



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, May 3, 2016

7:00 P.M.

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

Mayor: Howard Geller

Vice Mayor: Jim Diaz

Council Members

Keith Haydon

Julie K. Pierce

David T. Shuey

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

*** CITY COUNCIL ***

May 3, 2016

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

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

3. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the City Council's regular meeting of April 19, 2016. ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. ([View Here](#))
- (c) Adopt a Resolution directing the preparation of an Engineer's Report for calculation of the annual real property tax assessments in FY 2016-17 for the Diablo Estates at Clayton Benefit Assessment District (BAD). ([View Here](#))
- (d) Adopt a Resolution finding and declaring that a continuing local emergency condition remains arising from significant damage to a portion of the Cardinet Trail while undertaking the City Council previously-authorized emergency repairs on the Cardinet Trail. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to public school students selected for exemplifying the "Do the Right Thing" character trait of "Integrity" during March - April 2016.

5. **REPORTS**

- (a) Planning Commission – Commissioner Gregg Manning.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
- (e) Other

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

7. PUBLIC HEARINGS - None.

8. ACTION ITEMS – None.

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

10. CLOSED SESSION

- (a) *Government Code Section 54956.8, Conference with Real Property Negotiator. Real Property: 6055 Main Street, Clayton, CA (APN 119-011-003). Instructions to City Negotiator: City Manager Gary Napper, concerning price and terms of payment. Negotiating Party: Clayton Community Church (Shawn Robinson).*

11. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be May 17, 2016.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 5-03-2016

Agenda Item: 3a

TUESDAY, April 19, 2016

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Vice Mayor Diaz in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Vice Mayor Diaz and Councilmembers Haydon and Pierce (Shuey arrived at 7:10 p.m.). Councilmembers absent: Mayor Geller. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Brown.

2. **PRESENTATION OF THE COLORS AND PLEDGE OF ALLEGIANCE** – led by Boy Scouts from BSA Troops 262 and 484, Mt. Diablo Silverado Council, Boy Scouts of America (BSA)

3. **CONSENT CALENDAR**

It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 3-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of April 5, 2016.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Accepted the City's Investment Portfolio Report for Third Quarter of FY 2015-16, ending March 31, 2016.
- (d) Adopted Resolution No. 20-2016 finding and declaring that a continuing local emergency condition remains arising from damage to a portion of the Cardinet Trail while undertaking the previously-authorized emergency repairs on the Cardinet Trail.
- (e) Adopted Resolution approving a Tolling Agreement extending the limitations period to file a legal challenge by West Coast Home Builders, Inc. concerning the City's disapproval of the Final Map for the Oak Creek Canyon Subdivision (MAP-04-03).

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Presentation by the Mt. Diablo Silverado Council, Boy Scouts of America, regarding the status of Scouting in Clayton (Arnel Jaime, District Executive)

Several Boy Scouts from Troops 262 and 484, Mt. Diablo Silverado Council, provided verbal reports on the amount and extent of scouting in the City of Clayton. Various Scouts offered brief presentations about the history, ranks, activities and volunteer service hours provided within the Clayton community. The City Council was presented with a plaque noting 1,612 community hours working on Eagle Scout and Service Projects for the community.

(Councilmember Shuey arrived)

- (b) Presentation of its Annual Report for 2015 by Joyce Atkinson, President of the Clayton Community Library Foundation.

Joyce Atkinson presented the 2015 Annual Report of the Clayton Community Library Foundation highlighting: the recent Spring Used Book Sale brought in a profit of \$5,942.44; in-library service hours totaling 4,826 hours provided by volunteers for daily needs and special events, valued at \$129,674.62; Boy Scout Troop 484 assistance with physical tasks; Clayton Valley Garden Club maintenance of flower boxes and garden areas; the twentieth Birthday Celebration of the Clayton Community Library; local second grade classes visited the library and students received their first library cards; Clayton Community Library Foundation generated income of \$44,413.94 from a variety of sources in 2015. Ms. Atkinson noted the Foundation is also considering an unspecified amount of monies for donation to the City to assist in funding the extra Sunday operation hours of the Library paid by the City.

Members of the City Council expressed their appreciation for the wonderful works by the Clayton Community Library Foundation supporting the operation and existence of the library.

- (c) Proclamation declaring the week of April 18th – 24th, 2016 as “Clayton Community Library Volunteer Recognition Week,” and recognition of Clayton’s “Library Volunteers of the Year.”

