Federal Tax ID or SSN: W-9 Completed and on file with the City of Clayton Finance Dept.

2. Signatures: These signatures attest the parties' agreement hereto:

CITY OF CLAYTON

CONSULTANT

BY: Gary Napper

City Manager

BY: Ken Joiret

(owner)

07-10-13

3. Parties: Effective on the above date, the City of Clayton ("City") and Consultant mutually agree and promise as follows.
4. Employment: City hereby employs MD Productions, as an independent agent, and Consultant accepts such employment, to perform the professional services described in Exhibit A included herein by reference, upon the terms and in consideration of the payments stated herein.
5. Scope of Service: Scope of services shall be as described in Proposal for 2013 Concerts in the Grove for the City of Clayton dated March 8, 2013 Exhibit A, attached hereto and made a part hereof by this reference.
6. Insurance: Consultant shall, at no cost to the City obtain and maintain during the term hereof: (a) Workers' Compensation Insurance as may be applicable pursuant to State Law (if applicable), and (b) Commercial General Liability Insurance and Automobile Liability Insurance including coverage for owned and non-owned automobiles. Both liability policy's shall have combined single limit coverage of at least \$1 million per occurrence for all damages due to bodily injury, sickness or disease, or death to any person and damage to property, including the loss of use thereof, arising out of each accident or occurrence. Consultant shall furnish evidence of such coverage, naming the City of Clayton, its agents, officers and employees as additional insured and requiring 30 days written notice of policy lapse or cancellation.
7. Payment: The City of Clayton shall pay the Consultant for professional services performed at the rate of \$500 per concert per schedule shown on Exhibit B, which include all overhead and incidental expenses, for which no additional compensation shall be allowed. In no event shall the total amount paid to the Consultant exceed the payment limit specified in Sec. 1 C) and D) without prior written approval of the City Manager. Payment shall be provided by the City at each concert at the conclusion of each concert date.
8. Status: Ken Joiret and any of its assistants or independent assistants and independent contractor(s) shall not be considered an employee of the City of Clayton.

To: Leon Hall
709 Tally Ho Court
Clayton, CA 94517

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
Clayton Family Fair	8/21/2013	Reimbursement for Expenses for Clayton Family Fair	\$85.50	\$0.00	\$85.50
		Totals:	\$85.50	\$0.00	\$85.50

Item # F835 To reorder, please call Blankfield Forms or our toll free number 800-340-2207

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6000 HERITAGE TRAIL, CLAYTON, CALIFORNIA 94517

BANK OF AMERICA, NA
11-35/1210

029712

CHECK DATE CHECK NO.

8/21/2013 29712

CHECK AMOUNT

\$** 85.50

Eighty five and 50/100 Dollars

PAY

TO THE
ORDER
OF

Leon Hall
709 Tally Ho Court
Clayton, CA 94517

VOID AFTER 6 MONTHS

AUTHORIZED SIGNATURE

029712 1121000358 0982504799

CITY OF CLAYTON CHECK REQUEST

New
Vendor
payee

Vendor Number: 3286	Vendor Name: Leon Hall
Invoice Number(s):	Vendor Address: 709 Tally Ho Court
Invoice Date(s): 8/21/13	Clayton CA 94517

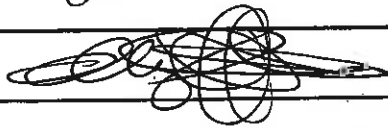
Description	Inv. #	Inv. Date	Amount	Charge to acct:
JoAnnis Fabric - ^{banners} sign materials	416523	6/9/13	35.93	601-2750-00 #7001
	* 1483	6/27/13		
Toy's R Us - bubble solvent.	1755400	6/18/13	7.04	601-2750-00 #7001
	* 070313	7/3/13		
Beverly's - paint	037048	6/10/13	5.32	601-2750-00 #7001
Dollar Tree balloons	038290	6/20/13	4.36	601-2750-00 #7001
Dollar Tree balloons	039520	6/10/13	11.99	601-2750-00 #7001
^{bubbles} poster board				
Amazon balloons	489627	6/2/13	20.86	601-2750-00 #7001

Comments:
Clayton Family Fair + Picnic
expenses -
replacement event for Clayton Counts
down.

Total: **85⁵⁰** ← 601-2750-00 #7001

Requested by: Raura Hoggmeister	Date: 8/21/13
--	----------------------

Department Approval: Raura Hoggmeister	Date: 8/21/13
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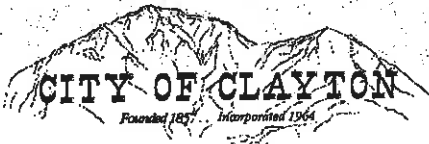
City Manager Approval: 	Date: 08-21-13
--	-----------------------

To: Diamond Terrace c/o PAM
2020 W Kettleman Lane
Lodi, CA 95241

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
Payment #10	8/27/2013	Diamond Terrace Payment #10 on Loan Agreement - Final Inst.	\$200,000.00	\$0.00	\$200,000.00
		Totals:	\$200,000.00	\$0.00	\$200,000.00
		FINAL PAYMENT			

Item # F835 To reorder, please call Blackland Forms at our toll free number, 866.422.3876

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BANK OF AMERICA, NA

11-35/1210

6000 HERITAGE TRAIL, CLAYTON, CALIFORNIA 94517

029713

CHECK DATE

CHECK NO.

8/28/2013

29713

CHECK AMOUNT

\$** 200,000.00

Two hundred thousand and 00/100 Dollars

PAY

TO THE
ORDER
OF

Diamond Terrace c/o PAM
2020 W Kettleman Lane
Lodi, CA 95241

VOID AFTER 6 MONTHS

Kelli K. Kline
Rae J. Jackson MP
AUTHORIZED SIGNATURE

⑈029713⑈ ⑆121000358⑆ 09825⑈04799⑈

City Of Clayton

 Requisition

 Purchase Order #

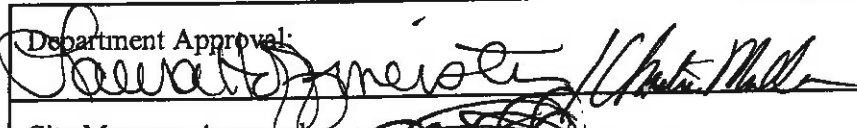
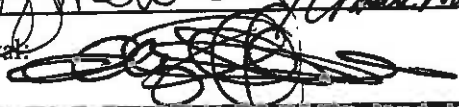
 X Check Request

Vendor: Diamond Terrace Investors
Address: c/o The Michaels Organization
2020 W Kettleman Lane
Lodi, CA 95241
Attention: Kathleen Ganoe

Ordered By: Merry Pelletier
Date: 8-27-13

Description	Qty.	Unit price	Extension	Charge to acct:
Diamond Terrace Payment #10 on Loan Agreement – Final Installment	1	200,000.00	200,000.00	616-1362-00

Comments:		
	Total:	200,000.00

Department Approval: 	Date: 8/27/13
City Manager Approval: 	Date: 08-28-13

Finance Use Only:			
Vendor Number: 1168			
Invoice Number(s):	Amt. \$200,000.00		

Memo

To: Merry Pelletier, Finance Manager

From: Laura Hoffmeister, Assistant to the City Manager

CC: Gary Napper, City Manager

Date: June 19, 2013

Re: Diamond Terrace Development – Request for Annual and Final (2012) Disbursement in the Amount of \$200,000

That annual disbursement of funds in the amount of \$200,000 can be released. This is the last and final payment.

In accordance with the Loan Agreement dated October 1, 2001, between the City of Clayton Redevelopment Agency and Diamond Terrace Investors, LLC, I have requested, received and reviewed information pertaining to Sections 2.5(a)(1), 2.5(a)(7), and 2.5(c) of the aforementioned Loan Agreement pursuant to authorizing the annual and final Clayton Redevelopment Agency \$200,000 disbursement of funds to the Investors Group. The City received in April, May and June 2013 the following documents (attached) via email from Linda Ponte, Regional Accounting Manager, Interstate Realty Management Company, a member of The Michaels Organization:

1. Annual Certification for Release of Funds
2. December Financial Statement
3. Debt Service Coverage Calculation
4. Evidence of Insurance
5. Certificate of Insurance

I have completed my review of the information described above, and it appears to me that the requirements for approving the annual distribution (last and final) distribution have been satisfied.

To: PERMCO, Inc.
5375 Clayton Road
Concord, CA 94521

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
10056	8/26/2013	Retainer - General Services	\$4,759.50	\$0.00	\$4,759.50
10057	8/26/2013	PG&E Minor EP	\$41.50	\$0.00	\$41.50
10058	8/26/2013	CCWD Minor EP	\$41.50	\$0.00	\$41.50
10059	8/26/2013	General Stormwater Tasks/Inspections	\$1,086.56	\$0.00	\$1,086.56
10060	8/26/2013	Silver Oaks Estates - Review stormwater/proposed grading plan	\$2,768.00	\$0.00	\$2,768.00
10061	8/26/2013	Diablo Pointe Construction Inspection	\$352.75	\$0.00	\$352.75
10062	8/26/2013	2013 Pavement Rehabilitation Project	\$743.44	\$0.00	\$743.44
10063	8/26/2013	Diablo Middle School Safety Signage	\$525.00	\$0.00	\$525.00
10064	8/26/2013	Oak Creek Canyon - Review files, COAs, Etc.	\$1,050.00	\$0.00	\$1,050.00
Totals:			\$11,368.25	\$0.00	\$11,368.25

on 8/20/13 To receive, please call Deborah and provide our toll free number, 800-422-0776



BANK OF AMERICA, NA

11-35/1210

6000 HERITAGE TRAIL, CLAYTON, CALIFORNIA 94517

029714

CHECK DATE CHECK NO.

9/4/2013 29714

CHECK AMOUNT

*** 11,368.25

VOID AFTER 6 MONTHS

PAY

TO THE
ORDER
OF

PERMCO, Inc.
5375 Clayton Road
Concord, CA 94521

AUTHORIZED SIGNATURE

MP

⑈029714⑈ ⑆121000358⑆ 09825⑈04799⑈

Check Request

Vendor #116

PERMCO Engineering

5375 Clayton Rd
Concord, CA 94521

Invoice Date:

8/26/2013

Invoice # Range:

10056-10064

Period Covering:

8/10/13-8/23/13

Project Description	Invoice #	Invoice Amt	New Acct #	Project ID	City 15% Overhead
Retainer - General Svc	10056	\$ 4,759.50	101-7411-08		
PG&E Minor EP	10057	\$ 41.50	601-2740-00	0095	\$ 6.23
CCWD Minor EP	10058	\$41.50	601-2740-00	0097	\$ 6.23
General Stormwater Tasks/Inspections	10059	\$ 1,086.56	216-7412-00		
Silver Oaks Estates	10060	\$ 2,768.00	601-2740-00	0083	\$ 416.20
Diablo Pointe Construction Inspection	10061	\$ 352.75	601-2740-00	1003	\$ 52.91
2013 Pavement Rehabilitation Project	10062	\$ 743.44	303-7520-00	3018	
Diablo View Middle School Safety Signage	10063	\$ 525.00	303-7520-00	3024	
Oak Creek Canyon	10064	\$ 1,050.00	601-2740-00	0077	\$ 157.50
Total		\$ 11,368.25			

Mary Lulutan

Authorized Signature

8/29/13

Date

City Manager Approval

Date

08-04-13

ENTERED

Jennifer Giantvalley

From: Gary Napper <gnapper@ci.clayton.ca.us>
Sent: Friday, August 30, 2013 9:45 AM
To: 'Jennifer Giantvalley'
Subject: RE: Permco

Whenever it would normally be produced, have it done then (next week).

GARY A. NAPPER
City Manager
6000 Heritage Trail
Clayton, CA 94517-1250
925.673-7300
www.ci.clayton.ca.us



From: Jennifer Giantvalley [<mailto:jgiantvalley@ci.clayton.ca.us>]
Sent: Friday, August 30, 2013 9:39 AM
To: Gary Napper
Cc: 'Rick Angrisani'
Subject: Permco

Hi there,

Rick is requesting we cut his check for his most recent invoice in advance since we have no City Council Meeting on September 3rd.

Is this ok?

Thanks!

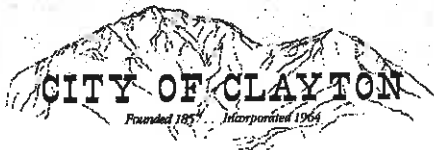
Jennifer Giantvalley
Accounting Technician
City of Clayton
6000 Heritage Trail
Clayton, CA 94517
925-673-7311
www.ci.clayton.ca.us

To: PERMCO, Inc.
5375 Clayton Road
Concord, CA 94521

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
10049	8/12/2013	Prepare Updated SWPPP for City Maint. Op.	\$1,281.00	\$0.00	\$1,281.00
10048	8/12/2013	CCWD Minor Encroachment Permits	\$228.25	\$0.00	\$228.25
Totals:			\$1,509.25	\$0.00	\$1,509.25

Form # 5935 To modify, please call Blackhawk Forms at customer service number: 800.492.0670

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BANK OF AMERICA, NA
11-35/1210

029715

6000 HERITAGE TRAIL, CLAYTON, CALIFORNIA 94517

CHECK DATE CHECK NO.

9/4/2013 29715

CHECK AMOUNT

\$** 1,509.25

One thousand five hundred nine and 25/100 Dollars

PAY

TO THE
ORDER
OF

PERMCO, Inc.
5375 Clayton Road
Concord, CA 94521

VOID AFTER 6 MONTHS

AUTHORIZED SIGNATURE

Security Features Included

⑈029715⑈ ⑆121000358⑆ 09825⑈04799⑈



ENTERED

Garry L. Lutton 8/23/13
AUTHORIZED BY 116 DATE 601-2740-10 # 0097
VENDOR # 228.25 ACCOUNT # [Signature]
AMOUNT CITY MANAGER APPROVAL 09-04-13

INVOICE NO.: 10048
PAGE NUMBER: 1
INVOICE DATE: 8/12/13
PROJECT NUMBER: C0010211
PERIOD COVERING: 7/27/13-8/9/13

CITY OF CLAYTON
6000 Heritage Trail
Clayton, California 94517

PROJECT: CCWD Encroachment Permits (Minor)

Inspection related to minor encroachment permits.

Time Charges:

	Category	Hours	Rate	Amount
0501	PRINCIPAL	0.00	150.00	\$ 0.00
0502	PROJECT MANAGER	0.00	124.00	0.00
0502	PROJECT ENGINEER	0.00	124.00	0.00
0503	PROJECT SURVEYOR	0.00	124.00	0.00
0504	DESIGN ENGINEER	0.00	98.00	0.00
0510	CONSTRUCTION INSPECTOR	2.75	83.00	228.25
0520	CADD OPERATOR	0.00	77.50	0.00
0513	ENGINEERING TECH.	0.00	62.00	0.00
0517	CLERICAL	0.00	37.00	0.00
0511	2 MAN CREW	0.00	220.00	<u>0.00</u>

Subtotal Time Charges: \$ 228.25

Reimbursable Costs:

Printing	0.00
Delivery/Postage	<u>0.00</u>
Subtotal	0.00
10% Markup	<u>0.00</u>
Subtotal Reimbursables:	\$ 0.00

TOTAL FOR INVOICE 10048: \$ 228.25

Phone: (925) 672-4590 Toll Free: (888) 343-7818 Fax: (925) 672-2959

1005 Oak Street, Clayton, CA 94517-1315

www.permcoengineering.com



[Signature] 8/23/13
AUTHORIZED BY DATE
216-7412-00
VENDOR # ACCOUNT #
\$1281.00
AMOUNT CITY MANAGER APPROVAL
09-04-13



ENTERED

INVOICE NUMBER: 10049
PAGE NUMBER: 1
INVOICE DATE: 8/12/13
PROJECT NUMBER: C0010276
PERIOD COVERING: 7/27/13-8/9/13

CITY OF CLAYTON
6000 Heritage Trail
Clayton, California 94517

PROJECT: General Storm Water Tasks and Inspections

Prepare ^{updated} SWPPP for ^(maint) City Operations (in progress).

Time Charges:

	Category	Hours	Rate	Amount
0501	PRINCIPAL	10.50	122.00	\$ 1,281.00
0502	PROJECT MANAGER	0.00	99.00	0.00
0502	PROJECT ENGINEER	0.00	99.00	0.00
0509	PROJECT SURVEYOR	0.00	99.00	0.00
0504	DESIGN ENGINEER	0.00	76.25	0.00
0510	CONSTRUCTION INSPECTOR	0.00	76.25	0.00
0520	CADD OPERATOR	0.00	65.50	0.00
0513	ENGINEER TECH.	0.00	57.75	0.00
0517	CLERICAL	0.00	35.50	0.00
0511	2 MAN CREW	0.00	190.50	0.00

Subtotal Time Charges: \$ 1,281.00

Reimbursable Costs:

Printing:	0.00
Delivery/Postage	0.00
Subtotal	0.00
10% Markup	0.00
Subtotal Reimbursables:	\$ 1,281.00

TOTAL FOR INVOICE 10049: \$ 1,281.00

Phone: (925) 672-4590 Toll Free: (888) 343-7818 Fax: (925) 672-2959

1005 Oak Street, Clayton, CA 94517-1315

www.permcoengineering.com

To: Christopher G Rossi
5060 Discovery Point
Discovery Bay, CA 94505

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
09/05/2013	9/4/2013	Concert Mamaluke - 9/5/13	\$500.00	\$0.00	\$500.00
		Totals:	\$500.00	\$0.00	\$500.00

Item # FE35 To recider, please call Backland Forms at our toll free number 800.349.2376

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BANK OF AMERICA, NA
11-35/1210

6000 HERITAGE TRAIL, CLAYTON, CALIFORNIA 94517

029716

CHECK DATE CHECK NO.

9/4/2013 29716

CHECK AMOUNT

\$** 500.00

PAY

Five hundred and 00/100 Dollars

TO THE
ORDER
OF

Christopher G Rossi
5060 Discovery Point
Discovery Bay, CA 94505

VOID AFTER 6 MONTHS

AUTHORIZED SIGNATURE

MP

⑈029716⑈ ⑆121000358⑆ 09825⑈04799⑈

TO: JAMES DIAZ 8-29-13
FM: CHRIS ROSSI

San Antonio 9/4/13 CITY OF CLAYTON, CA
AUTHORIZED BY DATE CONCERTS IN THE GROVE
2421 1001-2750 MUSIC PERFORMANCE SERVICES AGREEMENT CITY OF CLAYTON
VENDOR# ACCOUNT#
\$500 09-14-13
AMOUNT CITY MANAGER APPROVAL
925-672-4917
(925) 673-7300

In entering into this Music Performance Service Agreement ("Agreement"), the City of Clayton ("City") and MamaLuke [insert performers'/band's name] ("Band") (collectively, the "parties" and each individually a "party"), do mutually agree and promise as follows:

1.) Performance Information

A. The Band shall perform as specified in this Agreement ("Performance") on Thursday September 5, 2013 ("Performance Date") in the "The Grove," which is an approximately 1-acre outdoor public park located at 6100 Main St., on (old) Marsh Creek Road between Main and Center Streets, in Clayton, California ("Property").

B. Performance Time: 7:00 p.m. ("Performance Start Time") to 8:30 p.m. ("Performance End Time"). *CM*

C. Performance Requirements: 2 sets, approximately 40 minutes each; 1 break of 10 minutes in duration between the two sets; and one encore of 15 minutes.

