



AGENDA

REGULAR MEETING

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CLAYTON CITY COUNCIL

* * *

TUESDAY, MARCH 17, 2015

7:00 P.M.

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

Mayor: David T. Shuey
Vice Mayor: Howard Geller

Council Members

Jim Diaz
Keith Haydon
Julie K. Pierce

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

*** CITY COUNCIL ***

March 17, 2015

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

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

3. **CONSENT CALENDAR**

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

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

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

(c) Adopt a Resolution setting the City's Equivalent Runoff Unit (ERU) real property parcel assessment rates in FY 2015-16 at current rates to fund local storm water/clean water programs and services required by the federal and state-mandated National Pollution Discharge Elimination System (NPDES) Program (storm water pollution prevention). ([View Here](#))

(d) Approve Council Member Diaz's request to switch two (2) of the approved Thursday Nights Concerts in The Grove dates to July 2 and September 3, 2015. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to "Do The Right Thing" public school students selected for exemplifying the character trait of "Self Discipline" during the months of January and February 2015. ([View Here](#))

(b) Presentation by PG&E regarding its upcoming High-Wire Transmission Power Line Upgrade Project within the City of Clayton (Tom Guarino, East Bay Senior Government Relations Representative, and Victor Baker, Senior Manager for Customer Care, Contra Costa County). ([View Here](#))

5. **REPORTS**

(a) Planning Commission – Chairman Dan Richardson.

(b) Trails and Landscaping Committee – TBD (Meeting held on March 16th).

(c) City Manager/Staff

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

(e) Other

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

7. PUBLIC HEARINGS - None.

8. ACTION ITEMS

- (a) Presentation and acceptance of the Trails and Landscaping Committee's FY 2013-14 Annual Report on the Citywide Landscape Maintenance District. (TLC Chairman Larry Casagrande) ([View Here](#))

Staff recommendation: Following presentation of the TLC's Annual Report and any public comments, that Council by motion accept the Trails and Landscaping Committee's Annual Report for FY 2013-14.

- (b) Consider adoption of a Resolution approving the City's 2014 Annual Report on its Housing Element progress and policies. ([View Here](#)) (Community Development Director)

Staff Recommendation: Following staff presentation and opportunity for public comments, adopt the Resolution with direction to staff to file the Annual Report with the State Department of Housing and Community Development, Division of Housing Policy Development.

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

10. CLOSED SESSION – None.

11. ADJOURNMENT– the next regularly scheduled City Council meeting is April 7, 2015.

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MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 3-17-2015

Agenda Item: 3a

TUESDAY, March 3, 2015

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Shuey in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller and Councilmembers Diaz, Haydon and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk/HR Manager Janet Brown and Community Development Director Charlie Mullen.

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

3. **CONSENT CALENDAR**

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

 - (a) Approved the minutes of the regular meeting of February 17, 2015.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the dissolution of the City Council Fire Services Ad-hoc Committee.
 - (d) Adopted Resolution No. 05-2015 approving a multi-year Amended and Restated Agreement between the City of Clayton and All Out Sports league (AOSL) for the continued provision of community recreation and enrichment programs at the Clayton Community Gymnasium.
 - (e) Adopted Resolution No. 06-2015 reaffirming and implementing the provisions of Section 414(h) (2) of the Internal Revenue Code to tax defer employee retirement contributions to CalPERS.

4. **RECOGNITIONS AND PRESENTATIONS**
 - (a) A Proclamation declaring March 2015 as “Prescription Drug Awareness Month” in the City of Clayton.

Mayor Shuey read a Proclamation declaring March 2015 as “Prescription Drug Awareness Month” in the City of Clayton. No recipient from the requesting organization was present at the meeting to receive the Proclamation and staff was instructed to mail the Proclamation to them.

- (b) A Proclamation declaring Thursday, March 5, 2015 as "Kayla Elwy Day" in the City of Clayton in recognition of her achievement of the Girl Scout Gold Award.

Mayor Shuey read a Proclamation declaring March 5, 2015 as "Kayla Elwy Day" in the City of Clayton. During a slideshow presentation of Kayla's Girl Scout Gold Award Project, she thanked her grandparents, mother, father and uncle for attending the meeting this evening and assisting her along the way. Ms. Elwy's Gold Award project involved bringing music to senior citizens of the community. She will be attending a UC college in the fall studying communications and wishes to pursue a career in broadcast journalism. Mayor Shuey noted Kayla requested March 5th as her day as it is her eighteenth birthday.

5. REPORTS

- (a) Planning Commission – Vice Chair Dave Bruzzone reported that at its meeting of January 27, 2015 the Commission returned to full complement by the City Council's appointment of new Commissioner Peter Hellmann. The Commission reviewed the proposed City of Clayton 2014 Housing Element Annual Progress Report and recommended its approval to the City Council.

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

- (c) City Manager/Staff – No Report.

ConFire Battalion Chief Keith Cormier provided an update on the re-opening of Clayton Fire Station No.11 noting there have not been any glitches, Fire Station No. 11 are staff happy and ready to serve, and "bidding" is underway by District employees to obtain this desirable station assignment.

Mayor Shuey added the Clayton community is happier and feels safer now that Clayton Fire Station No. 11 re-opened; he thanked Contra Costa Fire Protection for its efforts in the station's re-opening.

Councilmember Haydon asked what is the staffing requirement at Clayton Fire Station No. 11? Battalion Chief Cormier advised Fire Station No. 11 is staffed with nine personnel, three people on each of the A, B and C shifts; each shift includes the positions of Captain, Engineer and Firefighter, of which one is a Paramedic.

Mayor Shuey asked if the station is fully staffed at this point? Battalion Chief Cormier advised it is not; shifts are being fully covered through some overtime at this point.

Councilmember Diaz added he is aware of a second Fire Academy and asked if there is another fire academy in place after the completion of the current academy? Battalion Chief Cormier advised there is an academy in place and soon there will be entry level employment opportunities available to fill any vacant positions within the Contra Costa Fire Protection District. In the past, a large number of applications were received, typically over one thousand for just a few available positions.

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

Councilmember Haydon provided a brief summary of this attendance at the last East Contra Costa Habitat Conservancy meeting, and he attended the Clayton Business & Community Association general membership meeting.

Councilmember Pierce attended several meetings of the Association of Bay Area Governments, Metropolitan Transportation Commission and the Contra Costa Transportation Authority. She was also speaker at the Bay Area Council Institute on Housing and hosted the Association of Bay Area Governments Administrative Committee dinner at Moresi's Chophouse located in Clayton, with transportation provided by the County Connection Shuttle. Councilmember Pierce also wrote an article in the latest *Western City Magazine* "The Future of SB 375 Implementation and Regional Planning".

Councilmember Diaz attended meetings for CBCA's Annual Rib Cook-off, the Clayton Community Library Foundation, the Central Costa County Connection Board (CCCTA), and the Clayton Business and Community Association general membership meeting. He also met with Clayton Police Chief Thorsen regarding prospective use of body cameras in the Clayton Police Department. Councilmember Diaz also attended the League of California Cities, East Bay Division meeting and was a judge at the 15th Annual Chili Cook-off event held at the Clayton Club.

Vice Mayor Geller attended the general membership meeting of the Clayton Business and Community Association and was a judge at the 15th Annual Chili Cook-Off event at the Clayton Club.

Mayor Shuey noted he attended several meetings on behalf of the City.

- (e) Other – None.

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

Mr. David Sorensen advised the City Council that his two sons are working toward their Boy Scout Eagle Scout Projects and are seeking any project ideas from the City they could work on to help improve the Clayton community.

7. **PUBLIC HEARINGS** – None.

8. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of proposed City-initiated Ordinance No. 458 amending/updating various code sections, definitions, regulations, and permit procedures of the *Clayton Municipal Code* Chapters 5.04, 5.12, 17.04, 17.36, 17.60 and 17.70 relating to Mobile Vendors, including mobile food vendors and mobile retail vendors.

Community Development Director Charlie Mullen presented the staff report providing a brief background of the Introduction and First Reading of Ordinance No. 458; he noted no members of the public spoke on the proposed ordinance. Staff's review of the proposed City Ordinance was initiated by recent public inquires pertaining to the permitting of mobile vendors, particularly mobile food vendors. Staff determined updates are warranted to Chapters 5.04, 5.12, 10.36, 17.04, 17.36, 17.60, and 17.70 of titles 5, 10, and 17 in order to modernize and integrate the various code sections, definition, regulations, and permit procedures.

Councilmember Pierce inquired on the impact this Ordinance would have on existing ice cream truck vendors touring residential neighborhoods and if such vendors currently need a Clayton Business License? Community Development Director Mullen advised the proposed Ordinance is modifying the existing land use permitting procedure on mobile food vendors and mobile retail vendors but all businesses operating within Clayton city limits must have a current Clayton Business License. Mr. Mullen examined the active business license list in Clayton and currently there are not any permitted mobile food vendors in operation.

Councilmember Pierce inquired on proposed mobile vendor restriction of not stopping for more than 90 minutes and not returning to the same location on the same calendar day. Staff responded this condition would be for permanent Land Use Permits, not temporary use permits associated with a community event. Council Member Pierce further inquired if, for example, Boy Scouts sell water from their wagons at events such as the City's 4th of July Parade, would they be under the same requirements as the proposed mobile vendor permitting process? Mr. Mullen advised an exception to the Use Permit requirement will apply when a mobile vendor is only part of a special event and obtains administrative approval of a Temporary Use Permit. The applicant is still required to comply with the requirements of Contra Costa Health Department.

City Manager Gary Napper noted by Council policy, enforcement of Municipal Code compliance is complaint driven. For example, a building permit is required on the installation or replacement of residential water heaters; most citizens are not aware of this but if the City is asked, the Code requirement is cited. Councilmember Pierce added at the time of purchase for a water heater, permits are usually required from the seller. Mr. Napper responded many commercial businesses comply with the requirement of a building permit, for example, Sears, due to case law; however, there remain many companies in operation that are not in compliance. Similar enforcement would occur on mobile food vendors.

Councilmember Haydon read the report at length and wanted clarification as possible concerns of authorized permitted operating hours for mobile vendors of dawn to 9:00 p.m. After speaking with City Staff prior to the meeting, reasoning for a start time of dawn is to accommodate construction project needs which typically set up earlier than 7:00 a.m. Vice Mayor Geller commented the City's Code indicates construction work time cannot occur before 7:00 a.m. Mayor Shuey added the "dawn" starting time would allow an opportunity for a mobile coffee vendor at the public park n' ride site (off Peacock Creek Drive); it probably would not be noisy or bother anyone, rather a convenience for those who use that site to carpool or commute.

Councilmember Haydon noted under the proposed Ordinance mobile vendors are not permitted to operate within 500 feet of another mobile vendor.

Councilmember Pierce added other cities are having food truck special events and this Ordinance may allow Clayton to experience such events in the future.

Mayor Shuey opened the item to receive public comments; no public comments were offered and Mayor Shuey then closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to have the City Clerk read Ordinance No. 458 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 458 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt Ordinance No. 458 with findings the action does not constitute a project under CEQA. (Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – None.