Vice Mayor Diaz read the Proclamation declaring the week of April 18th – 24th, 2016 as “Clayton Community Library Volunteer Recognition Week.” Vice Mayor Diaz asked Karen Hansen-Smith, Branch Librarian, and Arlene Kikkawa-Nielsen, Volunteer Coordinator, to assist in the presentation of Certificates of Recognition to “Library Volunteers of the Year” Carol Gurrad and Beverly Loomis, honoring their many hours of service to the Clayton Community Library.

- (d) Kickoff of Clayton’s Certified Farmers’ Market for 2016 “Opening Day” is Saturday, May 7th (8:00 am – Noon, each Saturday on Diablo Street) (Shawn Lipetzky, Regional Manager, Pacific Coast Farmers’ Market Association, Jorge Vega, District Manager, Pacific Coast Farmers’ Market Association)

Jorge Vega, District Manager, and Shawn Lipetzky, Regional Manager, introduced Lynette Miscione, Clayton’s Certified Farmers’ Market Manager for the 2016 season. Mr. Lipetzky summarized a PowerPoint presentation its 2015 Pacific Coast Farmers’ Market Annual Report for Clayton’s certified farmers’ market and highlighted upcoming attractions for the 2016 season.

Mr. Vega, Mr. Lipetzky and Lynette Miscione presented Vice Mayor Diaz, each City Council Member, and City Manager Napper with baskets of fresh produce to share.

Councilmember Pierce confirmed the Market’s 2016 start date of May 7th is from 8:00 am to Noon, and it is located on Diablo Street between Main and Center Streets.

- (e) Proclamation declaring the month of April as “Sexual Assault Awareness Month.”

Vice Mayor Diaz read the Proclamation and requested staff send it to the requestor as no representative was present to receive the Proclamation.

5. REPORTS

- (a) Planning Commission – Commissioner Dan Richardson summarized the Commission’s meeting of April 12, 2016. He noted its agenda included a Temporary Use Permit (TUP) for the new community event, the “Round Up”, as a fundraiser for Relay for Life. It will occur from 5:00 pm to 11:00 pm on Saturday, June 11 at Easley Ranch located at 6955 Marsh Creek Road. A few neighboring residents expressed concerns of additional noise being generated by this event at this venue, as well as amplified noise from the property’s outdoor wedding events. After discussions, the TUP was conditioned the audio equipment be repositioned and redirected to try to reduce the noise. This TUP was approved by the Planning Commission.

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

- (c) City Manager/Staff

City Manager Napper provided details regarding the upcoming “Clayton Cleans Up” event taking place on Saturday, April 23rd from 9:00 am to Noon; meet in the City Hall courtyard for sign-ins, area assignments and trash bags.

Mr. Napper advised the Cardinet Trail is expected to be closed starting on Monday, April 25th for approximately 3 weeks for emergency repair. He also provided an update on the Peacock Drive median tree replacement project noting the requested eight (8) trees were replanted, however it was discovered one additional tree was missing so that 9th tree is currently on order. The work was more labor-intensive than envisioned as the main irrigation line runs through the center of the median and under the tree roots, so the stumps had to be dug out by shovels.

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

Councilmember Haydon attended the Clayton Business and Committee Association’s Rib Cook-Off Committee meeting, the Contra Costa County Mayors’ Conference, and a BBQ at City Hall in honor of three employees of the Clayton Police Department that have accepted positions with another city. Mr. Haydon also had the opportunity to meet Clayton’s newest Police Sergeant, Daryl England.

Councilmember Shuey did not provide a report.

Councilmember Pierce attended several meetings of the Contra Costa Transportation Authority, the Metropolitan Transportation Commission, the Association of Bay Area Governments, the California Council of Governments, the TRANSPAC, the Bay Area Regional Council, the Contra Costa County Mayors’ Conference, and the first 2016 4th of July Committee meeting. Ms. Pierce announced the upcoming Clayton Historical Society Garden Tours takes place this weekend, April 23rd and April 24th. She also advised the community of an upcoming MTC and ABAG Merger discussion meeting on Friday, April 22nd from 9:00 a.m. to 12:00 p.m.

Vice Mayor Diaz attended the Clayton Business and Committee Association’s Art and Wine Committee meeting, a Press Conference by State Senator Steve Glazer regarding the new 4-year BART labor agreement, Assemblywoman Catharine Baker’s reception, the ground ceremony for JetSuite’s inaugural flight from Buchanan Field to Burbank’s Bob Hope Airport, a BBQ at City Hall in honor of three employees of the Clayton Police Department that have accepted positions with another agency, and met with Diablo Valley Ranch thanking them for its services at various community events. He also participated in the Shred Day sponsored by Travis Credit Union.

City Manager Napper added this is the final weekend to see a play by Neil Simon, "Rumor's", performed by the Clayton Theatre Company at Endeavor Hall.