D. General Description of Music Genre: (i.e., Classical, Jazz, Rock and Roll, etc.)
Classic Rock

E. The Band includes: (i.e., singers/pieces/instruments/etc.)
Five (5) performers: Vocal, Lead & Rhythm Guitars, Bass, and Drums

F. Full Payment Amount: \$500.00 ("Performance Fee") *CM*

Payee name (*must be same as that on W-9*)

MamaLuke / Chris Rossi

Payee Address (*must be same as that on W-9*)

5060 Discovery Point

Discovery Bay, CA 94505-9523

G. Band Address: 5060 Discovery Point, Discovery Bay, CA 94505-9523

Phone: (925) 634-5211

Band Primary Contact Person:

Name: Chris Rossi Cell (206) 861-8259 email: chrossi@technoqvm.com

- 2.) Set Up and Clean Up. The Band shall arrive for set-up no earlier than 4:00 p.m. on the Performance Date. The Band shall completely remove all equipment from Property within one and one half hours following the Performance End Time, and in no event later than 9:30 p.m. on the Performance Date. The Band shall be solely responsible for its own set-up and tear-down of all personal property and



ENTERED

To: Ken Joiret
1542 Lavetta Way
Concord, CA 94521

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
09/05/2013	9/4/2013	Sound for Concert 9/5/13	\$500.00	\$0.00	\$500.00
		Totals:	\$500.00	\$0.00	\$500.00

Item # F836 To reorder, please call Blackboard Forms at our toll free number, 800-402-0076

THIS DOCUMENT CONTAINS A TRUE WATERMARK. HOLD TO LIGHT TO VERIFY WATERMARK



BANK OF AMERICA, NA
11-35/1210

029717

6000 HERITAGE TRAIL, CLAYTON, CALIFORNIA 94517

CHECK DATE CHECK NO.

9/4/2013 29717

CHECK AMOUNT

\$** 500.00

Five hundred and 00/100 Dollars

PAY

TO THE
ORDER
OF

Ken Joiret
1542 Lavetta Way
Concord, CA 94521

VOID AFTER 6 MONTHS

AUTHORIZED SIGNATURE

⑈029717⑈ ⑆121000358⑆ 09825⑈04799⑈



CITY OF CLAYTON

CONSULTING SERVICES AGREEMENT AUTHORIZED BY
(General)

Sanjiv Kumar 9/4/13
DATE
3042 601-2760-00 #7025
VENDOR # ACCOUNT #
\$500
AMOUNT CITY MANAGER APPROVAL
09-04-13

1. Special Conditions:

- A) Consultant's Name & Address: Ken Joiret
Address: 1549 Lavetta Way, Concord, CA 94521-1739
- B) Effective Date: July 11, 2013 C) Payment Limit: \$2,500.00 D) Expense Limit: \$0
- E) Completion Date: September 19, 2013
- F) Federal Tax ID or SSN: W-9 Completed and on file with the City of Clayton Finance Dept.

2. Signatures: These signatures attest the parties' agreement hereto:

CITY OF CLAYTON

CONSULTANT

BY: Gary Napper

BY: Ken Joiret

[Signature] 07-10-13
City Manager

[Signature]
(owner)

3. Parties: Effective on the above date, the City of Clayton ("City") and Consultant mutually agree and promise as follows.
4. Employment: City hereby employs MD Productions, as an independent agent, and Consultant accepts such employment, to perform the professional services described in Exhibit A included herein by reference, upon the terms and in consideration of the payments stated herein.
5. Scope of Service: Scope of services shall be as described in Proposal for 2013 Concerts in the Grove for the City of Clayton dated March 8, 2013 Exhibit A, attached hereto and made a part hereof by this reference.
6. Insurance: Consultant shall, at no cost to the City obtain and maintain during the term hereof: (a) Workers' Compensation Insurance as may be applicable pursuant to State Law (if applicable), and (b) Commercial General Liability Insurance and Automobile Liability Insurance including coverage for owned and non-owned automobiles. Both liability policy's shall have combined single limit coverage of at least \$1 million per occurrence for all damages due to bodily injury, sickness or disease, or death to any person and damage to property, including the loss of use thereof, arising out of each accident or occurrence. Consultant shall furnish evidence of such coverage, naming the City of Clayton, its agents, officers and employees as additional insured and requiring 30 days written notice of policy lapse or cancellation.
7. Payment: The City of Clayton shall pay the Consultant for professional services performed at the rate of \$500 per concert per schedule shown on Exhibit B, which include all overhead and incidental expenses, for which no additional compensation shall be allowed. In no event shall the total amount paid to the Consultant exceed the payment limit specified in Sec. 1 C) and D) without prior written approval of the City Manager. Payment shall be provided by the City at each concert at the conclusion of each concert date.
8. Status: Ken Joiret and any of its assistants or independent assistants and independent contractor(s) shall not be considered an employee of the City of Clayton.

CORPORATE ACCOUNT SUMMARY

CITY OF CLAYTON 4246 0445 5565 0674	Previous Balance	Purchases And Other + Charges	Cash Advances +	Cash Advance Fees +	Late Payment Charges	- Credits	- Payments	New Balance
Company Total	\$27,765.56	\$12,438.32	\$0.00	\$0.00	\$0.00	\$0.00	\$18,943.51	\$21,260.37

Payment of \$8,822.05 made 8/21/13 # 29705

MARKETING MESSAGES

Bal. \$12,438.32

to pay

As of May 31, 2013 U.S. Bank National Association ND is merging into U.S. Bank National Association. This merger will have no effect upon the services you receive from U.S. Bank.

CORPORATE ACCOUNT ACTIVITY

CITY OF CLAYTON
4246-0445-5565-0674

TOTAL CORPORATE ACTIVITY
\$18,943.51 CR

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-08	08-08	747982632200000000000017	PAYMENT - THANK YOU 00000 C	18,943.51 PY

NEW ACTIVITY

MARK JANNEY
4246-0400-1392-6722

CREDITS
\$0.00

PURCHASES
\$1,035.48

CASH ADV
\$0.00

TOTAL ACTIVITY
\$1,035.48

CUSTOMER SERVICE CALL

800-344-5696

ACCOUNT NUMBER

4246-0445-5565-0674

ACCOUNT SUMMARY

STATEMENT DATE

08/22/13

DISPUTED AMOUNT

.00

AMOUNT DUE

21,260.37

PREVIOUS BALANCE 27,765.56

PURCHASES & OTHER CHARGES 12,438.32

CASH ADVANCES .00

CASH ADVANCE FEES .00

LATE PAYMENT CHARGES .00

CREDITS .00

PAYMENTS 18,943.51

ACCOUNT BALANCE 21,260.37



Company Name: CITY OF CLAYTON
Corporate Account Number: 4246 0445 5565 0674
Statement Date: 08-22-2013

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-24	07-23	24246513204092102257513	ORCHARD SUPPLY #251 CONCORD CA	12.62
07-24	07-22	24316053204548587046756	SHELL OIL 57444673503 CONCORD CA	68.24
07-25	07-24	24246513205092104901919	ORCHARD SUPPLY #251 CONCORD CA	14.16
07-26	07-25	24246513206092115931219	ORCHARD SUPPLY #251 CONCORD CA	7.63
07-30	07-29	24246513210092103733613	ORCHARD SUPPLY #251 CONCORD CA	18.93
07-31	07-29	24431053211200551206278	TPH SUPPLY INC 650-548-1510 CA	59.78
08-06	08-05	24246513217092102648815	ORCHARD SUPPLY #251 CONCORD CA	45.31
08-07	08-06	24246513218092115198914	ORCHARD SUPPLY #251 CONCORD CA	27.76
08-09	08-07	24164073220105105083646	STAPLES 00113654 CONCORD CA	130.79
08-12	08-09	24246513222092104101816	ORCHARD SUPPLY #251 CONCORD CA	8.14
08-12	08-08	24492153221849774431071	PAYPAL *PAPA 402-935-7733 CA	80.00
08-12	08-08	24492153221849775121689	PAYPAL *PAPA 402-935-7733 CA	80.00
08-13	08-12	24246513224092102852012	ORCHARD SUPPLY #251 CONCORD CA	28.17
08-13	08-12	24246513224092102855213	ORCHARD SUPPLY #251 CONCORD CA	37.13
08-14	08-13	24246513225092102894518	ORCHARD SUPPLY #251 CONCORD CA	144.33
08-22	08-21	24246513233092102127919	ORCHARD SUPPLY #251 CONCORD CA	272.49

ED BRYCE
4246-0400-1392-6748

CREDITS
\$0.00

PURCHASES
\$1,018.00

CASH ADV
\$0.00

TOTAL ACTIVITY
\$1,018.00

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-24	07-22	24316053204548588046755	SHELL OIL 57444673503 CONCORD CA	99.00
07-26	07-24	24316053206548605028925	SHELL OIL 57444673503 CONCORD CA	91.70
07-29	07-26	24316053208548662042353	SHELL OIL 57444673503 CONCORD CA	30.18
07-29	07-26	24316053208548663042352	SHELL OIL 57444673503 CONCORD CA	99.00
07-31	07-29	24316053211548582026655	SHELL OIL 57444673503 CONCORD CA	62.25
08-02	07-31	24316053213548602014408	SHELL OIL 57444673503 CONCORD CA	85.96
08-02	07-31	24316053213548603014407	SHELL OIL 57444673503 CONCORD CA	99.00
08-08	08-06	24316053219548582035096	SHELL OIL 57444673503 CONCORD CA	36.40
08-14	08-12	24316053225548585001097	SHELL OIL 57444673503 CONCORD CA	85.00
08-15	08-13	24316053226548588008239	SHELL OIL 57444673503 CONCORD CA	60.00
08-19	08-15	24427333228120002671438	F & T VALERO CONCORD CONCORD CA	113.16
08-19	08-16	24427333229120002880434	F & T VALERO CONCORD CONCORD CA	50.00
08-22	08-20	24427333233120002425259	F & T VALERO CONCORD CONCORD CA	106.35

DAN JOHNSTON
4246-0400-1392-6755

CREDITS
\$0.00

PURCHASES
\$481.61

CASH ADV
\$0.00

TOTAL ACTIVITY
\$481.61

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-24	07-22	24316053204548581046760	SHELL OIL 57444673503 CONCORD CA	99.00
07-25	07-23	24316053205548585058711	SHELL OIL 57444673503 CONCORD CA	75.00
07-31	07-29	24316053211548583026654	SHELL OIL 57444673503 CONCORD CA	99.00
08-02	07-31	24427333213120002614823	F & T VALERO CONCORD CONCORD CA	110.95
08-19	08-15	24316053228548628000566	SHELL OIL 57444673503 CONCORD CA	97.66

RICHARD ENEA II
4246-0400-1392-6797

CREDITS
\$0.00

PURCHASES
\$586.87

CASH ADV
\$0.00

TOTAL ACTIVITY
\$586.87



Company Name: CITY OF CLAYTON

Corporate Account Number: 4246 0445 5565 0674

Statement Date: 08-22-2013

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-26	07-24	24316053206548605028826	SHELL OIL 57444673503 CONCORD CA	50.88
07-29	07-25	24316053207548624027386	SHELL OIL 57444673503 CONCORD CA	39.63
07-31	07-29	24316053211548586026560	SHELL OIL 57444673503 CONCORD CA	44.30
08-02	07-31	24316053213548602014333	SHELL OIL 57444673503 CONCORD CA	37.79
08-05	08-03	24316053216548604047247	SHELL OIL 57444673503 CONCORD CA	44.30
08-08	08-06	24316053219548586035019	SHELL OIL 57444673503 CONCORD CA	48.88
08-12	08-08	24316053221548617030043	SHELL OIL 57444673503 CONCORD CA	28.33
08-12	08-09	24316053222548664046065	SHELL OIL 57444673503 CONCORD CA	52.20
08-12	08-10	24316053223548604022894	SHELL OIL 57444673503 CONCORD CA	46.09
08-14	08-12	24316053225548587001004	SHELL OIL 57444673503 CONCORD CA	44.25
08-15	08-13	24316053226548584008423	SHELL OIL 57444673503 CONCORD CA	37.00
08-20	08-17	24316053231548558024706	SHELL OIL 57444673503 CONCORD CA	40.36
08-21	08-19	24316053232548587009412	SHELL OIL 57444673503 CONCORD CA	29.39
08-21	08-19	24316053232548588009676	SHELL OIL 57444673503 CONCORD CA	43.47

SCOTT DANSIE CREDITS PURCHASES CASH ADV TOTAL ACTIVITY
4246-0400-1392-6839 \$0.00 \$229.55 \$0.00 \$229.55

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-23	24316053205548587058636	SHELL OIL 57444673503 CONCORD CA	22.62
07-29	07-25	24316053207548625027385	SHELL OIL 57444673503 CONCORD CA	40.65
08-01	07-30	24316053212548586012098	SHELL OIL 57444673503 CONCORD CA	26.37
08-02	07-31	24316053213548603014332	SHELL OIL 57444673503 CONCORD CA	27.13
08-08	08-06	24316053219548587035018	SHELL OIL 57444673503 CONCORD CA	42.23
08-12	08-07	24316053221548618030042	SHELL OIL 57444673503 CONCORD CA	35.08
08-16	08-14	24316053227548593032603	SHELL OIL 57444673503 CONCORD CA	35.47

ALLEN WHITE CREDITS PURCHASES CASH ADV TOTAL ACTIVITY
4246-0400-1392-6847 \$0.00 \$113.96 \$0.00 \$113.96

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-16	08-14	24427333227120001921181	CORNER STORE 3812 MARTINEZ CA	46.56
08-19	08-18	24015173230001225262870	76 CONCORD CA	7.50
08-21	08-20	24015173232001351272923	76 CONCORD CA	59.90

RICHARD MCEACHIN CREDITS PURCHASES CASH ADV TOTAL ACTIVITY
4246-0400-1392-6862 \$0.00 \$1,651.21 \$0.00 \$1,651.21

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-24	07-22	24316053204548587046939	SHELL OIL 57444673503 CONCORD CA	22.70
07-30	07-29	24015173210001894196361	76 CONCORD CA	30.34
07-31	07-30	24492153211206799000013	CONTRA COSTA CO SHERIFF 925-427-8230 CA	278.00
07-31	07-30	24492153211206799000021	CONTRA COSTA CO SHERIFF 925-427-8230 CA	505.00
08-06	08-05	24275393217397400188633	IMAGE SALES INC 925-8493400 CA	106.37
08-07	08-06	24246513218092102673317	ORCHARD SUPPLY #251 CONCORD CA	11.65
08-08	08-06	24445743219100209336018	OFFICE DEPOT 1135 800-463-3768 CA	144.29
08-08	08-06	24492153219849635171365	PAYPAL *ECHAIRPARTS 402-935-7733 CA	21.45
08-08	08-07	24493983219207282100113	DESKTOP LABELS 763-533-9730 MN	25.81
08-14	08-12	24316053225548586001096	SHELL OIL 57444673503 CONCORD CA	22.98



Company Name: CITY OF CLAYTON
Corporate Account Number: 4246 0445 5565 0674
Statement Date: 08-22-2013

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-21	08-19	24316053232548581009681	SHELL OIL 57444673503 CONCORD CA	30.62
08-22	08-21	24275393234404800485525	CALIFORNIA PEACE OFFICERS 915-2630541 CA	452.00

LAURA HOFFMEISTER 4246-0400-1392-6870	CREDITS \$0.00	PURCHASES \$260.78	CASH ADV \$0.00	TOTAL ACTIVITY \$260.78
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Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-23	07-21	24164073203105160776960	STAPLES 00113654 CONCORD CA	104.03
08-12	08-11	24246513223092104134915	ORCHARD SUPPLY #251 CONCORD CA	156.75

SANDRO ARIAS 4246-0400-1392-6896	CREDITS \$0.00	PURCHASES \$1,082.71	CASH ADV \$0.00	TOTAL ACTIVITY \$1,082.71
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Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-29	07-26	24427333208120002862460	F & T VALERO CONCORD CONCORD CA	97.53
08-05	08-01	24316053214548625056856	SHELL OIL 57444673503 CONCORD CA	88.92
08-05	08-02	24316053215548671009410	SHELL OIL 57444673503 CONCORD CA	98.83
08-05	08-02	24316053215548672009419	SHELL OIL 57444673503 CONCORD CA	99.00
08-09	08-07	24316053220548605027945	SHELL OIL 57444673503 CONCORD CA	99.00
08-12	08-08	24316053221548614030129	SHELL OIL 57444673503 CONCORD CA	99.00
08-12	08-09	24316053222548663046157	SHELL OIL 57444673503 CONCORD CA	88.62
08-16	08-14	24316053227548594032685	SHELL OIL 57444673503 CONCORD CA	99.00
08-16	08-14	24316053227548595032684	SHELL OIL 57444673503 CONCORD CA	99.00
08-19	08-16	24316053229548661053893	SHELL OIL 57444673503 CONCORD CA	64.81
08-19	08-16	24316053229548662053892	SHELL OIL 57444673503 CONCORD CA	99.00
08-19	08-16	24316053229548666054110	SHELL OIL 57444673503 CONCORD CA	50.00

LACI JACKSON 4246-0400-1392-6912	CREDITS \$0.00	PURCHASES \$2,197.42	CASH ADV \$0.00	TOTAL ACTIVITY \$2,197.42
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Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-24	24431053205200988400963	KELLY-01 SFS SANTA FE SPR/ CA	270.32
07-26	07-24	24736933206001575015907	MOOSE METAL CONCORD CA	237.62
07-29	07-25	24445743207100217692935	OFFICE DEPOT 1135 800-463-3768 CA	53.65
07-29	07-25	24445743207100217693016	OFFICE DEPOT 1135 800-463-3768 CA	8.88
08-05	08-01	24639233214900010000247	CENTRAL SELF STORAGE CONC 925-6893238 CA	96.00
08-08	08-06	24164073219105173099279	STAPLES 00113654 CONCORD CA	30.51
08-08	08-06	24445743219100209336190	OFFICE DEPOT 1135 800-463-3768 CA	48.59
08-08	08-06	24445743219100209336273	OFFICE DEPOT 1135 800-463-3768 CA	23.31
08-09	08-07	24223693220701209627520	R-COMPUTER PLEASANT HILL CA	189.06
08-16	08-14	24301373227118000168678	CALIFORNIA SOCIETY OF MUN 916-2312137 CA	225.00
08-16	08-15	24493983227200595000013	WESTERN CITY MAGAZINE 916-658-8223 CA	400.00
08-22	08-20	24164073233221012891164	SAFEWAY STORE00011957 CLAYTON CA	5.98
08-22	08-21	241640732332255006894693	SUBWAY 03420791 CLAYTON CA	13.50
08-22	08-21	24431063234206361200049	JOBS AVAILABLE INC 209-576-1249 CA	595.00



Company Name: CITY OF CLAYTON

Corporate Account Number: 4246 0445 5565 0674

Statement Date: 08-22-2013

NEW ACTIVITY

JASON SHAW
4246-0400-1392-6920CREDITS
\$0.00PURCHASES
\$449.12CASH ADV
\$0.00TOTAL ACTIVITY
\$449.12

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-25	07-23	24316053205548586058710	SHELL OIL 57444673503 CONCORD CA	41.19
07-30	07-28	24316053210548558028272	SHELL OIL 57444673503 CONCORD CA	49.29
08-01	07-30	24316053212548588012161	SHELL OIL 57444673503 CONCORD CA	39.85
08-06	08-04	24316053217548565017782	SHELL OIL 57444673503 CONCORD CA	38.30
08-08	08-06	24316053219548583035095	SHELL OIL 57444673503 CONCORD CA	44.20
08-12	08-08	24316053221548615030128	SHELL OIL 57444673503 CONCORD CA	36.69
08-12	08-10	24316053223548602022615	SHELL OIL 57444673503 CONCORD CA	36.66
08-12	08-09	24493983222200457400066	POSTAL ANNEX 97 CLAYTON CA	22.12
08-19	08-17	24015173229001149957848	76 CONCORD CA	63.45
08-19	08-17	24015173229001154431903	76 CONCORD CA	7.50
08-19	08-18	24015173230001225262839	76 CONCORD CA	7.50
08-19	08-16	24316053229548663053891	SHELL OIL 57444673503 CONCORD CA	37.43
08-20	08-19	24435653232091156001273	JACK IN THE BOX 414 PLEASANT HILL CA	9.31
08-22	08-20	24761973233200988400125	CROWNE PLAZA ATRIUM & CONCORD CA	15.63