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

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

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Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor

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Agenda Date 3/17/2015

Agenda Item: 3b

Approved:


Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 3/17/2015

SUBJECT: FINANCIAL OBLIGATIONS

RECOMMENDATION:

Approve the following Invoices:

3/13/2015 Cash Requirements	\$ 140,366.77
3/3/2015 Payroll, PPE 3/1/15, Pay 3/4/15	\$ 83,151.61

Total \$ 223,518.38

Attachments:

Cash Requirements Report dated 3/13/2015 (2 pages)
ADP Report Week 10, PPE 03/1/15 (1 page)

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Neopost Northwest	3/17/2015	3/13/2015	N5206270	contract 4/7/15-5/6/15	\$158.20	\$0.00		\$158.20
				<i>Totals for Neopost Northwest:</i>	<i>\$158.20</i>	<i>\$0.00</i>		<i>\$158.20</i>
PERMCO, Inc.								
PERMCO, Inc.	3/17/2015	3/13/2015	10345	General Eng Services 2/21/15-3/6/15	\$2,819.00	\$0.00		\$2,819.00
PERMCO, Inc.	3/17/2015	3/13/2015	10346	PG&E EP Inspection 518 Mt Dell Dr	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	3/17/2015	3/13/2015	10347	CAP Inspections 2/21/15-3/6/15	\$103.75	\$0.00		\$103.75
PERMCO, Inc.	3/17/2015	3/13/2015	10349	Construction Plan Prep 2015 Neighborhood s	\$4,968.75	\$0.00		\$4,968.75
PERMCO, Inc.	3/17/2015	3/13/2015	10350	PG&E Reconductoring Project 2015	\$600.00	\$0.00		\$600.00
				<i>Totals for PERMCO, Inc.:</i>	<i>\$8,512.25</i>	<i>\$0.00</i>		<i>\$8,512.25</i>
PG&E								
PG&E	3/17/2015	3/11/2015	2/23/15	service thru 2/22/15	\$11.63	\$0.00		\$11.63
				<i>Totals for PG&E:</i>	<i>\$11.63</i>	<i>\$0.00</i>		<i>\$11.63</i>
Pinnacle Construction Services, Inc								
Pinnacle Construction Services, Inc	3/17/2015	3/11/2015	2100	Management Services for March 2015, adj for	\$4,380.34	\$0.00		\$4,380.34
				<i>Totals for Pinnacle Construction Services, Inc:</i>	<i>\$4,380.34</i>	<i>\$0.00</i>		<i>\$4,380.34</i>
Rock & Waterfall Co								
Rock & Waterfall Co	3/17/2015	3/13/2015	121-54	Waterfall Maintenance	\$650.00	\$0.00		\$650.00
				<i>Totals for Rock & Waterfall Co:</i>	<i>\$650.00</i>	<i>\$0.00</i>		<i>\$650.00</i>
Roto-Rooter Sewer/Drain Service								
Roto-Rooter Sewer/Drain Service	3/17/2015	3/13/2015	B-1311-15	Work Order C369016	\$947.75	\$0.00		\$947.75
				<i>Totals for Roto-Rooter Sewer/Drain Service:</i>	<i>\$947.75</i>	<i>\$0.00</i>		<i>\$947.75</i>
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	3/17/2015	3/13/2015	531409315-154	service 1/26/15-2/25/15	\$281.54	\$0.00		\$281.54
				<i>Totals for Sprint Comm (PW & ADM):</i>	<i>\$281.54</i>	<i>\$0.00</i>		<i>\$281.54</i>
Jack Wessman								
Jack Wessman	3/17/2015	3/11/2015	cc#5293D	Deposit refund for Hoyer Hall 2/28/15	\$200.00	\$0.00		\$200.00
				<i>Totals for Jack Wessman:</i>	<i>\$200.00</i>	<i>\$0.00</i>		<i>\$200.00</i>
GRAND TOTALS:					\$140,366.77	\$0.00		\$140,366.77

Earnings Statement

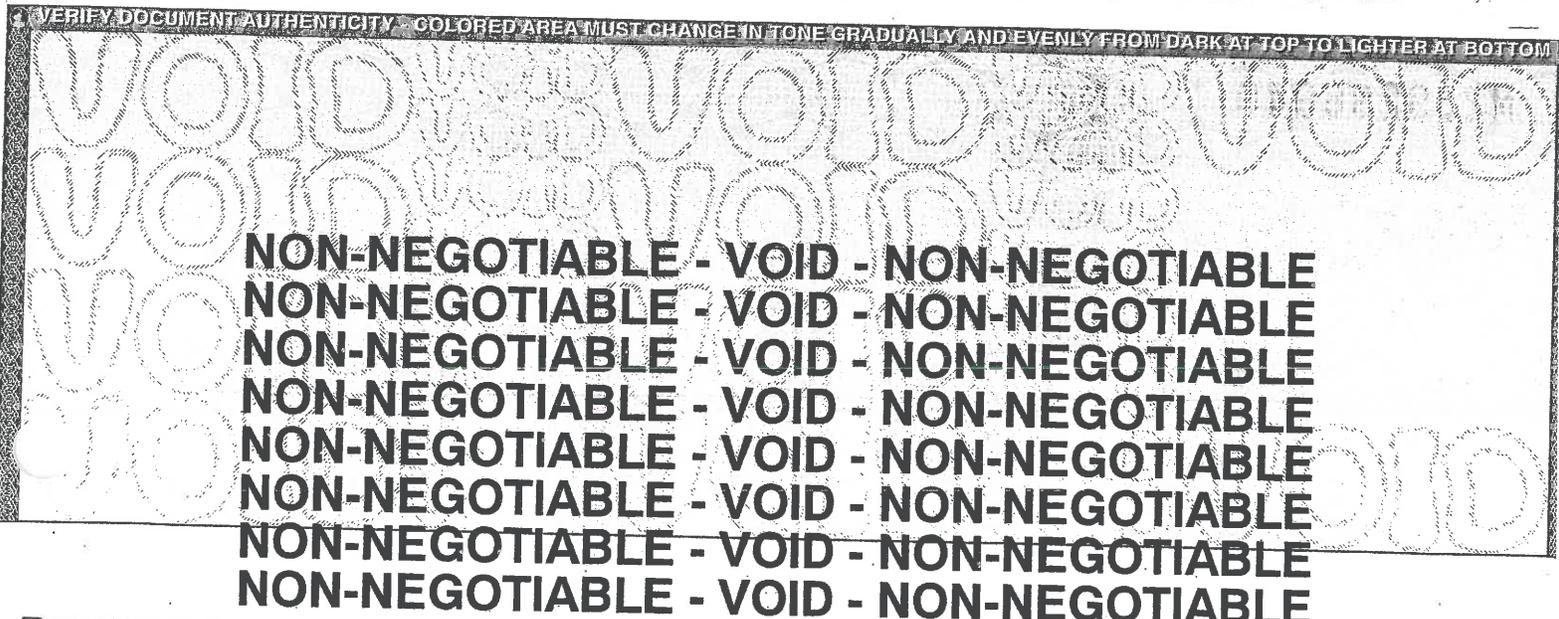
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Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

CHECK STUFFING, RECONCILIATION

83151.61 GROSS
61151.82 NET PAY (INCLUDING ALL DEPOSITS)
9187.95 FEDERAL TAX
290.46 SOCIAL SECURITY
1151.08 MEDICARE
.00 MEDICARE SURTAX
.00 SUI TAX
2884.63 STATE TAX
.00 LOCAL TAX
66150.53 DEDUCTIONS
3486.96 NET CHECK

COMPANY CODE Z7L
CITY OF CLAYTON
TOTAL DOCUMENT
LOCATION 0001



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Agenda Date: 3-17-2015

Agenda Item: 3c

Memo

To: City Council

From: Laura Hoffmeister, Asst. to the City Manager

Meeting Date: March 17, 2015

Re: Resolution for setting the City ERU for real property for FY 15/16 for the stormwater pollution prevention program – NPDES program

The Staff report was not available at the time of the Council packet preparation. The report will be provided on Monday. Attached is the draft Resolution, there is no increase from the current rates currently levied.

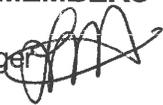


Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Assist. to the City Manager 

DATE: March 17, 2015

SUBJECT: Establishing 2015-2016 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution, Establishing the Rate Per Equivalent Run off Unit (ERU) for FY 2015-16 and requesting the Contra Costa County Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES) Program, maintaining the current ERU Rate at \$29.00 per single-family parcel.

BACKGROUND

The 1987 Reauthorization of the Federal Clean Water Act, as well as similar State legislation, required local agencies to obtain a NPDES Permit for discharging the contents of municipal storm drainage water conveyance systems. As implemented and enforced by the State through the Regional Water Quality Control Board (San Francisco Bay Area Region), this permitting effort is intended to improve water quality in the Delta and San Francisco Bay Estuary System, protect endangered species, and safeguard public waters and waterways for continued economic, recreation and health purposes. Stormwater runoff pollution has been identified as a significant impact on water quality and wildlife in the Bay Area by the State and Federal Government. During wet weather, large amounts of pollutants, such as oil and grease from automobiles, heavy metals from vehicle exhaust and brake pads, such as copper and lead, pesticides, herbicides and fertilizers from lawns and gardens, soil erosion, and biological material enter the storm drain system and ultimately empty, untreated, into creeks, waterways, the Delta and Bay.

The City participates and obtained its joint NPDES permit from the SF Regional Water Quality Control Board via the Contra Costa Clean Water Program whose participants include the cities within the County, the County and the Flood Control District. The City of Clayton has participated since its inception in September 1993. The SF Regional Water Quality Control Board issued the 3rd five-year permit in December 2009 for 2009/10-2013/14 or until the next permit is issued. This permit, called the Municipal Regional Permit (MRP), covers many counties and cities in the bay area. *(City staffs are currently in the process of working on a new 5 year permit with the Water Board staff to cover the next 5 fiscal years i.e.: 15/16 – FY 19/20).* The MRP permit allows the city and other jurisdictions to utilize the storm water drainage system for the discharges into creeks that ultimately drain into the bay. This joint participation allows for the program management and permit process costs to be kept to a minimum through economies of scale and local and regional collaboration, at a fraction of the cost of doing it alone. The program provides for a regional approach to Stormwater pollution control, regional monitoring, public education and outreach, technical support and training, special studies and NPDES permit administration requirements.

As part of its permit conditions, Clayton is required to implement a comprehensive Stormwater Management Plan (SWMP). The SWMP includes public participation and inter-governmental coordination designed to reduce the discharge of pollutants into the storm drainage system to the maximum extent practicable through the required implementation of 500 plus Best Management Practices (about 400 pages in long with an annual checklist that is 100 pages in length), or BMP's as they are commonly referred. (For comparison in FY 03-04 amendments were added to our permit by the Regional Board, commonly referred to C-3, which increased regulation and monitoring activities for development/construction controls, municipal maintenance, public education and outreach, illicit discharge and inspection, and documentation and reporting. These amendments increased our current permit requirements to about 75 pages. In 1997 there were 257 BMP's covering 40 pages; in 1993 the first permit time frame there were 12 BMP's, about 5 pages in length, all related to municipal maintenance activities such as drainage inlet cleaning and v-ditch cleaning).