Councilmember Haydon also announced the upcoming Clayton Business and Community Association's upcoming Art and Wine Festival taking place on April 30th and May 1st.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Battalion Fire Chief Dominic Ciotola advised the Boy Scouts present that Contra Costa County Fire District offers an Explorer Program that may be of interest to them. Chief Ciotola updated the City Council on its new partnership with American Medical Response handling first responder emergency medical services; he reported they are assisting 175 to 200 patients per day with an average response time of 10 minutes. Mr. Ciotola also advised there was a recent incident involving minor injuries in a difficult to access area on Mount Diablo. This particular incident included the assistance of an air flight nurse provided by REACH and Contra Costa County Sheriff's Office paramedics.

Vice Mayor Diaz wanted to be sure that Fire Chief Jeff Carmen is thanked for putting together this alliance and he is happy to hear how much it is assisting with response times as the past closure of Fire Station No. 11 in Clayton was of great concern to numerous people in town regarding emergency medical response times.

Councilmember Pierce inquired on the deadline for cutting back weeds as she has observed some potential fire danger areas and received many comments from citizens. Chief Ciotola advised that date has not yet been determined due to the recent rains and the potential for re-growth of weeds if they are cut too early. He indicated the Fire District's website will post that information as soon as it has been decided and notices will be sent to affected property owners. Chief Ciotola added there is a Fire Academy in session of about 20 candidates who will be graduating in late May.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Council Member report on the progress and possible content of a Contra Costa Transportation Authority (CCTA) ballot measure in November 2016 to levy an additional sales tax rate of 0.5% for transportation-related projects and needs.

Council Member Pierce provided a detailed report of the prospective contents of an upcoming potential transportation sales tax measure by Contra Costa Transportation Authority (CCTA). The tax measure is considering a rate of one-half percent increase over a 25-year period that would generate an estimated \$2.3 billion in constant 2015 dollars and \$3.7 billion in escalated dollars between 2017 and 2042. Ms. Pierce outlined in depth the CCTA's Draft Transportation Expenditure Plan that is under consideration for distribution/use of the new tax revenues, and as a member of CCTA she is seeking any feedback by the Clayton Council members. Highlighted descriptions of the initial draft Transportation Sales Tax Expenditure Plan included funding categories, the growth

management program, Urban Limit Line definitions and compliance requirements, the Complete Streets policies, the governing body and administration, and implementing guidelines. Presently, the proposed tax measure calls for a Return to Source monies of 23% to the cities for local transportation maintenance and needs.

Councilmember Shuey inquired if once the policies are written will the Board have the ability to make changes? Councilmember Pierce advised the Board will be able to makes changes until the funding is determined by voter approval.

Councilmember Haydon would like to ensure the CCTA potential tax measure remains as a separate ballot measure from the proposed Bay Area Rapid Transit (BART) ballot measure and that each measure is very clear to voters.

Councilmember Pierce advised the final form of the proposed tax measure will come back to the City Council for final consideration since CCTA must have approval of the majority of cities representing a majority of the County population in order to place the measure on the November 2016 ballot.

Vice Mayor Diaz opened the item to receive public comments; no public comments were offered.

No City Council action was taken.

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION**

Vice Mayor Diaz announced the City Council would adjourn into a closed session to discuss the subject matters listed below (8:59 p.m.):

(a) Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)(1)

1. *Brandon House, Petitioner, v. Superior Court of the State of California for the County of Contra Costa, Respondent; City of Clayton, Real Party in Interest.*
Contra Costa County Superior Court, Case No. 1-173712-1.

2. *Khalil Luis Guerra, Petitioner, v. Superior Court of the State of California for the County of Contra Costa, Respondent; City of Clayton, Real Party in Interest.*
Contra Costa County Superior Court, Case No. 1-173426-8.

Report out from Closed Session (9:12 p.m.)

Vice Mayor Diaz reported the City Council received a briefing from its City Attorney regarding these matters and no reportable action was taken.

11. **ADJOURNMENT**– on call by Vice Mayor Diaz, the City Council adjourned its meeting at 9:13 p.m. in memory of Mahlon Gilman “Ming” Hanson, a military veteran and long-time Clayton community member, who recently passed away.

The next regularly scheduled meeting of the City Council will be May 3, 2016.