RUSS EDDY
4246-0400-1392-6946CREDITS
\$0.00PURCHASES
\$40.50CASH ADV
\$0.00TOTAL ACTIVITY
\$40.50

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-19	08-17	24015173230001204142044	76 CONCORD CA	40.50

DAREN BILLINGTON
4246-0400-1488-5976CREDITS
\$0.00PURCHASES
\$303.10CASH ADV
\$0.00TOTAL ACTIVITY
\$303.10

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-24	07-22	24316053204548586046690	SHELL OIL 57444673503 CONCORD CA	55.48
07-29	07-25	24316053207548621027488	SHELL OIL 57444673503 CONCORD CA	52.93
07-30	07-28	24316053210548551028287	SHELL OIL 57444673503 CONCORD CA	42.41
08-05	08-01	24316053214548626056855	SHELL OIL 57444673503 CONCORD CA	48.07
08-14	08-12	24316053225548588001003	SHELL OIL 57444673503 CONCORD CA	45.06
08-19	08-16	24015173228001073935738	76 CONCORD CA	7.50
08-19	08-16	24316053229548664053890	SHELL OIL 57444673503 CONCORD CA	51.65

ALLAN PIKE
4246-0400-1546-0803CREDITS
\$0.00PURCHASES
\$116.80CASH ADV
\$0.00TOTAL ACTIVITY
\$116.80

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-29	07-25	24316053207548625027690	SHELL OIL 57444673503 CONCORD CA	39.90
07-29	07-27	24316053209548591044651	SHELL OIL 57444673503 CONCORD CA	54.75
07-29	07-27	24316053209548596044896	SHELL OIL 57444673503 CONCORD CA	22.15



Company Name: CITY OF CLAYTON
Corporate Account Number: 4246 0445 5565 0674
Statement Date: 08-22-2013

NEW ACTIVITY

TODD SORRELL **CREDITS** **PURCHASES** **CASH ADV** **TOTAL ACTIVITY**
4246-0400-1559-0260 \$0.00 \$259.02 \$0.00 \$259.02

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-29	07-27	24316053209548591044552	SHELL OIL 57444673503 CONCORD CA	52.56
08-05	08-02	24316053215548678009603	SHELL OIL 57444673503 CONCORD CA	55.45
08-06	08-04	24316053217548562017710	SHELL OIL 57444673503 CONCORD CA	46.11
08-19	08-15	24316053228548622000778	SHELL OIL 57444673503 CONCORD CA	52.15
08-19	08-17	24316053230548607006101	SHELL OIL 57444673503 CONCORD CA	52.75

WENDY RODEN **CREDITS** **PURCHASES** **CASH ADV** **TOTAL ACTIVITY**
4246-0400-1657-2416 \$0.00 \$554.42 \$0.00 \$554.42

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-01	07-30	24088023212212125288805	AEDS TODAY 888-9707799 CO	104.55
08-01	07-31	24210733213207331100087	GLOCK PROFESSIONAL INC 770-319-4794 GA	195.00
08-05	08-02	24445743215100195619264	OFFICE DEPOT #5125 800-463-3768 CA	42.88
08-05	08-02	24445743215100195619348	OFFICE DEPOT 1135 800-463-3768 CA	84.00
08-12	08-08	24121573221581756003689	DASH MEDICAL GLOVES 800-5232055 WI	68.25
08-15	08-13	24445743226100206993507	OFFICE DEPOT 1135 800-463-3768 CA	32.99
08-16	08-14	24445743227100223922280	OFFICE DEPOT 1135 800-463-3768 CA	26.75

CHRISTOPHER W THORSEN **CREDITS** **PURCHASES** **CASH ADV** **TOTAL ACTIVITY**
4246-0400-1866-2553 \$0.00 \$169.69 \$0.00 \$169.69

Post Date	Tran Date	Reference Number	Transaction Description	Amount
08-01	07-30	24750763212400006380035	CRYSTAL CLEAR LOGOS ANTIOCH CA	97.04
08-07	08-06	24015173218000399267380	76 CONCORD CA	7.50
08-15	08-14	24015173226000938491962	76 CONCORD CA	65.15

ANDRE W CHARLES **CREDITS** **PURCHASES** **CASH ADV** **TOTAL ACTIVITY**
4246-0400-1872-6705 \$0.00 \$337.48 \$0.00 \$337.48

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-23	07-21	24316053203548553053340	SHELL OIL 57444673503 CONCORD CA	48.01
07-26	07-24	24015173206001584440240	76 CONCORD CA	41.72
08-05	08-02	24316053215548671009337	SHELL OIL 57444673503 CONCORD CA	50.83
08-06	08-04	24316053217548563017719	SHELL OIL 57444673503 CONCORD CA	42.54
08-12	08-09	24316053222548665046064	SHELL OIL 57444673503 CONCORD CA	42.15
08-13	08-11	24316053224548551042746	SHELL OIL 57444673503 CONCORD CA	42.46
08-19	08-15	24316053228548623000777	SHELL OIL 57444673503 CONCORD CA	34.66
08-19	08-17	24316053230548608005789	SHELL OIL 57444673503 CONCORD CA	35.11

SANDRA S JOHNSON **CREDITS** **PURCHASES** **CASH ADV** **TOTAL ACTIVITY**
4246-0400-1872-6747 \$0.00 \$132.83 \$0.00 \$132.83



Company Name: CITY OF CLAYTON

Corporate Account Number: 4246 0445 5565 0674

Statement Date: 08-22-2013

NEW ACTIVITY

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-30	07-29	24164073210418225493526	USPS 05159603133502543 CLAYTON CA	30.55
08-02	08-01	24164073213418225494075	USPS 05159603133502543 CLAYTON CA	12.22
08-02	07-31	24316053213548604014406	SHELL OIL 57444673503 CONCORD CA	59.51
08-09	08-08	24164073220418205488338	USPS 05159603133502543 CLAYTON CA	12.22
08-16	08-15	24164073227418165495763	USPS 05159603133502543 CLAYTON CA	12.22
08-21	08-20	24164073232418195496552	USPS 05159603133502543 CLAYTON CA	6.11

	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
TIM MARCHUT 4246-0441-0105-4355	\$0.00	\$336.99	\$0.00	\$336.99

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-23	07-21	24316053203548554053349	SHELL OIL 57444673503 CONCORD CA	63.34
07-29	07-27	24316053209548592044551	SHELL OIL 57444673503 CONCORD CA	47.76
07-30	07-28	24316053210548554028201	SHELL OIL 57444673503 CONCORD CA	24.36
08-05	08-02	24316053215548672009336	SHELL OIL 57444673503 CONCORD CA	45.85
08-06	08-04	24316053217548564017718	SHELL OIL 57444673503 CONCORD CA	42.04
08-12	08-10	24316053223548608022528	SHELL OIL 57444673503 CONCORD CA	40.86
08-13	08-11	24316053224548552042745	SHELL OIL 57444673503 CONCORD CA	33.14
08-19	08-16	24316053229548662053801	SHELL OIL 57444673503 CONCORD CA	39.64

	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
JOHN JOHNSTON 4246-0441-0190-2892	\$0.00	\$1,080.78	\$0.00	\$1,080.78

Post Date	Tran Date	Reference Number	Transaction Description	Amount
07-24	07-23	24246513204092103605512	ORCHARD SUPPLY #251 CONCORD CA	16.76
07-24	07-23	24692163204000521206287	LOWES #02604* CONCORD CA	310.34
07-25	07-24	24388943205230137805817	BILLS ACE(925)228-6150 CONCORD CA	32.21
07-29	07-27	24246513208092103681717	ORCHARD SUPPLY #251 CONCORD CA	139.48
07-29	07-27	24316053209548592044650	SHELL OIL 57444673503 CONCORD CA	81.91
07-30	07-29	24246513210092102437414	ORCHARD SUPPLY #251 CONCORD CA	47.93
07-31	07-30	24246513211092115050518	ORCHARD SUPPLY #251 CONCORD CA	90.42
08-05	08-02	24246513214092102566010	ORCHARD SUPPLY #251 CONCORD CA	60.33
08-05	08-02	24246513214092102567711	ORCHARD SUPPLY #251 CONCORD CA	10.54
08-05	08-02	24246513214092104003814	ORCHARD SUPPLY #251 CONCORD CA	88.26
08-05	08-02	24246513214092104004515	ORCHARD SUPPLY #251 CONCORD CA	49.04
08-05	08-02	24246513215092102574419	ORCHARD SUPPLY #251 CONCORD CA	65.36
08-05	08-01	24299103214000111364364	7-ELEVEN 32604 CONCORD CA	87.12
08-05	08-03	24388943216230139237909	BILLS ACE(925)228-6150 CONCORD CA	1.08

Department: 00000 Total:
Division: 00000 Total:

\$12,438.32
\$12,438.32

CalCard List (in order by account number)				
Statement Date: 8/22/13				
Amount Billed	Rec'd	Name	Department	Notes
\$ -	☐	Gary Napper	Admin	
\$ 1,035.48	☐	Mark Janney	PW	
\$ -	☐	Merry Pelletier	Admin	
\$ 1,018.00	☐	Ed Bryce	PW	
\$ 481.61	☐	Dan Johnston	PW	
\$ 586.87	☐	Richard Enea	PD	
\$ 229.55	☐	Scott Dansie	PD	
\$ 113.96	☐	Allen White	PD	
\$ 1,651.21	☐	Richard McEachin	PD	
\$ 260.78	☐	Laura Hoffmeister	Admin	
\$ 1,082.71	☐	Sandro Arias	PW	
\$ 2,197.42	☐	Laci Jackson	Admin	
\$ 449.12	☐	Jason Shaw	PD	
\$ 40.50	☐	Russ Eddy	PD	
\$ 303.10	☐	Daren Billington	PD	
\$ 116.80	☐	Allan Pike	PD	
\$ 259.02	☐	Todd Sorrell	PD	
\$ 554.42	☐	Wendy Roden	PD	
\$ 169.69	☐	Chris Thorsen	PD	
\$ 337.48	☐	Andre Charles	PD	
\$ 132.83	☐	Sandy Johnson	PD	
\$ 336.99	☐	Tim Marchut	PD	
\$ 1,080.78	☐	John Johnston	PW	
n/a		Adjustments		
Total Payment		\$	12,438.32	
Total Admin	\$ 2,458.20			
Total PW	\$ 4,698.58	\$	12,438.32	
Total PD	\$ 5,281.54			



Agenda Date: 9/17/13

Agenda Item: 4(c)

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

DATE: September 17, 2012

SUBJECT: CONSERVANCY DEFENSE AND INDEMNIFICATION AGREEMENT

RECOMMENDATION

By minute motion, authorize the City Attorney to sign the Defense and Indemnification Agreement with the East Contra Costa County Habitat Conservancy (Conservancy). The agreement requires the Conservancy to defend and indemnify the City from challenges to mitigation fees imposed to implement the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan (Plan).

BACKGROUND

In 2007, the City along with the cities of Brentwood, Oakley, Pittsburg and the County formed the Conservancy, a joint powers authority, to implement the Plan. At that time, the City and other members of the Conservancy adopted Plan implementation fees. These fees were recently adjusted by the Conservancy on June 27th of this year. The Conservancy and Pittsburg have received comments indicating that some may seek to challenge the fees and the upcoming periodic accounting of the fees.

Given the likelihood of litigation, the Conservancy and its members are in the process of executing a Joint Defense Agreement that would protect the confidentiality of defense communications among the Conservancy and its members. The City previously signed that agreement. The Conservancy has now requested that the City and other members also execute the enclosed Defense and Indemnification Agreement that would require the Conservancy to bear the cost of any legal challenge to the Plan implementation fees or review.

DISCUSSION

The City Attorney has discussed the Defense and Indemnification Agreement with the Conservancy's and its other members' counsel. The parties have negotiated a draft agreement which is being presented for the City Council's approval. This agreement will ensure that the Conservancy defends and indemnifies the City and other member agency regarding any challenge to the Plan fees or review. This will ensure that the cost of this litigation is shared among the parties and no single member agency is forced to bear the cost of litigation that would affect all members. As such, staff recommends that the City Council authorize the City Attorney to execute the agreement on the City's behalf.

FISCAL IMPACT

None. However, the agreement will ensure the members of the Conservancy share the cost of litigation challenging the Plan implementation fees and review.

Attachment: Defense and Indemnification Agreement

DEFENSE AND INDEMNIFICATION AGREEMENT

This Defense and Indemnification Agreement ("Agreement") is entered into by and among County of Contra Costa, a political subdivision of the State of California ("County"), and the cities of Brentwood ("Brentwood"), Clayton ("Clayton"), Oakley ("Oakley"), Pittsburg ("Pittsburg"), each a municipal corporation (individually a "Participating Agency" and together "Participating Agencies"), and the East Contra Costa County Habitat Conservancy ("Conservancy"), by and through their undersigned counsel, including all employees, agents, representatives, legal assistants, staff, and agents of such counsel (collectively, the "Parties," and each a "Party"). This Agreement is dated August 22, 2013 for the convenience of the Parties. The Agreement takes effect upon execution as provided for in Paragraph 7.

RECITALS

- A. In 2007, the Cities and County formed a joint powers authority (the Conservancy) for purposes of implementing the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan ("Plan") as authorized under state and federal law.
- B. In 2007, the Cities and County adopted Plan implementation fees pursuant to the Plan ("2007 Fees"), and
- C. The Conservancy has completed an evaluation of existing Plan implementation fees and Conservancy expenditures and has recommended an updated implementation fee schedule for adoption by the Participating Agencies (the "2013 Fees") , and
- D. Interested parties have submitted written and oral comments to the Conservancy and City of Pittsburg which assert legal error with respect to the existing Plan and

fees, the proposed fee changes, and the required periodic review of habitat fees and Conservancy expenses, and

- E. The Parties have concluded that there is a substantial likelihood of (a) continued administrative challenges and (b) litigation to be filed against the Conservancy, Cities and County collectively and/or individually, challenging the proposed and existing fees, as well as a potential legal challenge to the Plan and the Conservancy's actions and recommendations (individually and together the "Covered Action," as defined in paragraph 2, below). The comments made by these third parties pertain to facts and legal issues common to the Parties, and the Parties, as anticipated potential defendants, and the Conservancy acknowledge that they share a common interest in defending against claims made by third parties, and they may wish to make joint efforts in preparation against any defense of anticipated actions or proceedings.
- F. The Parties have informally cooperated as to the overall actions of the Conservancy, the Plan, along with the proposed revisions to existing fees as well as the required periodic accounting. The Parties wish to continue pursuing their separate, but common, interests in connection with the defense of the Plan, existing fees and proposed fees and the periodic accounting while sharing otherwise privileged information relevant to collective interests, and to make clear that, in doing so, they do not waive nor intend to waive any applicable privilege or other protection, whether attorney-client privilege, the work product doctrine, or any other protection available by law.

THEREFORE, in consideration of the mutual covenants herein contained, the Parties

agree as follows:

1. Cooperation in Defense in Any Future Action. The Parties shall cooperate in any Covered Action, as defined in paragraph 2, below, by and through their respective attorneys, and shall be subject to the terms of this Agreement.

2. Scope of Covered Actions. Actions covered by this Agreement (each a “Covered Action”) involve any claim, action, or proceeding brought against a Participating Agency which seeks to invalidate (including injunctive and declaratory relief), either *facially* or *as applied* to an individual property owner or applicant, any of the following:

- A. The Plan.
- B. The Participating Agency’s 2007 Fees.
- C. The Participating Agency’s 2013 Fees, provided that the 2013 Fees conform to the recommendation of the Conservancy Board as adopted on June 27, 2013.
- D. The five year accounting as required by Government Code section 66001 as performed in 2013.

A Covered Action does not include: (1) any claim, action, or proceeding brought solely on grounds that the Participating Agency failed to satisfy all procedural steps (e.g. public notice, hearing, availability of public documents) in advance of the adoption of the 2013 Fees; or (2) any claim arising from the intentional misconduct of the Participating Agency’s officers or employees.

3. Defense and Indemnity.

A. Conservancy agrees to defend, indemnify, and hold harmless each Participating Agency, its agents, officers and employees from any claim, action, or proceeding against the Participating Agency or its agents, officers or employees for any Covered Action, as

defined in paragraph 2, or actions seeking to impose personal liability against such officers, agents, or employees resulting from their involvement in any and all proceedings or actions taken by a Participating Agency in connection with the any Covered Action, as defined in paragraph 2 of this Agreement. The Conservancy's duty to defend, indemnify, and hold harmless each Participating Agency shall include any claim for attorney's fees, costs of court, or expenses of litigation claimed by or awarded to any third-party in the Covered Action.

B. The Participating Agency will promptly notify Conservancy of any such claim, action, or proceeding which comes to the agency's attention.

C. Through legal counsel, Conservancy shall keep the defendant Participating Agency informed of the status of litigation, and at the option of the defendant Participating Agency, shall periodically consult with respect to the litigation. At the option of the defendant Participating Agency, the attorneys for the Conservancy and the Participating Agency's attorneys will jointly determine litigation strategy in any claim, action, or proceeding. At the option of the defendant Participating Agency and at no additional cost to the Conservancy, the defendant Participating Agency's attorneys will participate with the Conservancy's attorneys in any portion of the claim, action, or proceeding, including reviewing pleadings prior to filing, and participation in settlement discussions, mediation, and settlement conferences.

D. The Conservancy and each defendant Participating Agency will cooperate to negotiate mutually agreeable terms of settlement of any claim, action or proceeding involving a Covered Action. Conservancy shall not be required to pay or perform any settlement of such claim, action, or proceeding unless the settlement is approved in writing by Conservancy or its

designees and the Participating Agency shall not be required to pay or perform any settlement of such claim, action, or proceeding unless the settlement is approved in writing by Participating Agency. Each Participating Agency shall retain complete discretion to approve or disapprove any proposed settlement of any claim, action, or proceeding involving a Covered Action. The Participating Agency shall not be required to consent to any settlement of such claim, action, or proceeding that imposes any financial liability upon the Participating Agency unless Conservancy agrees to fully assume, pay, and discharge such liability at no cost to the Participating Agency, and provides the Participating Agency with adequate security to ensure that such liability will be fully paid and discharged by the Conservancy. In the event that a Participating Agency and the Conservancy are unable to agree upon the terms and conditions of a settlement, a Participating Agency shall have the option to settle the Covered Action on terms within its sole discretion, however, the Conservancy shall not be required to pay any sums as part of the settlement.

E. The Parties shall cooperate with each other. A Participating Agency subject to a Covered Action and this Agreement shall, at no expense to the Conservancy, provide staff other than legal staff as reasonably necessary to respond to the litigation.

F. A Participating Agency may, at its sole discretion and its sole expense, elect to participate in the defense of any Covered Action.

G. The Conservancy may elect to provide defense of matters not defined as a Covered Action which are filed in conjunction with a Covered Action. The Conservancy shall promptly notify a Participating Agency, in writing, of any limitation of coverage under this Agreement.

H. These defense and indemnity provisions shall constitute the sole and

exclusive remedy for any claim that each Participating Agency may have against Conservancy arising out of or related to any claim, action, or proceeding against a Participating Agency or its agents, officers or employees for any Covered Action as defined in paragraph 2.

4. Independent Representation. Nothing in this Agreement shall be construed to affect, constrain, or inhibit the separate and independent representation of each Party by its respective counsel according to what counsel believes to be in that Party's best interests. The Parties recognize each other's right to conduct separate research, investigations and witness interviews, and devise separate legal strategies, without necessarily sharing any such information with any other Party to this Agreement. Nothing contained herein shall be deemed to create an attorney-client relationship between any Party and any attorney that does not represent that Party.