Staff is aware the cost of meeting the obligations of the increased requirements contained in the MRP will begin to exceed our revenues received from the ERU. The shortfall for FY14-15 is expected to be \$30,000 which will be able to be covered by the Stormwater Reserve Fund balance. Although difficult to fully identify all future additional costs at this point, staff has identified the minimum estimated cost impacts by the new regulations to the City could further outpace revenues. Some of the items under consideration in the new permit by the SF Regional Board include more elimination of litter going into storm drains; more monitoring and reporting on our storm drain inlets trash capture devices (which capture litter before going to the creek), and "green infrastructure" which would set forth standards for cities to redirect their existing storm drainage water into landscape areas; and reduction of PCB by having cities regulate window replacement similar to that now done for asbestos and lead paint for homes and businesses through a building permit process.

When the program was originally established in 1993, the rate cap for the current parcel fee in Clayton was set by the City Council at \$29/ERU. Because other members of the Clean Water Program also have the same issues (costs exceeding available revenue available from the ERU rate) a cost/revenue analysis was undertaken by the Contra Costa Clean Water Program to evaluate possible additional funding mechanisms for the added requirements of the MRP. The Clean Water Program attempted three times the pursuit of legislation to add stormwater to the definitions of other utilities such as sewer and water and was not successful in receiving needed legislative support, or getting out of committee, and there is not any support by the governor and his staff. It was after these state wide attempts were fruitless, our staining local funding and the continuing increased requirements by state regulating agencies that led to the recent Prop 218 property owner vote for a new parcel fee. The new second revenue measure did not pass. However, in order to continue to receive our existing the current ERU rate of \$29 per single family parcel (the same amount that we have levied since FY1999/2000), must be levied. Failure to levy this fee would result in the City would need to consider use of its General Fund, and/or a local city specific revenue measure since the regional Prop 218 measure did not receive enough support for passage.

DISCUSSION

Staff currently participates, as is required by the program agreement and state permit, on the Clean Water Program's New Development Construction Controls Committee, MRP Implementation sub-committee, and Management Committee; and as needed –usually quarterly in the Administrative and Finance Committee and the Monitoring and Inspection Committee. City staff typically attends and participates in 4-5 meetings per month.

The new MRP added many new requirements including further reduction of the development, threshold , to the 2,500 sq. feet which (effective December 2012). This threshold also applies to widening of roads (including adding of turn lanes); additions of hardscape in medians; new sidewalk/asphalt path

installation; bike lane additions and additions to existing developments, including single family homes. Other permit changes result in more staff time to review and modify environmental review, mitigation, monitoring, reporting, development conditions, general plan and municipal ordinances. One of the largest components of the new permit was the trash load analysis and reduction program that cities had to undertake. This provision required cities to reduce their trash pollution load by 40% by 2014, and completely eliminate (100% reduction) by 2020. The City of Clayton did accomplish the installation of 25 trash capture devices and has reduced its trash load to almost the 100% level at this time, about 5 years before the deadline. The trash capture devices and their installation were covered through ABAG grants that the maintenance staff received. However there are not any new funds to address the mandated studies and documentation that cities must file as part of its Annual Report to the State. They include mandatory maintenance items such as cleaning of trash along specific areas of creeks and drainage inlets; the quantification of the materials collected; enforcement action (issuance of citations) to individuals for pollution runoff; creeks and waterways testing, mapping, monitoring and of all creeks and all outfalls to creeks, and specific on-going litter removal down to the size of a cigarette butt of litter on certain distance of creek segments and the cleaning of private drainage inlets (we currently do public inlets only). The reporting format requires cities to either use its own or contract for computer data base of mapping, reporting and monitoring information and making and transmitting electronically to the SF Regional Water Board where they will post to a public accessible web site. The Clean Water Program is currently undertaking the establishment of a cloud based GIS mapping project as a group effort where we will have access to GIS data base, therefor at this time there is not a need to undertake a individual city effort to comply with this permit requirement. Another focus of the permit is increased and/or enhanced inspections to commercial businesses. The City contracts with Central Sans to perform these inspections, as they have the special training needed to undertake and most of the businesses are restaurant businesses which they already periodically inspect. The permit also requires all maintenance staff and city contractors that apply herbicides or pesticides to be certified in Integrated Pest Management Practices (IPM), and Bay Friendly Certified, and for cities to have local IMP management plans and/or ordinances. The City has obtained compliance by ensuring that one of its Maintenance Supervisor's (John Johnston), its outside noxious weed abatement contractor (Envirotech), and building pesticide contractor (Western Exterminator) are all Bay Friendly Trained and Certified.

Another on-going issue is the establishment of legislation via litigation. Certain third-party interest groups have repeatedly brought successful legal action against the EPA, State and Regional Agencies, the cities, county, and our Clean Water Program. These court actions have in the past increased costs for legal defense and added to the program requirements standards issued by the State, or as a result of judicial decisions. In addition the current permit issued by the SF Regional Board was determined to be too burdensome the Group or the Region we filed an appeal and have currently placed the appeal on suspense. This was also done to allow time to seek new revenue to meet the unfunded mandates (which was unsuccessful). The Environmental organizations have also filed an appeal with the State and placed it on suspense as well. The Environmental organizations intend to monitor the permit conditions effectiveness and our compliance and then will determine if appeal is needed. To minimize the potential future appeal and related legal costs the group program costs have included encumbrances of some group Program funds for this purpose. To date Save the Bay has been closely monitoring the recent draft Baseline Trash Load Analysis and Action Plans. Based upon some recent email received from them it appears they are concerned that cities plans may not be aggressive enough to reduce trash pollution to meet the permit requirement time frames. (Due to the city staff robust efforts at installing at key areas full trash capture devices, it appears that Clayton may not fall into future scrutiny on this item.) It is expected that the current appeals on suspense will be withdrawn after issuance of next permit expected to be by December 2015. At that time it could be that both the regulated agencies (cities) and environmental organizations would focus on whether to appeal the December 2015 permit.

Overall the City's total costs are comprised of two components, one consisting of the pro rata share of group costs based upon population. The other is the management and maintenance activities undertaken by the City and its contracts with others for required activity implementation and monitoring and reporting. All program staff and permittees (cities and county) have been and continue to make strong efforts to control costs at the program level. However, funds for the new permit technical and legal work, education and outreach, implementation of programs to address recent pollutants of concerns (mercury, PCB, etc.), and ongoing and enhanced TMDL's, trash, enforcement, have increased these State unfunded mandate costs.

ASSESSMENT AND PROGRAM BUDGET

The Group Clean Water Program Budget for FY 2013-14 is \$2.5 million, is about the same as last year. However future budget years will see Group Program increase more to address some of the new permit requirements. Increased costs for 2015-16 are being addressed by carry over or encumbrances of this year's funds to help reduce or smooth out increases, thus minimizing the impact (reduction) in return to source funds.

For FY 14-15 the City of Clayton's pro rata share of the Program's Costs of 1.03%, is apx. \$26,575 an increase of \$1,310. Future costs increases and lack of Program carry over funding in future years will result in ongoing Programs Costs budget increases, this will result in less return to source funds to undertake the added local city permit requirements.

It is currently estimated that for FY 14-15 the gross revenues from our assessment would total approximately \$126,615 the same as last few years. Of this \$26,575 is allocated to the Clean Water Program administration and group expenses; \$3,800 to the County Auditor for costs related to assessment collection; \$8,000 to the Sanitary District for commercial inspection, monitoring and municipal requested call out inspections; \$3,000 to the District for fiscal and assessment area management, \$3,000 for program reserve, and \$10,000 for our annual state discharge permit fee. Thus, the remaining funds available to the City, for all other activities are approximately \$72,240 a decrease of \$1,603 over this fiscal year 2014-15 budget (however over last two years there will have been a decrease of almost \$7,400 in return to source funds, and a reduction of \$22,000 per year less than we received in 2009). Approximately fifty-five percent of the City's funds are directly spent on labor costs of maintenance activities required by the program, such as storm drain inspection and cleaning, creek clearing; responding to spill calls; the remaining is divided between equipment and materials; monitoring and inspection; and management and reporting. For fiscal year 14-15 (this fiscal year) it is anticipated that \$68,995 may be needed from the Stormwater Reserve Fund. It is expected that about \$30,000 may be needed from the \$73,269 Stormwater Fund Reserve use in FY 15/16 (mostly to comply with the any new MRP permit trash management and monitoring requirements). Any future FY shortfalls are anticipated to be covered by the City's Stormwater Fund reserves. Thereafter, if additional revenues are needed, the City would need to consider use of its General Fund, and/or a local city specific revenue measure since the regional Prop 218 measure did not receive enough support for passage.

To continue the local revenue source necessary to fund the unfunded mandates by federal and State government regulations, the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to establish a storm water utility area for the City and to impose benefit assessments on all applicable parcels within the City of Clayton. This is the annual consideration to request the local assessment levy which provides funding to the Federal and State Clean Water program mandates which the City must undertake and participate in according to Federal and State law. **Staff recommends no increase to the rate for FY 2015-16; it will be the same rate as last sixteen fiscal years, which is \$29.00 per ERU.**

Since the City is not exceeding the current rate cap and not increasing the rate above that already levied the current language of Prop. 218 process does not apply. A single family detached dwelling is typically one ERU; homes on lots 20,000 sq. ft. or larger are allocated 1.7 ERU's; attached homes (e.g., townhomes and duets) are 0.7 ERU. This formula is the same throughout all Contra Costa communities and all cities and the County funds their NPDES costs through the ERU assessments.

FISCAL IMPACT

Although a Federal and State Mandated program, cities do not receive any revenues from the Federal and State Government to offset or cover the mandated requirements. Consequently, the Stormwater Utility Rate and Assessment areas were established in 1993 by the County and the Cities to develop a funding source to cover the costs of the Federal and State mandates.

The recommended assessment for FY 2015-16 is the same rate that is currently in place. Should the City not authorize the Flood Control District to establish and collect the annual assessments, the City would not receive the apx. \$126,615 generated by the annual assessment and mandated activities would need funding from another source, such as the General Fund. Given the high level of commitment of the General Fund to other City programs and projects, prior state "takes" of local funds, loss of redevelopment funds, the recent economic downturn, and potential impacts to the General Fund from yet to be known potential state budget impacts, these NPDES costs if paid for by the General Fund, would adversely impact other services and operations the City currently provides to the community.

Additional implementation measures such as that needed for monitoring and maintenance of new Stormwater facilities required under our mandated permit and installed as part of new construction within Clayton (C-3), have been addressed by the City Council to provide for methods that are self supported by the **new** development such as Benefit Assessment Districts or Homeowners Associations or combination thereof, or other approach that would not financially impact the city and its general funds. This Council-directed policy minimizes potential impacts to the under-funded Stormwater fund or the City's General Fund for the permanent new development installed specific requirements to meet the new state regulations. However not covered by these are the general overall reporting, enforcement action and trash reduction action plans, commercial inspections, monitoring enhancements required by the regional board are reasons that the current assessment fee should be continued.

CONCLUSION

To continue the revenue source required to fund the state mandated activities the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to impose annual benefit assessments on all applicable parcels within the City of Clayton. The attached Resolution would maintain the current Stormwater Utility Rate assessment of \$29.00 per ERU for FY 2015-16.