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Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Howard Geller, Mayor

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Agenda Date 5/3/2016

Agenda Item: 3b

Approved: 

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, FINANCE MANAGER
DATE: 05/03/16
SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

04/29/2016	Cash Requirements	\$ 113,467.41
04/26/2016	ADP Payroll week 17, PPE 4/24/16	\$ 86,181.30

Total \$199,648.71

Attachments:

Cash Requirements Report dated 4/29/2016 (4 pages)
ADP payroll report for week 17 (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
ADP, LLC								
ADP, LLC	5/3/2016	5/3/2016	472147548	ADP fees PPE 4/10/16	\$160.73	\$0.00		\$160.73
<i>Totals for ADP, LLC:</i>					<u>\$160.73</u>	<u>\$0.00</u>		<u>\$160.73</u>
American Fidelity Assurance Company								
American Fidelity Assurance Company	5/3/2016	5/3/2016	B452563	May Supplemental Benefits	\$257.54	\$0.00		\$257.54
American Fidelity Assurance Company	5/3/2016	5/3/2016	1332642A	April FSA	\$728.31	\$0.00		\$728.31
<i>Totals for American Fidelity Assurance Company:</i>					<u>\$985.85</u>	<u>\$0.00</u>		<u>\$985.85</u>
AT&T (CalNet3)								
AT&T (CalNet3)	5/3/2016	5/3/2016	7978151	Telephone 3/22/16-4/21/16	\$1,666.99	\$0.00		\$1,666.99
<i>Totals for AT&T (CalNet3):</i>					<u>\$1,666.99</u>	<u>\$0.00</u>		<u>\$1,666.99</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	5/3/2016	5/3/2016	0336635-IN	Signs, flags, "Landscape Districts Funds at Wc	\$866.33	\$0.00		\$866.33
<i>Totals for Bay Area Barricade Serv.:</i>					<u>\$866.33</u>	<u>\$0.00</u>		<u>\$866.33</u>
CalPERS Retirement								
CalPERS Retirement	5/3/2016	5/3/2016	PPE 4/24/16	Retirement PPE 4/24/16	\$13,994.24	\$0.00		\$13,994.24
CalPERS Retirement	5/3/2016	5/3/2016	10000000014746383	GASB-68 Reports & Schedules	\$3,900.00	\$0.00		\$3,900.00
<i>Totals for CalPERS Retirement:</i>					<u>\$17,894.24</u>	<u>\$0.00</u>		<u>\$17,894.24</u>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	5/3/2016	5/3/2016	1996014	Copier contract 3/17/16-4/16/16	\$542.47	\$0.00		\$542.47
<i>Totals for Caltronics Business Systems, Inc:</i>					<u>\$542.47</u>	<u>\$0.00</u>		<u>\$542.47</u>
City of Concord								
City of Concord	5/3/2016	5/3/2016	50824	Printing - Trails & Landscaping	\$240.44	\$0.00		\$240.44
<i>Totals for City of Concord:</i>					<u>\$240.44</u>	<u>\$0.00</u>		<u>\$240.44</u>
Concord Garden Equipment								
Concord Garden Equipment	5/3/2016	5/3/2016	523529	Landscape tool repair	\$89.09	\$0.00		\$89.09
<i>Totals for Concord Garden Equipment:</i>					<u>\$89.09</u>	<u>\$0.00</u>		<u>\$89.09</u>
Cornell Roofing Co								
Cornell Roofing Co	5/3/2016	5/3/2016	CAP0198	Deposit Refund 1066 Panadero Way	\$2,000.00	\$0.00		\$2,000.00
Cornell Roofing Co	5/3/2016	5/3/2016	CAP0198	Deposit refund for 1066 Panadero Way	\$500.00	\$0.00		\$500.00
<i>Totals for Cornell Roofing Co:</i>					<u>\$2,500.00</u>	<u>\$0.00</u>		<u>\$2,500.00</u>
CR Fireline, Inc								
CR Fireline, Inc	5/3/2016	5/3/2016	105320	Qrtrly fire sprinkler inspection City Hall	\$110.00	\$0.00		\$110.00
CR Fireline, Inc	5/3/2016	5/3/2016	105321	Qrtrly fire sprinkler inspection Library	\$110.00	\$0.00		\$110.00
CR Fireline, Inc	5/3/2016	5/3/2016	105322	Qrtrly fire sprinkler inspection Endeavor Hall	\$110.00	\$0.00		\$110.00
<i>Totals for CR Fireline, Inc:</i>					<u>\$330.00</u>	<u>\$0.00</u>		<u>\$330.00</u>
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	5/3/2016	5/3/2016	49798630	Konica contract May 2016	\$342.17	\$0.00		\$342.17