5. No Disqualification of Counsel. The fact that any counsel has executed this Agreement on behalf of a Party shall not be used as a basis for seeking to disqualify such counsel from representing that Party in any proceeding, and no counsel who has executed this Agreement on behalf of a Party shall be disqualified from examining or cross-examining any other Party's witnesses who testify in any proceeding because of such counsel's execution of the Agreement. The Parties further agree that each Party's attorneys may examine or cross-examine any other Party's witnesses who testify in any judicial proceeding.

6. Termination.

A. A Party may withdraw from this Agreement at any time by notifying counsel for the other Parties of its withdrawal from the Agreement which will thereupon be terminated as to that Party.

B. This Agreement shall expire upon the formal action of the Conservancy Board to recommend updated implementation fees, which is currently scheduled for review in

2016.

7. Addition of Parties. This Agreement shall be binding upon and as between the Parties executing it. This Agreement shall take effect upon execution by at least two Parties, and shall take effect as to each other Party on the date that Party executes it. The inclusion of the signature blocks is for convenience only, and the execution by all named Parties is not a condition precedent to its legal effectiveness. Upon written consent each Party that has executed this Agreement, parties other than those listed may be permitted to join in this Agreement in the future.

8. Modification. No modification of this Agreement shall be effective unless it is in writing and signed by all Parties that, at the time the modification is made, are signatories to this Agreement,

9. No Waiver. No Party shall have the authority to waive any applicable privilege or doctrine on behalf of any other Party. No waiver of any privilege or doctrine by the conduct of any Party shall be applicable to any other Party.

10. No Third-Party Beneficiaries. Unless specifically set forth, nothing in this Agreement is intended to, nor shall it be construed to, create rights inuring to the benefit of third parties.

11. Governing Law. This Agreement shall be governed by the laws of the State of California.

12. Authority. Each of the undersigned attorneys has been authorized by the Party that he or she represents to execute this Agreement on behalf of that Party .

13. Counterparts and Facsimile Signatures. This Agreement may be executed in counterparts. A scanned or facsimile copy containing an authorized signature shall be deemed an original.

14. Existing Agreements Remain in Effect. As to each Party to this Agreement that signed the Joint Defense Agreement dated _____, this Agreement is supplemental to that prior agreement.

IN WITNESS WHEREOF the following counsel hereby execute and deliver this Agreement on behalf of themselves and their respective clients.

CHRIS BEALE
CONSERVANCY COUNSEL

By: Chris Beale
Attorneys for EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

Dated: _____, 2013

SHARON L. ANDERSON
COUNTY COUNSEL

By: Tom Geiger
Assistant County Counsel
Attorneys for CONTRA COSTA COUNTY

Dated: _____, 2013

DAMIEN BROWER

By: Damian Brower
City Attorney
Attorneys for CITY OF BRENTWOOD

Dated: _____, 2013

MALATHY SUBRAMANIAN

By: Malathy Subramanian
City Attorney
Attorneys for CITY OF CLAYTON

Dated: _____, 2013

DEREK COLE

By: Derek Cole
City Attorney
Attorneys for CITY OF OAKLEY

Dated: _____, 2013

RUTHANN ZIEGLER

By: Ruthann Ziegler
City Attorney
Attorneys for CITY OF PITTSBURG

Dated: _____, 2013

declaring

SEPTEMBER 2013

"PERSONAL AND COMMUNITY PREPAREDNESS MONTH"

Agenda Date: 9/17/13

Agenda Item: 5(a)

WHEREAS, National Preparedness Month is sponsored by the U. S. Department of Homeland Security and Citizen Corps. National Preparedness Month is held every September and its purpose is to encourage Americans to prepare for emergencies that can occur in their homes, businesses and communities for any type of emergency, including natural disasters and potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses and communities can reduce fatalities and negative economic impacts on our communities and in our nation; and

WHEREAS, the City of Clayton promotes public awareness by reminding our residents to take time to coordinate simple steps to prepare for emergencies, including getting an emergency supply kit, making a family disaster plan, being informed about the types of incidents that can occur in our community, both natural and man-made; and

WHEREAS, the City of Clayton is Community Emergency Response Teams (CERT) have contributed swiftly and remarkably to the preparedness of the Clayton community through their efforts in both disaster preparedness and the Heart Safe Community initiative.

NOW, THEREFORE, BE IT RESOLVED, that I, Julie K. Pierce, Mayor, on behalf of the Clayton City Council, do hereby proclaim September 2013 as "Personal and Community Preparedness Month" and hereby support the education and preparation of Clayton Community members so each might be more prepared and self-reliant in the event a disaster or emergency incident.

Agenda Date: 9/17/13

Agenda Item: 5(b)

Declaring September 17 - 23, 2013 as "U.S. Constitution Week"

WHEREAS, September 17, 2013 marks the two hundred twenty-sixth anniversary of the drafting of the Constitution of the United States of America by the 1787 Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebration which will commemorate the occasion; and

WHEREAS, as the preamble to the Constitution states "*We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America,*" and

WHEREAS, our Constitution has proven to be an enduring document and powerful framework for establishing and preserving liberty, justice, and opportunity for all of our citizens, and is a shining example to the world; and

WHEREAS, the City of Clayton is eternally grateful to those Americans who daily defend the principles of democracy and freedom guaranteed by this Constitution.

NOW THEREFORE, I, Julie K. Pierce, Mayor, on behalf of the Clayton City Council, do hereby proclaim September 17 through September 23, 2013 as "U.S. Constitution Week" and urge all community members to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

declaring

Agenda Date: 9/17/13

September 22 - 28, 2013

Agenda Item: 5(c)

"Falls Prevention Awareness Week"

WHEREAS, nearly 190,000 people, or 18 percent of Contra Costa County's 1,079,597 population, are age 60 or older; and

WHEREAS, nationally each year, one in every three adults age 65 and older falls; falls are the leading cause of injury death among seniors; and every 35 minutes, an older adult dies from a fall; and

WHEREAS, falls are the most common cause of nonfatal injuries and hospital admissions for trauma, causing injuries such as hip fractures and head traumas; and fall-related injury is one of the 20 most expensive medical conditions; and

WHEREAS, according to a 2010, report, almost half (49.3%) of Contra Costa County's unintentional injury hospitalizations occurred among residents 65 years and older; and over three-quarters (75.9%) of these hospitalizations were due to falls; and

WHEREAS, county residents 65 years and older had the highest unintentional injury hospitalizations in the county due to falls, followed by motor vehicle traffic accidents (13.5%) and poisonings (7.5%); and

WHEREAS, falling and the fear of falling can lead to depression, isolation, diminished mobility, and loss of functional independence; and

WHEREAS, concentrated efforts are being made in Contra Costa County by the Fall Prevention Coalition to reduce falls and fall related injuries using multi-faceted interventions; and

WHEREAS, Senate Concurrent Resolution SCR 77 of May 28, 2008 declares the first week of fall each year as Fall Prevention Awareness Week in California, and the Federal Safety of Seniors Act of 2007 calls for the expansion of public health programs, educational outreach, and research activities related to fall prevention.

NOW THEREFORE BE IT RESOLVED that I, Julie K. Pierce, Mayor, on behalf of the Clayton City Council, do hereby proclaim the week of September 23-28, 2013 as "FALL PREVENTION AWARENESS WEEK", in the City of Clayton, and call upon our citizens and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.



Agenda Date: 9/17/13

Agenda Item: 8(a)

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHARLIE MULLEN, COMMUNITY DEVELOPMENT DIRECTOR *CM*

DATE: SEPTEMBER 17, 2013

SUBJECT: PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING PORTIONS OF TITLE 17 OF THE CLAYTON MUNICIPAL CODE, ESTABLISHING REGULATIONS FOR EMERGENCY SHELTERS, AND SPECIFICALLY ESTABLISHING EMERGENCY SHELTERS AS A PERMITTED USE IN THE PUBLIC FACILITIES (PF) ZONING DISTRICT, PURSUANT TO STATE SENATE BILL 2 (ZOA-04-13).

RECOMMENDATION

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

BACKGROUND

On April 20, 2010 the Clayton City Council adopted Resolution No. 12-2010 approving an Initial Study/Negative Declaration prepared for the Clayton 2009-2014 Housing Element pursuant to the provisions of the California Environmental Quality Act (CEQA) and approving the Clayton 2009-2014 Housing Element.

On July 15, 2010 the State Department of Housing and Community Development (HCD) conditionally certified the state-mandated Clayton 2009-2014 Housing Element based on the City enacting over 30 categories of implementation measures.

Some of the implementation measures require on-going voluntary City actions and commitments while other implementation measures are mandatory and require actual Zoning and General Plan amendments. Over the past several years City staff has brought forth most of the mandatory Zoning and General Plan amendments to the Planning Commission and City Council for consideration and approval.

However, under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element (see attached excerpts) and pursuant to State Senate Bill 2 (2007), the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject to objective development and management standards, as required by applicable state law. The State's purpose behind this emergency shelter requirement is to make every community responsible for addressing their homeless person needs, regardless if it has any documented homeless persons, even though according to the "Homeless" section of our 2009-2014 Housing Element (see attached excerpts) there were no documented homeless individuals identified as residents of Clayton in the 2009 survey conducted by the Contra Costa County Homeless Program.

Recently, Pacific Municipal Consultants (PMC), the City's 2014-2022 Housing Element update consultant, identified the emergency shelter provision as the one remaining unresolved item that is still required to be completed before we can move forward with the mandatory 2014-2022 Housing Element update cycle. According to our consultant, to do otherwise (no action) would cause the reviewing state agency (HCD) to defer and delay consideration of our new Housing Element Update until the City completed this Implementation Measure from the 2009-2014 cycle.

This remaining outstanding implementation measure is a State mandate pursuant to Senate Bill 2, and requires all California cities (including Clayton) to amend their Zoning Ordinance to allow "Emergency Shelters" by right as a permitted use in at least one zoning district. The Bill also requires that "Emergency Shelters" be subject to the same base development standards of that zone; except that cities may, if they wish, establish objective development and management standards for emergency shelters.

Planning Commission Action

On August 27, 2013, the Planning Commission conducted a noticed public hearing and after considering the proposed Emergency Shelter Ordinance, adopted Resolution No. 06-13 recommending City Council approval of the Ordinance, amending a portion of Title 17 of the Clayton Municipal Code, establishing regulations for Emergency Shelters, and specifically establishing Emergency Shelters as a permitted use in the Public Facilities (PF) Zoning District, pursuant to State Senate Bill 2. No members of the public spoke on this matter.

The City Council is also referred to the attached August 27, 2013, Planning Commission staff report and meeting minutes for more detail on the proposed Emergency Shelter Ordinance.

DISCUSSION

The proposed City-initiated Ordinance to amend a portion of Title 17 of the Clayton Municipal Code will comprehensively address this State mandate and establish local control and regulation to the maximum extent permitted by State law. In preparation, staff has reviewed State Law (SB 2; 2007 statute), our current Housing Element and previous City staff reports and files. In addition, staff has researched what other communities have done in regards to emergency shelters. Specifically, staff has researched the local and regional communities of Concord, Mountain View, Pittsburg, Pleasant Hill, Santa Cruz, and Walnut

Creek, and statewide the communities of Costa Mesa, Laguna Hills, Mission Viejo, Orange, Red Bluff, and Ventura.

Based on that research staff has prepared the attached Ordinance amending a portion of Title 17 of the Clayton Municipal Code, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing objective development and management standards for emergency shelters. The Council is referred to the attached draft Ordinance No. 449 for the proposed new Ordinance sections and amendments in their entirety.

It is the opinion of staff and the City Attorney the proposed Ordinance language does not conflict with the requirements or intent of SB 2 and will achieve compliance with this State mandate, while maximizing our discretionary local oversight.

PF Zoning District Land Availability Analysis

The State law (SB-2; 2007) also requires that cities perform a land availability analysis in order to verify that there is potential land available to accommodate an Emergency Shelter. Upon analyzing all the properties with a PF Zoning District designation, the only site that has sufficient land available for a potential emergency shelter, and which can also meet the locational parameters of the proposed Ordinance, is the City's 4.73 acre Community/Library property located at 6125 Clayton Rd. (APN: 118-370-006); please see attached site diagram.

After discussing and deliberating this issue the Planning Commission concluded and agreed with staff, that given this City owned property is the only suitable Public Facilities District site, it will actually optimize the City's discretion over a potential emergency shelter. Any potential emergency shelter operator would have to make a proposal to the City and the City would be in a position to consider and approve or deny the overall merits of the project proposal.

Site Plan Review Requirements Still Apply

It should also be noted that while the emergency shelter use would be listed as a permitted use, this fact would not prohibit or limit the City's Site Plan Review process from occurring to ensure the physical reuse and development of the site are built and/or improved to City standards.

GENERAL PLAN - HOUSING ELEMENT

Under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element and pursuant to State Senate Bill 2, the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject to development and management standards (see attached excerpts). Approval of the proposed Ordinance would complete this implementation measure, comply with State law, and allow the City of Clayton to proceed with the 2014-2022 Housing Element update cycle. By not doing so, the State HCD will not entertain the City's 2014-2022 draft Housing Element for necessary certification according to the City's Housing Element consultant (PMC).

CEQA

Pursuant to the California Environmental Quality Act (CEQA) an Initial Study/Negative Declaration was previously prepared and approved for the Clayton 2009-2014 Housing Element, including its implementation measures; and whereas, pursuant to Section 15061(b)(3) it can be seen with certainty there is no possibility the currently proposed amendment to the Clayton Municipal Code/Zoning Ordinance may have a significant effect on the environment; it is therefore not subject to CEQA and no further environmental review is necessary.

FISCAL IMPACT

Negligible. Some staff time as well as printing cost have and will be associated with this Ordinance.

Attachments:

1. Ordinance No. 449 – Establishing Regulations for Emergency Shelters.
2. Planning Commission Resolution No. 06-13 (without attachment).
3. August 27, 2013, Planning Commission Meeting Minutes (excerpts)
4. August 27, 2013, Planning Commission Staff Report (without attachments).
5. Pages 15, 16, 115, 116 of Clayton 2009-2014 Housing Element.
6. Site Diagram Identifying Possible location for and Emergency Shelter.

ORDINANCE NO. 449

**AN ORDINANCE AMENDING A PORTION OF TITLE 17
OF THE CLAYTON MUNICIPAL CODE
ESTABLISHING REGULATIONS FOR EMERGENCY SHELTERS AND
SPECIFICALLY ESTABLISHING EMERGENCY SHELTERS AS A
PERMITTED USE IN THE PUBLIC FACILITIES (PF) ZONING DISTRICT
(ZOA-04-13)**

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

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

WHEREAS, on April 20, 2010 the Clayton City Council adopted Resolution No. 12-2010 approving an Initial Study and Negative Declaration prepared for the Clayton 2009-2014 Housing Element pursuant to the provisions of the California Environmental Quality Act (CEQA) and approving the Clayton 2009-2014 Housing Element; and

WHEREAS, on July 15, 2010 the State Department of Housing and Community Development (HCD) conditionally certified the Clayton 2009-2014 Housing Element based on the City making a good faith effort toward enacting over 30 categories of implementation measures; and

WHEREAS, under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element and pursuant to State Senate Bill 2, the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject to objective development and management standards, as required by applicable state law; and

WHEREAS, the Clayton Planning Commission held a duly-noticed public hearing on August 27, 2013, at which it adopted Resolution No. 06-13 recommending City Council approval of the proposed Ordinance to amend a portion of Title 17 of the Clayton Municipal Code, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters; and

WHEREAS, the Clayton City Council at a regular public meeting on September 17, 2013, held a duly noticed public hearing to review and consider an Ordinance amending a portion of Title 17 of the Clayton Municipal Code, establishing regulations for Emergency Shelters, and specifically establishing Emergency Shelters as a permitted use in the Public Facilities (PF) Zoning District; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an Initial Study and Negative Declaration was prepared and approved for the Clayton 2009-2014 Housing Element, including its implementation measures; and whereas, pursuant to CEQA Guidelines

Section 15061(b)(3) it can be seen with certainty there is no possibility the proposed amendment to the Clayton Municipal Code/Zoning Ordinance may have a significant effect on the environment, and it is therefore not subject to CEQA and no further environmental review is necessary; and

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

WHEREAS, the Clayton City Council has reviewed all written evidence and oral testimony presented to date on this matter, expressly including evidence demonstrating there is sufficient acreage within the City's Public Facilities zoning district to accommodate an emergency shelter.

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

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

Section 2. Section 17.04.089 of the Clayton Municipal Code, Chapter 17.04 Definitions is hereby added to read in full as follows:

"17.04.089 Emergency Shelter. As defined by the California Health and Safety Code Section 50801(e) "emergency shelter" is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter in this facility because of an inability to pay. However, emergency shelter providers are not obligated to accept individuals if the shelter is at maximum capacity."

Section 3. Subsection F. of the Clayton Municipal Code, Chapter 17.33 Public Facility (PF) District, Section 17.33.020 Permitted Use, is hereby added to read in full as follows:

"F. Emergency Shelter facility (subject to standards in Section 17.36.082)."

Section 4. Section 17.36.082 of the Clayton Municipal Code, Chapter 17.36 General Provisions is hereby added to read in full as follows:

"17.36.082 Emergency Shelters Standards.

Emergency shelters are only permitted in the Public Facilities (PF) zoning district subject to the development standards of the zone. In accordance with the authority granted to cities under State law (SB-2; 2007), emergency shelters must also meet the following objective development and management standards:

- A.** An emergency shelter building shall be located a minimum distance of at least 300 feet from any residential use building or public or private K-12 school.
- B.** An emergency shelter shall be located a minimum distance of at least 300 feet from another emergency shelter.
- C.** The maximum number of beds or persons permitted to be served nightly by

the facility shall not exceed ten (10).

- D. The maximum length of stay by an individual shall not exceed one hundred and eighty (180) consecutive days in a consecutive 12-month period.
- E. Off-street parking shall be provided in the ratio of one (1) space for every three (3) beds, plus one (1) parking space for each staff member on the largest shift. Provisions for bicycle parking shall also be made.
- F. An on-site interior client intake and waiting area shall be provided that is at least 200 square feet in area. A client intake and waiting area less than 200 square feet in size may be considered if it can be demonstrated the size of the intake and waiting area is sufficient to accommodate the demand.
- G. On-site parking lot lighting and security lighting shall be provided in accordance with City standards.
- H. Laundry and Refuse areas. The plan shall include provisions for indoor laundry facilities and an exterior enclosed refuse area.
- I. An operational plan shall be provided prior to the issuance of a Certificate of Occupancy or commencement of use, for the review and approval of the Community Development Director. At a minimum the plan shall contain provisions addressing the following:
 - a. Security and Safety. The plan shall include provisions of 24-hour on-site management/security, facility rules, and procedures for maintaining a safe environment within and outside the shelter and addresses loitering.
 - b. Prohibited activities. The plan shall include provisions that clearly discourage and prohibit the consumption or use of alcohol, narcotics, illegal drugs, etc. and prohibits all smoking (including but not limited to tobacco, marijuana, etc.).
 - c. Management of outdoor areas. The plan shall describe procedures for admittance and discharge of clients, and describe measures aimed at minimizing the congregation of clients outside the shelter when not accepting clients.
 - d. Staff training. The plan shall describe the staffing required for the shelter and outline required training programs that provide staff with the knowledge and skills to assist clients in obtaining permanent shelter.
 - e. Referral services. The plan shall include provisions of a kiosk providing information on other programs available to clients for obtaining permanent shelter, mental and health counseling, job placement, educational, legal, and other supportive services.
 - f. Transportation services. The plan shall include provisions for public and/or private transportation services to assist clients.