Attachments:

- Proposed ERU Resolution for FY 2015-2016
- Clean Water Program Budget costs and cost sharing formula FY 2015-16
- Adopted City Budget Stormwater Fund 216 for FY 14/15

RESOLUTION NO. __-2015

A RESOLUTION ESTABLISHING THE RATE PER EQUIVILANT RUN-OFF UNIT (ERU) FOR FY 2015-2016 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

WHEREAS, under the Federal Water Quality Act [33 U.S.C. Section 1342 (p)], certain municipal stormwater discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Clayton, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit which requires the implementation of a Storm Water Management Plan and Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa County Flood Control and Water Conservation District (District) to establish Stormwater Utility Areas (SUA) and to levy annual benefit assessments for the purpose of carrying our activities required under the NPDES program; and

WHEREAS, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and local drainage maintenance activities; and

WHEREAS, at the request of the City, the Contra Costa County Flood Control District and Water Conservation District (District) has completed the process for the formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs payment agreement between the City and the District requires that the City of Clayton annually, by May 1, to determine the rate to be assigned to a single ERU for the forthcoming fiscal year.

WHEREAS, the City Council adopted Resolution 9-93, which established the range of the annual assessment to be imposed by the District within the storm water utility area not to exceed \$29 per ERU.

WHEREAS, the City of Clayton has been at its maximum \$29 per ERU rate since FY 1999-2000 (the last sixteen fiscal years) and the same rate is proposed for FY 2015-2016.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby determine that the rate to be assigned to a single ERU for FY 2015-2016 shall be set and assessed at \$29.00

BE IT FURTHER RESOLVED, that the City Council of Clayton, California, does hereby request the Contra Costa Flood Control and Water Conservation District to adopt the SUA levies based on the above established rate.

Adopted by the City Council of the City of Clayton, California at a regular meeting of thereof held on March 17, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David T. Shuey, Mayor

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on March 17, 2015.

Janet Brown, City Clerk

Reso erurate15-16

**CONTRA COSTA CLEAN WATER PROGRAM
GROUP COSTS METHODOLOGY & ALLOCATION
FOR FISCAL YEAR 2015/16 (Attachment 4)**

City/County/State	January 1, 2013	January 1, 2014 ⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾	Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,074,702	1,087,008	1.15%		\$ 2,579,223
ANTIOCH	105,117	105,455	1.27%	9.79%	\$ 252,593
BRENTWOOD	53,278	54,741	2.75%	5.04%	\$ 129,888
CLAYTON	11,093	11,200	0.96%	1.03%	\$ 26,575
CONCORD	123,812	124,656	0.68%	11.47%	\$ 295,780
DANVILLE	42,720	43,116	1.00%	3.97%	\$ 102,376
EL CERRITO	23,910	24,087	0.74%	2.22%	\$ 57,153
HERCULES	24,403	24,572	0.69%	2.26%	\$ 58,304
LAFAYETTE	24,312	24,659	1.43%	2.27%	\$ 58,510
MARTINEZ	36,578	36,842	0.72%	3.39%	\$ 87,418
MORAGA	16,238	16,348	0.68%	1.50%	\$ 38,790
OAKLEY	37,252	38,075	2.21%	3.50%	\$ 90,343
ORINDA	17,925	18,089	0.91%	1.66%	\$ 42,921
PINOLE	18,664	18,794	0.70%	1.73%	\$ 44,594
PITTSBURG	65,339	66,368	1.57%	6.11%	\$ 157,476
PLEASANT HILL	33,633	33,872	0.71%	3.12%	\$ 80,371
RICHMOND	105,562	106,138	0.55%	9.76%	\$ 251,841
SAN PABLO	29,266	29,465	0.68%	2.71%	\$ 69,914
SAN RAMON	76,154	77,270	1.47%	7.11%	\$ 183,344
WALNUT CREEK	65,684	66,183	0.76%	6.09%	\$ 157,037
UNINCORP. COUNTY	163,762	166,048	1.40%	15.28%	\$ 393,994
				<u>100.00%</u>	<u>\$ 2,579,223</u>

1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2014. Figures are updated in May of each year.
2. Percentages based on prorata of population.
3. Budget Allocation amount is the Stormwater Utility Assessment (SUA) budget, which includes contingency.

G. Storm Water Fund – No. 216

This account manages the special parcel tax (labeled “ERUs” for Equivalent Runoff Units) levied locally to assist the City in compliance with unfunded State-mandated regulations through our National Pollution Discharge Elimination System (NPDES) Permit. It has been confirmed by case law (recently challenged and lost by southern California cities) that Regional Water Quality Control Boards do indeed have authority to levy unfunded mandates against pollution discharges (cities and counties) by virtue of the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act.

By previous Council action long ago, this real property tax levy was maximized at its allowable cap yet now nets the City \$82,973 for local use in FY 2014-15 (plus projected interest earnings of \$1,300). In reality, the parcel tax generates higher gross revenues (\$126,615). However, the following purposes snag portions of the City’s local levy before ever touching our local coffers:

Contra Costa [Cities] Clean Water Program	\$25,842
Commercial Building Inspections by Sanitary District	8,000
County Auditor-Controller administration fee	3,800
Reserve Fund for the Clean Water Program	3,000
<u>Flood Control District management expense</u>	<u>3,000</u>
Total Revenue Offsets:	\$ 43,642 (34.7%)

In addition the City must pay an annual NPDES Regional Discharger Fee to the state projecting to be approximately \$10,000, further dipping into the local assessment levied for the City.

The City’s 5-year Stormwater Permit (MRP) is issued by the San Francisco Regional Water Quality Control Board. Public agencies, including Clayton, are now under requirements to elevate enforcement and monitoring measures each year to ensure cleaner storm waters. Such Permit conditions necessitate ever-increasing expenditures which will eventually consume current levy revenues. Initial staff analyses reveal an additional \$225,000 to \$515,000 in annual costs could someday impact the City’s fiscal operations for this purpose alone. Only a Proposition 218 voter approval process can increase the levied rates. The failure of the Clean Water Coalition’s Proposition 218 ballot in FY 2012-13 to raise levy revenues turned aside a potential \$93,700 for use in meeting state unfunded mandates for cleaner storm waters.

In the FY 2014-15 Budget, the City’s stormwater costs under the Permit regulations exceed available revenues by approximately \$80,615, although the close of FY 2013-14 is expected to incur a smaller annual deficit of \$36,265. This is largely a result of the planned drainage insert contracted services that are budgeted in the amount of \$23,000 in order to help address State mandated regulations. Fortunately for the moment there is projected to be reserve balance of approximately \$142,223 at the start of FY 2014-15 in this restricted-use special revenue which is sufficient to cover the projected FY 2014-15 annual shortfall. The erosion of the Fund’s equity reserve balance over past years is directly a result of added Permit requirements imposed by the Regional Board in 1996 (referred to as “C-3 amendments”) and the new MRP.

Labor expenditures from this Fund in FY 2014-15 (\$49,170) cover Public Works' maintenance of our municipal storm drain system, annual debris clearance of creeks and V-ditches, and proactive measures for the prevention of pollutants into these waters, which ultimately emerge into the San Francisco – Oakland Bay. Educational materials and supplies are also part of this Fund's budget, along with our membership in the Contra Costa County Clean Water Program. Recoverable expenses include that portion of staff time when working on clean water issues, programs, while Regional Water Quality Control Board directives target specific programs (e.g. "diaper" inserts in storm drain inlets) and local enforcement (e.g. fines). City Hall staff (Assistant to the City Manager) expends an inordinate portion of time (approximately 1/3rd or more) engaged in the management, administration and implementation of this federal and state mandated program for cleaner runoff waters. As such, the proposed budgeted transfer of \$34,112 to the City's General Fund to partially offset this incurred staff time is essential.

As noted previously, the Fund is projected to open the fiscal year with approximately \$142,223 in equity reserves, and projects a year-end fund balance on 30 June 2015 of \$61,609, a 64% loss in reserves. At this rate, the Storm Water Fund will become depleted in during or immediately after FY 2015-16 as feared, with the only sources of discretionary funds to patch the mandated gap are General Fund operational monies or use of General Fund Reserves.

The monthly street sweeping contract totaling approximately \$43,260 annually is paid through this Fund as a program component of cleaner storm waters from street gutters. Partially offsetting revenue is tendered by real property owners through their trash bills projecting to be approximately \$38,720. The revenue estimate is slightly lower (13%) than the annual contract fee due to the revolving number of vacant and foreclosed homes in Clayton (closed accounts) and various delinquent and non-paying accounts slicing away at the revenue stream.

Required annual expenditures are being absorbed into this Fund for Engineering Services (\$10,000) and Other Professional Services (\$38,349). Necessary Engineering Services will assist in providing the City's response to the state mandate to perform "trash management area mapping". Other Professional Services reflect increased state mandated programs involving drainage inlet insert cleanings (\$10,000), drainage inlet confined space cleaning (\$10,000), creek-side tree trimming (\$10,000) drainage inlet inspections and reports (\$3,000) and bioswale inspections and reports (\$2,000)

As a friendly public reminder: public streets and gutters are swept monthly to mitigate pollutants from entering the storm drain system, not for street aesthetics or as the substitute broom for an abutting property owner's sweeping/clearance of leaves and debris from the front and/or side yard curbs of one's property.

City of Clayton
Stormwater Fund 216
Adopted Budget 2014-15

Account Number	Account Name	2012-13 Actual	2013-14 Adopted Budget	2013-14 Projected	2014-15 Adopted Budget
7111	Salaries/Regular	20,827	23,626	23,690	19,150
7112	Temporary Help	9,618	9,618	7,270	6,580
7218	LTD Insurance	127	187	120	160
7220	PERS Retirement	4,133	5,539	3,110	4,640
7231	Workers Comp Insurance	535	1,146	981	1,090
7232	Unemployment Insurance	550	543	1,830	400
7233	FICA and Medicare	768	1,020	940	790
7246	Benefit insurance	4,730	3,724	3,900	4,700
7311	General Supplies	489	6,800	5,000	11,800
7373	Education and Training	-	5,000	5,000	5,000
7389	Misc. Expenses	444	5,000	500	500
7409	Street Sweeping Services	42,000	43,000	42,000	43,260
7411	Prof. Services Retainer	800	-	-	-
7412	Engineering Services	8,760	10,000	10,000	10,000
7419	Other Prof. Services	917	37,649	15,949	38,349
7421	Greenwaste Recycling	785	-	-	-
7481	State Regional Annual Discharge Fee	7,279	9,529	9,144	10,000
7520	Project/Program costs- Outreach	450	-	-	4,500
8101	Transfer to General Fund	32,500	33,183	33,183	34,112
Total Expenditures		135,712	195,562	162,617	195,031
Stormwater Assessment ERU Gross			127,014	126,308	126,615
NPDES Group Program costs			(25,265)	(25,265)	(25,842)
Commercial Insp by Central San			(8,000)	(8,000)	(8,000)
Flood Control Dist Fiscal Mgmt Cost			(3,000)	(3,000)	(3,000)
County Auditor/Controller Costs			(3,800)	(3,800)	(3,800)
Adjusted Fund Balance			(3,000)	(3,000)	(3,000)
Less Reserve			-	-	-
4602	Net Assessment Revenue	91,865	83,949	83,243	82,973
4603	Stormwater O & M Annual Fee	1,824	2,225	1,716	1,716
5601	Interest	2,290	1,000	1,600	1,300
5606	Unrealized Inv. Gain/Loss	(632)	-	-	-
5324	Street Sweeping Fees	38,698	38,720	38,425	38,720
5790	Other Revenues	1,836	-	-	-
6007	Transfer from Landscape Maintenance Fund	456	456	912	912
6028	Transfer from Diablo Estates BA Fund	456	456	456	456
Total Revenue		136,794	126,806	126,352	126,077
Increase (Decrease) in Fund Balance		1,082	(68,756)	(36,265)	(68,955)
Beginning Fund Balance		177,406	178,488	178,488	142,223
Ending Fund Balance		178,488	109,732	142,223	73,269

Gary Napper

Agenda Item: 3d

From: jdiaz@ci.clayton.ca.us
Sent: Friday, March 13, 2015 1:53 PM
To: 'Gary Napper'
Cc: 'Janet Brown'; 'Laura Hoffmeister'
Subject: Thursday Night Concerts - Schedule Update

Mr. Napper:

Gary,

Good afternoon.