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					\$342.17	\$0.00		\$342.17
Diablo Lawnscape								
Diablo Lawnscape	5/3/2016	5/3/2016	11160	Tree Installation Services	\$4,800.00	\$0.00		\$4,800.00
<i>Totals for Diablo Lawnscape:</i>					\$4,800.00	\$0.00		\$4,800.00
Laurent Fourgo								
Laurent Fourgo	5/3/2016	5/3/2016	5/7/16	Saturday Concert in the Grove 5/7/16	\$1,600.00	\$0.00		\$1,600.00
<i>Totals for Laurent Fourgo:</i>					\$1,600.00	\$0.00		\$1,600.00
Hammons Supply Company								
Hammons Supply Company	5/3/2016	5/3/2016	93170	janitorial supplies for City Hall	\$865.40	\$0.00		\$865.40
Hammons Supply Company	5/3/2016	5/3/2016	93168	Janitorial Supplies for Grove Park	\$153.81	\$0.00		\$153.81
Hammons Supply Company	5/3/2016	5/3/2016	93169	Janitorial Supply Library	\$143.63	\$0.00		\$143.63
<i>Totals for Hammons Supply Company:</i>					\$1,162.84	\$0.00		\$1,162.84
Health Care Dental Trust								
Health Care Dental Trust	5/3/2016	5/3/2016	208026	Dental for June	\$2,580.36	\$0.00		\$2,580.36
<i>Totals for Health Care Dental Trust:</i>					\$2,580.36	\$0.00		\$2,580.36
J&R Floor Services								
J&R Floor Services	5/3/2016	5/3/2016	Three 2016	March Billing	\$5,035.00	\$0.00		\$5,035.00
<i>Totals for J&R Floor Services:</i>					\$5,035.00	\$0.00		\$5,035.00
Ken Joiret								
Ken Joiret	5/3/2016	5/3/2016	5/7/16	Sound for Concert in the Grove 5/7/16	\$650.00	\$0.00		\$650.00
<i>Totals for Ken Joiret:</i>					\$650.00	\$0.00		\$650.00
Joyce Kelly								
Joyce Kelly	5/3/2016	5/3/2016	CAP0170	Deposit refund for 620 Pinot Ct	\$1,809.10	\$0.00		\$1,809.10
<i>Totals for Joyce Kelly:</i>					\$1,809.10	\$0.00		\$1,809.10
Neopost (add postage)								
Neopost (add postage)	5/3/2016	5/3/2016	4/26/2016	postage added 4/26/16	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage):</i>					\$300.00	\$0.00		\$300.00
NORCAL Voice & Data								
NORCAL Voice & Data	5/3/2016	5/3/2016	1020	Performed PoE switch reset, bring WiFi back c	\$84.00	\$0.00		\$84.00
<i>Totals for NORCAL Voice & Data:</i>					\$84.00	\$0.00		\$84.00
Painting by Ken								
Painting by Ken	5/3/2016	5/3/2016	EH	Painting of Endeavor Hall - Interior & Exterio	\$12,240.00	\$0.00		\$12,240.00
<i>Totals for Painting by Ken:</i>					\$12,240.00	\$0.00		\$12,240.00
PERMCO, Inc.								
PERMCO, Inc.	5/3/2016	5/3/2016	10551	Engineering retainer for 3/26/16-4/22/16	\$2,297.00	\$0.00		\$2,297.00
PERMCO, Ir	5/3/2016	5/3/2016	10552	CAP Insper 3/26/16-4/22/16	\$124.50	\$0.00		\$124.50