Section 5. Schedule 17.37.030.A Off-Street Parking Space Requirements of the Clayton Municipal Code, Chapter 17.37, Off-Street Parking and Loading Regulations, Section 17.37.030 Parking and Loading Space Requirements is hereby amended to read in full as follows:

Emergency Shelter	As specified by use permit Section 17.36.082.
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Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 7. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

Section 8. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Sections 2-5 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on September 17, 2013.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on October 1, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 17, 2013 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on October 1, 2013.

Laci J. Jackson, City Clerk

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**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 06-13**

**RECOMMENDING CITY COUNCIL APPROVAL OF
AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE
ESTABLISHING REGULATIONS FOR EMERGENCY SHELTERS AND
SPECIFICALLY ESTABLISHING EMERGENCY SHELTERS AS A
PERMITTED USE IN THE PUBLIC FACILITIES (PF) ZONING DISTRICT
(ZOA-04-13)**

WHEREAS, the Clayton Planning Commission at a regular meeting on August 27, 2013, held a duly noticed public hearing to review and consider recommending City Council approval of the proposed Ordinance to amend the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters; and

WHEREAS, the Clayton City Council on April 20, 2010, adopted Resolution No. 12-2010 approving an Initial Study and Negative Declaration prepared for the Clayton 2009-2014 Housing Element pursuant to the provisions of the California Environmental Quality Act (CEQA) and approving the Clayton 2009-2014 Housing Element; and

WHEREAS, on July 15, 2010 the State Department of Housing and Community Development (HCD) conditionally certified the Clayton 2009-2014 Housing Element based on City of Clayton making a good faith effort toward enacting over 30 categories of implementation measures; and

WHEREAS, under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element and pursuant to State Senate Bill 2, the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject to development and management standards; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an Initial Study and Negative Declaration was prepared and approved for the Clayton 2009-2014 Housing Element, including its implementation measures, and whereas, pursuant to Section 15061(b)(3) it can be seen with certainty that there is no possibility that the proposed amendment to the Clayton Municipal Code/Zoning Ordinance may have a significant effect on the environment, and therefore it is not subject to CEQA and no further environmental review is necessary; and

WHEREAS, the Planning Commission has determined that the proposed amendments to the Clayton Municipal Code are in general conformance with the Clayton General Plan; and

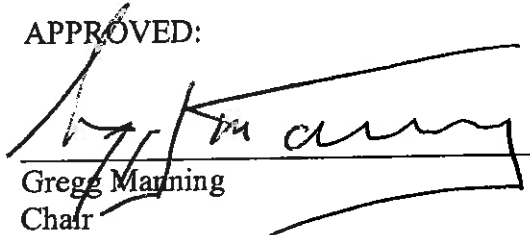
WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Clayton based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend City Council approval of the proposed Ordinance to amend the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 27th day of August, 2013.

APPROVED:


Gregg Manning
Chair

ATTEST:


Charlie Mullen
Community Development Director

ATTACHMENTS:

Exhibit A – Draft Ordinance Establishing Regulations for Emergency Shelters

requirements while allowing the wording to be flexible enough to remain consistent as future modifications that may be made by the State to the cottage food operation regulations in the Health and Safety Code. As a result, no definition is provided for "small child." However, as home occupation requests for cottage food operations are submitted to the City in the future, we would require the applicant to provide information about household size, number of people involved in the operation, hours and days of operations, type of food being produced, etc. in order to get a better understanding of what is proposed and to provide conditions, as needed, to ensure the highest level of compliance with State regulations. The intent of this State mandate is to encourage cottage food operations and not prohibit them. From staff's perspective, these types of operations would survive by the product it produces, which would assist in the self-enforcing aspect of the operation.

- Who decides what type of foods can be produced by a cottage food operation and who do we petition to initiate changes to the foods that are allowed to be produced? Assistant Planner Sikela responded that the State Public Health Officer has the authority to decide what types of foods can be produced by a cottage food operation and can change the types of foods allowed to be produced.
- Does the County Environmental Health Department have a form that cottage food operation applicants fill out? Assistant Planner Sikela responded that for City approved cottage food operations the County will then provide approval documentation and a registration number. As part of the Planning Commission review of a home occupation permit request for a cottage food operation, staff will include a condition that requires the applicant to provide this approval documentation and registration number to the City prior to commencing the cottage food operation.
- How are issues related to enforcement addressed? Assistant Planner Sikela responded that City staff, including the Code Enforcement Officer, would work with the County Environmental Health Department to address complaints and/or violations committed by a cottage food operation.

Commissioner Johnson had the following comments and questions:

- Will the cottage food operation be required to get a City business license? Assistant Planner Sikela explained yes and that a condition would be included in the Home Occupation Permit requiring the applicant to obtain a business license prior to commencing the cottage food operation, which is standard procedure for the permitting of all home occupation permits.
- We want to make sure that preparation of food is conducted in a manner allowed by the Health and Safety Code.
- I do not see a cottage food operation as being any different than a normal food-preparing business in terms of cleanliness, safety, and licensing.

The public hearing was opened. There were no public comments. The public hearing was closed.

By consensus, the Planning Commission directed staff to amend the draft Ordinance based on Commission input, return with a revised draft, and continued the public hearing for Municipal Code Amendment ZOA-03-13 to the regular meeting on September 10, 2013.



- 5.c. **ZOA-04-13, Municipal Code Amendment, City of Clayton.** Public Hearing to Consider a City-initiated Ordinance to Amend the Clayton Municipal Code Title 17, Establishing Regulations for Emergency Shelters.

Director Mullen presented the staff report.

Commissioner Bruzzone had the following comment and question:

- By designating the Keller property as the most suitable emergency shelter site, would it preclude other City projects from being proposed at the same site in the future? Director Mullen responded that no, this designation would not preclude other City projects from being proposed at the Keller property site in the future.
- Is my understanding correct in that we are not promoting emergency shelter uses at the Keller property but, rather, merely listing the site as the best location for a potential emergency shelter? Director Mullen responded that was correct. The City is not soliciting the site for emergency shelter purposes but, instead, would only be designating the site as a possible location for such a use. If the City was approached by a prospective applicant the City would have a better discretionary ability to control the development and operation if the potential shelter site is located on City property.

Commissioner Johnson had the following comment and questions:

- It is good to designate the Keller property for emergency shelter uses since a potential applicant would not have to pursue other locations within the City as these other locations might be located closer to residential areas.
- How did you arrive at ten as the maximum number of people allowed to be served nightly in beds within the shelter? Director Mullen indicated that, as he researched other jurisdictions' emergency shelter standards, he tried to strike a balance between serving a feasible number of people while avoiding overcrowding and found the number ten to be the least number of people served nightly in beds within the shelters ordinances that staff researched.
- Can the City deny a potential applicant proposing to construct an emergency shelter? Director Mullen responded that yes, the City has the right to deny an application. The City is not obligated to accept an application for an emergency shelter just because it is an emergency shelter proposal.

Commissioner Haydon inquired is the City is just showing a good faith effort toward establishing a location within Clayton for emergency shelters rather than actually being required to produce this type of facility? Director Mullen indicated that was correct. The proposed amendment entail satisfying an Implementation Measure in the Housing Element and State law.

Chair Manning had the following questions and comments:

- Is a site that is designated for emergency shelter purposes required to be City-owned property? Director Mullen indicated that no, a site designated for emergency shelter purposes does not have to be City-owned property. However, after discussing the issue with the City Manager and City Attorney, it was seen as the best choice since locating a shelter on City-owned property would allow the City to have greater control over the shelter.
- Instead of including the Keller House for emergency shelter purposes, could we place another building on the Keller property that could be used, thereby avoiding impacts to the Keller House. Director Mullen responded yes.
- Although the two churches that are located in Clayton do not contain homeless or emergency shelter facilities, there are twenty churches outside of Clayton in neighboring cities that do provide services in the winter for homeless citizens.

The public hearing was opened. There were no public comments. The public hearing was closed.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to adopt Resolution No. 06-13 recommending City Council approval of an Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and managements standards for emergency shelters. The motion passed 4-0-1 (Vice Chair Richardson was an excused absence).

6. OLD BUSINESS

None.

7. NEW BUSINESS

- 7.a. **GPA-03-13, Capital Improvement Program (CIP) Conformity with General Plan, City of Clayton.** Review of City of Clayton CIP projects proposed to be undertaken in the coming fiscal year (FY 2013 – 2014) for conformity with the General Plan.

Director Mullen presented the staff report.

Commissioner Bruzzone indicated that, regarding Project 10433 (DVMS Safety Signing), it appears that we are setting aside \$40,000 for budgeting of this capital improvement. Director Mullen indicated that the flashing beacons, signs, and radar speed readouts are pre-made units so the capital improvement will involve installation only.

Commissioner Johnson moved and Commissioner Haydon seconded a motion to find the City's CIP projects for the 2013-2014 fiscal year are in conformity to the Clayton General Plan. The motion passed 4-0-1 (Vice Chair Richardson was an excused absence)..

8. COMMUNICATIONS

- 8.a. Staff.

Director Mullen provided updates on Silver Oak Estates, Skipolini's Bocce Ball Courts, and anticipated items on the September 10, 2013 Planning Commission agenda.

- 8.b. Commission.

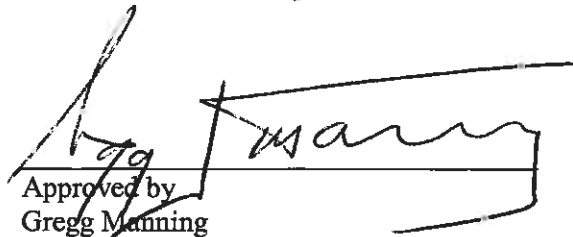
None.

9. ADJOURNMENT

- 9a. The meeting was adjourned at 8:25 p.m. to the next regularly-scheduled meeting of the Planning Commission on Tuesday, September 10, 2013 at 7:00 p.m.



Submitted by
Charlie Mullen
Community Development Director



Approved by
Gregg Manning
Chair

Plng Comm\Minutes\2013\0827

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: August 27, 2013

Item No.: 5.c.

From: Charlie Mullen
Community Development Director 

Subject: Public Hearing to Consider a City-initiated Ordinance to Amend the Clayton Municipal Code Title 17, Establishing Regulations for Emergency Shelters; (ZOA-04-13).

Applicant: City of Clayton

REQUEST

Public Hearing to consider a State-mandated City-initiated Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters.

PROJECT INFORMATION

Location: Public Facilities Zoning District

General Plan Designation: Public/Quasi-Public (PQ)

Zoning Classification: Public Facilities (PF)

Public Notice: On August 16, 2013, a public hearing notice was posted at designated locations in the city and on August 17, 2013, a public hearing notice was published in the Contra Costa Times.

BACKGROUND

On April 20, 2010 the Clayton City Council adopted Resolution No. 12-2010 approving an Initial Study/Negative Declaration prepared for the Clayton 2009-2014 Housing Element pursuant to the provisions of the California Environmental Quality Act (CEQA) and approving the Clayton 2009-2014 Housing Element.

On July 15, 2010 the State Department of Housing and Community Development (HCD) conditionally certified the state-mandated Clayton 2009-2014 Housing Element based on the City enacting over 30 categories of implementation measures.

Some of the implementation measures require on-going voluntary City actions and commitments while other implementation measures are mandatory and require actual Zoning and General Plan amendments. Over the past several years' former city staff has brought forth most of the mandatory Zoning and General Plan amendments to the Planning Commission and City Council for consideration and approval.

However, under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element (see attached excerpts) and pursuant to State Senate Bill 2 (2007), the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject development and management standards, as required by applicable state law. The State's purpose behind this emergency shelter requirement is to make every community responsible for addressing their homeless person needs, regardless if it has any documented homeless persons, even though according to the "Homeless" section of our 2009-2014 Housing Element (see attached excerpts) there were no documented homeless individuals identified as residents of Clayton in the 2009 survey conducted by the Contra Costa County Homeless Program.

Recently, Pacific Municipal Consultants (PMC), the City's 2014-2022 Housing Element update consultant, identified the emergency shelter provision as the one remaining unresolved item that is still required to be completed before we can move forward with the mandatory 2014-2022 Housing Element update cycle.

This remaining outstanding implementation measure is a State mandate pursuant to Senate Bill 2, and requires all California cities (including Clayton) to amend their Zoning Ordinance to allow "Emergency Shelters" by right as a permitted use in at least one zoning district. The Bill also requires that "Emergency Shelters" be subject to the same base development standards of that zone; except that cities may, if they wish, establish objective development and management standards for emergency shelters.

While the issue of a "Zoning Ordinance Amendment to allow an emergency shelter by right in a zoning designation (to be determined)" was listed as a bulleted discussion item on the agenda for the December 13, 2011 Planning Commission meeting, the actual staff report and meeting minutes are absent and silent of any discussion on the matter. Current staff can only assume that it was the intent to revisit this item at a later date, which is now upon us.

DISCUSSION

In order to comprehensively address this issue and establish local control and regulation to the maximum extent permitted by State law, staff has reviewed State Law (SB 2; 2007 statute), our current Housing Element and previous city staff reports and files. In addition staff has researched what other communities have done in regards to emergency shelters. Specifically, staff has researched the local and regional communities of Concord, Mountain View, Pittsburg, Pleasant Hill, Santa Cruz, and Walnut Creek, and statewide the communities of Costa Mesa, Laguna Hills, Mission Viejo, Orange, Red Bluff, and Ventura.

Based on that research staff has prepared the attached Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District,

establishing an emergency shelters definition and establishing development and management standards for emergency shelters. The following are the proposed new sections in their entirety.

PROPOSED EMERGENCY SHELTER ORDINANCE

Clayton Municipal Code under Chapter 17.04 Definitions, Section 17.04.089 is proposed to be added as follows:

“17.04.089 Emergency Shelter. As defined by the California Health and Safety Code Section 50801(e) “emergency shelter” is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter in this facility because of an inability to pay. However, emergency shelter providers are not obligated to accept individuals if the shelter is at maximum capacity.”

Clayton Municipal Code under Chapter 17.33 Public Facility (PF) District, Section 17.33.020 Permitted Uses, Subsection F. is proposed to be added as follows:

“F. Emergency Shelter facility (subject to standards in Section 17.36.082).”

Clayton Municipal Code under Chapter 17.36 General Provisions, Section 17.36.082 is proposed to be added as follows:

“17.36.082 Emergency Shelters Standards.

Emergency shelters are only permitted in the Public Facilities (PF) zoning district subject to the development standards of the zone. In accordance with the authority granted to cities under State law (SB-2; 2007), emergency shelters must also meet the following objective development and management standards:

- A. An emergency shelter building shall be located a minimum distance of at least 300 feet from any residential use building or public or private K-12 school.
- B. An emergency shelter shall be located a minimum distance of at least 300 feet from another emergency shelter.
- C. The maximum number of beds or persons permitted to be served nightly by the facility shall not exceed ten (10).
- D. The maximum length of stay by an individual shall not exceed one hundred and eighty (180) consecutive days in a consecutive 12-month period.
- E. Off-street parking shall be provided in the ratio of one (1) space for every three (3) beds, plus one (1) parking space for each staff member on the largest shift. Provisions for bicycle parking shall also be made.
- F. An on-site interior client intake and waiting area shall be provided that is at least 200 square feet in area. A client intake and waiting area less than 200 square feet in size may be considered if it can be demonstrated that the size of the intake and waiting area is sufficient to accommodate the demand.
- G. On-site parking lot lighting and security lighting shall be provided in accordance with City standards.

- H. Laundry and Refuse areas. The plan shall include provisions for indoor laundry facilities and an exterior enclosed refuse area.
- I. An operational plan shall be provided prior to the issuance of a Certificate of Occupancy or commencement of use, for the review and approval of the Community Development Director. At a minimum the plan shall contain provisions addressing the following:
- a. Security and Safety. The plan shall include provisions of 24-hour on-site management/security, facility rules, and procedures for maintaining a safe environment within and outside the shelter and addresses loitering.
 - b. Prohibited activities. The plan shall include provisions that clearly discourage and prohibited the consumption or use of alcohol, narcotics, illegal drugs, etc. and prohibits smoking (including but not limited to tobacco, marijuana, etc.).
 - c. Management of outdoor areas. The plan shall describe procedures for admittance and discharge of clients, and describe measures aimed at minimizing the congregation of clients outside the shelter when not accepting clients.
 - d. Staff training. The plan shall describe the staffing required for the shelter and outline required training programs that provide staff with the knowledge and skills to assist clients in obtaining permanent shelter.
 - e. Referral services. The plan shall include provisions of a kiosk providing information on other programs available to clients for obtaining permanent shelter, mental and health counseling, job placement, educational, legal, and other supportive services.
 - f. Transportation services. The plan shall include provisions for public and/or private transportation services to assist clients.”

In the Clayton Municipal Code under Chapter 17.37, Off-Street Parking and Loading Regulations, Section 17.37.030 Parking and Loading Space Requirements, Schedule 17.37.030.A Off-Street Parking Space Requirements is proposed to be amended as follows:

Emergency Shelter	As specified by use permit Section 17.36.082.
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It is the opinion of staff and the City Attorney the proposed Ordinance language does not conflict with the requirements or intent of SB 2 and will achieve compliance with this State mandate.

PF Zoning District Selection Analysis

Staff is recommending the Public Facilities (PF) District as the location to establish emergency shelters as a permitted use for a number of reasons. The first reason being that owners of private property along the Kirker Pass Road corridor as candidate locations for emergency shelter zoning expressed serious concern and opposition in previous public forums regarding Housing Element implementation measures aimed at providing such temporary or affordable housing in that area for the community.

Secondly, the City has a limited number of commercial sites for economic development opportunities and it does not seem prudent to burden those existing commercial sites or few remaining undeveloped commercial sites with this non-economic producing use.

Lastly, staff believes it is more appropriate for the City of Clayton to take on the responsibility of addressing this State mandated Emergency Shelter provision, rather than place this responsibility on our local business and/or private property owners, and thus the selection of the PF Zoning District.

PF Zoning District Land Availability Analysis

The State law (SB-2; 2007) also requires that cities perform a land availability analysis in order to verify that there is potential land available to accommodate an Emergency Shelter. Upon analyzing all the properties with a PF Zoning District designation, the only site that has sufficient land available for a potential emergency shelter, and which can also meet the locational perimeters of the proposed Ordinance, is the City's 4.73 acre Community/Library property located at 6125 Clayton Rd. (APN: 118-370-006), please see attached site diagram. The northern portion of this property includes the historically significant Keller Ranch House, as identified in the Clayton Heritage Preservation Task Force Report, 1994. The former Keller House residence is currently boarded-up, secured from vandalism and is not being utilized. No City, public or private financing or funding sources are currently available to renovate or restore the Keller House. The Clayton Heritage Preservation Task Force Report identified the Keller House as a possible site for community uses, including but not limited to offices for the former Clayton Community Services Commission or a Senior Citizens' Center, or for possible weddings, receptions, retreats, and other functions.

Given this City owned property is the only suitable Public Facilities District site, it will actually optimize the City's discretion over a potential emergency shelter, because any potential emergency shelter operator would have to make a proposal to the City and the City would be in a position to consider the overall merits of the project proposal. For example, we could consider a number of factors including but not limited, to economic considerations, the type of organization or business and their operational practices, whether they have a non-profit status, their current or past community involvement, etc. If the right organization and right opportunity presented itself, it may be possible to achieve a win-win.