If not too late, please add the following updates/changes to the March 17, 2015 - City Council Consent Calendar for the following Thursday Night Concert Schedule Dates:

- July 9, 2015 to July 2, 2015 - change needed due to Mayor's Conference hosted by Clayton on Thursday, July 9th, and
- July 23, 2015 to September 3, 2015 - change needed due to C.B.C.A. Meeting night was originally set for July 30, 2015, but the Oakhurst Country Club moved the C.B.C.A. General Membership Meeting to July 23, 2015.

Please let me know if you have any questions or need additional information.

Thank you.

Jim Diaz
Concert Producer
Clayton Thursday Night Concerts, and
Council Member
Clayton City Council

AVA BEEVER
for
"Doing the Right Thing"
at
Mt. Diablo Elementary School
by exemplifying great "Self-Discipline"
January and February 2015

Agenda Date: 3-17-2015

Agenda Item: 4a

AIDEN BURGHAM
for
"Doing the Right Thing"
at
Mt. Diablo Elementary School
by exemplifying great "Self-Discipline"
January and February 2015

CAMYLLE CALLAHAN
for
"Doing the Right Thing"
at
Diablo View Middle School
by exemplifying great "Self-Discipline"
January and February 2015

RYAN RICHARD
for
"Doing the Right Thing"
at
Diablo View Middle School
by exemplifying great "Self-Discipline"
January and February 2015

SAMANTHA DUMALIG

for

"Doing the Right Thing"

at

Clayton Valley Charter High School
by exemplifying great "Self-Discipline"
January and February 2015

JONATHAN GOMEZ GONZALEZ
for
"Doing the Right Thing"
at
Clayton Valley Charter High School
by exemplifying great "Self-Discipline"
January and February 2015

JAMES WOODS
for
"Doing the Right Thing"
at
Clayton Valley Charter High School
by exemplifying great "Self-Discipline"
January and February 2015



Together, Building
a Better California

Contra Costa—Moraga electric power line upgrades

Pacific Gas and Electric Company is upgrading the approximately 27-mile-long Contra Costa-Moraga 230 Kilovolt (kV) transmission line by replacing the line which connects the Contra Costa Power Plant Substation in Antioch to the Moraga Substation in Orinda.

The electric load capacity of the current transmission line can be exceeded under peak summer or extreme weather conditions. By performing these upgrades, PG&E will maintain service reliability and meet increasing electric load demands in Contra Costa and Alameda counties. Construction is scheduled to begin in winter 2015 and complete in summer 2016.

Clayton's Construction Period

March 2015 through July 2015

Typical construction window: Sunday through Saturday 7 a.m.–5 p.m. (Dates and hours are approximate and may change depending on weather and other factors.)

Construction Activities

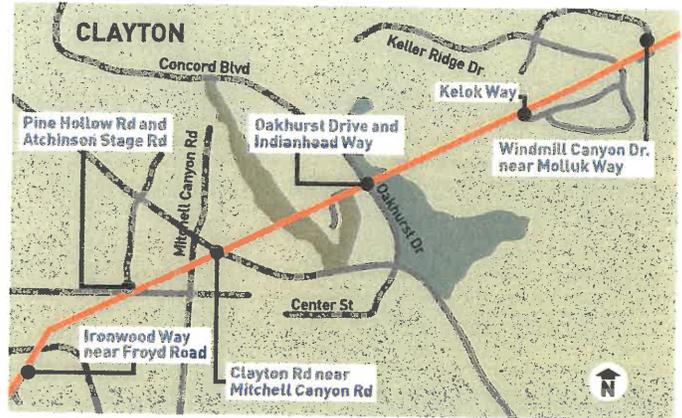
Activities related to project construction include:

- Replacing existing overhead transmission line via crane or helicopter
- Modifying existing towers via crane or helicopter
- Traffic control and signage
- Street and park closures

Location

Construction activities will occur at or near the following facilities and major routes:

- Windmill Canyon Drive near Molluk Way
- Kelok Way
- Oakhurst Drive and Indianhead Way
- Oakhurst Country Club near intersection of Oakhurst Drive and Indianhead Way
- Clayton Road near Mitchell Canyon Road
- Pine Hollow Road and Atchinson Stage Road
- Ironwood Way near Froyd Road



Clayton construction sites 230 kV transmission line



Contra Costa-Moraga project map

Every effort will be made to reduce the impacts of noise, dust and other disturbances that may result from our work.

Questions?

Please send an email to ContraCostaMoraga@pge.com or call PG&E's toll-free line at 877-207-1245



**Pacific Gas and
Electric Company***

February 25, 2014

[REDACTED]
OR CURRENT OCCUPANT
[REDACTED]
[REDACTED]

**We will be working in your
community to improve your
electric service and power
line safety.**

Dear [REDACTED]

Pacific Gas and Electric Company (PG&E) will be working on a portion of our electric system in your community. As part of our commitment to provide you with safe, reliable and affordable energy, we will be upgrading overhead electric conductors. This work is part of our system-wide effort to upgrade the electric power lines across our service area. You are receiving this letter because our records indicate that you live or work near the transmission lines that are scheduled for improvements.

Date

The upgrade project is scheduled from March 2015 through July 2015. Construction will typically occur from **7:00 a.m. to 5:00 p.m. Sunday through Saturday.** In some areas, construction hours will be from 6:00 a.m. to 5:00 p.m. At times, it will be necessary for work to occur outside of these specified times. Please keep in mind that our construction schedule is dependent on safe weather conditions.

Location

This work will take place at or near the following places:

- Windmill Canyon Drive near Molluk Way
- Kelok Way
- Oakhurst Drive and Indianhead Way
- Oakhurst Country Club near intersection of Oakhurst Drive and Indianhead Way
- Clayton Road near Mitchell Canyon Road
- Pine Hollow Road and Atchinson Stage Road
- Ironwood Way near Froyd Road

What can I expect?

You may see PG&E crews working on transmission towers and overhead power lines in your area. Large equipment such as cranes or helicopters will be used. Any public space such as roads, parks, or trails scheduled to be impacted by the construction will be closed off for public safety and signs will be posted during our work. All personnel are required to carry valid photo identification and are happy to provide it upon request.

How can I learn more?

If you have any questions about this work, please contact your local Customer Outreach Specialist, **Denise Conway**, at **(877) 207-1245** during normal business hours or send an email to **ContraCostaMoraga@pge.com**.

Thank you for your patience and cooperation as we work to enhance power line safety and electric service reliability in your community.

Sincerely,

Victor Baker
District Manager, Diablo Division
Pacific Gas and Electric Company

Before. During. After. Be prepared for earthquakes. For safety tips, visit pge.com/safety.

CC-Moraga Clayton Det 30983398 31058247



Agenda Date: 3-17-2015

Agenda Item: 8a

Memo

To: City Council

From: Laura Hoffmeister, Asst. to the City Manager

Meeting Date: March 17, 2015

Re: Trails and Landscape Committee FY 2013-2014 Annual Report on the Citywide Landscape Maintenance District

The Trails and Landscape Committee will be reviewing the proposed Annual Report for the Landscape Maintenance District at their Monday March 16, 2015 meeting.

The report will be presented and provided to the City Council at your March 17, 2015 meeting.



Agenda Date: 3-17-2015

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City of Clayton

DRAFT

Trails and Landscape Committee

Annual Report 2013-2014



DRAFT



Message from the Chair:

The Trails and Landscape Committee has essentially remained the same for fiscal year 2013 - 2014 with the exception of one member who had to step down for health reasons and the addition of a new member. I would like to thank Don Fitzgerald for his contributions while serving on the TLC committee and wish him well. I'm pleased to announce Howard Glazer as a new addition to the TLC this year!

The current members have provided meaningful contributions to the TLC. I'm looking forward to working with the current committee members along with Laura Hoffmeister and Mark Janney to ensure that we all execute on our commitments to the TLC going forward!

While several maintenance initiatives were addressed by the end of fiscal year 2013/2014, we were not able to undertake the Keller Ridge Drive or the Jeffry Ranch landscape projects due to the lingering drought conditions; however, the fire prevention tree and shrub trimming and the installation of a central computer and communication project for the city landscape irrigation district was completed. Field irrigation controllers have begun to be installed as funds allow. Given the large number of field controllers, the replacements are planned to occur over many years. These upgrades allow the system to communicate wireless via computer controller in the Maintenance Office thus reducing staff time to manual turn on/off and adjust irrigation controls in the field. This will allow for their time to be redirected to additional needs. Additional staff time was spent monitoring and adjusting to the ongoing low rainfall. Let's hope this winter brings much needed rainfall to Clayton and the surrounding communities or the drought situation will go from bad to worse!

The following Annual Report is for the 2013 - 2014 fiscal year. This report contains a detailed account of the expenditures of revenues collected by Measure B. All revenue collected by this measure is used on the Landscape maintenance District (LMD). Measure B required the formation of a Citizen Oversight Board to assure that Measure B funds are being utilized for their intended purpose. The Citizen Oversight Committee is made up of citizens of Clayton that are appointed by the City Council to serve two year terms. The committee will advise the council on LMD projects and maintenance reports review & submit recommendations on future budgets and present an annual report for use by the Council and the citizens of Clayton.

We will continue our emphasis on the Adopt-A-Trail program in FY 2014-2015. Thanks to the Clayton Business and Community Association (CBCA) for becoming our most recent trail sponsor! I would like to thank Ted Sudderth for his efforts to take the lead on this program. This program is designed to attract sponsors (families, individuals or businesses) who either make an annual financial pledge and/or a commitment to supply a work group to augment the efforts of the maintenance staff with regard to trail maintenance on one of eleven (11) trail segments. Posted at the head of each adopted trail is a plaque bearing the name of both the financial and the work-group sponsor. The bi-annual financial sponsorship is \$1,000, while work group sponsorship is \$200.