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.	5/3/2016	5/3/2016	10553	Field Inspection 3/26/16-4/22/16	\$124.50	\$0.00		\$124.50
PERMCO, Inc.	5/3/2016	5/3/2016	10554	Cardinet Trail repair - Prepare contract, staff r	\$747.25	\$0.00		\$747.25
				<i>Totals for PERMCO, Inc.:</i>	<u>\$3,293.25</u>	<u>\$0.00</u>		<u>\$3,293.25</u>
PG&E								
PG&E	5/3/2016	5/3/2016	4/22/16	Electric/Gas service 3/23/16-4/21/16	\$3,058.00	\$0.00		\$3,058.00
PG&E	5/3/2016	5/3/2016	4/15/16	Electricity/Gas 3/16/16-4/14/16	\$18,053.69	\$0.00		\$18,053.69
				<i>Totals for PG&E:</i>	<u>\$21,111.69</u>	<u>\$0.00</u>		<u>\$21,111.69</u>
pmsigns								
pmsigns	5/3/2016	5/3/2016	18204	Clayton Cleans Up banner date change	\$54.25	\$0.00		\$54.25
				<i>Totals for pmsigns:</i>	<u>\$54.25</u>	<u>\$0.00</u>		<u>\$54.25</u>
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	5/3/2016	5/3/2016	1616E-1	March Labor, 2014 Public Review Draft IS	\$6,075.00	\$0.00		\$6,075.00
Raney Planning & Management, Inc.	5/3/2016	5/3/2016	1610E-1	March Labor, Task 1 Project Initiation	\$923.26	\$0.00		\$923.26
				<i>Totals for Raney Planning & Management, Inc.:</i>	<u>\$6,998.26</u>	<u>\$0.00</u>		<u>\$6,998.26</u>
SMP Construction & Maintenance								
SMP Construction & Maintenance	5/3/2016	5/3/2016	CAP0188	Deposit refund for 137 Mountaire Pkwy	\$1,856.82	\$0.00		\$1,856.82
				<i>Totals for SMP Construction & Maintenance:</i>	<u>\$1,856.82</u>	<u>\$0.00</u>		<u>\$1,856.82</u>
Tri-City Fence Company, Inc								
Tri-City Fence Company, Inc	5/3/2016	5/3/2016	0064963-IN	Install 15 fence panels (187.5')	\$360.50	\$0.00		\$360.50
				<i>Totals for Tri-City Fence Company, Inc:</i>	<u>\$360.50</u>	<u>\$0.00</u>		<u>\$360.50</u>
U S Healthworks Medical Group, PC								
U S Healthworks Medical Group, PC	5/3/2016	5/3/2016	2893604-CA	New Employee Health Screening	\$401.00	\$0.00		\$401.00
U S Healthworks Medical Group, PC	5/3/2016	5/3/2016	2897243-CA	New Employee Health Screening	\$411.00	\$0.00		\$411.00
				<i>Totals for U S Healthworks Medical Group, PC:</i>	<u>\$812.00</u>	<u>\$0.00</u>		<u>\$812.00</u>
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	City Council Name Badges	\$67.04	\$0.00		\$67.04
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	MPA Health Fair snacks	\$13.33	\$0.00		\$13.33
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	Temp Maint Worker ad - Craigslist	\$75.00	\$0.00		\$75.00
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	snacks, coffee for interview panelists - PD	\$38.39	\$0.00		\$38.39
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	CCC recorder Fee	\$2.50	\$0.00		\$2.50
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	Recording for 37 Marquette Ct	\$20.00	\$0.00		\$20.00
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	Blackbaud, check printing for AP	\$433.62	\$0.00		\$433.62
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	Central Storage, rent	\$105.00	\$0.00		\$105.00
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	tarps, ink cartridge	\$112.24	\$0.00		\$112.24
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	wood, paint, tarps, infield mix - for CCP	\$4,552.05	\$0.00		\$4,552.05
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	flowers, bolts - for EH	\$32.06	\$0.00		\$32.06
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	Landscape tools	\$169.96	\$0.00		\$169.96
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	streetlight poles	\$7,757.75	\$0.00		\$7,757.75
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	ballpark repairs, maintenance	\$4,138.97	\$0.00		\$4,138.97

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
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	vehicle maintenance	\$44.42	\$0.00		\$44.42
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	fuel	\$198.53	\$0.00		\$198.53
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	landscape fuel	\$572.79	\$0.00		\$572.79
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	office supplies, toner	\$149.80	\$0.00		\$149.80
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	body armor trauma plate, radio knobs, keys, a	\$356.74	\$0.00		\$356.74
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	optics	\$415.93	\$0.00		\$415.93
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	velcro strips, MC equip	\$50.69	\$0.00		\$50.69
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	lunch with panel of oral board, PD	\$47.14	\$0.00		\$47.14
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	breakfast with chief of Livermore	\$25.13	\$0.00		\$25.13
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	fuel	\$1,833.72	\$0.00		\$1,833.72
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	training meals	\$19.93	\$0.00		\$19.93
US Bank - Corp Pmt System CalCard	5/3/2016	5/3/2016	Stmt Ending 3/22/16	car washes, battery jumpstart box	\$114.26	\$0.00		\$114.26
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					<u>\$21,346.99</u>	<u>\$0.00</u>		<u>\$21,346.99</u>
Western Exterminator								
Western Exterminator	5/3/2016	5/3/2016	4022229	March Pest Control	\$370.00	\$0.00		\$370.00
<i>Totals for Western Exterminator:</i>					<u>\$370.00</u>	<u>\$0.00</u>		<u>\$370.00</u>
Workers.com								
Workers.com	5/3/2016	5/3/2016	0000115002	Seasonal Employees for week ending 4/8/16	\$1,384.04	\$0.00		\$1,384.04
<i>Totals for Workers.com:</i>					<u>\$1,384.04</u>	<u>\$0.00</u>		<u>\$1,384.04</u>
GRAND TOTALS:					\$113,467.41	\$0.00		\$113,467.41