Site Plan Review Requirements Still Apply

It should be noted that while the emergency shelter use would be listed at a permitted use, this fact would not prohibit or limit the City's Site Plan review process from occurring to ensure the physical reuse and development of the site are improved to city standards. The Site Plan Review process would be required to review physical exterior changes to the site and building, including but not limited to architectural elevation changes, painting, window and door modifications, parking lot paving, pedestrian access, landscaping and irrigation, storm water drainage and treatment, etc. *"The purpose of the Site Plan Review is to ensure that the design of all new development is compatible with Clayton's character and that the design and location of new development does not impose significant negative impacts on neighboring property owners and/or occupants".*

GENERAL PLAN - HOUSING ELEMENT

Under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element and pursuant to State Senate Bill 2, the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject development and management standards (see attached excerpts). Approval of the proposed Ordinance would complete this implementation measure, comply with State law, and allow the City of Clayton to proceed with the 2014-2022 Housing Element update cycle. By not doing so, the State HCD will not entertain the City's 2014-2022 draft Housing Element for necessary certification according to the City's Housing Element consultant (PMC).

CEQA

Pursuant to the California Environmental Quality Act (CEQA) an Initial Study/Negative Declaration was previously prepared and approved for the Clayton 2009-2014 Housing Element, including its implementation measures; and whereas, pursuant to Section 15061(b)(3) it can be seen with certainty that there is no possibility that the currently proposed amendment to the Clayton Municipal Code/Zoning Ordinance may have a significant effect on the environment, it is therefore not subject to CEQA and no further environmental review is necessary.

RECOMMENDATION

Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, adopt Resolution No. 06-13, recommending City Council approval of an Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters.

Attachments:

1. Planning Commission Resolution No. 06-13, with attachment:
Exhibit A – Draft Ordinance Establishing Regulations for Emergency Shelters
2. p. 15, 16, 115, 116 of Clayton 2009-2014 Housing Element
3. Site Diagram Identifying Possible location for and Emergency Shelter

X:\Com Dev\Z O A\2013\Emergency Shelters - ZOA-04-13.ZOA-04-13.sr.pc.mtg.8.27.13.emergency.shelters.docx

Often with only one source of income, single-headed households have more difficulties finding adequate, affordable housing than families with two adults. Also, single-parent households with small children may need to pay for child care, which further reduces disposable income. This special needs group would benefit generally from expanded affordable housing opportunities. More specifically, the need for dependent care also makes it important that housing for single-headed families be located near childcare facilities, schools, youth services, medical facilities, or senior services.



Homeless

It is very difficult to quantify the homeless population in a given community due to the lack of current census data. However, the Contra Costa County Homeless Program completed its biannual point-in-time homeless count on January 28, 2009. The count was conducted in 5 districts comprising 31 areas within the county and identified 1,872 persons without shelter. Of the identified persons, no persons were identified as residents of Clayton. According to City staff, on occasion one or two homeless persons appear in the community, but they soon move to areas where there are needed services. Overall, the count will assist in the implementation of the County's ten-year plan to end homelessness. Specifically, the count will inform the County regarding its progress in accomplishing goals related to ending homelessness.

The most notable findings of the homeless count for the county as a whole are:

- An 8 percent decrease in homeless persons.
- Fifty-seven (57) percent of homeless persons live in encampments.
- The number of single adults accessing services increased by roughly 20 percent.
- The number of homeless individuals in alcohol and drug treatment programs doubled.
- The number of homeless individuals utilizing food programs increased.

In addition to the County's plan, "Ending Homelessness in Ten Years," the County also completed the "Contra Costa Homeless Continuum of Care Plan 2001-2006." The five-year plan is a good source of information on homelessness and available programs. The following information is from the five-year plan.

Contra Costa County community members are not immune from the threat of homelessness. Rather, at least 14,757 people in the county experience homelessness each year. More than two-thirds of them are members of a family, including almost 7,000 children. On any given night, more than 4,800 people are homeless, living on the streets or in temporary accommodations, such as in an emergency shelter, a motel, or on a relative's couch. In addition, many others are at risk of becoming homeless, such as the nearly 17,000 extremely low-income households in the county who are paying over 30 percent of their income for rent and struggling to make ends meet.

As elsewhere in the nation, homelessness is usually the end result of multiple factors that converge in a person's life. The combination of loss of employment, inability to find a job because of the need for retraining, and the high housing costs in Contra Costa County lead to some individuals and families losing their housing. For others, the loss of housing is due to chronic health problems, physical disabilities, mental health disabilities, or drug and alcohol addictions along with an inability to access the services and long-term support needed to address these conditions.

The plan identifies three primary causes of homelessness as follows:

- Shortage of affordable housing,
- Lack of access to support services, and
- Low incomes.

The Homeless Continuum of Care Advisory Board (CoCB) and the Contra Costa County Office of Homeless Programs held a series of community meetings between October 2000 and January 2001 to identify unmet service and housing needs and obtain feedback about ongoing programs. Unmet needs continue into 2010. The needs for all segments of the homeless population included the following:

- Affordable Housing – Rental units in the county are not affordable to people with extremely low incomes, such as those who depend on General Assistance, Temporary Assistance to Needy Families, or SSI. Over 2,000 households are on the waiting list for Section 8 assistance. In addition, many cannot come up with the money required to move into an apartment (first and last months rent plus security deposit).
- Employment at a Living Wage – The high cost of housing makes it difficult to find housing that is affordable for those working minimum wage jobs.
- Dignity – Participants expressed their desire to be treated with respect when accessing services.
- Transportation – Lack of transportation makes it difficult for people to get to jobs as well as services.
- Early Intervention: Timely Prevention and Emergency Services – Providers stressed the importance of identifying people at risk of homelessness early and then providing services to them immediately.
- Community Education, Involvement, and Advocacy – Providers and community members felt that community education is an important way to increase the public's understanding of homelessness and build support for programs that prevent and alleviate homelessness.

Time Frame: Ongoing, 2009-2014

Funding: General Fund, RDA funds

Regulatory Relief and Incentives

Goal II To the extent feasible, remove governmental constraints for affordable and special needs housing.

Policy II.1 The City shall ensure that locations are available within the City to accommodate any future need for facilities to serve City residents in need of emergency shelter.

Implementation Measure (II.1.1) California Health and Safety Code (Section 50801) defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay.”

Pursuant to Senate Bill 2, the City will amend the Zoning Ordinance to allow emergency shelters by right and only subject to the same development standards allowed in this Zone. This area is currently designated Kirker Corridor in the City's General Plan and classified as Planned Development (PD) in the City's Zoning Ordinance. This corridor is close to services and public transportation. The City will create an overlay zone with specific development standards for emergency shelters in this 5-acre area. In addition, the City will evaluate adopting development and managerial standards that will be consistent with Government Code Section 65583(a)(4). These standards may include such items as:

- Lighting
- On-site management
- Maximum number of beds or persons to be served nightly by the facility
- Off-street parking based on demonstrated need
- Security during hours that the emergency shelter is in operation

Responsibility: City Council, Planning Commission, Community Development Department.

Time Frame: March 2011. The City will create an overlay zone that will provide development standards for emergency shelters in the Kirker Corridor.

Funding: General Fund

Implementation Measure (II.1.2). Transitional and supportive housing provides temporary housing, often with supportive services, to formerly homeless persons for a period that is typically between six months and two years. The supportive services, such as job training, rehabilitation, and counseling, help individuals gain life skills necessary for independent living.

Pursuant to Senate Bill 2, the City must explicitly allow both supportive and transitional housing types in all residential zones. The City shall update its Zoning Code to include separate definitions of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: March 2011

Funding: General Fund

Implementation Measure (II.1.3) Assembly Bill 2634 requires the quantification and analysis of existing and projected housing needs of extremely low-income households and requires Housing Elements to identify zoning to encourage and facilitate supportive housing and single-room occupancy units (SROs).

The City shall update its Zoning Code to allow for the development of single-room occupancy units (a type of residential hotel offering one-room units for long-term occupancy by one or two people; SROs may have a kitchen or bath facilities (but not both) in the room) with a conditional use permit in the L-C (Limited Commercial) District and in the area that is currently designated Kirker Corridor. The Kirker Corridor is classified as PD (Planned Development) in the



VICINITY MAP

 CITY OF CLAYTON Founded 1957 Incorporated 1961	Emergency Shelter Ord. ZOA-04-13 Possible Emergency Shelter Site Location 6125 Clayton Road APN: 118-370-006	N  (Not to Scale)
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Agenda Date: 9/17/13

Agenda Item: 9(a)

STAFF REPORT

Approved:

Gary A. Napper,
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager

MEETING DATE: September 17, 2013

SUBJECT: Revised Master Fee Schedule for City Services and use of City Facilities and Parks

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution amending the Fee Schedule for City Services and Use of Public Facilities and Parks for FY 2013-14.

BACKGROUND

The City of Clayton has established annual review of user fees to ensure that user fees are set appropriately and updated, based upon various cost and revenue considerations. The current fee schedule for use of City Facilities and Parks was established by Resolution No. 45-2012 on July 17, 2012.

Staff is recommending all existing fees be increased by the CPI (2.4%) to adjust for inflation, (the City uses the April to April period for the CPI), as has been City policy all fees are then rounded up or down to the nearest whole dollar. Fees that last year did not result in any increase due to rounding of the CPI have been adjusted forward with the CPI for a two year period, which is 4.5%. The youth field rental fees is the one fee that was unchanged last year and would result in a fee increase of \$1/hour (two year CPI increase resulted in a .86 cent increase). Certain other fees remain unchanged as they are set by state laws, or are currently sufficient such as the tree removal in lieu fee. All deposits will remain unchanged as these are refundable security damage/clean up deposits. There are no new fees to add to the fee schedule this year.

FISCAL IMPACT

Adjustments to our Master Fee Schedule are consistent with public policy that user-based municipal services bear their own costs. The proposed changes would accomplish this objective and in each instance no fee is higher than the true cost to provide the service or use.

CONCLUSION

Staff affirms the proposed Master Fee Schedule closely reflects the actual direct costs related to the provision of these City services. Staff recommends approval of the revised Master Fee Schedule for City Services and Use of Public Facilities and Parks shown in the last column in Exhibit A.

Attachments:

- Resolution __-2013
- Exhibit A to Resolution __-2013

RESOLUTION NO. __-2013

A RESOLUTION AMENDING THE CITY MASTER FEE SCHEDULE FOR CITY SERVICES AND USE OF PUBLIC FACILITIES AND PARKS

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

WHEREAS, the City of Clayton has various user fees for City services and facilities that are updated annually to reflect increases in costs to provide said services; and

WHEREAS, the City staff did develop data to substantiate proposed changes to fees which would not exceed the estimated reasonable cost of providing service or using the facility for which a fee is charged; and

WHEREAS, the fees reconsidered herein are not developer fees, and thus not subject to section 66017(a) of the California Government Code, and thus will become effective upon adoption of said Resolution; and

WHEREAS, the City Council of Clayton, California ~~does~~ deem it necessary to increase all fees by the CPI 2.4% (Bureau of Labor Statistics San Francisco Bay Area April 2012-April 2013 San Francisco Bay Area); fees that were unchanged last year to increase by the two year CPI (4.5%), and all other deposits shall remain unchanged.

NOW THEREFORE BE IT RESOLVED that the City Council of Clayton, California does hereby set, adjust and approve the various fees for certain City services and use of public facilities and parks, as set forth in the attached Exhibit "A" as the City Master Fee Schedule.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on 17th day of September 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

Julie K. Pierce, Mayor

ATTEST:

Laci J. Jackson, City Clerk

CITY OF CLAYTON
FEE SCHEDULE 2013-14

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
COMMUNITY DEVELOPMENT DEPARTMENT				
Annexations				
Annexation	Time - \$5,000 minimum deposit			No Change
General Plan /Zoning Ordinance Amendments				
General Plan Map or Text Amendment	Time - \$5,000 minimum deposit			No Change
Pre Zoning / Re Zoning	Time - \$5,000 minimum deposit			No Change
Zoning Ordinance Text Amendment	Time - \$5,000 minimum deposit			No Change
Site Plans / Development Plans				
Site Plan Review Permit - Residential	Time - \$1,000 minimum deposit			No Change
Site Plan Review Permit - Residential Amendment	Time - \$1,000 minimum deposit			No Change
Site Plan Review Permit - Non Residential	Time - \$5,000 minimum deposit			No Change
Site Plan Review Permit - Non Residential Amendment	Time - \$2,000 minimum deposit			No Change
Development Plan	Time - \$5,000 minimum deposit			No Change
Subdivisions				
Tentative Subdivision Map Application	Time - \$5,000 minimum deposit			No Change
Lot Line Adjustment	Time - \$1,000 minimum deposit			No Change
Lot Merger	Time - \$2,000 minimum deposit			No Change
Parcel Maps				
Tentative Parcel Map Application	Time - \$2,000 minimum deposit			No Change
Environmental Review				
Environmental Impact Report	Time - \$5,000 minimum deposit			No Change
Negative Declaration with Mitigations (Mitigated Neg. Dec.)	Time - \$2,500 minimum deposit			No Change
Negative Declaration with out Mitigations	Time - \$1,500 minimum deposit			No Change
Mitigation Monitoring Plan	Included with Neg Dec/ Mitigated Neg Dec/ EIR			No Change
Categorical Exemption	No charge - unless document needs County recording			No Change
Permits				
Home Occupation Permit - Administrative Review	\$162	\$ 158.00	\$ 3.79	\$ 162.00
Home Occupation Permit - Planning Commission Review	Time - \$500 minimum deposit			No Change
Use Permit - Fences Administrative Review	\$162	\$ 158.00	\$ 3.79	\$ 162.00
Use Permit - Residential - Planning Commission Review	Time - \$1,000 minimum deposit			No Change
Use Permit - Non- Residential - Planning Commission Review	Time - \$5,000 minimum deposit			No Change
Temporary Use Permit - Administrative Review	\$162	\$ 158.00	\$ 3.79	\$ 162.00

CITY OF CLAYTON
FEE SCHEDULE 2013-14

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
Temporary Use Permit - Planning Commission Review	Time \$500 minimum deposit			No Change
Sign Permit - Administrative Review	\$53	\$ 52.00	\$ 1.25	\$ 53.00
Sign Permit - Planning Commission Review	Time - \$1,000 minimum deposit			No Change
Temporary Storage Permit	\$53	\$ 52.00	\$ 1.25	\$ 53.00
Second Dwelling Unit Permit - Administrative Review	\$269	\$ 263.00	\$ 6.31	\$ 269.00
Tree Removal Permit - Administrative Review without notice	\$10/tree - minimum \$33	\$ 32.00	\$ 0.77	\$ 33.00
Tree Removal Permit - Administrative Review with Notice	\$50/tree - minimum \$108	\$ 105.00	\$ 2.52	\$ 108.00
Tree Removal Permit - Planning Commission Review	Time - \$500 minimum deposit			No Change
Tree Replacement In-Lieu Fee (code section 15.70.040 F & 15.70.55)	\$800 per 24" box tree	\$ 800.00	\$ -	\$ 800.00
Building Moving Permit	Time - \$1,000 minimum deposit			No Change
Noise Permit - Administrative Review	\$162	\$ 158.00	\$ 3.79	\$ 162.00
Reasonable Accommodations Permit - Administrative Review	\$162	\$ 158.00	\$ 3.79	\$ 162.00
Reasonable Accommodations Permit - Planning Commission Review	Time - \$500 minimum deposit			No Change
Outdoor Seating Permit (17.24.020 -H/Standard Policy No 3)	\$85	\$ 83.00	\$ 1.99	\$ 85.00
Miscellaneous				
Variance - Residential	Time - \$1,000 minimum deposit			No Change
Variance - Non Residential	Time - \$5,000 minimum deposit			No Change
Appeal - Administrative Decisions	\$53	\$ 52.00	\$ 1.25	\$ 53.00
Appeal - Planning Commission Decisions - Residential	\$269	\$ 263.00	\$ 6.31	\$ 269.00
Appeal - Planning Commission Decisions - Non Residential	\$539	\$ 526.00	\$ 12.62	\$ 539.00
Time Extension Request	Time - \$500 minimum deposit			No Change
Contract Administration	Time - \$1,000 minimum deposit			No Change
Large Family Day Care Home Permit	Time - \$500 minimum deposit			No Change
Pre Application Consultation Deposit	Time - \$1,000 minimum deposit			No Change
Construction and Demolition (C&D) Recycling Plans				
Mgmt. Plan Deposit - Single Family	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.			No change
Permit processing Fee - Single Family	\$140	\$ 137.00	\$ 3.29	\$ 140.00
Permit processing Fee -Commercial	\$281	\$ 274.00	\$ 6.58	\$ 281.00
Mgmt. Plan Deposit - Subdivision and Commercial	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.			No Change
Habitat Conservation Area Compliance				
Habitat Conservation Plan/Natural CC Plan	Time - \$1,000 minimum deposit			No Change

CITY OF CLAYTON
FEE SCHEDULE 2013-14

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
CITY ENGINEERING DEPARTMENT				
Bid or Plan Sets	Actual Cost			No Change
Subdivisions				
Final Map Filing Fee	\$539/map	\$ 526.00	\$ 12.62	\$ 539.00
Final Map Checking Fee	Time - \$2,500 minimum deposit			No Change
Construction Plans Checking	Time - \$2,500 minimum deposit			No Change
Construction Inspection Fee - Public Improvements	9% of Bond Estimates			No Change
Construction Inspection Fee - Private Improvements	9% of Bond Estimates			No Change
Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates			No Change
Parcel Maps				
Final Parcel Map Filing Fee	\$108/map	\$ 105.00	\$ 2.52	\$ 108.00
Final Parcel Map Plan Checking Fee	Time - \$1,000 minimum deposit			No Change
Construction Plan Checking Fee	Time - \$1,000 minimum deposit			No Change
Construction Inspection Fee - Public Improvements	9% of Bond Estimates			No Change
Construction Inspection Fee - Private Improvements	9% of Bond Estimates			No Change
Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates			No Change
Grading				
Grading Permit Filing Fee	\$162 / permit	\$ 158.00	\$ 3.79	\$ 162.00
Grading Permit Plan Check	Time - \$1,000 minimum deposit			No Change
Grading Inspection	Time - \$1,000 minimum deposit			No Change
Minor Encroachment Permits				
Pools, driveways, minor concrete repair	\$81 / permit	\$ 79.00	\$ 1.90	\$ 81.00
Major Encroachment Permits				
Major Encroachment Permit	\$53 / permit	\$ 52.00	\$ 1.25	\$ 53.00
Major Plan Check	Time- \$2,500 minimum deposit			No Change
Major Inspection	Time - \$2,500 minimum deposit			No Change
Cash Bond Major Encroachments (may be surety if more than \$10,000)	Per City Engineer			No Change