Regards,
Larry Casagrande
Chair

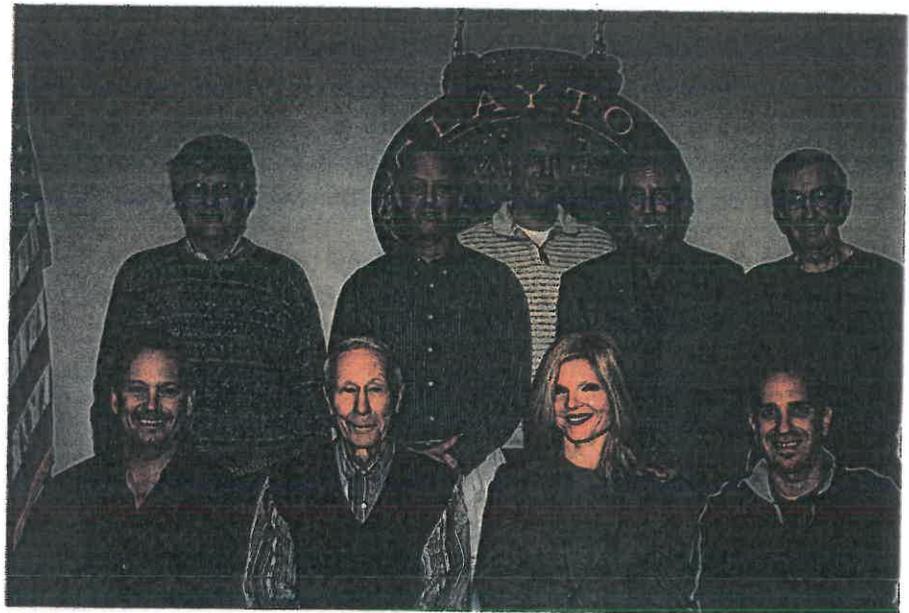
LANDSCAPE MAINTENANCE DISTRICT CELEBRATES ITS SEVENTH YEAR:

The Citywide Landscape Maintenance District (“District”) ended its Seventh year of operation on June 30, 2014. It operates and maintains the public roadway landscaping and its irrigation system, the trail system, as well as the “Clayton fountain.” It also provides weed abatement and fire breaks in the open spaces. The District does not include any of the city parks/sports fields, the City Hall and Library Landscape , or the downtown Grove Park which are funded by other taxes.

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

2013-2014 TLC MEMBERS:

- Larry Casagrande (Chair)
- Ryan Lowe (Vice Chair)
- Don Fitzgerald
- Howard Glazier
- Alyse Smith
- Robert Erich
- Bob Steiner
- Anthony Chippero
- Harun Simbirdi
- Clayton Smith
- Ted Sudderth
- Hank Strafford (Ex-Officio)



TLC Recommendations, Projects, and Work Product Review 2013-2014

- v' TLC regularly receives and reviews reports on maintenance staff activities see attached City Maintenance Quarterly Report Update covering the periods: 07/01/2013-10/28/2013 and 10/29/2013-06/09/2014.
- v' Re-enforced the committee's commitment to expanding the Adopt-A-Trail program.
- v' Reviewed Incoming and outgoing correspondence between citizens and staff regarding various concerns and observations relating to landscaping and trail issues.
- v' Reviewed and approved the proposed landscape district budget for FY 2013-2014.
- v' Once again, complimented the City Maintenance staff for the commendable job they do in effectively managing the available water supply and the maintaining the entire irrigation system.

ADOPT-A-TRAIL PROGRAM:

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

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

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

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

TLC RECOMMENDS BUDGET FOR FISCAL YEAR 2013-2014 TO CITY COUNCIL:

The TLC submitted a proposed budget to the City Council, which was based on the existing FY 2013-2014 assessment, subject to adjustment by the Consumer Price Index (CPI), but capped to a 3% maximum increase per Measure B. Subsequently, the CPI was published at an increase of 2.1% and in July 2012, the City Council adopted a total annual assessment of \$955,711 encompassing all residential parcels or non-residential parcel acre. *A copy of the adopted budget and further explanation of Fund 210 is included in the APPENDIX section of this report.*

COMMUNITY OUTREACH:

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

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

[Thanks to the Clayton Pioneer newspaper for publishing articles about the activities relating to Clayton's trails and landscaping. The articles, which appeared during the last fiscal year, are included in the **APPENDIX** section of this report].

APPENDIX

- 2013-2014 Budget
- City Wide Landscaping Maintenance District Fund No. 210
- City Maintenance Quarterly Report(s) - Trails and Landscaping
- Adopt a Trail Sponsors
- Trails and Landscape Committee Informational brochure

City of Clayton
 Landscape Mtn District CFD 2007-1 Fund 210
 Projected Budget 13-14

Account Number	Account Name	2011-12 Actual	2012-13 Adopted Budget	2012-13 Actual 6/28/2013	2012-13 Projected 6/30/2013	2013-1 Proposed Budget
Account Number	Account Name	2011-12 Actual 6/30/2012	2012-13 Adopted Budget	2012-13 Actual 6/25/2013	2012-13 Projected 6/30/2013	2013-14 Proposed Budget
7419	Wildland Resource Mgmt					
	Envronisch Enterprises	46,550	1,800	5,900	5,900	-
	Permco - RFQ Noxious Weed Abatement	44,708	53,416	21,999	53,416	59,000
	Waraner Brothers -Tree trimming	-	-	4,838	4,838	-
	Waraner Bros Svc 1 x per yr+2 x trails	15,300	15,000	14,650	14,650	25,000
	NBS Admin Fees+Del letters	30,385	35,000	29,500	35,000	30,385
	Martel Water Systems	3,868	3,800	3,744	3,824	3,800
	Rodent Control	476	1,000	-	1,000	-
	Advertising for TEMP labor/Live Scans	8,161	7,500	4,800	7,500	9,500
	Sprayer Sales Company (wv treatment)	146	2,000	512	2,000	2,000
	Water Feature Extra + repair contingency	-	2,241	1,483	2,241	2,241
	Water Feature \$650x12 (maintenance)	1,167	5,000	13,625	13,625	5,000
	Sub Division/City Entry Signs	7,800	7,800	7,150	7,800	8,000
	Daftodl Hill Landscape Mtn Supplies/water	-	8,000	1,976	8,000	4,000
	CCC Fire Protection - Operation Permit	-	12,830	-	-	12,830
	EBRCSA-Radio Mtn PW radio's	-	-	231	231	231
	Total	158,540	156,555	110,409	160,025	163,355
7311	Herbicides		16,000			16,000
	Fertilizer		7,000			7,000
	Irrigation		15,000			15,000
	Misc Supplies		5,000			5,000
			43,000	31,306	33,000	43,000
7520	Reserve Projects					
	Trail Resurface - Bruce Lee Trail \$50k					
	Trail Crack sealing/repair \$10k		50,000		50,000	
	CL Rd Median/Roadway Re-Landscape \$328,011k		10,000		10,000	
	Irrigation Central Controller System \$30k		181,900		328,011	
	Trees Replacement Trimming \$10k		30,000		30,000	
	Jeffrey Ranch Relandscaping \$2.5K		10,000		10,000	
	Keller Ridge Tree Replacement \$16.5K		2,500		2,500	
	Open Space Fire Prevention Tree/Shrub Trim (one time)		16,600		16,600	
	Keller Ridge Landscaping					30,000
	Jeffrey Ranch Relandscaping					29,400
	Replace Irrigation Central Control Field Panel					3,500
	Daftodl Hill \$29k					20,000
			29,000		29,000	
			330,000	11,329	476,111	82,900

B. Citywide Landscape Maintenance District – Fund No. 210

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

Maintenance of City Parks *is not* included as an authorized expense under the District's Act; park maintenance obligations fall to the City's General Fund. *Citywide public landscaping services have always been funded by a special revenue tax levied on private properties throughout the City.* The District is completed its 6th year of a 10-year approved operation (Measure B), and its citizens' oversight committee (Trails and Landscaping Committee, or TLC) meets periodically to ensure the promised maintenance standards and efficiencies are achieved with these special-purpose tax revenues.

Pursuant to the terms of voter-approved Measure B, the special tax rate may be modified annually by the change in the Consumer Price Index (CPI; San Francisco – Bay Area) from April to April. In no event shall the tax rate be increased by more than 3% each year. The CPI change (from April 2012 to April 2013) posted at 2.38%. The District's revenue projection has been increased by that factor accordingly and is set at a total of \$978,034 for FY 2013-14, an annual increase of \$23,330. Adding interest earnings of \$4,000 pushes the total revenue budget to \$982,034. Pursuant to its oversight charge, the citizens' TLC considered the CPI fluctuation and the District's tentative budget at its meeting on May 20th and adopted a motion to recommend the City Council implement the full 2.38% CPI annual rate adjustment.

The Landscape Maintenance District aggressively installed a host of beautification improvements to the City's roadway landscaping over the course of the past three (3) years. An accounting of the District's activities and improvements included appropriations from the District's reserves in May 2010 (\$260,000) and led last year to the final completion of the Daffodil Hill Beautification Project (\$47,500 total; \$29,000 in Landscape District monies), funded jointly with the Clayton Business and Community Foundation (CBCA), along with \$50,000 worth of Trail System repaving in conjunction with the City's 2013 Neighborhood Street Rehabilitation Project. The April 2013 trail repaving addressed 10,000 sq. ft. on the Mt. Diablo Creek Trail (from Center Street to Grenache Circle), and 1,750 l.f. along the Donner Creek Trail adjacent to El Molino Drive, south of old Marsh Creek Road.

With the District investing almost \$750,000 in public landscape improvements, irrigation and Trail systems upgrades over the last three (3) years, the equity reserves of the District have been appropriately drawn down. Understandably then, the citizens' Trails and Landscaping Committee as well as City staff agree the District's improvement projects should be slightly curtailed this coming fiscal year in order to replenish the reserves for another large landscape project push. The Trails and Landscaping Committee at its last meeting also adopted priority emphasis that the next sequence of District improvements should concentrate on upgrading the District's [City's] Trail System. For now it is recommended only \$82,900 be expended in FY 2013-14 in District funds for the following capital improvements:

Open Space fire prevention tree and shrub trimming:	\$ 30,000
Keller Ridge Drive landscaping improvements:	\$ 29,400
Replace Irrigation System central control field panel:	\$ 20,000
Re-Landscape the Jeffrey Ranch median island:	<u>\$ 3,500</u>
Total:	<u>\$ 82,900</u>

The installation and commencement of these significant landscape restoration and District improvement projects demonstrate the District's success in managing the voter's preference for a "pay-as-you-go" ballot tax measure of capital improvements. The defeated Measure "O" (2005) would have issued a revenue bond in its initial year to attack the public improvements sooner but conservative Clayton voters frowned on the higher annual assessment and bonded indebtedness to be shouldered by the District. Entering the District's 7th year of operation still allows the accumulation of modest reserves to accomplish many of the planned objectives, just at a slightly later time than some might have wished.

Noteworthy expenses of the District include its annual weed abatement District-wide (\$30,385; to be done before commencement of the official fire season), and the mounting expense of \$59,000 to abate noxious and exotic weeds in the Oakhurst Hills

(a condition of project approval for the Oakhurst residential development). Metered water service remains constant at its historical expense of \$180,000 per year knowing full well it can fluctuate wildly depending on seasonal climates and strange weather patterns. However, as new landscaping improvements are installed, each is accompanied by irrigation system upgrades with greater efficiencies in water application, which temper this expense allocation and cause operational savings.

Personnel services for this labor-intensive work effort account for 37.5% of the District's budget this year (\$359,527), down slightly from last year's portion of 40% caused by less labor time being expended after new landscaping and irrigation systems are installed. Whenever possible, tasks within the District are assigned to temporary seasonal personnel that are less expensive labor (e.g. trimming), which shifts the permanent City Maintenance personnel (5) to tasks requiring journeyman-level experiences (e.g. irrigation line and system repairs).

As approved by Measure "B" voters, the District's budget includes an annual expense of \$20,000 (Account 7316) for the purchase of replacement plants. The District further contributes its annual allocation of \$13,500 to the City's Capital Equipment Replacement Fund (CERF), from which Maintenance vehicles and equipment are purchased for use in maintaining the Landscape District. An expense of \$32,156 (3.3% of annual District revenue) is transferred to the City's General Fund to pay for administrative and overhead activities of the City (e.g. telephones; payroll processing; accounts receivable and payable; District direction) attributable to administering the District's annual operations.

With all of these actions, the District's ending fund balance on 30 June 2014 will still be a healthy \$294,043, which equates to a reserve of 30% of its annual tax revenue. The reserve status is confirmation the City does not siphon "surplus" monies of the District into its General Fund but uses the special tax revenues for its intended voter purposes.

MAINTENANCE WORK UPDATE TRAILS & LANDSCAPING

5/20/2013 to 10/28/13

- Spot spray herbicides and pull weeds in the Landscape District Citywide.
- We have started to turn down or off Irrigation systems within the Landscape District. Crews over the summer made major repairs to systems replacing gate valves and control valves. Also constantly replacing and repairing sprinkler heads throughout the Landscape District.
- Continued our semi-annual trimming of the Landscape over the summer in the following areas; Oakhurst Drive Median from City limits to Clayton Road, Clayton Road outbound from Center Street to City Limits, Diablo Parkway, Middle School hillside along Marsh Creek Road, Old Marsh Creek Road from Clayton Road to Easley Drive inbound, Clayton Road inbound from City limits to Mitchell Canyon Road, Atchinson Stage Road, Eagle Peak from Oakhurst Drive to Keller Ridge Drive, along Keller Ridge Drive, in the downtown area at the Post Office pathway, Marsh Creek Road by Plaza, pathway running to the elementary school, pathways running between and in Westwood and Southbrook neighborhoods.
- Had the following area trees trimmed; Median Trees were lifted on Clayton Road from City limits to the Middle School, All the Oak trees going up Peacock Creek Drive were structurally trimmed, Removed three dead pine trees along Mitchell Canyon Road, Lifted trees along trail from Peacock Creek Drive to Middle School, Trimmed a large Oak tree on Main Street by tear drop, removed down limbs and safety trimmed trees along Cardinet Trail by Lydia Lane Park, Safety trimmed trees along Old Marsh Creek Road by Easley Drive.
- Finished the weed abatement in the open space City wide; it was all completed before the start of the Fire season.
- The upgrades to a central control irrigation system continued with the installation of software to run the system. Continue upgrades to the DX controllers located out in the field. Still working out all the bugs in the systems controls with the installer.



MAINTENANCE WORK UPDATE TRAILS & LANDSCAPING

10/28/2013 to 6/9/14

Spot spray herbicides and pull weeds in the Landscape District Citywide.

Maintenance has been turning irrigation systems on Citywide and making repairs to the system. As the systems continue to age crews are finding more repairs from tree roots breaking the mainlines to parts failing from age. Staff is also monitoring usage to achieve the 15% reduction in reduce water usage from historical levels (2005 to 2008) that the Contra Cost Water District has ask customers to achieve.

Continued our semi-annual trimming of the Landscape over the winter in the following areas; Oakhurst Drive from City limits to Indianhead Way, Clayton Road new medians from Center Street to Mitchell Canyon Road, Along Keller Ridge Drive, Along Eagle Peak Drive, Old Marsh Creek Road from Easley Drive to Stranhan subdivision inbound, Clayton Road outbound from Oakhurst Drive to El Camino Drive, in the downtown area at the Post Office pathway and Tear Drop Island, pathway running to the elementary school, Oakhurst Drive from Yolanda to Yolanda outbound, and trimmed all the Crape Myrtles in the Landscape District.

- Had the following area trees trimmed; Three large Eucalyptus trees safety trimmed on Lydia Lane, Lifted Pepper trees on Oakhurst Drive and Marsh Creek Road, Safety trimmed and lifted trees on Clayton Road between off ramp and Marsh Creek Road, Trimmed large Oak on Marsh Creek Road in the Median, Remove dead trees in the median along Clayton Road and Marsh Creek Road (stressed from drought conditions) Remove dead and fallen trees in the Creek by Stranhan subdivision and El Portal Drive.

Finished all the weed abatement in the open space City wide for fire protection; it was all completed on May 30th before the start of the Fire season.

Adopt a Trail updated as of 6/30/14

Adopters/Revenues

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

Adopt a Trail Expenses

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

Donations

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

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

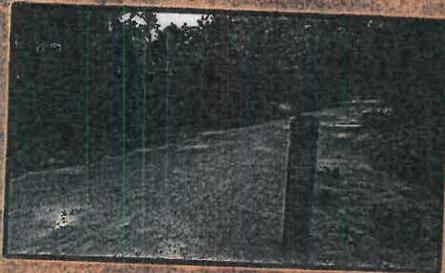
CLAYTON'S TRAILS & LANDSCAPE COMMITTEE (TLC)

Formed by the Clayton City Council in August 2007

Comprised of up to 11 volunteer members of the Clayton community

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

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



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

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

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

GET INVOLVED!

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

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

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

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

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



2014 Trails & Landscape Committee Members

Larry Casagrande (chair)	Harun Simbirdi
Ryan Lowe (Vice Chair)	Alyse Smith
A.J. Chippero	Clayton Smith
Robert Erich	Bob Steiner
Don Fitzgerald	Ted Sudderth
Howard Glazier	



Trails & Landscape
2014

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

The Landscape Maintenance District covers:

- over 2 million square feet of landscape
- 40,700 square feet of lawns and flowerbeds
- Almost 5000 city trees
- 515 acres of open space
- 7 miles of creek side trails
- 20 miles of open space trails
- Approximately 50 street islands and medians

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

HOW IS THE DISTRICT FUNDED?

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

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

Funds may only be used for voter approved Landscape District expenses

Trails & Landscape Committee

ADOPT-A-TRAIL

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

This program aims to:

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

If you are interested in participating in this program or would like additional information please contact Ted Sudderth at united@adl.com

TLC's STRATEGIC FOCUS

- Remove unwanted expenditures and control costs with strict oversight
- Create equity in the District
- Implement cost effective measures to improve irrigation and infrastructure
- Invest in modern equipment to increase maintenance efficiency and effectiveness
- Implement seasonal and situational based labor to minimize costs

STANDARDS & PRIORITIES FOR THE DISTRICT

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

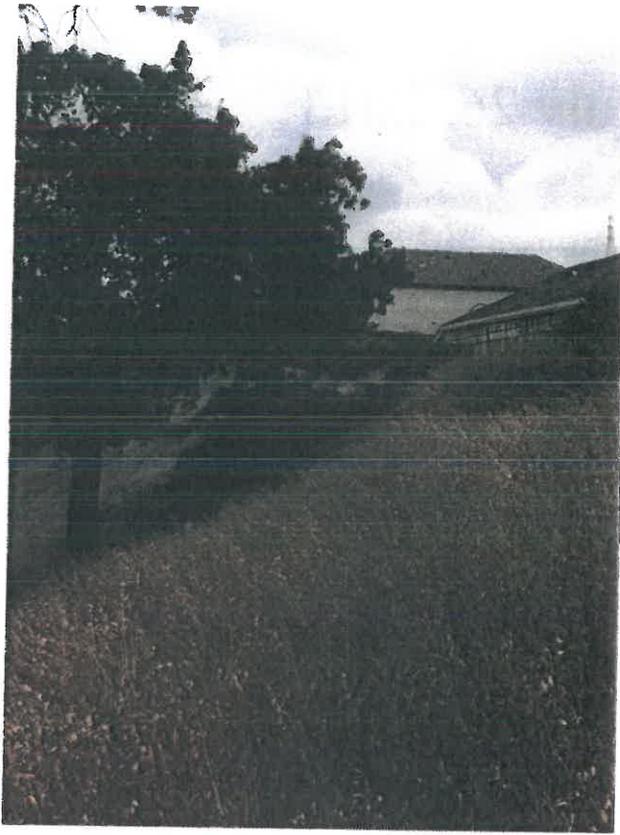
CLAYTON PIONEER - July 26, 2013

Letters to the Editor

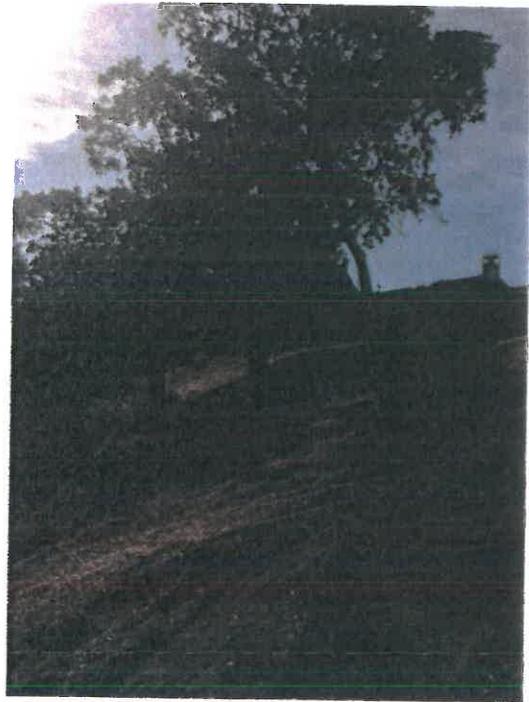
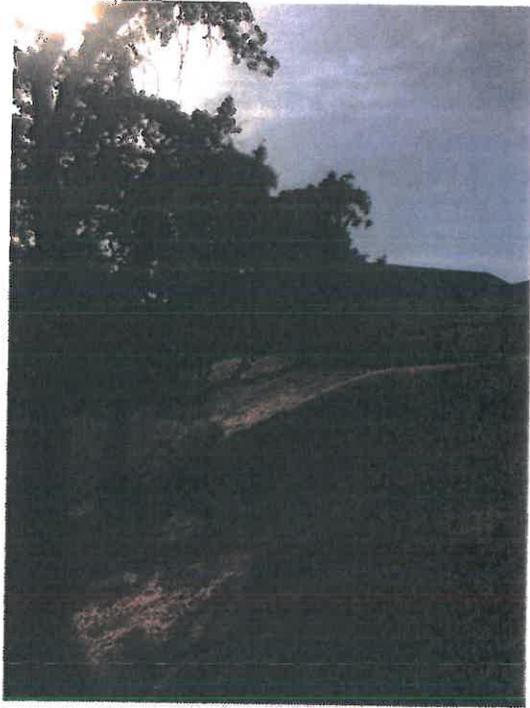
Kudos to city

It occurred to me while I was walking on one of our fabulous trails that someone needs to be thanked for all the "mowing" of the weeds etc. that need constant maintenance. I was watching the guys who were trimming the trees along Clayton Road and wondering if they ever get the thanks they deserve. And a big shout-out to the people who drive the street sweepers and pick up our garbage! Thanks to all of you who make Clayton the best place in the world to live! You are appreciated!

Alexandria Lafferty



Before Trimming – behind Miwok Dr. and Blue Oak Dr. area

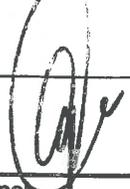


After Trimming – behind Miwok Dr. and Blue Oak Dr. area



Agenda Date: 3-17-2015

Agenda Item: 8b

Approved: 

Gary A. Nappel
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CHARLIE MULLEN, COMMUNITY DEVELOPMENT DIRECTOR 
DATE: MARCH 17, 2015
SUBJECT: 2014 HOUSING ELEMENT ANNUAL PROGRESS REPORT (CDD-04-15).

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution approving the 2014 Housing Element Annual Progress Report (APR) and direct staff to file the report with the State Department of Housing and Community Development, Division of Housing Policy Development.

BACKGROUND

Government Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's Housing Element using forms and definitions adopted by the HCD.

HCD uses the APR as a tool to facilitate implementation of a community's Housing Element as well as for the tracking and monitoring of progress in addressing housing needs and goals. The APR includes information on the jurisdiction's progress to address the Regional Housing Needs Allocation (RHNA), including the number of housing units permitted by income level, the status of programs in the Housing Element, and efforts to remove government constraints. HCD may also use submittal of the report as one of its threshold requirements to qualify for certain State grants or program funds.

Planning Commission

On February 24, 2015 the Planning Commission reviewed and considered the 2014 APR and then passed a motion recommending approval to the City Council. No members of the public spoke on the matter.

DISCUSSION

The APR for the City of Clayton covers the reporting period of January 1, 2014 to December 31, 2014. The 2014 APR reflects that no new housing units were constructed or demolished in the City during 2014. However, we did experience a substantial increase in residential home improvement and energy efficiency projects, consisting of solar power systems, swimming pools, garden structures, window replacements, heating and air-conditioning units, bathroom and kitchen remodels and home additions.

During 2014, one building permit was issued for the demolition of an existing single-family home located at 251 Roundhill Place; however, the demolition was not finalized in 2014, so it will not show up on the APR until next year.

The City has continued to take significant steps in implementing the approved programs of the adopted and certified 2009-2014 Housing Element. Over the course of several years beginning in 2010, systematic progress has been made at implementing various programs. Within the reporting period for this APR, the City adopted Ordinance No. 452 to adopt the 2013 Uniform Building Codes, including the 2013 California Green Building Code. The City also adopted Ordinance No. 454, establishing and allowing multi-family housing projects to be considered by right under the Site Plan Review process for Planned Development Zoning Districts.

These final Housing Element implementation programs allowed the City to accomplish a streamlined update of our Housing Element for the eight-year 2015-2023 cycle period. On October 14, 2014 the Planning Commission conducted a public hearing and adopted Resolution No. 04-14 recommending City Council approval of the 2015-2023 Housing Element, which was then followed by City Council public hearing review and approval with adoption of Resolution No. 42-2014. The final approval/certification of our City's 2015-2023 Housing Element was provided in writing by HCD on December 11, 2014.

City staff continues to promote and encourage the preservation of existing affordable housing units and the creation of new affordable housing opportunities in our discussion with housing developers.

FISCAL IMPACT

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

ATTACHMENTS

1. Resolution – Approving the 2014 Housing Element Annual Progress Report.
2. 2014 Housing Element Annual Progress Report

RESOLUTION NO. ___-2015

**A RESOLUTION APPROVING THE CITY OF CLAYTON
2014 HOUSING ELEMENT ANNUAL PROGRESS REPORT**

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

WHEREAS, Government Code Section 65400 requires the City Council of Clayton, California to prepare an annual report on the status and progress in implementing the City's Housing Element using forms and definitions adopted by the California Department of Housing and Community Development; and

WHEREAS, the 2014 Housing Element Annual Progress Report includes the information on the City of Clayton's progress in addressing the regional housing needs allocations, including the number of housing units permitted by income level, the status of programs in the housing element, and efforts to remove government constraints for the reporting period; and

WHEREAS, this Resolution shall become effective immediately upon its passage and adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby approve its 2014 Housing Element Annual Progress Report, a copy of which is attached hereto and incorporated herein as if fully set forth, and authorize it to be filed with the State of California Department of Housing and Community Development.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, Mayor

ATTEST

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly adopted and passed by the City Council of the City of Clayton at a regular public meeting thereof held on March 17, 2015.

Janet Brown, City Clerk

Attachments:
2014 Housing Element Annual Progress Report

X:\Com Dev\CDD\2015\CDD-04-15 - 2014 HousingElement Report\CC mtg. - 3-17-15\CC Reso. - 2014 HE Progress Report - 3-17-15.docx

CITY OF CLAYTON - 2014 HOUSING ELEMENT ANNUAL PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Clayton
 Reporting Period 1/1/2014 - 12/31/2014

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

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Table A3
Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate						0	

* Note: This field is voluntary

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Table B

Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2007	2008	2009	2010	2011	2012	2013	2014		Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	49	0	0	0	0	0	0	0	0		49
	Non-deed restricted		0	0	0	0	0	0	0	0		
Low	Deed Restricted	35	0	0	0	0	0	0	1	0	1	34
	Non-deed restricted		0	0	0	0	0	0	0	0		
Moderate	Deed Restricted	33	0	0	0	0	0	1	0	0	1	31
	Non-deed restricted		1	0	0	0	0	0	0	0	1	
Above Moderate		34	9	11	0	1	6	17	2	0	46	-12
Total RHNA by COG. Enter allocation number:		151										
Total Units ▶ ▶ ▶			10	11		1	6	18	3	0	49	102
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶												

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

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Jurisdiction City of Clayton
Reporting Period 1/1/2014 - 12/31/2014

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Implementation Measure I.1.1	Rezone sites to meet RHNA shortfall	1-Oct-10	Seven sites redesignated to M-F (15.1-20 units/acre) in April 2012- potential unit yield increased collectively from 57-140 units
Implementation Measure I.2.1	Implement Affordable Housing Plan requirements	On-going	Guidelines established 2010
Implementation Measure I.2.2	Use LMI fund for affordable housing in resential zones	On-going	RDA dissolved by State and funding source eliminated
Implementation Measure I.3.1	Allow manufactured housing in residential zones	1-Dec-09	Completed w/adoption of Ordinance 425 in December 2009
Implementation Measure I.4.1	Provide information to promote construction of second units	On-going	Handouts available in Community Development Department (CDD)
Implementation Measure I.4.2	Use RDA funds to incentivize construction of second units	1-Dec-12	RDA dissolved and funding source eliminated
Implementation Measure I.5.1	Encourage mixed-use development in the Town Center	On-going	Town Center Specific Plan is available at CDD and is on the City website with supportive policies
Implementation Measure I.5.2	Promote Town Cetner second story residential use standards	On-going	Town Center Specific Plan is available at CDD and is on the City website with supportive policies
Implementation Measure II.1.1	Allow emergency shelters by right in Kirker Pass Corridor	1-Mar-11	Completed w/adoption of Ordinance 449 in September 2013. Location was change to City owned properties zoned PF.
Implementation Measure II.1.2	Allow supportive and transitional housing in residential zones	1-Mar-11	Completed w/adoption of Ordinance 440 in April 2012
Implementation Measure II.1.3	Allow SRO's w/CUP in L-C District and Kirker Corridor	1-Apr-12	Completed w/adoption of Ordinance 440 in April 2012 (L-C District only)
Implementation Measure II.1.4	Offer regulatory incentives for extremely low-income households	On-going	Offered with applicable projects
Implementation Measure II.2.1	Allow sf homes in multi-family districts only w/ a use permit	1-Dec-12	Completed w/adoption of Ordinance 440 in April 2012
Implementation Measure II.3.1	Allow density bonuses in accordance w/State Law	1-Dec-09	Completed w/adoption of Ordinance 426 in December 2009
Implementation Measure II.4.1	Prioritize to decrease review time for affordable projects	On-going	Made available with applicable projects
Implementation Measure II.5.1	City to consider waiving/reducing fees for affordable projects	On-going	RDA dissolved and funding source eliminated
Implementation Measure II.6.1	City shall provide flexible development standards	On-going	Provided through Ordinances 440 and 426

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Jurisdiction	City of Clayton		
Reporting Period	1/1/2014	-	12/31/2014
Implementation Measure III.1.1	City refers interested parties to County affordable programs	On-going	Referrals made by Community Development Department staff
Implementation Measure III.1.2	City to develop a down payment assistance program w/RDA funds	1-Dec-11	RDA dissolved and funding source eliminated
Implementation Measure III.1.3	City to review potential funding through County HOME program	On-going	City coordinates with Contra Costa County Housing Authority
Implementation Measure III.1.4	City to provide \$200,000 annually to Diamond Terrace project	Through term of Agreement	City will continue to pay \$200,000 through term of this valid contract
Implementation Measure III.2.1	City to protect at-risk affordable units	On-going	The City's RDA protected an at-risk affordable unit in 2011 by purchasing and then reselling the unit w/ a 45-year deed restriction
Implementation Measure IV.1.1	Comply with fair housing laws	On-going	The City's actions are intended to comply with fair housing laws
Implementation Measure IV.1.2	City to not restrict unrelated persons in a family	1-Oct-10	Completed w/ adoption of Ordinance 440 in April 2012
Implementation Measure IV.2.1	City will provide info. to public on affordable housing projects	On-going	The City actively advertises the availability of affordable housing units as they become available
Implementation Measure IV.3.1	City will adopt reasonable accommodations ordinance	On-going	Completed w/ adoption of Ordinance 441 in May 2012
Implementation Measure IV.3.2	City will distribute info. regarding reasonable accommodations	On-going	Information is always available in the CDD
Implementation Measure IV.3.3	City to investigate feasibility of universal design ordinance	1-May-11	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.1	City to provide energy conervation brochures at City Hall	On-going	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.2	City to develop design concepts for energy efficiency	1-Jan-12	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.3	Improve energy efficiency requirements	1-Jan-12	Adopted the 2013 California Green Building Code in Feb. 2014 with Ordinance 452
Implementation Measure VI.1.1	City to support legislation to transfer housing closer to transit	On-going	The City supports this type of legislation through its association with ABAG and the Contra Costa Transportation Authority (CCTA)
Implementation Measure VI.1.2	City to participate in TRANSPAC and similar organizations	On-going	The City participates in TRANSPAC with Staff and Council representation
Implementation Measure VI.1.3	City to cooperate w/ regional/countywide housing task	On-going	The City participates w/ regional/countywide housing task force
Implementation Measure VI.1.4	City to work with ABAG regarding energy and land-use efficiency	On-going	The City participates with and has Council representation on ABAG

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