Earnings Statement

0 Employees with Overflow Statement 1 Total Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000028 Tot Docs in all:00000000031
First No. Last No. Total
Checks: ADPCHECK ADPCHECK 00000000004
Vouchers: 00000170001 00000170024 00000000024

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

CHECK STUFFING, RECONCILIATION

86181.30 GROSS
61768.27 NET PAY (INCLUDING ALL DEPOSITS)
9954.56 FEDERAL TAX
237.86 SOCIAL SECURITY
1187.68 MEDICARE
.00 MEDICARE SURTAX
.00 SUI TAX
3232.92 STATE TAX
.00 LOCAL TAX
64492.19 DEDUCTIONS
7076.09 NET CHECK

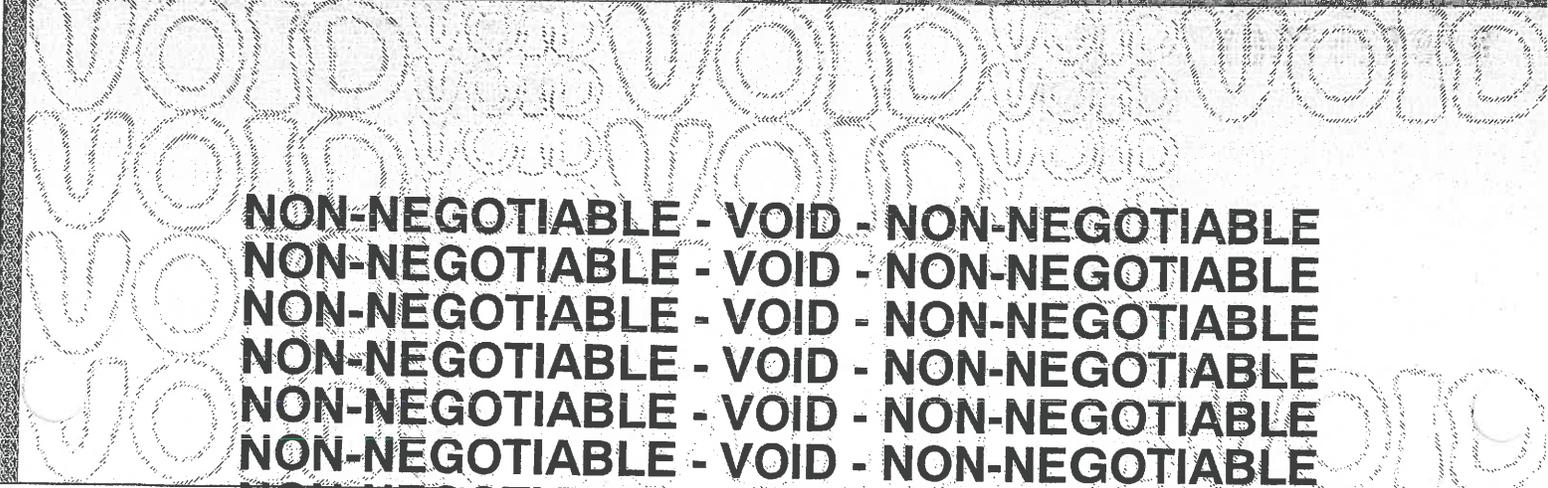
**COMPANY CODE Z7L
CITY OF CLAYTON
TOTAL DOCUMENT
LOCATION 0001**



COPY

COPY

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



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



Agenda Date: 5-03-2016

Agenda Item: 3c

STAFF REPORT

Approved: 
Gary A. Nappel
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: MAY 3, 2016

SUBJECT: RESOLUTION DIRECTING THE PREPARATION OF AN ENGINEER'S REPORT FOR THE DIABLO ESTATES BENEFIT ASSESSMENT DISTRICT.

RECOMMENDATION

Adopt the attached Resolution.

BACKGROUND

At the request of Toll Bros., Inc., the developer of the Diablo Estates project, the City Council, by passage of Resolution 04-2012 on February 7, 2012, formed the Diablo Estates Benefit Assessment District (BAD) in accordance with the requirements of Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982. The purpose of the District is for the private property owners to collectively provide sufficient funds each year for the proper maintenance of its various subdivision improvements constructed as part of the residential project. The Engineer of Work for the preparation of the initial Engineer's Report was the Developer's consultant, SCI Consulting Group. The initial assessment was approved via a Proposition 218 ballot election by the property owner and its authorization included an annual CPI increase in the assessment amount.

Although the Benefit Assessment Act of 1982 does not require further action prior to levying of the annual assessment if the assessments are not increased (other than any authorized adjustment due to a CPI increase), the Landscaping & Lighting Act of 1972 does require the filing and approval of an annual Engineer's Report prior to levying of its annual assessment.