CITY OF CLAYTON
FEE SCHEDULE 2013-14

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
STORMWATER INSPECTION PERMITS				
Construction Permit				
Minor - project that does not disturb ground (interior remodels etc.)	\$106/permit + Time- \$500 deposit	\$ 105.00	\$ 2.52	\$ 106.00
Standard - pools, driveways, minor concrete repairs, room additions	\$135/permit + Time - \$2,000 min deposit	\$ 132.00	\$ 3.17	\$ 135.00
Major projects	Time - \$5,000 minimum deposit			No Change
Post Construction				
Post construction Annual Verification Inspection - Individual Single Family Lot	\$173 per lot	\$ 169.00	\$ 4.06	\$ 173.00
Post construction Annual Verification Inspection - Single Family HOA	\$173 per HOA for up to 10 lots - \$52 per each addtl lot	\$ 169.00	\$ 4.06	\$ 173.00
Post construction Annual Verification Inspection - Commercial	\$173/acre (with minimum of \$173)	\$ 169.00	\$ 4.06	\$ 173.00
Documentation Compliance Review Fee - Individual Single Family Lot	per lot	\$ 169.00	\$ 4.06	\$ 173.00
Documentation Compliance Review Fee - HOA	\$173 per HOA up to 10 lots; + 52 per ea. addtl lot	\$ 169.00	\$ 4.06	\$ 173.00
Documentation Compliance Review Fee - Commercial	\$173 per acre (with minimum of \$173)	\$ 169.00	\$ 4.06	\$ 173.00
Annual State Reporting preparation/filing Fee - Individual Single Family Lot	\$63 per lot	\$ 61.00	\$ 1.46	\$ 63.00
Annual State Reporting preparation/filing Fee - Single Family HOA	\$121 per HOA	\$ 118.00	\$ 2.83	\$ 121.00
Annual State Reporting preparation/filing Fee - Commercial	\$121 per acre (minimum \$121)	\$ 118.00	\$ 2.83	\$ 121.00
POLICE DEPARTMENT				
Residential Alarm System Registration Fee	\$28/ house	\$ 27.00	\$ 0.65	\$ 28.00
Commercial Alarm System Registration Fee	\$56/commercial occupancy	\$ 55.00	\$ 1.32	\$ 56.00
Bicycle License	\$3/License	\$ 3.00	\$ 0.07	\$ 3.00
Vehicle Release	\$140/ cash per vehicle	\$ 137.00	\$ 3.29	\$ 140.00
Police Reports	\$28	\$ 27.00	\$ 0.65	\$ 28.00
VIN Verification	\$38	\$ 37.00	\$ 0.89	\$ 38.00
Clearance Letters	\$28	\$ 27.00	\$ 0.65	\$ 28.00
Police Enforcement on Party Ordinance	Time - Maximum \$500	\$ 500.00		No Change
Police Enforcement of DUI Involving Accident	Time - Maximum \$12,000	\$ 12,000.00		No Change
Enforcement of Suspended or Revoked Licenses	Time			No Change
City Alcohol Beverage Permit	\$53	\$ 52.00	\$ 1.25	\$ 53.00
Booking Fees	As established by County or agreement w/ Concord			No Change
False Alarm Fee	As established by City Ordinance 9.18.060(a)(b)	\$ 103.00	\$ 2.47	\$ 105.00
Tobacco Sales Permit	\$81	\$ 79.00	\$ 1.90	\$ 81.00

CITY OF CLAYTON
FEE SCHEDULE 2013-14

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
Taxicab Permit Fee	\$272	\$ 266.00	\$ 6.38	\$ 272.00
Taxicab Permit Fee - Renewal	\$102	\$ 100.00	\$ 2.40	\$ 102.00
Witness Fees per Gov. Code Sect. 68096-1 if City Employee subpoenaed	\$150 + IRS reimbursement min. rate per State Code	No Change		No Change
Administrative Fee for Failure to Display Disabled Placards per vehicle code 40226	\$25/violation	\$ 25.00	\$ -	\$ 26.00
Firearms Seizure and Processing Fee	\$108/violation	\$ 105.00	\$ 2.52	\$ 108.00
RV Public parking Permit Fee - Bona fide guest of Clayton Resident	\$28/permit	\$ 27.00	\$ 0.65	\$ 28.00
RV Public Parking Permit Fee - Clayton Resident	No charge	\$ -		No Change
Solicitation Permit	\$223/permit	\$ 218.00	\$ 5.23	\$ 223.00
Citation Sign off for correctable offenses - Non Resident	\$23/citation	\$ 22.00	\$ 0.53	\$ 23.00
Citation Sign off for correctable offenses - Resident	no charge	\$ -		No Change
Late Fee- Parking Violations	\$38/citation	\$ 37.00	\$ 0.89	\$ 38.00
Suspended License	As established by City Ordinance			No Change
Financial Responsibility (DUI)	As established by City Ordinance			No Change

**CITY OF CLAYTON
FEE SCHEDULE 2013-14**

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
PUBLIC FACILITIES AND PARKS RENTAL FEES				
Library Meeting Room - Hoyer Hall				
Non profit (Non-Clayton Based)	\$45/hour (anytime)	\$ 44.00	\$ 1.06	\$ 45.00
Non profit - Only Clayton Based	\$24/hour-\$48 max for up to 3 hours	\$ 23.00	\$ 0.55	\$ 24.00
Resident	\$55 per hour	\$ 54.00	\$ 1.30	\$ 55.00
Non resident or Commercial	\$68 per hour	\$ 66.00	\$ 1.58	\$ 68.00
Deposit (far all) - clean up/damage - refundable	\$200 / rental	\$ 200.00		No Change
Endeavor Hall Meeting Room				
Non profits- Clayton based and Non Clayton based Weekdays	\$43 per hour Weekdays (Sun 5pm - Fri 5pm)	\$ 42.00	\$ 1.01	\$ 43.00
Clayton Based Non Profit only	\$108 maximum weekday rental Clayton based non profit only	\$ 105.00	\$ 2.52	\$ 108.00
Non profits- Clayton based and Non Clayton based Weekends	\$162 per hour Friday 5pm through Sunday 5pm	\$ 158.00	\$ 3.79	\$ 162.00
Resident - Weekdays	\$108 per hour Friday 5pm through Sunday 5pm	\$ 105.00	\$ 2.52	\$ 108.00
Non resident or Commercial - Weekdays	\$129 per hour Sunday 5pm through Friday 5pm	\$ 126.00	\$ 3.02	\$ 129.00
Resident - Weekends	\$162 per hour Friday 5pm through Sunday 5pm	\$ 158.00	\$ 3.79	\$ 162.00
Non resident or Commercial - Weekends	\$194 per hour Friday 5pm through Sunday 5pm	\$ 189.00	\$ 4.54	\$ 194.00
Deposit (all) - no alcohol or beer and wine only	\$500 reservation- clean up/damage per rental	\$ 500.00		No Change
Deposit (all) - hard alcohol (distilled spirits)	\$1,000 reservation- clean up damage per rental	\$ 1,000.00		No Change
Alcohol Permit	\$53 per event	\$ 52.00	\$ 1.25	\$ 53.00
Noise Permit - Administrative Review	\$161 per event	\$ 157.00	\$ 3.77	\$ 161.00
Reservation rental time change (same date)	\$38 less than 30 days prior to the event	\$ 37.00	\$ 0.89	\$ 38.00
Reservation rental date change	\$48 less than 90 days prior to event	\$ 47.00	\$ 1.13	\$ 48.00
City Hall 1st Floor Conference Room				
Non Profit (Clayton based or non clayton based non profits)	\$24 per hour	\$ 23.00	\$ 0.55	\$ 24.00
Resident	\$29 per hour	\$ 28.00	\$ 0.67	\$ 29.00
Non Resident or Commercial	\$35 per hour	\$ 34.00	\$ 0.82	\$ 35.00
Deposit (all)	\$100 per rental - clean up/damage	\$ 100.00		No Change
City Hall Courtyard				
Non Profit (Clayton based or non clayton based non profits)	\$45 per hour	\$ 44.00	\$ 1.06	\$ 45.00
Resident	\$55 per hour	\$ 54.00	\$ 1.30	\$ 55.00
Non Resident or Commercial	\$68 per hour	\$ 66.00	\$ 1.58	\$ 68.00
Deposit (all)	\$100 per rental - clean up/damage	\$ 100.00		No Change

**CITY OF CLAYTON
FEE SCHEDULE 2013-14**

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
Clayton Community Park and Related Facilities				
Picnic Areas				
Picnic Area #2 - Resident	\$17 flat fee for up to 4 hours - no change	\$ 17.00	\$ 0.41	No Change
Picnic Area #2 - Non Resident or Commercial	\$24 flat fee for up to 4 hours	\$ 23.00	\$ 0.55	\$ 24.00
Picnic Area #3 - Resident	\$17 flat fee for up to 4 hours - no change	\$ 17.00	\$ 0.41	No Change
Picnic Area #3 - Non Resident or Commercial	\$24 flat fee for up to 4 hours	\$ 23.00	\$ 0.55	\$ 24.00
Picnic Area #4 - Resident	\$40 flat fee for up to 4 hours	\$ 39.00	\$ 0.94	\$ 40.00
Picnic Area #4 - Non Resident or Commercial	\$51 flat fee for up to 4 hours	\$ 50.00	\$ 1.20	\$ 51.00
Picnic Area #5 - Resident (6 separate areas)	\$33 per table for up to 4 hours 1st 2 tables	\$ 32.00	\$ 0.77	\$ 33.00
	\$6.00 flat fee per additional table - 4 hours minimum	\$ 5.50	\$ 0.13	\$ 6.00
Picnic Area #5 - Non Resident or Commercial (6 separate areas)	\$42 per table for up to 4 hours - 1st 2 tables	\$ 41.00	\$ 0.98	\$ 42.00
	\$7.00 flat fee per additional table - 4 hours minimum	\$ 7.00	\$ 0.17	No Change
Picnic Area #6 Resident (Large Group Area)	\$269 per day	\$ 263.00	\$ 6.31	\$ 269.00
Picnic Area #6 Resident (Large Group Area)	\$33 per hour - 4 hour minimum required	\$ 32.00	\$ 0.77	\$ 33.00
Picnic Area #6 Non Resident or Commercial (Large Group Area)	\$350 per day	\$ 342.00	\$ 8.21	\$ 350.00
Picnic Area #6 Non Resident or Commercial (Large Group Area)	\$46 per hour - 4 hour minimum required	\$ 45.00	\$ 1.08	\$ 46.00
Picnic Area #5 & #6 Combined - Resident	\$430 per day	\$ 420.00	\$ 10.08	\$ 430.00
Picnic Area #5 & #6 Combined - Resident	\$53 per hour - 4 hour minimum required	\$ 52.00	\$ 1.25	\$ 53.00
Picnic Area #5 & #6 Combined - Non Resident or Commercial	\$560 per day	\$ 547.00	\$ 13.13	\$ 560.00
Picnic Area #5 & #6 Combined - Non Resident or Commercial	\$71 per hour - 4 hour minimum required	\$ 69.00	\$ 1.66	\$ 71.00
Picnic Area #7 - Resident	\$43 flat fee for up to 4 hours	\$ 42.00	\$ 1.01	\$ 43.00
Picnic Area #7 - Non Resident or Commercial	\$55 flat fee for up to 4 hours	\$ 54.00	\$ 1.30	\$ 55.00

CITY OF CLAYTON
FEE SCHEDULE 2013-14

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
Sports Fields				
Adult Field Rental	\$33 per hour	\$ 32.00	\$ 0.77	\$ 33.00
Youth Field Rental	\$19 per hour	\$ 19.00	\$.86 ***	\$ 20.00
Field Rental Change of Time, Same Date	\$38 less than 7 calendar days prior to use date	\$ 37.00	\$ 0.89	\$ 38.00
Field Rental Change of Date	\$48 less than 7 calendar days prior to use date	\$ 47.00	\$ 1.13	\$ 48.00
Field Rental Cancellation	no refund less than 14 days prior to use			No Change
Grove Park and Related Facilities				
Entire Facility Security Deposits	events without food or beverage	\$ 1,500.00	\$ -	No Change
Entire Facility Security Deposits	events with food and beverage	\$ 1,800.00	\$ -	No Change
Entire Facility Security Deposits	events closing street (i.e.: either Main or Center etc.)	\$ 2,220.00	\$ -	No Change
Special Event Permit/Application Process (non refundable)	events closing streets (Main or Center etc.) + other permit fees: TUP/NP	\$ 262.00	\$ 6.29	\$ 268.00
Gazebo only Rental Security Deposit		\$ 250.00	\$ -	No Change
Amplified Sound - damage/security deposit if using City sound equip		\$ 1,000.00	\$ -	No Change
Amplified Sound Equipment Use Fee (Noise Permit also required)	per hour	\$ 23.00	\$ 0.55	\$ 24.00
City provided Sound Equipment Tech if needed for use of City equip	cost			No Change
Entire Grove Park Facility				
Rental Entire Facility - Resident -- Weekends	\$162 per hour	\$ 158.00	\$ 4.00	\$ 162.00
Rental Entire Facility - Resident -- Weekends	\$1,292 per day	\$ 1,262.00	\$ 30.00	\$ 1,292.00
Rental Entire Facility - Non Profit (verification req'd) -- Weekends	\$162 per hour	\$ 158.00	\$ 4.00	\$ 162.00
Rental Entire Facility - Non Profit (verification req'd) -- Weekends	\$1,292 per day	\$ 1,262.00	\$ 30.00	\$ 1,292.00
Rental Entire Facility - Non Resident or Commercial -- Weekends	\$194 per hour	\$ 189.00	\$ 4.54	\$ 194.00
Rental Entire Facility - Non Resident or Commercial -- Weekends	\$1,550 per day	\$ 1,514.00	\$ 36.34	\$ 1,550.00
Rental Entire Facility - Resident -- Weekdays	\$108 per hour	\$ 105.00	\$ 2.52	\$ 108.00
Rental Entire Facility - Resident -- Weekdays	\$861 per day	\$ 841.00	\$ 20.18	\$ 861.00
Rental Entire Facility - Non Profit (verification req'd) -- Weekdays	\$108 per hour	\$ 105.00	\$ 2.52	\$ 108.00
Rental Entire Facility - Non Profit (verification req'd) -- Weekdays	\$841 per day	\$ 821.00	\$ 19.70	\$ 841.00
Rental Entire Facility - Non Resident or Commercial -- Weekdays	per hour	\$ 126.00	\$ 3.02	\$ 129.00
Rental Entire Facility - Non Resident or Commercial -- Weekdays	\$1,137 per day	\$ 1,110.00	\$ 26.64	\$ 1,137.00

CITY OF CLAYTON
FEE SCHEDULE 2013-14

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
Gazebo Only				
Rental Gazebo only -Resident - Weekends	\$113 per hour	\$ 110.00	\$ 2.64	\$ 113.00
Rental Gazebo only -Resident - Weekends	\$905 per day	\$ 884.00	\$ 21.22	\$ 905.00
Rental Gazebo only -Non profit (verification req'd) - Weekends	\$113 per hour	\$ 110.00	\$ 2.64	\$ 113.00
Rental Gazebo only -Non profit (verification req'd) - Weekends	\$905 per day	\$ 884.00	\$ 21.22	\$ 905.00
Rental Gazebo only - Non Resident or Commercial - Weekends	\$136 per hour	\$ 133.00	\$ 3.19	\$ 136.00
Rental Gazebo only - Non Resident or Commercial - Weekends	\$1,085 per day	\$ 1,060.00	\$ 25.44	\$ 1,085.00
Rental Gazebo only -Resident - Weekdays	\$81 per hour	\$ 79.00	\$ 1.90	\$ 81.00
Rental Gazebo only -Resident - Weekdays	\$323 per day	\$ 315.00	\$ 7.56	\$ 323.00
Rental Gazebo only -Non profit (verification req'd) - Weekdays	\$81 per hour	\$ 79.00	\$ 1.90	\$ 81.00
Rental Gazebo only -Non profit (verification req'd) - Weekdays	\$323 per day	\$ 315.00	\$ 7.56	\$ 323.00
Rental Gazebo only - Non Resident or Commercial - Weekdays	\$96 per hour	\$ 94.00	\$ 2.26	\$ 96.00
Rental Gazebo only - Non Resident or Commercial - Weekdays	\$388 per day	\$ 379.00	\$ 9.10	\$ 388.00
Group Picnic Area (near tot lot)				
Group Picnic Area - Resident - Weekends	\$28 per hour 4 hour minimum	\$ 27.00	\$ 0.65	\$ 28.00
Group Picnic Area - Resident - Weekends	\$188 per day	\$ 184.00	\$ 4.42	\$ 188.00
Group Picnic Area - Non Profit (verification req'd) - Weekends	\$28 per hour 4 hour minimum	\$ 27.00	\$ 0.65	\$ 28.00
Group Picnic Area - Non Profit (verification req'd) - Weekends	\$188 per day	\$ 184.00	\$ 4.42	\$ 188.00
Group Picnic Area - Non Resident or Commercial - Weekends	\$33 per hour 4 hour minimum	\$ 32.00	\$ 0.77	\$ 33.00
Group Picnic Area - Non Resident or Commercial - Weekends	\$226 per day	\$ 221.00	\$ 5.30	\$ 226.00
Group Picnic Area - Resident - Weekdays	\$23 per hour 4 hour minimum	\$ 22.00	\$ 0.53	\$ 23.00
Group Picnic Area - Resident - Weekdays	\$172 per day	\$ 168.00	\$ 4.03	\$ 172.00
Group Picnic Area - Non Profit (verification req'd) - Weekdays	\$23 per hour 4 hour minimum	\$ 22.00	\$ 0.53	\$ 23.00
Group Picnic Area - Non Profit (verification req'd) - Weekdays	\$172 per day	\$ 168.00	\$ 4.03	\$ 172.00
Group Picnic Area - Non Resident or Commercial - Weekdays	\$27 per hour 4 hour minimum	\$ 26.00	\$ 0.62	\$ 27.00
Group Picnic Area - Non Resident or Commercial - Weekdays	\$207 per day	\$ 202.00	\$ 4.85	\$ 207.00
Plaza Picnic Area - per table				
Plaza Picnic Area - Resident - Weekends	\$28 per hour 4 hour minimum	\$ 27.00	\$ 0.65	\$ 28.00
Plaza Picnic Area - Resident - Weekends	\$188 per day	\$ 184.00	\$ 4.42	\$ 188.00
Plaza Picnic Area - Non Profit (verification req'd) - Weekends	\$28 per hour 4 hour minimum	\$ 27.00	\$ 0.65	\$ 28.00
Plaza Picnic Area - Non Profit (verification req'd) - Weekends	\$188 per day	\$ 184.00	\$ 4.42	\$ 188.00
Plaza Picnic Area - Non Resident or Commercial - Weekends	\$33 per hour 4 hour minimum	\$ 32.00	\$ 0.77	\$ 33.00

CITY OF CLAYTON
FEE SCHEDULE 2013-14

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
Plaza Picnic Area - Non Resident - or Commercial - Weekends	\$226 per day	\$ 221.00	\$ 5.30	\$ 226.00
Plaza Picnic Area - Resident - Weekdays	\$23 per hour 4 hour minimum	\$ 22.00	\$ 0.53	\$ 23.00
Plaza Picnic Area - Resident - Weekdays	\$172 per day	\$ 168.00	\$ 4.03	\$ 172.00
Plaza Area - Non Profit (verification req'd) - Weekdays	\$23 per hour 4 hour minimum	\$ 22.00	\$ 0.53	\$ 23.00
Plaza Picnic Area - Non Profit (verification req'd) - Weekdays	\$172 per day	\$ 168.00	\$ 4.03	\$ 172.00
Plaza Picnic Area - Non Resident or Commercial - Weekdays	\$27 per hour 4 hour minimum	\$ 26.00	\$ 0.62	\$ 27.00
Plaza Picnic Area - Non Resident or Commercial - Weekdays	\$207 per day	\$ 202.00	\$ 4.85	\$ 207.00
FOUNTAIN OPERATION WITH GEYSERS	\$349 Fountain per 48 hour event	\$ 341.00	\$ 8.18	\$ 349.00
Special Event Liability Insurance purchased thru City's 3rd party carrier	Insurance cost per schedule rates by insurance provider when purchasing insurance thru City 3rd party carrier			No Change
Special Event Liability Insurance Administrative Fee	\$33	\$ 32.00	\$ 0.77	\$ 33.00
ADMINISTRATIVE FEES				
Document Copying (10 pages or less)	no charge	\$ -	\$ -	No Change
Document Copying (more than 10 pages)	per page if more than 10 pages	\$ 0.10	\$ -	No Change
Trail Maps	\$2.00 per map	\$ 2.00	\$ -	No Change
Audio Recordings of Meetings	\$20 refundable deposit if using city provided flash drive	\$ 21.00	\$ -	\$ 20.00
Printed documents (i.e. general plan, budget, zoning ord., etc.)	cost			No Change
Video Recordings of Meetings	cost			No Change
FPPC Document Copying	\$.10/page (per State Law)	\$ 0.10	\$ -	No Change
Notary Public Fee	\$10/document (per State law)	\$ 10.00	\$ -	No Change
Business License Initial Registration Fee - New Business	\$60	\$ 59.00	\$ 1.42	\$ 60.00
Business License Renewal Registration - All Businesses (including exempt)	\$28	\$ 27.00	\$ 0.65	\$ 28.00
Return Check Service Charge	\$25/check return (per state law)	\$ 25.00	\$ -	No Change
Late Payment Charges for Administrative Fines	Ten (10) percent of original fine for every 30 days or portion thereof. The Late Payment Charge shall not exceed 100 percent of the original fine.			No Change
Street Closure Fee	\$108	\$ 105.00	\$ 2.52	\$ 108.00
Administrative penalty for City issued permits after the fact (encroachment permit; tree removal permit, etc.) are double the original permit fee		double the original permit		No Change
Code Enforcement non-compliance re-inspection after the first inspection (in addition to any citation fines)	\$32	\$ 31.00	\$ 0.74	\$ 32.00

**CITY OF CLAYTON
FEE SCHEDULE 2013-14**

DEPARTMENT	City of Clayton New Fee Schedule	Adopted FY 12-13 Fee	CPI 2.4%	Proposed FY 13-14 Fee
NOTES				
Time means the cost per hour for an employee as determined each July. The determination is based upon salary, benefits, overhead and overtime.				
Time also means City Engineer billing (plus 15%), as well as costs of other contracts and expenses.				
Audio recordings are kept for 30 calendar days after the minutes are approved.				
Cost: means the cost of materials, labor, and supplies.				
Deposits: Deposits are required upon submittal of an application. A minimum deposit is stipulated by these fees. At his/her discretion the City Manager can reduce the required deposit.				
Also, if it is the judgment of staff a minimum deposit is not sufficient, the required deposit may be increased.				
If, after a deposit is made, more funds are needed, the applicant will be notified when approx. 30% of the deposit remains.				
If a development project requires multiple applications, only a single deposit shall be required. In such cases, the amount of the deposit shall be the largest single deposit required by any of the applications, or an amount determined by the City Manager, not to exceed the sum of the deposits.				
All fixed-cost development application fees are refundable based upon the City amount of staff work completed on the process of the application and subject to approval by the City Manager.				
*** CPI Adjustment for two year period, as no increase last year (12/13). Two year CPI adjustment at 4.5% is \$.86.				

MINUTES
OF THE
REGULAR MEETING

Agenda Date: 9/17/13

Agenda Item: 3(a)

CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES

May 21, 2013

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 6:36 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz, Geller and Shuey. Staff present: City Manager Napper, City Clerk Laci Jackson, Community Development Director, and General Counsel Subramanian.
 2. **CLOSED SESSION** -On call by Mayor Pierce the Council adjourned into Closed Session for the following purpose:
 - (a) Clayton Successor Housing Agency
Government Code Section 54956.8, Conference with Real Property Negotiator
Real Property: 204 Stranahan Circle, Clayton, CA (APN 119-620-003).
Instructions to Agency negotiator (Executive Director) concerning price and terms of payment.
Negotiating Party: Gary Martineau
- 7:00 p.m. **Report out from Closed Session** – Mayor Pierce reported the Council gave direction to its Agency Negotiator.
3. **ADJOURN** – on call by Mayor Pierce the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Successor and Successor Housing
Agency Board

Julie K. Pierce, Mayor

**MINUTES
OF THE
REGULAR MEETING**

Agenda Date: 9/17/13

Agenda Item: 3(a)

CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES

February 19, 2013

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 7:40 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz and Geller. Councilmembers Absent: Councilmember Shuey. Staff present: City Manager Napper, City Clerk Laci Jackson, and General Counsel Subramanian.

2. **PUBLIC COMMENTS** – None.

3. **CONSENT CALENDAR**- None.

4. **PUBLIC HEARINGS** – None.

5. **ACTION ITEMS**

- (a) Consider a Resolution to approve and adopt its Recognized Obligations Payment Schedule (ROPS 2013-14 A) covering the time period from July 1, 2013 through December 31, 2013, pursuant to recent California Redevelopment Laws.

The Finance Manager presented the staff report and noted the ROPS shows the debt service of the 1996 and 1999 bonds as well as the two percent election payment and the fire station debt. She stated staff will submit the ROPS to the state and see what happens.

No public comments were received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to approve Resolution 01-2013 adopting the ROPS 2013-14 A (Passed; 4-0 vote).

6. **BOARD ITEMS** – None.

7. **ADJOURN** – on call by Mayor Pierce the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Successor and Successor Housing
Agency Board

Julie K. Pierce, Mayor

**MINUTES
OF THE
REGULAR MEETING**

CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCY

Agenda Date: 9/17/13

Agenda Item: 3(a)

February 5, 2013

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 9:02 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. **Boardmembers present:** Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz, Geller, and Shuey. **Staff present:** City Manager Napper, Code Enforcement Officer/ Office Assistant Boscacci, and General Counsel Subramanian.

2. **PUBLIC COMMENTS** – None.

3. **CONSENT CALENDAR**- It was moved by Vice Mayor Stratford, seconded by Councilmember Geller, to approve the consent calendar as submitted (Passed; 5-0 vote).

(a) Approved the minutes of the regular meeting of September 18, 2012.

4. **PUBLIC HEARINGS** – None.

5. **ACTION ITEMS**

(a) Presentation of the former Clayton Redevelopment Agency's Audited Financial Statement for Fiscal Year 2010-2011 prepared by Cropper Accountancy Corporation, Certified Public Accountants.

The Finance Manager presented the report. She noted a new copy of the staff report was benched tonight.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to approve the FY 2010-2011 Audited Financial Statement as submitted serving as Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency (Passed; 5-0 vote).

6. **BOARD ITEMS** – None.

7. **ADJOURN** – on call by Mayor Geller the meeting adjourned at 9:11 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Successor and Successor Housing
Agency Board

Julie K. Pierce, Mayor

MINUTES
OF THE
REGULAR MEETING

CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCY

Agenda Date: 9/17/13

Agenda Item: 3(a)

January 15, 2013

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 9:21 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz, Geller, and Shuey. Staff present: City Manager Napper, Secretary Jackson, and General Counsel Subramanian.

2. **PUBLIC COMMENTS** – None.

3. **CONSENT CALENDAR**- It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to approve the Consent Calendar as submitted (Passed; 4-1 vote; Diaz abstained).

(a) Approved the minutes of the regular meeting of September 18, 2012.

4. **PUBLIC HEARINGS** – None.

5. **ACTION ITEMS** – This item was continued to the next meeting of the Successor Agency.

(a) Presentation of the former Clayton Redevelopment Agency's Audited Financial Statement for Fiscal Year 2010-2011 prepared by Cropper Accountancy Corporation, Certified Public Accountants.
(Finance Manager, and John Cropper, CPA)

Staff recommendation: Following presentation of the independent Auditor's report, receive public comments and then by motion approve the FY 2010-2011 Audited Financial Statement as submitted serving as Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency.

6. **BOARD ITEMS** – None.

7. **ADJOURN** – on call by Mayor Geller the meeting adjourned at 9:23 p.m.

Respectfully submitted,

Laci J. Jackson, Secretary

Clayton Successor and Successor Housing
Agency Board

Julie K. Pierce, Mayor



Agenda Date: 9/17/13
Agenda Item: 5(a)

STAFF REPORT

Approved: _____

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MERRY PELLETIER
DATE: SEPTEMBER 17, 2013
SUBJECT: CONSIDER A RESOLUTION, AS THE CLAYTON SUCCESSOR AGENCY, TO APPROVE AND ADOPT A 5TH RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 2013-14B), PURSUANT TO THE DISSOLUTION ACT

RECOMMENDATION

It is recommended the City Council, serving as the Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency, adopt the prepared Resolution approving a 5th Recognized Obligation Payment Schedule" (ROPS 2013-14B) in accordance with the California Supreme Court-ruled constitutionality of ABx1 26 (the "Dissolution Act") and subsequent AB 1484.

BACKGROUND

On 11 August 2011, the California Supreme Court agreed to review a petition challenging the constitutionality of ABx1 26 (the "Dissolution Act") and ABx1 27 (the "Voluntary Redevelopment Program Act:). The Court's order also stayed specified portions of these Redevelopment Restructuring Acts, indefinitely postponing certain provisions' implementation and effectiveness. During that period of suspension, the Clayton Redevelopment Agency was still required to prepare a list of contractual and indebtedness obligations of the Agency and to adopt and submit the "schedule" by 28 August 2011. Our Agency complied with this requirement by adopting RDA Resolution No. 03-2011 at a regular public meeting on 16 August 2011. Pursuant to the regulations available at that time, the Agency's EOPS was only effective through 31 December 2011.

On 29 December 2011 the California Supreme Court ruled in its decision on this controversial subject that the State of California did indeed have the authority to terminate the existing redevelopment agencies in the state but did not have the constitutional authority (under Prop 22) to enact a voluntary redevelopment program (ABx1 27), which program instituted "pay to play" provisions for agencies to continue to operate if they each "paid" pre-designated amounts of money to the state in FY 2011-12 and each year thereafter.

Since the Court's decision shifted the termination date of all redevelopment agencies one additional month to 01 February 2012, the Board of Directors of the former Clayton Redevelopment Agency did, on 17 January 2012, amend the re-adopt its Enforceable Obligation Payment Schedule (EOPS) to add the additional full month of January 2012 to the table of current and future debts and obligations of the Clayton Redevelopment Agency. In this manner, reviewing regulatory and other public taxing entities were placed on notice of the Agency's continuing fiduciary responsibilities to be paid from January 2012 through June 2012.

On 21 February 2012 and on 17 April 2012, the Clayton City Council, acting in its capacity as the governing body of the Successor Agency for the former Clayton Redevelopment Agency, did adopt separate Resolutions approving its 1st Recognized Enforceable Obligation payment Schedule (ROPS), to address the funding cycle for the remainder of the fiscal year, namely 01 February 2012 through 30 June 2012, and its 2nd ROPS covering the time period of 01 July 2012 through 31 December 2012. The 1st and 2nd ROPS were subsequently approved by the Oversight Board at its inaugural meeting, but not approved as submitted by the California Department of Finance (DOF). The DOF disallowed several obligations listed in each ROPS, most notably a \$475,000 principal loan payment due the City of Clayton for the real property deeded at no cost by the former Clayton Redevelopment Agency in 1999 to the Contra Costa County Fire Protection District (now improved as Fire Station No. 11 on Center Street), and \$501,899 statutory pass-through payment due the City of Clayton for the years 1987 through 2009 known as "2% Election" monies that were never transmitted to the City by the County Auditor-Controller's Office. Combined, the City of Clayton was denied \$976,899 in loan repayments by the denial actions of DOF.

Under the law, "enforceable obligations" of the 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

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

Included herein as Attachment 1 is the 5th Recognized Obligation Payment Schedule (ROPS 2013-14B) in the amount of \$442,780. This period (January 1, 2014 thru June 30, 2014) is \$28,418 more than in the prior ROPS 2013-14A (July 1, 2013 to December 31, 2013). The monies are issued by the County Auditor-Controller to our City's "Redevelopment Obligation Retirement Fund". As its name implies, this fund replaces the former Redevelopment Agency's three Funds and functions as the repository for sufficient tax increment revenues in the amounts identified and approved in subsequent ROPS to effectively "retire" all former Clayton Redevelopment Agency debts and contractual

obligations over a multi-year period. Once all identified and certified debts and obligations have been satisfied, the Successor Agency is then dissolved.

Although previously denied in ROPS 1-4 by DOF, AB 1484 did contain language that an agency's prior inter-agency payments (e.g. the City's 2% Election monies and the Fire Station No. 11 construction assistance payment) could be deemed eligible by DOF commencing in FY 2013-14. Therefore, staff has reinserted these former RDA obligations due the City of Clayton for eligibility and repayment. (Items No. 10 and 11).

Respectively submitted,



Merry Pelletier
Finance Manager

Attachments: 5th ROPS 13-14B Resolution (4 pp.)
1. 5th Recognized Obligation Payment Schedule (ROPS13-14B)

RESOLUTION NO. ____ - 2013

**A RESOLUTION OF THE CITY OF CLAYTON, CALIFORNIA,
ACTING AS THE SUCCESSOR AGENCY TO THE FORMER
CLAYTON REDEVELOPMENT AGENCY, APPROVING AND
ADOPTING ITS 5th RECOGNIZED OBLIGATION PAYMENT
SCHEDULE (ROPS) FOR THE TIME PERIOD OF JANUARY 1, 2014
THROUGH JUNE 30, 2014, PURSUANT TO SECTION 31471(h) AND
34177(I)(1) OF THE CALIFORNIA REDEVELOPMENT LAW**

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

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Clayton (the "City") adopted in accordance with the California Community Redevelopment Law, City Ordinance No. 243 on July 20, 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 June 28, 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 August 11, 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 December 29, 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 February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, January 17, 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, on February 21, 2012 by Resolution No. 06-2012, the Clayton City Council serving in its duly-authorized capacity as the Successor Agency of the former Clayton Redevelopment Agency, did at a regular public meeting approve the 1st Recognized Obligation Payment Schedule (ROPS) of the Successor Agency and Successor Housing Agency prior to the March 1, 2012 deadline, setting forth the minimum payment amounts and due dates of payments required by enforceable obligations with said 1st ROPS covering the time period from February 1, 2012 through June 30, 2012; and

WHEREAS, pursuant to Section 34177(l)(1) of the Redevelopment Law, each Successor Agency is further required to periodically prepare a six-month Recognized Obligation Payment Schedule (ROPS) covering the time increment from July-December of each year and then again for January-June of each year until such time the enforceable obligations of its former redevelopment agency have been fully retired or serviced; and

WHEREAS, in accordance with that requirement, the City Council on April 17, 2012 did adopt the 2nd ROPS for the Successor Agency for the City of Clayton to cover the fiscal time period from July 1, 2012 through December 31, 2012 and noted the recognized enforceable obligations accordingly; and

WHEREAS, on June 27, 2012 the California Legislature adopted and the Governor signed Assembly Bill 1484 which set further statutory language and laws administering and managing the operations and obligation payments of successor agencies in California, including the requirement that a 3rd ROPS for each Successor Agency covering the time period of January 1, 2013 through June 30, 2013 must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the California Department of Finance (DOF) by September 1, 2012; and

WHEREAS, in accordance with that requirement, the City Council on July 17, 2012 did adopt the 3rd ROPS for the Successor Agency for the City of Clayton to cover the fiscal time period from January 1, 2013 through June 30, 2013 and noted the recognized enforceable obligations accordingly; and

WHEREAS, on January 1, 2013 the Department of Finance (DOF) posted instructions for completing the 4th Recognized Obligation Payment Schedule (ROPS2013-14A) covering the time period of July 1, 2013 through December 31, 2013, including the requirement that the ROPS 2013-14A must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the DOF by March 1, 2013; and

WHEREAS, in accordance with that requirement, the City Council on February 19, 2013 did adopt the 4th (13/14A) ROPS for the Successor Agency for the City of Clayton to cover the fiscal time period from July 1, 2013 through June 30, 2013 and noted the recognized enforceable obligations accordingly; and

WHEREAS, on August 15, 2013 the Department of Finance (DOF) posted instructions for completing the 5th Recognized Obligation Payment Schedule (ROPS 2013-14B) covering the time period of January 1, 2014 through June 30, 2014, including the requirement that the ROPS 2013-14B must be adopted by the Successor Agency, approved by its Oversight Board and posted electronically to the DOF by October 1, 2013; and

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

WHEREAS, the Clayton City Council has reviewed and duly considered the Staff Report, the proposed 5th Recognized Obligation Payment Schedule (ROPS 2013-14B), plus documents and other written evidence presented at the meeting.

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

BE IT FURTHER RESOLVED that the City Council does hereby approve and adopt the 5th Recognized Obligation Payment Schedule (ROPS 2013-14B), attached hereto as "Attachment 1" and incorporated herein as if fully set forth in this Resolution.

BE IT FURTHER RESOLVED that the City Council authorizes and directs its City Manager or the City Manager's designee to: (1) post the 5th Recognized Obligation Payments Schedule (Attachment 1) on the City's website; (2) designate a City representative to whom all questions related to the 5th Recognized Obligation Payment Schedule can be directed; (3) notify, by mail or electronic means, the County Auditor-Controller, the State Department of Finance, and the State Controller of the Successor Agency's action to adopt the 5th Recognized Obligation Payment Schedule (ROPS 2013-14B), and to provide those persons with the internet website location of the posted schedule and the contact information for the City's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule on behalf of the Successor Agency and City.

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

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

Effect

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 17th day of September 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Julie Pierce, Mayor

ATTEST:

Laci J. Jackson, Clerk

#

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

Laci J. Jackson, City Clerk

Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary
Filed for the January 1, 2014 through June 30, 2014 Period

Name of Successor Agency: Clayton
Name of County: Contra Costa

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A Sources (B+C+D):		\$ 200,000
B Bond Proceeds Funding (ROPS Detail)		-
C Reserve Balance Funding (ROPS Detail)		200,000
D Other Funding (ROPS Detail)		
E Enforceable Obligations Funded with RPTTF Funding (F+G):		\$ 242,780
F Non-Administrative Costs (ROPS Detail)		117,780
G Administrative Costs (ROPS Detail)		125,000
H Current Period Enforceable Obligations (A+E):		\$ 442,780
Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I Enforceable Obligations funded with RPTTF (E):		242,780
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)		-
K Adjusted Current Period RPTTF Requested Funding (I-J)		\$ 242,780
County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L Enforceable Obligations funded with RPTTF (E):		242,780
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)		-
N Adjusted Current Period RPTTF Requested Funding (L-M)		242,780

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

Dan Richardson
Name Title
/s/ Signature Date

Recognized Obligation Payment Schedule (ROPS) 13-14B - ROPS Detail
January 1, 2014 through June 30, 2014
 (Report Amounts in Whole Dollars)

[illegible]

[illegible]

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Fund Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

an enforceable obligation.										
A	B	C	D	E	F	G	H	I	J	K
Fund Balance Information by ROPS Period		Fund Sources								Comments
		Bond Proceeds		Reserve Balance		Other	RPTTF		Total	
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Review balances retained for approved enforceable obligations	RPTTF balances retained for bond reserves	Rent, Grants, Interest, Etc.	Non-Admin	Admin		
ROPS III Actuals (01/01/13 - 6/30/13)										
1	Beginning Available Fund Balance (Actual 01/01/13) Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)	-	-			-	-	-	\$ -	
2	Revenue/Income (Actual 06/30/13) Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller	-	-			-	110,521	125,002	\$ 235,523	
3	Expenditures for ROPS III Enforceable Obligations (Actual 06/30/13) Note that for the RPTTF, 3 + 4 should tie to columns N and S in the Report of PPAs	-	-			-	126,326	125,002	\$ 251,328	
4	Retention of Available Fund Balance (Actual 06/30/13) Note that the Non-Admin RPTTF amount should only include the retention of reserves for debt service approved in ROPS III	-	-			-	-		\$ -	
5	ROPS III RPTTF Prior Period Adjustment Note that the net Non-Admin and Admin RPTTF amounts should tie to columns O and T in the Report of PPAs.	No entry required					-	-	\$ -	
6	Ending Actual Available Fund Balance (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (15,805)	\$ -	\$ (15,805)	
ROPS 13-14A Estimate (07/01/13 - 12/31/13)										
7	Beginning Available Fund Balance (Actual 07/01/13) (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (15,805)	\$ -	\$ (15,805)	
8	Revenue/Income (Estimate 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller								\$ -	
9	Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)								\$ -	
10	Retention of Available Fund Balance (Estimate 12/31/13) Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14A								\$ -	
11	Ending Estimated Available Fund Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (15,805)	\$ -	\$ (15,805)	