For the purpose of continuing to levy annual assessments for the property owners to maintain its improvements, the process must be initiated by the City Council officially calling for such an annual report. After enactment of this Resolution, the next step will be for the Engineer of Work (City Engineer) to submit, and the City Council to accept, the Engineer's Report for this District. Following that submittal will be a single public hearing (with property owners' advance notification) prior to formally setting next year's assessments in sufficient time to be collected via the property tax bills issued by the County in 2016-2017.

Subject: Diablo Estates BAD – Call for Engineer's Report

Date: May 3, 2016

Page 2 of 2

This Resolution does not commit the City Council to any action but is just the first administrative step required by the Landscaping & Lighting Act of 1972.

FISCAL IMPACT

None to the City. As designed and approved, all expenses of the BAD are borne by the private property owners as the beneficiaries of its subdivision improvements, maintenance, operation and repair.

Attachment: Resolution [2 pp.]

RESOLUTION NO. - 2016

**A RESOLUTION DIRECTING THE FILING OF AN ANNUAL REPORT
FOR THE DIABLO ESTATES BENEFIT ASSESSMENT DISTRICT (PURSUANT TO THE
LANDSCAPING AND LIGHTING ACT OF 1972).**

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

WHEREAS, as requested by the development project's property owner and by Resolution No. 04-2012 adopted February 7, 2012, the Clayton City Council formed the Diablo Estates Benefit Assessment District pursuant to both the Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982; and

WHEREAS, an initial Engineer's Report was prepared by the project developer's own consultant, SCI Consulting Group; and

WHEREAS, an initial annual assessment, along with an allowable rate increase in accordance with annual increases in the San Francisco-Bay Area Consumer Price Index ("CPI"), was approved by the affected property owner(s) in a Proposition 218 ballot election; and

WHEREAS, although the Benefit Assessment Act of 1982 requires no further action to continue levying the annual assessment, the Landscaping & Lighting Act of 1972 does require that the City Council direct the Engineer of Work to prepare an Annual Engineer's Report prior to the levying of an assessment; and

WHEREAS, it is expedient for the City Council to commence said proceedings to ensure sufficient funds be assessed, levied, collected and expended each fiscal year to fulfill the property owner's intent and fiscal obligation to properly maintain, operate and repair the associated Diablo Estates subdivision improvements as private property owner beneficiaries;

NOW THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. The City Engineer is hereby directed to file an Annual Engineer's Report in accordance with the provisions of the Landscaping & Lighting Act of 1972.
2. This Resolution is adopted pursuant to Section 23622 of the Streets and Highways Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 3rd day of May 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

ABSENT:

HOWARD GELLER, Mayor

ATTEST:

Janet Brown, City Clerk

#

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton, California at a regular public meeting held on May 3, 2016.

Janet Brown, City Clerk

RESOLUTION NO. - 2016

**A RESOLUTION FINDING AND DECLARING THAT A LOCAL EMERGENCY
CONDITION CONTINUES TO EXIST ARISING FROM DAMAGE TO THE
CARDINET TRAIL**

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

WHEREAS, the City of Clayton ("City") awarded an emergency contract for repair of the Cardinet Trail to G.N. Henley, Inc., in accordance with Public Contract Code sections 22035 and 22050; and

WHEREAS, a section of the Cardinet Trail is in need of emergency repair due to damage to the trail resulting from increased flow in Mt. Diablo Creek that caused approximately 40 feet of the bank to erode, which in turn impacted about 30 feet of Cardinet Trail reducing the width of the trail in that area from 6 feet to 1 to 2 feet; and

WHEREAS, on April 5, 2016 the City Council declared the existence of an emergency condition arising out the damage to the Cardinet Trail and found emergency repairs necessary to preserve the health, safety and welfare of pedestrians, equestrians and cyclists utilizing the trail; and

WHEREAS, as of this date the damaged condition of the Cardinet Trail continues to persist thus warranting continuing the finding of a local emergency condition.

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

Section 1. **Recitals.** The above recitals are true and correct.

Section 2. **Findings.** The City Council finds that an emergency condition continues to exist arising from damage to the Cardinet Trail and directs the continuation of emergency repair work by G.N. Henley, Inc., until such time that the condition of the Cardinet Trail no longer poses a threat to the health, safety and welfare of pedestrians, equestrians and cyclists utilizing the trail.

Section 3. **Effective Date.** This Resolution shall be effective immediately.

The foregoing Resolution was adopted at a regular public meeting of the City Council of the City of Clayton, California held on the 3rd day of May, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk