



AGENDA

JOINT REGULAR MEETINGS

* * *

CLAYTON CITY COUNCIL and OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

* * *

TUESDAY, December 1, 2015

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 ***

December 1, 2015

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

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

3. **CONSENT CALENDAR**

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

(a) **Information Only** – No Action.

1. Notification by Republic Services (aka Allied Waste Services) that residential and commercial solid waste/recycling collection and disposal services rates in Clayton will increase by 2.34% effective January 1, 2016 (90% of the annual October-October Consumer Price Index change of 2.6%, per the City's Franchise Agreement). ([View Here](#))

2. Notice of a Public Hearing on Wednesday, January 6, 2016 by the Contra Costa Water District Board (CCWD) for its consideration of a treated water rate revenue increase of up to 3.5%, to become effective February 1, 2016. ([View Here](#))

(b) Approve the minutes of the regular meeting of November 17, 2015. ([View Here](#))

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

(d) Adopt a Resolution setting, adjusting and approving the City Manager's salary range and annual salary, awarding a one-time discretionary pay for performance, and authorizing the Mayor to execute a Third Amendment to the City Manager's Employment Agreement. ([View Here](#))

(e) Adopt a Resolution deleting Capital Improvement Project (CIP) No. 10414 – East Marsh Creek Road Upgrade from the City's 5-Year CIP Budget, and adding CIP No. 10437 – the 2016 Arterial Street Rehabilitation Project. ([View Here](#))

(f) Adopt a Resolution to amend and restate the City's ICMA-RC 401(a) governmental money purchase plan and trust document. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. REPORTS

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

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

7. PUBLIC HEARINGS - None.

8. ACTION ITEMS

- (a) Consideration of the City's Annual Report concerning the City's levy, collection and disposition of development impact mitigation fees during FY 2014-2015, in compliance with *California Government Code* (AB 1600). ([View Here](#)) (Finance Manager)

Staff recommendation: Following staff report and opportunity for public comment, adopt the Resolution with the findings there is a reasonable relationship between the current needs for the development impact mitigation fees and the purposes for which the fees were originally levied and collected by the City.

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

10. **RECESS THE CITY COUNCIL MEETING** – Mayor Geller
(until after the conclusion of the Oakhurst Geological Hazard Abatement District meeting)

11. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Geller

12. **CLOSED SESSION**

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiators
Real Properties: 6005 Main Street (APNs 119-011-002-1; 118-560-010-1; 118-370-041-6)
Instructions to City Negotiators: Council Members Pierce and Shuey, and
Ed Del Becarro, Managing Director, Transwestern, concerning price and
terms of payment.
Negotiating Party: Pacific Union Land Company (Joshua Reed)

Report out from Closed Session: Mayor Geller

13. **ADJOURNMENT**– the next regularly scheduled City Council meeting is December 15, 2015.

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*** OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT ***
December 1, 2015

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

2. **PUBLIC COMMENTS**

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

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

3. **CONSENT CALENDAR**

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(a) Approve the Board of Directors' minutes for its regular meeting July 21, 2015.
([View Here](#))

4. **ANNUAL REORGANIZATION OF THE BOARD OF DIRECTORS**

(a) Nominations and election of Chair for 2016 (Chairman Geller to conduct the election).
([View Here](#))

(b) Nominations and election of Vice Chair for 2016 (New Chair to conduct this election).

5. **PUBLIC HEARINGS** - None.

6. **ACTION ITEMS** – None.

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

8. **ADJOURNMENT** – the next meeting of the GHAD Board of Directors will be scheduled as needed.

#



**REPUBLIC
SERVICES**

441 North Buchanan Circle Pacheco, CA 94553
o 925.685.4711 f 925.685.4735 republicservices.com

Agenda Date: 12-01-2015

Agenda Item: 3a 1.

November 19, 2015

Mr. Gary Napper
City Manager
6000 Heritage Trail
Clayton, CA 94517

Received

NOV 23 2015

City of Clayton

Dear Gary:

Republic Services is providing notification of our intention to adjust the residential and commercial refuse collection rates by the corresponding percentage change in the Consumer Price Index (CPI) – All Urban Consumers – for San Francisco-Oakland-San Jose Bay Area through October 2014. I have attached a copy of the U.S. Department of Labor Statistics CPI calculations. The CPI increase is 2.6 %.

We are allowed 90% of the CPI for 2015 so the rate increase will be 2.34%. The rate adjustment will take effect on January 1, 2016.

A copy of the historic data is attached for verification purposes. A bill message will be on the December invoice.

A portion of the 2011 Bailey Road Fee will sunset in January 2016. Your rates will reflect this reduction.

Feel free to contact me at (925) 671-5823 if you have any questions.

Sincerely,

Timothy M. Argenti
GENERAL MANAGER

Bureau of Labor Statistics

Consumer Price Index - All Urban Consumers
Original Data Value

(verified)

Series Id: CUURA422SA0
Not Seasonally Adjusted
Area: San Francisco-Oakland-San Jose, CA
Item: All items
Base Period: 1982-84=100
Years: 2005 to 2015

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2005		201.2		202.5		201.2		203.0		205.9		203.4	202.7	201.5	203.9
2006		207.1		208.9		209.1		210.7		211.0		210.4	209.2	207.9	210.6
2007		213.688		215.842		216.123		216.240		217.949		218.485	216.048	214.736	217.361
2008		219.612		222.074		225.181		225.411		225.824		218.528	222.767	221.730	223.804
2009		222.166		223.854		225.692		225.801		226.051		224.239	224.395	223.305	225.484
2010		226.145		227.697		228.110		227.954		228.107		227.658	227.469	226.994	227.944
2011		229.981		234.121		233.646		234.608		235.331		234.327	233.390	232.082	234.698
2012		236.880		238.985		239.806		241.170		242.834		239.533	239.650	238.099	241.201
2013		242.677		244.675		245.935		246.072		246.617		245.711	245.023	243.894	246.152
2014		248.615		251.495		253.317		253.354		254.503		252.273	251.985	250.507	253.463
2015		254.910		257.622		259.117		259.917		261.019				256.723	

2.6%

$$\Delta 6.516 \text{ pts.} \div 254.503 = 0.02560284$$

$$\begin{array}{r} 2.6\% \\ \times 90\% \\ \hline 2.34\% \end{array}$$

11-23-15 

Received

Agenda Date: 12-01-2015

NOV 23 2015

NOTICE OF PUBLIC HEARING

Agenda Item: 3a 2.

City of Clayton

Contra Costa Water District (CCWD) wishes to notify you of a Public Hearing where treated water rate increases will be considered. **The Public Hearing will be held on Wednesday, January 6, 2016 at 6:30 p.m. at 1331 Concord Avenue, Concord, CA in the Board Room.** Public comments and written protests may be submitted to CCWD prior to and at the Public Hearing. Following the Public Hearing, the Board will consider the adoption of the proposed rate increase. **Any changes to rates and charges will become effective February 1, 2016.**

Water rates pay for the safe and reliable delivery of water to all CCWD customers. Revenue requirements are evaluated annually to determine the increases needed to meet planned operational and maintenance requirements, fund planned capital improvements to aging infrastructure, and offset increased electricity and chemical costs associated with purchasing, treating and delivering water supplies.

The rate increases being proposed are intended to yield a revenue increase of **up to 3.5%**, which would apply to the quantity charge and the daily service and demand charge. This would equate to an increase of **approximately \$1.98 per month** for the average single-family residential customer in the CCWD service area using 260 gallons per day.

The line items on the bill described as "drought charge" and "drought credit" are unaffected by this proposed change. Those temporary adjustments were made in response to the Governor's drought emergency order, and will end once that order is eliminated.

Excess Use Charges apply to residential and landscape irrigation customers whose water use exceeds 1,000 gallons per day or their 2013 baseline usage, whichever is higher. When triggered, the Excess Use Charge results in a charge equivalent to two times the quantity charge for the amount of water used in excess of the thresholds noted above. For example, a customer who used 1,000 gallons per day (gpd) during the same billing period in 2013 and is now using 1,025 gpd, would pay \$0.3136 for the additional 25 gallons in daily usage (748 gallons per month). This reflects the \$0.1568 increase for the base quantity charge and \$0.1568 increase for the Excess Use Charge. Customers using less than 1,000 gallons per day, or less than their 2013 baseline usage are not subject to an Excess Use Charge. The below table lists the water rate components and the potential increases.

Quantity and Service Charges	Current Charge	Potential Change	Potential Charge
Quantity Charge per hundred cubic feet (748 gallons)	\$3.4513	\$0.1568	\$3.6081
Daily Service and Demand Charge*	\$0.5707	\$0.0115	\$0.5822
Excess Use Charge per hundred cubic feet**	\$3.4513	\$0.1568	\$3.6081

* Represents the charge for a 5/8-inch meter; charges for larger meters are proportionate to size as generally described in Section 5.12.010 of CCWD's Code of Regulations.

** Only applied to the quantity of water that exceeds 1,000 gallons per day or 2013 baseline usage, whichever is higher. This charge is in addition to the Quantity Charge.

For further information on the proposed revenue increases or to review the CCWD's Code of Regulations regarding rates, please visit www.ccwater.com/2016rates or call Customer Service at (925) 688-8044.

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 12-01-2015

Agenda Item: 3b

TUESDAY, November 17, 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, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

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

 - (a) Approved the minutes of the regular meeting of October 20, 2015.
 - (b) Approved Financial Demands and Obligations of the City.

4. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Introductory presentation of “Plan Bay Area 2040”, a nine county Bay Area process to plan for long-range transportation, land use and housing.

Community Development Director Mindy Gentry provided a PowerPoint overview of “Plan Bay Area” explaining what the document sets out to achieve, the current status of its 4-year update, and what it means locally for Clayton. Two regional agencies are responsible for the study and development of “Plan Bay Area”: the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). MTC is an agency focused on regional transportation planning for the nine Bay Area counties while ABAG is focused on land use planning and housing.

As a region, “Plan Bay Area” identifies shared concerns such as: affordable housing, job creation, maintenance and repair of existing infrastructure, managing and improving both traffic and transit, maintaining local control over transit, land use, and housing decisions and protection of the environment. “Plan

Bay Area” established the framework for Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). PDAs are areas envisioned to grow, are located within close proximity to transit hubs, and provide a pedestrian friendly environment. PCAs are areas that have been identified as having agricultural, natural resources, scenic, cultural, recreational, and/or ecological value. There are currently a total of 188 PDAs and 165 PCAs listed through “Plan Bay Area”. Clayton has neither a PDA nor a PCA.

“Plan Bay Area” is the region’s response to the passage and the implementation of Senate Bill 375, which was signed into law by Governor Schwarzenegger. The bill mandates the creation of a Sustainable Communities Strategy, which is the function of the Plan Bay Area document. The bill also establishes a goal of 15% reduction in automobile GHG emissions by 2035. Plan Bay Area aligns the planning objectives of the state with the Bay Area region to create consistency among the Regional Transportation Plan (RTP), Regional Housing Needs Allocation (RHNA), Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs).

In order to develop “Plan Bay Area”, ABAG and MTC engage with local jurisdictions and the public looking for feedback and comments on local priorities. “Plan Bay Area is a work-in-progress that is updated every four years to reflect new priorities and in some cases, new legislation, updated regulations or additional resources needed to fully realize the “Plan Bay Area” vision and implement the Plan’s policies and programs. In July 2013, after extensive community input, MTC and ABAG adopted the initial “Plan Bay Area”. Now MTC and ABAG are embarking on the four year update that should be adopted by the summer of 2017. From late April through May 2015, a series of open houses were conducted across the region to introduce the public to the “Plan Bay Area” update process, seek comments on goals and targets, and receive feedback on local priorities across a wide range of issue areas. Residents were also able to comment and provide feedback online at PlanBayArea.org.

Plan Bay Area 2040 will address these issues, and the ways they relate to one another, in order to protect and enhance the region’s quality of life. After the “open houses” that occurred earlier this year, the next step in the process to update “Plan Bay Area” is to formulate different scenarios. Each scenario will combine different policy, land use, and transportation strategies. Scenario planning is a common way to analyze and communicate the effects of different combinations of land use and transportation strategies on regional goals and targets. Scenarios can also help articulate alternative future paths and provide information to help understand trade-offs. Scenarios can be constructed to modify the status quo, analyze and evaluate strategies that may be practically or politically challenging, and engage the region in a thoughtful dialogue about planning for the common future.

The scenario development process looks something like this. First, concepts are developed, then the appropriate policy strategies are formed, the scenarios are then built and then evaluated against goals and targets, and lastly those refined scenarios are presented. ABAG and MTC request that local public jurisdictions participate in the scenario development process and the transportation investment prioritization process. Major milestones for local jurisdiction participation are noted. Even though Clayton does not have any PDAs or PCAs

there are issues that are still important for the City to stay engaged in the process. Staff is looking for feedback from the City Council on the growth projection ranges in population and in job creation for Clayton:

	<u>2013 Plan Bay Area</u>	<u>2017 Prelim Plan Bay Area</u>
Jobs	1,950	2,000 – 2,400
Population	4,150	4,200 – 5,000

Councilmember Pierce advised the City has been given more than generous projections for 2040 and she would prefer to provide a more realistic projection for the upcoming study. Ms. Pierce suggested downsizing the numbers provided for the 2017 preliminary “Plan Bay Area” by at least half in our response. Councilmember Pierce also recalled the last time Clayton provided such numbers for “Plan Bay Area”, City staff and she counted actual parking spaces in the downtown area, since it is Clayton’s only commercial zone that could grow. It is possible employment numbers would increase due to more home-based businesses coming to town.

Mayor Shuey suggested changing the employment number to 500 by year 2040.

Councilmember Pierce advised the numbers provided to “Plan Bay Area” can be changed during its next study to keep with a more realistic approach. Councilmembers exchanged discussion on the appropriate projection numbers for Clayton’s response.

General direction was provided to staff to alter the jobs projection to 500 and the population projection to 1,000 by year 2040. Staff will provide the City Council’s response in writing to ABAG and MTC.

5. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff –

City Manager Gary Napper announced the employment of Tom Starick as Clayton’s newest police officer, number 10 on the police force. He advised Mr. Starick’s oath of office occurred in City Hall on Monday, November 16th and he was supported by many friends and family members in attendance. Mr. Starick must complete Field Training before being released on his own, noting that process can take several months.

He also indicated the City received a total of 89 applications for its vacant Police Administrative Clerk position and 10 of those applicants have been invited to participate in the interview process taking place on Monday, November 23rd.

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

Councilmember Haydon attended the Joan Culver Memorial Bocce Ball Tournament and the Korean War Veteran's Association Chapter 264, VFW Post 1525 Veterans Day ceremony.

Councilmember Pierce attended meetings of the Contra Costa Transportation Authority, TRANSPAC, and the Metropolitan Transportation Commission. She also attended the closing ceremony of the World War II exhibit at the Clayton Historical Society Museum, a Pittsburg Center Bay Area Rapid Transit Station milestone dedication ceremony, and a women mentors' event hosted by U.S. Congressman Mark DeSaulnier.

Councilmember Diaz attended Contra Costa County Mayors' Conference hosted by the City of Richmond, the Joan Culver Memorial Bocce Ball Tournament, the Pittsburg Center Bay Area Rapid Transit Station milestone dedication ceremony, the Korean War Veteran's Association Chapter 264, VFW Post 1525 Veterans Day ceremony, a 20th Anniversary Cops for Kids event, and a meeting of the Morgan Territory Fire Committee.

Vice Mayor Geller attended the Contra Costa County Mayors' Conference hosted by the City of Richmond, the Joan Culver Memorial Bocce Ball Tournament, and the Korean War Veteran's Association Chapter 264, VFW Post 1525 Veterans Day ceremony.

Mayor Shuey did not provide a report.

- (e) Other – None.

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

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) City Council selection of Mayor and Vice Mayor to serve the one-year term of office commencing December 1, 2015.

Mayor Shuey remarked the City Council will decide tonight its selection of mayor and vice mayor next year because he will be absent from the December 1st regular meeting at which this action would normally be conducted. He then opened nominations for the office of Mayor.

Councilmember Pierce nominated Howard Geller for Mayor. Councilmember Haydon seconded the nomination. No other nominations were provided and Mayor Shuey then closed the nominations.

On call by Mayor Shuey, the election of Howard Geller as Mayor starting December 1, 2015 passed by acclamation (Passed; 5-0 vote).

Mayor Shuey then opened nominations for the office of Vice Mayor. Councilmember Pierce nominated Jim Diaz for the position of Vice Mayor. Councilmember Shuey seconded the nomination. There were no other nominations and Mayor Shuey closed the nominations.

On call by Mayor Shuey, the election of Jim Diaz as Vice Mayor starting December 1, 2015 passed by acclamation (Passed; 5-0 vote).

- (b) City Council discussion of potential uses for a portion or all of its \$389,895 in General Fund excess monies from FY 2014-15 on one-time expenditures, equipment or capital project unmet needs.

City Manager Napper indicated at the City Council's last regular meeting it was noted the previous fiscal year closed with a General Fund net excess of \$389,895. Staff inquired at that meeting whether the City Council was interested in discussing possible one-time expenditure items and capital projects using this surplus. Staff was instructed to bring a list back at this meeting to explore different opportunities for use of some or the entire annual General Fund surplus on one-time expenditures for unmet needs of the City. Part of staff's obligation as staff is to identify unmet needs of the City for City Council review and policy decision for the unassigned funds.

The current General Fund Reserve balance of \$5.5 million does include this annual General Fund excess of \$389,895. In terms of financial history, in August of 2006 the City also experienced a similar excess of funds of approximately \$350,000 and at that time the City Council placed the surplus into a Deferred Maintenance account. Over the years that Deferred Maintenance Fund was used to underwrite numerous deferred maintenance items in the City, eventually resulting in a residual balance last year of approximately \$40,000, which was then returned to the General Fund.

City Manager Napper then reviewed in detail the list of unmet needs of the City identified by management categorized by City Maintenance, Police, Community Development, and City Technology/Modernization office needs. He noted there are not a lot of items, nothing is absolutely urgent or pressing, and the smallness in identified unmet needs is a testament to the good management of the City and the City Council in keeping its organization, public facilities, and public infrastructures in relatively good shape and order. However, those items listed are matters that sometime will need to be addressed. The items listed also have no other source of funding other than the General Fund. Mr. Napper then went through the list of items line by line.

Councilmember Pierce commented she would like to add Wi-Fi guest capability at City Hall to the list of identified items, particularly since the City Council has requested this capability for some years now.

Councilmember Haydon inquired if the figures provided for each item were actual costs or estimates? Mr. Napper advised the costs provided are professional "guesstimates" and will be refined to actual costs through further staff investigation based on what the City Council expresses further interest in.

Councilmember Haydon also inquired on the condition of the wood street light poles and if replacement could be done in phases to allow other potential unmet needs of the community to also be met? Mr. Napper responded the hollow-core wood street light poles deteriorate from the inside out and at this point it is undeterminable of the current condition. He agreed the wood street light poles could be replaced in phases. Councilmember Diaz suggested approaching this project by age of neighborhood and accompanying wood street light poles.

After considerable discussion and review, the City Council determined it would like more information on the following unmet needs:

- Wi-Fi at City Hall.
- Electronic Records Management System (laserfiche).
- New interactive City website.
- Restoration of Keller Ranch outbuildings.
- Funds for a one-day training of the entire Police Department.
- Solar power equipment to operate the Clayton Fountain.
- Replace wood street light poles with metal ones (City-owned).
- Mini-Excavator (on traks).
- New trash cans and possible replacement BBQs at Community Park.
- Paint interior & exterior of Endeavor Hall, re-finish wood flooring (2009), and re-seal patio concrete (2005).
- Paint and re-seal public restrooms at Community Park.
- F-450 Utility Truck.

No action further action was taken on this item. City Manager Napper indicated staff would perform further research and obtain contractor/vendor quotes on the needs identified and return with its report, likely in early 2016.

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

None.

10. **CLOSED SESSIONS**

Mayor Shuey announced the City Council will adjourn into Closed Session to handle the matters disclosed and declared below (at 8:22 p.m.):

- (a) *Government Code section 54957*
Public Employee Annual Performance Evaluation
Position Title: City Manager.
- (b) Government Code Section 54957.6, Conference with Labor Negotiators
Agency designated representatives: Mayor Shuey, Vice Mayor Geller
Unrepresented employee: City Manager.

9:07 p.m. Report out from Closed Session

Mayor Shuey announced the City Council discussed matters above and gave instructions to its labor negotiators.

11. **ADJOURNMENT**- on call by Mayor Shuey, the City Council adjourned its meeting at 9:08 p.m.

The next regularly scheduled meeting of the City Council will be December 1, 2015.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

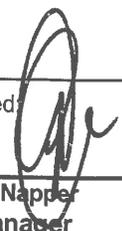
David T. Shuey, Mayor

#



Agenda Date 12/1/2015

Agenda Item: 3c

Approved: 

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, FINANCE MANAGER
DATE: 12/1/2015
SUBJECT: FINANCIAL OBLIGATIONS

RECOMMENDATION:

Approve the following Invoices for payment:

11/25/2015 Obligations	\$	170,956.34
11/24/2015 Payroll PPE 11/22/15, Week 48		79,319.35
Total	\$	<u>250,275.69</u>

Attachments:

Cash Requirements Report dated 11/25/2015 (4 pages)
ADP Report Week 48, PPE 11/22/15 (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
Alameda County Sheriff's Office								
Alameda County Sheriff's Office	12/1/2015	12/1/2015	12/11, 1/27	training for 12/11/15, 1/27/16	\$1,452.00	\$0.00		\$1,452.00
<i>Totals for Alameda County Sheriff's Office:</i>					<u>\$1,452.00</u>	<u>\$0.00</u>		<u>\$1,452.00</u>
All City Management Services, Inc.								
All City Management Services, Inc.	12/1/2015	12/1/2015	40858	school crossing guard services 10/11/15-10/24	\$458.19	\$0.00		\$458.19
<i>Totals for All City Management Services, Inc.:</i>					<u>\$458.19</u>	<u>\$0.00</u>		<u>\$458.19</u>
ALTEC Industries, Inc.								
ALTEC Industries, Inc.	12/1/2015	12/1/2015	5183051	Request # 2250980, sales tax	\$398.99	\$0.00		\$398.99
<i>Totals for ALTEC Industries, Inc.:</i>					<u>\$398.99</u>	<u>\$0.00</u>		<u>\$398.99</u>
American Fidelity Assurance Company								
American Fidelity Assurance Company	12/1/2015	12/1/2015	1183555A	September Billing	\$526.66	\$0.00		\$526.66
<i>Totals for American Fidelity Assurance Company:</i>					<u>\$526.66</u>	<u>\$0.00</u>		<u>\$526.66</u>
AT&T/ CalNet 2								
AT&T/ CalNet 2	12/1/2015	12/1/2015	7207306	service 9/22/15-10/21/15	\$1,646.44	\$0.00		\$1,646.44
<i>Totals for AT&T/ CalNet 2:</i>					<u>\$1,646.44</u>	<u>\$0.00</u>		<u>\$1,646.44</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	12/1/2015	12/1/2015	0333686-IN	supplies, ordered 11/12/15	\$25.08	\$0.00		\$25.08
<i>Totals for Bay Area Barricade Serv.:</i>					<u>\$25.08</u>	<u>\$0.00</u>		<u>\$25.08</u>
CalPERS Health								
CalPERS Health	12/1/2015	12/1/2015	1896	Medical Benefits for December 2015	\$31,312.24	\$0.00		\$31,312.24
<i>Totals for CalPERS Health:</i>					<u>\$31,312.24</u>	<u>\$0.00</u>		<u>\$31,312.24</u>
CalPERS Retirement								
CalPERS Retirement	12/1/2015	12/1/2015	11/24/15	City Council Retirement ending 11/24/15	\$178.32	\$0.00		\$178.32
CalPERS Retirement	12/1/2015	12/1/2015	11/22/15	Retirement PPE 11/22/15	\$12,944.66	\$0.00		\$12,944.66
CalPERS Retirement	12/1/2015	12/1/2015	December UAL	December UAL	\$28,437.00	\$0.00		\$28,437.00
<i>Totals for CalPERS Retirement:</i>					<u>\$41,559.98</u>	<u>\$0.00</u>		<u>\$41,559.98</u>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	12/1/2015	12/1/2015	1896379	contract 10/17/15-11/16/15	\$261.98	\$0.00		\$261.98
<i>Totals for Caltronics Business Systems, Inc:</i>					<u>\$261.98</u>	<u>\$0.00</u>		<u>\$261.98</u>
CCWD								
CCWD	12/1/2015	12/1/2015	C857157	Service, Stmt 9/9/15	\$529.53	\$0.00		\$529.53
CCWD	12/1/2015	12/1/2015	E Series	Service September & October	\$17,338.81	\$0.00		\$17,338.81
<i>Totals for CCWD:</i>					<u>\$17,868.34</u>	<u>\$0.00</u>		<u>\$17,868.34</u>
City of Concord								
City of Concord	12/1/2015	12/1/2015	48524	envelope printing	\$325.61	\$0.00		\$325.61
<i>Totals for City of Concord:</i>					<u>\$325.61</u>	<u>\$0.00</u>		<u>\$325.61</u>

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
Contra Costa County Animal Svcs Dept								
Contra Costa County Animal Svcs Dept	12/1/2015	12/1/2015	ASD M5825	2nd Qtr Installment 7/1/15-9/30/15	\$15,568.00	\$0.00		\$15,568.00
<i>Totals for Contra Costa County Animal Svcs Dept:</i>					<i>\$15,568.00</i>	<i>\$0.00</i>		<i>\$15,568.00</i>
Contra Costa County Fire Protection Dist.								
Contra Costa County Fire Protection Di	12/1/2015	12/1/2015	15-6210	FA-1 - false alarm fee, EH	\$471.00	\$0.00		\$471.00
<i>Totals for Contra Costa County Fire Protection Dist.:</i>					<i>\$471.00</i>	<i>\$0.00</i>		<i>\$471.00</i>
Contra Costa County Library								
Contra Costa County Library	12/1/2015	12/1/2015	Q1 FY 2016	Additional Hours for 7/1/15-9/30/15	\$3,798.39	\$0.00		\$3,798.39
<i>Totals for Contra Costa County Library:</i>					<i>\$3,798.39</i>	<i>\$0.00</i>		<i>\$3,798.39</i>
Contra Costa County Mayors' Conference								
Contra Costa County Mayors' Conferenc	12/1/2015	12/1/2015	2016	Mayors' Conference dinners, costs	\$1,596.00	\$0.00		\$1,596.00
<i>Totals for Contra Costa County Mayors' Conference:</i>					<i>\$1,596.00</i>	<i>\$0.00</i>		<i>\$1,596.00</i>
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	12/1/2015	12/1/2015	47926168	contract for December 2015	\$342.17	\$0.00		\$342.17
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					<i>\$342.17</i>	<i>\$0.00</i>		<i>\$342.17</i>
Diablo View Cleaning								
Diablo View Cleaning	12/1/2015	12/1/2015	21583	cleaning of EH chairs	\$300.00	\$0.00		\$300.00
<i>Totals for Diablo View Cleaning:</i>					<i>\$300.00</i>	<i>\$0.00</i>		<i>\$300.00</i>
DWH Creative Contracting, Inc								
DWH Creative Contracting, Inc	12/1/2015	12/1/2015	CAP0141	Deposit refund for 251 Roundhill Place	\$1,689.79	\$0.00		\$1,689.79
<i>Totals for DWH Creative Contracting, Inc:</i>					<i>\$1,689.79</i>	<i>\$0.00</i>		<i>\$1,689.79</i>
Geoconsultants, Inc.								
Geoconsultants, Inc.	12/1/2015	12/1/2015	18772	Well Monitoring for October	\$1,546.50	\$0.00		\$1,546.50
Geoconsultants, Inc.	12/1/2015	12/1/2015	18776	Well Monitoring for November	\$1,546.50	\$0.00		\$1,546.50
<i>Totals for Geoconsultants, Inc.:</i>					<i>\$3,093.00</i>	<i>\$0.00</i>		<i>\$3,093.00</i>
Hammons Supply Company								
Hammons Supply Company	12/1/2015	12/1/2015	91077	CCP supplies	\$351.03	\$0.00		\$351.03
Hammons Supply Company	12/1/2015	12/1/2015	91051	CCP supplies	\$198.88	\$0.00		\$198.88
Hammons Supply Company	12/1/2015	12/1/2015	91050	Grove Park supplies	\$150.75	\$0.00		\$150.75
Hammons Supply Company	12/1/2015	12/1/2015	91049	Library supplies	\$255.86	\$0.00		\$255.86
<i>Totals for Hammons Supply Company:</i>					<i>\$956.52</i>	<i>\$0.00</i>		<i>\$956.52</i>
Arlene Kikkawa-Nielsen								
Arlene Kikkawa-Nielsen	12/1/2015	12/1/2015	December 2015	Library Volunteer Coordinator Hours Decemb	\$900.00	\$0.00		\$900.00
<i>Totals for Arlene Kikkawa-Nielsen:</i>					<i>\$900.00</i>	<i>\$0.00</i>		<i>\$900.00</i>
LarryLogic Productions								
LarryLogic Productions	12/1/2015	12/1/2015	1544	City Council Meeting 11/17/15 + Travel time	\$400.00	\$0.00		\$400.00

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for LarryLogic Productions:</i>					\$400.00	\$0.00		\$400.00
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	12/1/2015	12/1/2015	415-1148-7	City Hall Maintenance july 2015	\$332.50	\$0.00		\$332.50
Marken Mechanical Services Inc	12/1/2015	12/1/2015	415-1147-10	EH Maintenance for October 2015	\$247.00	\$0.00		\$247.00
<i>Totals for Marken Mechanical Services Inc:</i>					\$579.50	\$0.00		\$579.50
MPA								
MPA	12/1/2015	12/1/2015	December 2015	December Life/LTD	\$1,463.29	\$0.00		\$1,463.29
MPA	12/1/2015	12/1/2015	ES-1503	Supplemental Insurance for new Tractor	\$171.92	\$0.00		\$171.92
<i>Totals for MPA:</i>					\$1,635.21	\$0.00		\$1,635.21
PERMCO, Inc.								
PERMCO, Inc.	12/1/2015	12/1/2015	10482	General Services 11/7/15-11/20/15	\$3,620.00	\$0.00		\$3,620.00
PERMCO, Inc.	12/1/2015	12/1/2015	10483	EP Inspection PG&E	\$20.75	\$0.00		\$20.75
PERMCO, Inc.	12/1/2015	12/1/2015	10484	EP Inspections AT&T	\$233.00	\$0.00		\$233.00
PERMCO, Inc.	12/1/2015	12/1/2015	10485	Prepare compliance certificates	\$244.00	\$0.00		\$244.00
PERMCO, Inc.	12/1/2015	12/1/2015	10486	CAP Inspections 11/7/15-11/20/15	\$83.00	\$0.00		\$83.00
PERMCO, Inc.	12/1/2015	12/1/2015	10487	submittals, processing for row certification/c	\$1,708.00	\$0.00		\$1,708.00
PERMCO, Inc.	12/1/2015	12/1/2015	10488	review initial submittal	\$375.00	\$0.00		\$375.00
PERMCO, Inc.	12/1/2015	12/1/2015	10489	prepare worksheets, cost estimate for changes	\$1,085.00	\$0.00		\$1,085.00
PERMCO, Inc.	12/1/2015	12/1/2015	10490	review initial submittal	\$450.00	\$0.00		\$450.00
<i>Totals for PERMCO, Inc.:</i>					\$7,818.75	\$0.00		\$7,818.75
PG&E								
PG&E	12/1/2015	12/1/2015	11/21/15	service 10/21/15-11/19/15	\$3,100.43	\$0.00		\$3,100.43
PG&E	12/1/2015	12/1/2015	11/16/15	service 10/15/15-11/15/15	\$16,925.54	\$0.00		\$16,925.54
<i>Totals for PG&E:</i>					\$20,025.97	\$0.00		\$20,025.97
R-Computer								
R-Computer	12/1/2015	12/1/2015	505640	Work Order 24647	\$270.00	\$0.00		\$270.00
<i>Totals for R-Computer:</i>					\$270.00	\$0.00		\$270.00
Matthew Santos								
Matthew Santos	12/1/2015	12/1/2015	918634	Deposit refund for EH 11/7/15	\$500.00	\$0.00		\$500.00
<i>Totals for Matthew Santos:</i>					\$500.00	\$0.00		\$500.00
State Water Resources Control Board								
State Water Resources Control Board	12/1/2015	12/1/2015	WD-0110636	SSMP annual permit fee	\$2,254.00	\$0.00		\$2,254.00
<i>Totals for State Water Resources Control Board:</i>					\$2,254.00	\$0.00		\$2,254.00
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	12/1/2015	12/1/2015	10/22/15	Stmt ending 10/22/15	\$12,267.05	\$0.00		\$12,267.05
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					\$12,267.05	\$0.00		\$12,267.05
Verizon Wireless								
Verizon Wireless	12/1/2015	12/1/2015	9754817050	service 10/2/15-11/1/15	\$87.37	\$0.00		\$87.37

City of Clayton Cash Requirements Report

<u>Vendor Name</u>	<u>Due Date</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Balance</u>	<u>Potential Discount</u>	<u>Discount Expires On</u>	<u>Net Amount Due</u>
<i>Totals for Verizon Wireless:</i>					\$87.37	\$0.00		\$87.37
Western Sierra								
Western Sierra	12/1/2015	12/1/2015	BP 220-15	Deposit refund for 50 Mountaire Place	\$500.00	\$0.00		\$500.00
<i>Totals for Western Sierra:</i>					\$500.00	\$0.00		\$500.00
Zee Medical Company								
Zee Medical Company	12/1/2015	12/1/2015	724600211	supplies	\$68.11	\$0.00		\$68.11
<i>Totals for Zee Medical Company:</i>					\$68.11	\$0.00		\$68.11
GRAND TOTALS:					\$170,956.34	\$0.00		\$170,956.34

0 Employees With Overflow Statement

0 Overflow Statement 1 Total Statement

Tot Cks/Vchrs:00000000028 Tot Docs in all:00000000031

First No. Last No. Total

Checks: ADPCHECK ADPCHECK 00000000006

Vouchers: 00000480001 00000480022 00000000022

Earnings Statement

Z7L TOTAL DOCUMENT

CITY OF CLAYTON

LOCATION 0001

CHECK STUFFING, RECONCILIATION

COPY

79319.35 GROSS
 57698.71 NET PAY (INCLUDING ALL DEPOSITS)
 10078.73 FEDERAL TAX
 -59.29 SOCIAL SECURITY
 1098.61 MEDICARE
 .00 MEDICARE SURTAX
 .00 SUI TAX
 2982.02 STATE TAX
 .00 LOCAL TAX
 58536.08 DEDUCTIONS
 6683.20 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

A RESOLUTION SETTING, ADJUSTING AND APPROVING THE CITY MANAGER'S SALARY RANGE, AWARDING A ONE-TIME DISCRETIONARY PAY FOR PERFORMANCE, AND AUTHORIZING THE MAYOR TO EXECUTE A THIRD AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

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

WHEREAS, since November 1, 2015, the City Council and City Manager have been in active discussions and negotiations regarding the City Manager's performance evaluation in 2015, and corresponding annual salary and compensation; and

WHEREAS, in light of the City Manager's work performance during the last year, the City Council wishes to adjust the City Manager's current salary range, approve a one-time discretionary pay for job performance, amend the City Manager's employment agreement to increase the City Manager's annual salary and salary range, and remove the timing for determining funding for discretionary pay for performance rewards.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby find, determine and approve as follows:

Section 1. That the above Recitals are true and correct facts pertaining to an important matter of public policy to the City.

Section 2. The City Manager's salary range effective October 30, 2015 is \$164,553.74 to \$200,016.10.

Section 3. To acknowledge the City Manager for exceptional outcomes, effective teamwork, and encourage continued high level performance, the City Manager is hereby awarded a one-time discretionary performance pay of \$4,700.00 to be paid in the first pay period of 2016.

Section 4. The Mayor is hereby authorized and directed to execute the Third Amendment to City Manager Employment Contract ("Third Amendment") with Gary A. Napper for and on behalf of the City, a true and correct copy of the Third Amendment being attached hereto as Attachment 1.

Section 5. This Resolution shall and does take immediate effect from and after its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a duly-noticed public meeting thereof held on the 1st day of December 2015 by the following recorded vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

THIRD AMENDMENT TO CITY MANAGER EMPLOYMENT CONTRACT

THIS THIRD AMENDMENT TO THE AGREEMENT ("Third Amendment") is entered into this 1st day of December, 2015, by and between the City of Clayton, Contra Costa County, State of California, a municipal corporation (hereinafter "Employer" or "City"), and Gary A. Napper (hereinafter "Employee"), both of who understand the following:

WHEREAS, the parties have heretofore entered into that certain Employment Agreement, dated October 16, 2001 (the "Agreement"); and

WHEREAS, on December 17, 2013, the parties amended the Agreement to increase the City Manager's salary, remove furlough days in accordance with treatment of other City staff and provide for a pay for performance bonus program (the "First Amendment"); and

WHEREAS, on December 16, 2014, the parties amended the Agreement to increase the City Manager's salary and remove his voluntarily-imposed final two furlough days in accordance with treatment of other City staff (the "Second Amendment"); and

WHEREAS, since November 2015, the Council and Employee have been in active discussions and negotiations regarding Employee's performance in 2015 and the corresponding annual salary and compensation; and

WHEREAS, in light of the City Manager's performance during the last year, the City Council wishes to amend the Agreement in order to increase the City Manager's salary and remove the timing for determining funding for discretionary pay for performance rewards.

NOW, THEREFORE, in consideration of the terms, covenants and promises contained herein, the above-named parties hereby mutually agree and promise as follows:

1. Amendment of Salary.

a. The second paragraph of Section 6 of the Agreement is hereby amended as follows:

"Effective October 30, 2015, City agrees to pay Employee for his services an annual base salary of \$200,016.10. City shall pay Employee said base salary in installments at the same time as other employees of the City are paid."

b. The fifth paragraph of Section 6 of the Agreement is hereby amended as follows:

"Beginning Fiscal Year 2013-14, the City may acknowledge Employee for exceptional outcomes, effective teamwork and encourage continued high level performance through discretionary pay for performance rewards as set forth in this section and as funded each year by the City. The City will determine each year whether funding will be made available for such rewards. The rewards may be cash payments or other forms of recognition that are approved by the City and within its authority."

2. Effect on Agreement. Except as amended by this Third Amendment, all other provisions of the Agreement, First Amendment, and Second Amendment remain in full force and effect. From and after the date of this Third Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by the First Amendment, Second Amendment, and Third Amendment.

CITY OF CLAYTON

EMPLOYEE

By: _____
Howard Geller, Mayor

By: _____
Gary A. Napper

Attest: _____
Janet Brown
City Clerk

Approved as to Form:

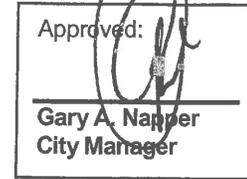
Malathy Subramanian
City Attorney

#



Agenda Date: 12-01-2015

Agenda Item: 3e



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: DECEMBER 1, 2015

SUBJECT: CONSIDER A RESOLUTION DELETING THE MARSH CREEK ROAD UPGRADE PROJECT, CIP NO. 10414, FROM THE CITY'S CAPITAL IMPROVEMENT PROGRAM (CIP), AND ADDING THE 2016 ARTERIAL REHABILITATION PROJECT TO THE CIP AS CIP PROJECT NO. 10437

RECOMMENDATION

Approve attached Resolution.

BACKGROUND

In 2009/10, the Marsh Creek Road Upgrade Project, CIP # 10414, was allocated a grant by the Contra Costa Transportation Authority (CCTA) in the amount of \$1,200,000 from the Measure J Transportation Sales Tax. The intent of the project was to widen the existing roadway between Regency Drive and the City Limits at Pine Lane to provide two full width travel lanes, bike lanes, shoulders and pedestrian paths per the Marsh Creek Road Specific Plan (more or less).

After preparing some preliminary plans and performing some further investigation, it became clear the project is infeasible, at least for the available funding. There is a large landslide on the north side of the roadway (on private property and in the County) that will require repair. In addition, PG&E overhead power lines along the north side of the roadway would have to be relocated twice (out and back for the landslide repair). A very rough estimate for these two items alone is \$1,500,000.

After discussing the situation with CCTA, they agreed that the project is infeasible at the current time and CCTA will allow us to substitute a new project (limited to arterial streets) in order to retain the allocated funds (less approximately \$27,000 for reimbursement of the City's cost on the old project).

Subject: 2016 Arterial Rehabilitation Project Establishment

Date: December 1, 2015

Page 2 of 2

In order to transfer the funding, we will need to develop preliminary plans and cost estimates for CCTA's review. Therefore, staff is recommending that we establish a new project for inclusion in the CIP and for cost tracking purposes. To give us the most latitude in scope, we recommend that the project be named as the 2016 Arterial Rehabilitation Project, CIP #10437.

FISCAL IMPACT

None.

RESOLUTION NO.

A RESOLUTION DELETING THE MARSH CREEK ROAD UPGRADE PROJECT, CIP NO. 10414, FROM THE CITY'S CAPITAL IMPROVEMENT PROGRAM (CIP), AND ADDING THE 2016 ARTERIAL REHABILITATION PROJECT TO THE CIP AS PROJECT NO. 10437

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

WHEREAS, the City's Capital Improvement Program included the Marsh Creek Road Upgrade Project (No. 10414), which was being funded by a \$1,200,000 grant the Contra Costa Transportation Authority (CCTA); and

WHEREAS, after the preparation of preliminary plans and further investigation, it became clear to staff that the project was economically infeasible; and

WHEREAS, CCTA concurred with staff's findings and agreed to allow the City to substitute a new project and transfer the allocated funding to the new project; and

WHEREAS, staff has recommended that a new generic arterial pavement rehabilitation project be established for cost tracking purposes while an appropriate project is developed and approved by CCTA;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby delete the Marsh Creek Road Upgrade Project (CIP #10414) from the City's Capital Improvement Program and adds the "2016 Arterial Rehabilitation Project" as Project No. 10437 in the Capital Improvement Program.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 1st day of December 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on December 1, 2015.

Janet Brown, City Clerk



Agenda Date: 12-01-2015

Agenda Item: 3F

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER

DATE: DECEMBER 1, 2015

SUBJECT: RESOLUTION ADOPTING AMENDED AND RESTATED ICMA-RC 401(a) GOVERNMENTAL MONEY PURCHASE PLAN & TRUST DOCUMENT

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution approving the amended and restated ICMA-RC 401(a) governmental money purchase plan and trust document to ensure the City's plan is updated in accordance with current IRS regulations.

BACKGROUND

As part of the benefit package for its employees, the City of Clayton contracted with ICMA-RC on August 15, 2000 to provide a 401(a) defined contribution plan. This plan complemented the 457 deferred compensation plan established with ICMA-RC authorized by the City Council on November 16, 1993.

DISCUSSION

The IRS has a six-year review schedule for the type of 401 plan documents ICMA-RC makes available to its clients. Following the IRS schedule, ICMA-RC submitted their updated plan documents for review and approval in 2012 and received favorable opinion letters in the prior year. The documents incorporate amendments for legislative and regulatory changes enacted since the prior restatement in 2006. In the past ICMA-RC has utilized a negative election adoption process in an effort to make the plan document adoption process as easy as possible. This time, however, per instructions from the IRS, each plan sponsor using the ICMA-RC plan document is required to execute a new adoption agreement by April 30, 2016.

The new adoption agreement and the authorizing Resolution have been included as attachments to this staff report. Wherever possible in order to ensure consistency, all elections of the new adoption agreement have been made to mirror the original ICMA-RC 401(a) adoption agreement executed on September 6, 2000.

FISCAL IMPACT

The acceptance of this report has no direct fiscal impact to the City of Clayton.

Respectively submitted,



Kevin Mizuno, CPA
Finance Manager

Attachments:

1. Resolution __-2015
2. Governmental Money Purchase Plan & Trust Adoption Agreement

RESOLUTION NO. __- 2015

**A RESOLUTION ADOPTING AMENDED AND RESTATED ICMA-RC 401(a)
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST DOCUMENT****THE CITY COUNCIL**
City of Clayton, California

WHEREAS, the City of Clayton has employees rendering valuable services; and

WHEREAS, the City of Clayton has established a qualified retirement plan for such employees that serves the interest of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the City of Clayton has determined that the continuance of the qualified retirement plan will serve these objectives; and

NOW, THEREFORE, BE IT RESOLVED the City Council of Clayton, California hereby amends and restates the qualified plan (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust; and

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee ("Trustee"), for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose. The Trustee's beneficial ownership of the Plan assets held in VantageTrust shall be held for the further exclusive benefit of the Plan participants and their beneficiaries; and

BE IT FURTHER RESOLVED that the City of Clayton California hereby agrees to serve the as Trustee under the Plan; and

BE IT FURTHER RESOLVED that the City Manager shall be the coordinator for the plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the City of Clayton, and any required votes under the ICMA Retirement Trust; may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT FURTHER RESOLVED that the City Council of the City of Clayton hereby authorizes the City Manager to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the plan.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California during a public hearing at a regular public meeting thereof held on the 1st day of December 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

City Clerk

I, Janet Brown, City Clerk to the City of Clayton, hereby certify that the foregoing resolution, proposed by the City Council of the City of Clayton, was duly and regularly passed and adopted by the City Council of the City of Clayton at a regular meeting held on December 1, 2015.

City Clerk

ICMA RETIREMENT CORPORATION
**GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**



**ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**

Plan Number 107661 _____

The Employer hereby establishes a Money Purchase Plan and Trust to be known as CITY OF CLAYTON
(the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

Yes No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

CITY OF CLAYTON

I. Employer: CITY OF CLAYTON

II. Effective Dates

1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

III. Plan Year will mean:

- The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)
- The twelve (12) consecutive month period commencing on October 1st _____ and each anniversary thereof.

IV. Normal Retirement Age shall be age 50.0 (not to exceed age 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- All Employees
- All Full Time Employees
- Salaried Employees
- Non union Employees
- Management Employees
- Public Safety Employees
- General Employees
- Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) _____

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

A. **Employer Contributions.** The Employer shall contribute on behalf of each Participant _____ % of Earnings or \$ 0 for the Plan Year (subject to the limitations of Article V of the Plan).

Mandatory Participant Contributions
 are required are not required

to be eligible for this Employer Contribution.

B. **Mandatory Participant Contributions for Plan Participation.**

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

Yes No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

Yes No

Contribution Schedule.

- (i) _____% of Earnings,
 (ii) \$ _____, or
 (iii) a whole percentage of Earnings between the range of _____ (insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pick up is required if Option A is not selected).

Yes No (*"Yes" is the default provision under the Plan if no selection is made.*)

C. Election Window (Complete if Option B is selected):

Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant _____% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____% of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____% of Earnings or \$ _____);

¹ Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____% of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____% of Earnings, whichever is _____ more or _____ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

Yes No (*"No" is the default provision under the Plan if no selection is made.*)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

- A. Plan contributions will be made based on differential wage payments:

Yes No (*"Yes" is the default provision under the Plan if no selection is made.*)

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

- B. Participants who die or become disabled will receive Plan contributions with respect to such service:

Yes No (*"No" is the default provision under the Plan if no selection is made.*)

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime
 Yes No
2. Bonuses
 Yes No
3. Other Pay (specifically describe any other types of pay to be included below)
 Car Allowance, Uniform Allowance, Benefit Insurance

VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:

Yes No (*"Yes" is the default provision under the Plan if no selection is made.*)

2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.

Effective Date is _____.

(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.

 Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)
2. The Limitation Year is the following 12 consecutive month period: _____
3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____

(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

Period of Service Completed	Percent Vested
Zero	0 %
One	20 %
Two	40 %
Three	60 %
Four	80 %
Five	100 %
Six	0 %
Seven	0 %
Eight	0 %
Nine	0 %
Ten	*** %

XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a participant attains (select one of the below options):

- Normal Retirement Age
- Age 70½ (*"70½" is the default provision under the Plan if no selection is made.*)
- Alternate age (after Normal Retirement Age): _____
- Not permitted at any age

2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.

- Yes
- No (*"Yes" is the default provision under the plan if no selection is made.*)

3. Tax-free distributions of up to \$3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.

- Yes
- No (*"No" is the default provision under the Plan if no selection is made.*)

4. In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.

- Yes
- No (*"No" is the default provision under the Plan if no selection is made.*)

5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:

- Yes
- No (*"No" is the default provision under the Plan if no selection is made.*)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (*"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.*)
3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

- All Eligible Employees
- Other: _____

Final Pay shall be defined as (select one):

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (*insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave*):
- _____

1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to _____% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- All Eligible Employees
 Other: _____

Accrued Leave shall be defined as (select one):

- A. Accrued unpaid vacation
 B. Accrued unpaid sick leave
 C. Accrued unpaid vacation and sick leave
 D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).

For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to _____% (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVI. The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

XVII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XVIII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XIX. An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this 15th day of December, 202015.

EMPLOYER

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

By: _____

Print Name: Gary A. Napper

Print Name: _____

Title: City Manager

Title: _____

Attest: _____

Attest: _____



ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
WWW.ICMARC.ORG
BRC000-214-21268-201405-W1303



Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, Finance Manager, CPA 

DATE: December 1, 2015

SUBJECT: Review of the City's Annual Report on Developer Fees for FY 2014-15 in compliance with the reporting requirements of Section 66006 of the State Government Code (AB 1600)

RECOMMENDATION

Staff recommends the City Council receive public comments; adopt the attached Resolution No. __-2015, finding that there is a reasonable relationship between current needs for the fees and the purposes for which they were originally collected and authorizing internal accounting adjustments as noted.

BACKGROUND

In 1989, Section 66000 et seq. of the Government Code became effective. When passed in 1987, this section was known as AB 1600. When the Legislature passed AB 1600, it added a new chapter to the Government Code on fees for development projects. The chapter sets forth a number of requirements that local agencies must follow if they are to exact fees from developers to defray the cost of construction of public facilities related to development projects. Section 66006 mandates the reporting requirements on fees that the local agency must adhere to each fiscal year.

Through the General Plan, the City of Clayton has established the nexus between the development and the capital improvements necessary to mitigate the effects of the development and approved fees to fund the mitigation measures. Further implementation of the fees is established in the Clayton Municipal Code sections related to each fee type.

DISCUSSION

Section 66006 (b)(1) of the Government Code requires each local agency to make public a report on developer fees within 180 days after the last day of each fiscal year. Section 66006 (2) also requires each local agency to review the report at a public meeting not earlier than 15 days after the audit report information is made available to the public. The City of Clayton presented its year-

end audited financial statement and closing reports for fiscal year ended June 30, 2015 at the City Council meeting on November 3, 2015.

The AB 1600 report consists of a brief description of the fee type in the account or fund, the amount of the fee, the beginning and ending balance of the account or fund, the amount of fees collected and the interest earned. If there are funds in the accounts then there is also a requirement to make a finding that there is a reasonable relationship between current needs for and the purposes for which they were originally collected.

Development Impact Fees are due at different times in the stage of a development project. Some of the fees are due at time of final map, or building permit issuance; others not until final occupancy. As outlined in Attachment 4, the City did not collect any development fees in FY 2014-15 as there was not any new development activity. Interest earnings are apportioned to the Development Impact Fee Fund (No. 304) through the quarterly city-wide interest allocation process. Within the Development Impact Fee Fund, quarterly interest allocations are further divided to each Development Fee account based on proportional fee fund balances as of the end of the corresponding quarter.

AB 1600 development fees are collected for the following purposes: Childcare Facilities, Offsite Arterial improvements, Fire Protection, Community Facilities, and Parkland Dedication. The summary of the balances of the various fees are listed on Attachment 2. Attachment 3 shows the outstanding Capital Improvement Program projects for which these funds may be utilized. Details of the fund history are shown in Attachment 4 with detailed expenditure and revenue reports for each fee the City collected provided in Attachment 5. The City Development Impact fee schedule identifying the formula amount and when the fee is collected is shown on Attachment 6.

There are eight reporting requirements on fees that the local agency must adhere to each fiscal year:

1. Create separate capital facilities funds or accounts for each improvement funded with impact fees (Government Code Section 66006(a)).
2. Remit all interest income earned by the fees to the same fund; interest income must be spent solely on the purpose for which the fee was originally collected (Section 66006(a)).
3. Within 180 days after the close of each fiscal year, prepare a public report concerning each impact fee fund. Such report must include the fund's beginning and ending balance for the fiscal year, amount of fees and interest deposited into the fund for the fiscal year, and a description of each expenditure from the fund for that year, including identification of the improvement being funded (Section 66006(b)).
4. Review the report at a public meeting not less than 15 days after the report is released to the public (Section 66006(b)(2)).
5. If fees remain unexpended or uncommitted five years after being collected, the local agency is to make a finding that there remains a reasonable relationship between the current need for the fees and the purposes for which they were originally collected (Section 66001(d)).

6. Refund to current owner of lots or units developed projects any fees, with accrued interest, for which continued need cannot be demonstrated (Section 66001(e)).
7. A local agency must not co-mingle fees with any other revenue, except for temporary investment purposes (Section 66006(a)).
8. A local agency may not spend impact fees for maintenance or operation of improvements funded with impact fees (Section 65913.8).

In addition to the above reporting requirements of Section 66000 of the Government Code, local agencies can not use the fees subject to AB 1600 (developer impact fees) for the maintenance or operation of an improvement, only for public capital facility improvements. This restriction is a requirement of Section 65913.8 of the Government Code, and the City's developer fees are consistent with the definitions of "development project" and "local agency" used in Section 66000 of the Government Code. The annual report reflects the use of all impact fees for capital facility improvements.

The City is in compliance with the eight reporting requirements outlined previously. The following fees subject to the AB 1600 requirements have not yet been utilized by the City to fund capital expenditures in a timeframe exceeding five years: Childcare Facility fees, Offsite Arterial Improvement fees, and Community Facilities fees. Compliance is obtained with criteria number 5 above by adopting a resolution that makes a finding that there remains a reasonable relationship between the current need for the fees and the purpose for which they were originally proposed.

1. **Child Care Facilities:** As of June 30, 2015 there was a fund balance (including interest) of \$44,163 available. Oakhurst Development did not pay into these funds as it was established after Oakhurst was approved. As a result of the relatively small fund balance, extended periods are necessary to achieve sufficient resources to finance the costs for child care related facilities or improvements. These funds are available to be used for the after-school care equipment for services or programming at the Gym. Purchases of these capital assets will facilitate the development of the Middle School Gym after-school childcare needs. During the 1990s some funds were provided to the Contra Costa Child Care Council for material needs of programs and to provide outreach to Clayton residents as to home and other child care opportunities and programs. There is a need to continue this impact fee in order to collect sufficient funds to address future new capital needs for childcare. In FY 2014-15 the City allocated approximately \$255 in interest to the fund.
2. **Parkland Dedication:** These funds are collected when a development project files its final map. During FY 2014-15 no parkland dedication fees were collected as there was no project activity requiring payment of this fee. Pursuant to City Council action (Resolution 47-2014), an adjustment was made to correct a historical accounting error whereby unrestricted transfer proceeds were reported in this fund. This correction resulted in a reduction to fund balance of \$59,297 during FY 2014-15. As of June 30, 2015 there was a fund balance of \$2,473 available, consisting primarily of the historical accumulation of interest. Additional interest earnings of \$163 were allocated to this fund in FY 2014-15.

3. **Offsite Arterial:** As of June 30, 2015 there was a fund balance (including interest) of \$191,024 available. These funds can only be used for non-maintenance capital projects on arterial roads which are Oakhurst Blvd., Marsh Creek Road, Pine Hollow Road, and Clayton Road. In FY 2014-15 the City allocated approximately \$1,105 in interest to the fund. The current balance is primarily derived from the accumulation of collections over the past nine fiscal years from six projects (Pine Hollow Estates, Mitchell Creek PI, Longs, Flora Square, Village Market, and Diablo Estates).

The collection of fees pertaining to the Pine Hollow Estates, Mitchell Creek, Longs, Flora Square, and Village Market developments have not been expended within 5 years as of the year ended June 30, 2015. These fees will be used for projects outlined in the City's CIP budget such as traffic signals on eastern Marsh Creek Road, Pine Hollow Road Upgrades etc., for which costs, estimated at \$1.5 million, exceed currently available funds. As such, more time is necessary to collect sufficient funds for these larger projects. Additional funding for these projects is expected to come from other sources such as Measure J, gas taxes, federal/state/regional grants, and other sources. In general, the City does not have control over the funding process from other agencies. However, the City must have adequate funds on hand to leverage and provide matching funds as required when other funds do become available to the City and maintain a competitive position to obtain the funds when they become available. Therefore a need exists to continue this impact fee.

4. **Fire Protection:** As of June 30, 2015 there was a fund balance (including interest) of \$7,552 available. In FY 1999-00, the City's former RDA provided a loan of \$350,000 to help finance the new Fire District's Clayton Fire Station. A total of \$54,762 in Fire Protection Fees have been used to repay the loan to-date. As outlined in Attachment 5, these repayments occurred in FY 2004-05 and FY 2009-10. During FY 2014-15 the City allocated interest of approximately \$45 to the fund. To-date, the former RDA loan has not been fully repaid to the Successor Agency from the mitigation fees. As of June 30, 2015 the loan balance was \$295,238. Pursuant to the RDA dissolution processes following ABx1 26 and AB 1484, future Fire Protection fees collected will be held in the impact fee fund account until the RDA dissolution and interagency loan processes/approvals with Dept. of Finance have been better understood. However since there is still an outstanding loan balance there is a need exists to continue this impact fee.

5. **Community Facilities:** As of June 30, 2015 there was a fund balance (including interest) of \$18,121 available. These funds are limited for improvements to City owned facilities (buildings and associated grounds). These and future funds are restricted for future new capital projects such as the Keller House renovation, Endeavor Hall, Library, City Hall, or Corporation Yard improvements or upgrades, which identified combined needs exceeding \$1.7 million. Therefore there is a demonstrated need to continue this impact fee. During FY 2014-15 the City allocated \$105 in interest to the fund.

SUMMARY

To comply with AB 1600, the City Council must make findings that there is a reasonable relationship between current need for the fees and the purposes for which they were originally charged as demonstrated by programming of fees in the CIP and city budget. It is important these findings can be and are made to ensure continuance of funding resources for these important programs.

Although AB 1600 requires that fees collected from developers be expended within five years, the law, as noted previously, also allows exceptions. Exceptions are provided in recognition that some projects require an extended planning period. There can be a number of reasons for this and may include: project costs can be of a magnitude it that requires longer than five years for costs required to accrue; or necessary matching funds may not be available within the five-year period.

As indicated in Attachment 3, City's Capital Improvement Program, there are many projects that have time frames that vary widely notably being Parks, Community Facility, as well as street improvements which total over \$16,680,029. Of these about \$11,594,000 are eligible under or unfunded projects for which collected development fees may be utilized. The fund needs for the identified projects are far greater than the amount of fees that are possible to collect in a five-year period. Construction will only be possible by leveraging these funds to obtain matching monies from state gas tax apportionments, Measure J, or grants (federal/state/regional) and other sources.

The City has shown that there remains a nexus between current needs for these impact fees and the purposes for which they were originally and are still needed in the future to be collected. This was accomplished by Council's prior approval of the City's Capital Improvement Program which indicate the projects to be constructed and directing staff to allocate the collected funds to the various projects. In addition the City has demonstrated that is has expended costs for the new fire station that exceeded funds currently available to repay the former RDA as well as costs for the Gym to continue to enhance after school child care program needs at the new gym.

As noted previously, AB 1600 requires that within 180 days of the close of the fiscal year, the City make available to the public the beginning and ending balance of each fee for the fiscal year, the fee interest and other income, the amount of expenditure, and fund allocations by fee category.

Staff believes the intent of the legislation is to provide a reasonable period of time to close the books in order to provide accurate financial information, including all outstanding expenditures and revenues for the entire fiscal year. The City presented its FY 2014-15 year-end financial statements on November 3, 2015.

As also noted previously, not less than 15 days after the information is made public, the City Council is required to review this information at its next regularly scheduled public meeting. Since this information was made available to the public on October 30, 2015 with the posting of the City Council agenda materials online, the information will be placed on the December 1, 2015 City Council agenda for review and acceptance, in compliance with the reporting requirements.

FISCAL IMPACT

The acceptance of this report and its attachments, including the attached Resolution, has no direct fiscal or budgetary impact to the City of Clayton.

Attachments:

1. Resolution No __-2015
2. AB 1600 Development Impact Fee Fund Balance Summary
3. Capital Improvement Program Projects with Funding needs
4. 10 Year AB 1600 Developer Impact Fee Revenue/Expenditure Summary
5. AB 1600 Development Impact Fee Revenue/Expenditure Detail
6. AB 1600 Development Impact Fee schedule

RESOLUTION NO. ____-2015

**A RESOLUTION FINDING THAT THERE REMAINS A REASONABLE
RELATIONSHIP BETWEEN CURRENT NEEDS FOR THE CITY'S DEVELOPMENT
IMPACT FEES AND THE PURPOSES FOR WHICH THEY WERE ORIGINALLY
CHARGED (GOVERNMENT CODE SECTION 66000 ET. SEQ.)
RELATED TO THE CITY'S ANNUAL REPORT ON DEVELOPER FEES FOR
FY 2014-15**

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

WHEREAS, the City's adopted General Plan, and 5-Year Capital Improvement Program identifies improvements necessitated by continued development in the City and fees pay for development impacts; and

WHEREAS, the City has been authorized by Municipal Code Sections 3.16.020 (Community Facilities), 3.18.040 (Fire Protection), 16.12.010 (Parkland Dedication), 16.60.050 (Childcare), and Resolution 36-81 (Offsite Arterial Streets), to establish and collect these impact fees; and

WHEREAS, the City has established discrete accounts and fees to finance the construction of these improvements as mitigation measures for continued development within the City; and

WHEREAS, the City annually adopts a comprehensive 5-Year Capital Improvement Program to prioritize improvements and allocates funds to construct the improvements as mitigation for continued development in the City; and

WHEREAS, these improvements are scheduled to be constructed over time as sufficient funds become available; and

WHEREAS, many of these identified improvements are of such size that sufficient funds have not been collected or obtained in order to construct these improvements by expending fees collected within the five-year expenditure period provided by Government Code Section 66001(d); and

WHEREAS, there continues to be a distinct nexus between continued development and the necessity to mitigate developments impacts; and

WHEREAS, fees collected previously and in the future are necessary to fund future improvements as indicated in the City's Capital Improvement Program; and/or to reimburse the Agency and/or City for the advance funding to construct the Fire Station and the Community Gym/after school-childcare room; and

WHEREAS, certain fees collected in the Child Care Facility, Offsite Arterial, and Community Facility accounts have not been expended in a timeframe exceeding five years, however are still necessary pursuant to AB1600 for the purpose in which they are collected as project costs exceed current available funds collected thus it will take longer to collect the necessary funds for the improvements and capital assets as identified in the City's adopted Capital Improvement Program; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby accept the above Recitals as fact, herewith approves the City's AB 1600 Report for FY 2014-15, and finds that there remains a reasonable relationship between the current need for the impact fees and the purposes for which they were originally collected; and

Section 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 1st day of December, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

CITY OF CLAYTON
 AB 1600 DEVELOPMENT IMPACT FEE FUND BALANCE SUMMARY
 JUNE 30, 2015

ATTACHMENT 2

FUND	(A) FUND BALANCE	(B) RESERVES	(C) DESIGNATED	(D) TOTAL ALLOCATED FUND BALANCE (B+C=D)	(E) UNALLOCATED RESERVES (A-D)
CHILDCARE FACILITIES	44,163		44,163	44,163	-
PARKLAND DEDICATION	2,473		2,473	2,473	-
OFFSITE ARTERIAL IMPROVEMENT	191,024		191,024	191,024	-
FIRE PROTECTION FEES	7,552		7,552	7,552	-
COMMUNITY FACILITIES	18,121		18,121	18,121	-
TOTAL	263,334	-	263,334	263,334	-

Footnotes:	
1. Fire Station loan balance from RDA	\$ 295,238
2. Sewer Study loan balance from GF	\$ 62,748

ATTACHMENT 3

Summary of Project Costs by Fiscal Year

**Deleted by City Council

Project Number	Project Category	Project Description	Prior Year Funding	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	Future Costs	Total Budget
10379	Streets	Pine Hollow Road - Upgrade	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 325,000.00	\$ 325,000.00
10380	Parks	Community Park - Rt. Turn Lane**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10381	Parks	Bocce Ball Courts	\$ 43,431.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 43,431.00
10382	GHAD	Inclinometers	\$ 50,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000.00
10383	GHAD	Keller Ridge Drive Subdrain	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000.00
10384	Streets	Mitchell Canyon Rd. Overlay	\$ 125,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 125,000.00
10385	Parks	Community Park Tot Lot Upgrade	\$ 112,496.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 112,496.00
10386	GHAD	Wells**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10387	Streets	Pavement Rehab 2002/03	\$ 994,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 994,000.00
10388	Streets	Pavement Rehab 2003/04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10389	Streets	Pavement Rehab 2004	\$ 537,650.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 537,650.00
10390	Streets	Pavement Rehab 2005**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10391	Streets	Pavement Rehab 2006	\$ 11,190,552.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,190,552.00
10392	Sewers	Oak - High Street	\$ 384,718.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 384,718.00
10393	Parks	Skateboard Park	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 750,000.00	\$ 750,000.00
10394	Streets	Handicap Ramps - RDA Area	\$ 60,182.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,182.00
10394A	Streets	ADA Compliance Program	\$ 10,590.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 459,410.00	\$ 500,000.00
10395	Streets	Catch Basin Modifications	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000.00	\$ 100,000.00
10396	Streets	East Marsh Creek Road Signal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 350,000.00	\$ 350,000.00
10397	Streets	Utility Undergrounding	\$ 257,688.00	\$ 21,000.00	\$ 21,000.00	\$ 21,000.00	\$ 21,000.00	\$ 21,000.00	\$ 2,637,312.00	\$ 3,000,000.00
10398	Streets	Clayton Rd. MCR Slurry Seal	\$ 235,456.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 235,456.00
10399	Sewers	Pine Hollow Area	\$ 141,596.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 141,596.00
10400	Other	Downtown Economic Development	\$ 1,007,063.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,007,063.00
10400A	Other	Town Center Property Purchase	\$ 1,040,843.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,040,843.00
10401	Streets	Pedestrian Xing Signals**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10402	Streets	Clayton Road Trail Connection	\$ 264,879.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 264,879.00
10403	Streets	Downtown Entry Signage (in 10402)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10404	Streets	Marsh Creek Rd. Retaining Wall	\$ 319,980.17	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 319,980.17
10405	Streets	2007 Pavement Patching Project	\$ 128,684.22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 128,684.22
10406	Streets	2008 Pavement Rehab Project	\$ 1,060,427.62	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,060,427.62
10407	Streets	Clayton Road Trail Connection	\$ 465,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 465,000.00
10408	Streets	2009 Pavement Rehab Project**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10409	Streets	2010 Pavement Rehab Project	\$ tbd	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10410	Streets	2011 Neighborhood Street Project**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10411	Streets	2012 Neighborhood Street Project**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10412	Streets	2009 Arterial Overlay Project	\$ 513,460.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 513,460.00
10413	Parks	Community Park Parking Lot Exp.	\$ 1,056,717.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,056,717.00
10414	Streets	East Marsh Creek Rd. Upgrade	\$ 100,000.00	\$ 1,022,224.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,122,224.00
10415	Parks	Well Renovation	\$ 23,895.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,895.00
10416	Streets	Marsh Creek Rd. (old) Overlay	\$ 430,300.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 430,300.00
10417	Streets	2013 Neighborhood Street Project	\$ 1,263,258.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,263,258.00
10418	Streets	2014 Neighborhood Street Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10419	Parks	Community Park Lighting, etc.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,084,000.00	\$ 4,084,000.00
10420	Parks	School Bridge Area Improvements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 196,030.00	\$ 196,030.00
10421	Creeks	Cardinet Trail Restoration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000.00	\$ 75,000.00
10422	Sewers	El Molino Drive Sanitary Sewer Impr.	\$ 10,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 307,800.00	\$ 317,800.00
10423	Facilities	Library Upgrades	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000.00	\$ 1,000,000.00
10424	Streets	2015 Neighborhood Street Project	\$ 774,229.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 774,229.00
10425	Streets	Collector Street Rehabilitation Project	\$ 430,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 430,000.00
10426	Facilities	City Hall Parking Area Rehabilitation	\$ 27,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 27,000.00
10427	Facilities	Library Parking Lot Rehabilitation	\$ 51,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,000.00
10428	Facilities	Lydia Lane Park Parking Rehabilitation	\$ 11,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,000.00
10429	Facilities	2012 Trail Repaving Project	\$ 70,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000.00
10430	Landscape	Clayton Road Median Landscaping	\$ 320,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 320,000.00
10431	Landscape	Daffodil Hill Landscaping	\$ 50,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000.00
10432	Streets	2016 Neighborhood Street Project	\$ -	\$ 552,600.00	\$ 417,000.00	\$ -	\$ -	\$ -	\$ -	\$ 969,600.00
10433	Streets	DVMS Safety Signing	\$ 23,462.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,462.00
10434	Parks	CCCP Scoreboard Replacement	\$ 46,244.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 46,244.00
10435	Facilities	Library HVAC Replacement	\$ 127,547.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 127,547.00
10436	Streets	2018 Neighborhood Street Project	\$ -	\$ -	\$ -	\$ 417,000.00	\$ 417,000.00	\$ -	\$ -	\$ 834,000.00
Cost Totals			\$ 43,647,368.77	\$ 1,601,824.00	\$ 444,000.00	\$ 444,000.00	\$ 444,000.00	\$ 27,000.00	\$ 16,680,029.00	\$ 63,288,221.77

Red denotes completed projects
 Green denotes active projects funded in FY 15/16
 Blue denotes active projects funded prior to FY 15/16
 ** Deleted by City Council

2015/16-2019/20 Capital Improvement Program

Category	Project Number	Project
Facilities	10337A	Keller House Rehabilitation

DESCRIPTION - LOCATION

Rehabilitation of historical ranch home and grounds located across Mt. Diablo Creek from the library.



COMMENTS

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design								
Construction							\$2,000,000	\$2,000,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							\$2,000,000	\$2,000,000

Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Unfunded							\$2,000,000	\$2,000,000
Total							\$2,000,000	\$2,000,000

2015/16-2019/20 Capital Improvement Program

Category	Project Number	Project
Creeks	10370	Creek Revitalization

DESCRIPTION - LOCATION

Clean out creeks, improve access to creek banks, reinforce creek banks and repair adjacent trails where needed, replace riparian vegetation.

City-Wide

COMMENTS

Catch-all project for when City hits the lottery.

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design								
Construction							\$3,000,000	\$3,000,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							\$3,000,000	\$3,000,000

Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Unfunded							\$3,000,000	\$3,000,000
Total							\$3,000,000	\$3,000,000

2015/16-2019/20 Capital Improvement Program

Category	Project Number	Project
Streets	10375	Samuel Ct. Park

DESCRIPTION - LOCATION

Install landscaping and irrigation improvements.



COMMENTS

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design							\$5,000	\$5,000
Construction							\$75,000	\$75,000
CM/Inspection							\$5,000	\$5,000
ROW Acquisition								
Other								
TOTAL							\$85,000	\$85,000

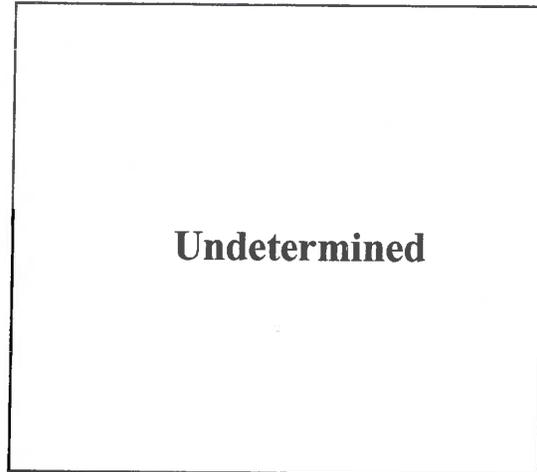
Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Unfunded							\$85,000	\$85,000
Total							\$85,000	\$85,000

2015/16-2019/20 Capital Improvement Program

Category	Project Number	Project
Parks	10393	Skateboard Park

DESCRIPTION - LOCATION

Construct skateboard park at an undetermined location.



COMMENTS

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design							\$45,000	\$45,000
Construction							\$660,000	\$660,000
CM/Inspection							\$45,000	\$45,000
ROW Acquisition								
Other								
TOTAL							\$750,000	\$750,000

Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Grants							\$750,000	\$750,000
Total							\$750,000	\$750,000

2015/16-2019/20 Capital Improvement Program

Category	Project Number	Project
Streets	10396	East Marsh Creek Road Traffic Signal

DESCRIPTION - LOCATION

Install traffic signal on Marsh Creek Road somewhere east of Diablo Parkway.



COMMENTS

City Council postponed project.

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design							\$20,000	\$20,000
Construction							\$230,000	\$230,000
CM/Inspection							\$20,000	\$20,000
ROW Acquisition								
PG&E Poles							\$80,000	\$80,000
TOTAL							\$350,000	\$350,000

Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Unfunded							\$350,000	\$350,000
Total							\$350,000	\$350,000

2015/16-2019/20 Capital Improvement Program

Category	Project Number	Project
Parks	10419	Community Park Lighting, & Resurfacing

DESCRIPTION - LOCATION

Install sports field lighting, remove and replace turf with synthetic surfacing at Clayton Community Park



COMMENTS

Cost estimates per Cost-Benefit Analysis prepared by PMC and dated August 31, 2009

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design								
Construction							\$4,084,000	\$4,084,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							\$4,084,000	\$4,084,000

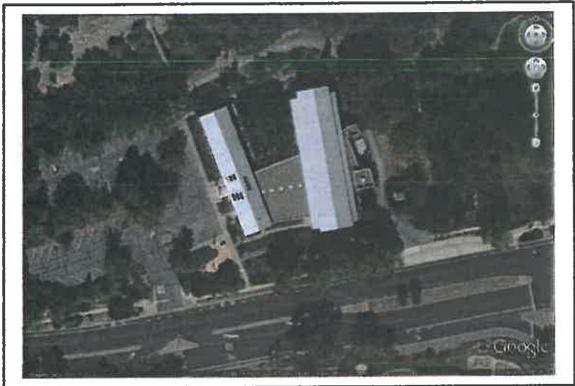
Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Unfunded							\$4,084,000	\$4,084,000
Total							\$4,084,000	\$4,084,000

2015/16-2019/20 Capital Improvement Program

Category	Project Number	Project
Streets	10423	Library Upgrades

DESCRIPTION - LOCATION

Construct improvements to update Library including automatic checkout facilities, coffee/snack bar, etc.



COMMENTS

Includes 3,500 sf building addition plus new equipment and furniture

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design								
Construction							\$850,000	\$850,000
CM/Inspection								
ROW Acquisition								
Other							\$150,000	\$150,000
TOTAL							\$1,000,000	\$1,000,000

Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Unfunded							\$1,000,000	\$1,000,000
Total							\$1,000,000	\$1,000,000

DEVELOPMENT IMPACT FEES
10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
FY 2006 - FY 2015

	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	Ending Balance
CHILD CARE FACILITY FEES											
REVENUE											
Childcare Facility Fees (5307)	-	-	6,483	-	-	-	3,485	1,435	-	-	11,403
Interest	487	662	1,105	1,024	1,417	404	966	570	489	255	8,708
EXPENDITURES											
Total Expenditures	-	-	-	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	487	662	7,588	1,024	1,417	404	4,451	2,005	489	255	20,111
OTHER FINANCING SOURCES (USES)											
Operating Transfers in	-	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	487	662	7,588	1,024	1,417	404	4,451	2,005	489	255	20,111
FUND BALANCE JULY 1	25,381	25,868	26,530	34,118	35,142	36,559	36,963	41,414	43,419	43,908	44,163
FUND BALANCE JUNE 30	25,868	26,530	34,118	35,142	36,559	36,963	41,414	43,419	43,908	44,163	
PARKLAND DEDICATION FEES											
REVENUE											
Parkland Dedication Fees (5313)	21,912	23,121	60,016	280	-	55,885	-	-	-	-	161,214
Interest	455	1,210	3,634	12	2,238	302	1,404	800	686	163	14,064
EXPENDITURES											
Community Park Tot Lot (CIP 10385)	-	-	-	-	-	-	-	-	-	-	81,500
Downtown Park (CIP 10367)	57,234	-	-	-	-	-	-	-	-	-	57,234
2010 Pavement Rehab (CIP 10409)	-	-	-	-	-	-	-	-	-	59,297	59,297
Community Park Upgrades (CIP 10407)	-	-	112,443	-	-	-	-	-	-	-	112,443
Total Expenditures	57,234	-	112,443	-	-	-	-	-	-	-	251,177
Total Revenue/over(under) Expenditures	(34,867)	24,331	(48,793)	292	2,238	56,187	1,404	800	686	(59,134)	(135,196)
OTHER FINANCING SOURCES (USES)											
Operating Transfers in	280	-	-	-	-	-	-	-	-	-	280
Operating Transfers out	-	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	280	-	-	-	-	-	-	-	-	-	280
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	(34,587)	24,331	(48,793)	292	2,238	56,187	1,404	800	686	(59,134)	(134,916)
FUND BALANCE JULY 1	59,049	24,462	48,793	-	292	2,530	58,717	60,121	60,921	61,607	2,473
FUND BALANCE JUNE 30	24,462	48,793	-	292	2,530	58,717	60,121	60,921	61,607	2,473	

DEVELOPMENT IMPACT FEES
10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
FY 2006 - FY 2015

	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	Ending Balance
OFFSITE ARTERIAL IMPROVEMENT FEES											
REVENUE											
Offsite Arterial Improvement Fees (5314)	11,648	-	114,147	-	-	-	24,753	10,192	-	-	160,740
Interest	271	369	4,317	4,163	5,476	3,423	4,090	2,466	2,114	1,105	27,902
EXPENDITURES											
Total Expenditures	-	-	-	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	11,919	369	118,464	4,163	5,476	3,423	28,843	12,658	2,114	1,105	188,641
OTHER FINANCING SOURCES (USES)											
Operating Transfers in	-	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	11,919	369	118,464	4,163	5,476	3,423	28,843	12,658	2,114	1,105	188,641
FUND BALANCE JULY 1	2,491	14,410	14,779	133,242	137,405	142,881	146,304	175,147	187,805	189,919	191,024
FUND BALANCE JUNE 30	14,410	14,779	133,242	137,405	142,881	146,304	175,147	187,805	189,919	191,024	
FIRE PROTECTION FEES											
REVENUE											
Fire Protection Fees (5317)	-	-	8,397	2,700	-	-	5,100	2,100	-	-	20,697
Interest	-	-	281	476	-	-	122	102	83	45	2,070
EXPENDITURES											
Reimbursement for Clayton Fire Station	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	-	-	8,678	3,176	-	-	5,222	2,202	83	45	22,767
OTHER FINANCING SOURCES (USES)											
Operating Transfers in	-	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	11,854	-	-	-	-	-	54,762
Total Other Financing Sources (Uses)	-	-	-	-	(11,854)	-	-	-	-	-	(54,762)
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	-	-	8,678	3,176	(11,854)	-	5,222	2,202	83	45	(31,995)
FUND BALANCE JULY 1	-	-	-	8,678	11,854	-	-	5,222	7,424	7,507	7,552
FUND BALANCE JUNE 30	-	-	8,678	11,854	-	-	5,222	7,424	7,507	7,552	

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2006 - FY 2015

	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	Ending Balance
COMMUNITY FACILITIES FEES											
REVENUE											
Community Facilities Fees (5323)	3,600	-	19,041	-	-	-	7,650	3,150	-	-	33,441
Interest	(169)	(230)	329	214	-	1,107	337	234	200	105	1,480
EXPENDITURES											
Corp Yard CIP 060	-	-	-	-	-	-	-	-	-	-	-
Endeavor Hall Shudders	-	-	-	5,024	-	-	-	-	-	-	5,024
Total Expenditures	-	-	-	5,024	-	-	-	-	-	-	5,024
Total Revenue/over(under) Expenditures	3,431	(230)	19,370	(4,810)	-	1,107	7,987	3,384	200	105	29,897
OTHER FINANCING SOURCES (USES)											
Operating Transfers in	-	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	3,431	(230)	19,370	(4,810)	-	1,107	7,987	3,384	200	105	29,897
FUND BALANCE JULY 1	(12,423)	(8,992)	(9,222)	10,148	5,338	5,338	6,445	14,432	17,816	18,016	18,121
FUND BALANCE JUNE 30	(8,992)	(9,222)	10,148	5,338	5,338	6,445	14,432	17,816	18,016	18,121	
All FUND BALANCES	55,748	80,880	186,187	190,032	187,309	248,430	296,337	317,386	320,958	263,334	263,334

Date	Receipt	Paid By	Amount	
10/18/1999	8437	Paula Pedersen	205	
1/20/2000	8467	Presley	1,230	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	1,435	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	1,640	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	1,845	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	205	
5/31/2000	9296	S. Carvajal-989 Oak St	205	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	410	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	205	
6/30/2000		General Ledger Balance		7,380
11/6/2000	9383	B&B Properties	665	
12/11/2000	9399	Clyde Miles Construction (115 Oak Ct)	205	
11/3/2000	9379	Ocean West-Commercial (Post Office)	713	
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	205	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	205	
5/30/2001	10660	Lemke-Oakwood Cir	205	
6/30/2001		General Ledger Balance		9,578
11/26/2001	10731	Diamond Terrace	7,800	
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	615	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	3,075	
11/27/2002	13467	Lydia-Rachel Ranch	1,640	
3/21/2003	13509	Larwin Vintage Clayton-Bridlewood	205	
6/30/2003		General Ledger Balance		22,913
6/30/2004		General Ledger Balance		22,913
6/30/2004		Interest Booked	1,688	
6/30/2005		Interest Booked	780	
6/30/2005		General Ledger Balance		25,381
6/30/2006		Interest Booked	487	
6/30/2006		General Ledger Balance		25,868
6/30/2007		Interest Booked	662	
7/31/2007	18577	Pine Hollow Estates	1,640	
9/30/2007	20008	Mitchell Creek Place	1,845	
10/31/2007	20691	Longs Drug Store	1,387	
10/31/2007	20698	Oak Center-Flora Square	1,497	
12/31/2007	20959	Village Market	114	
6/30/2008		Interest Booked	1,105	
6/30/2008		General Ledger Balance		34,118
6/30/2009		Interest Booked	1,024	
6/30/2009		General Ledger Balance		35,142
6/30/2010		Interest Booked	1,417	
6/30/2010		General Ledger Balance		36,559
6/30/2011		Interest Booked	404	
6/30/2011		General Ledger Balance		36,962
8/6/2011		Toll Bros- Diablo Estates	205	
1/3/2012		Toll Bros- Diablo Estates	1,025	
3/19/2012		Toll Bros- Diablo Estates	1,640	
4/17/2012		Toll Bros- Diablo Estates	615	
6/30/2012		Interest Booked	967	

Date	Receipt	Paid By	Amount	
6/30/2012		General Ledger Balance		41,414
8/8/2012		Toll Bros- Diablo Estates	410	
8/30/2012		Toll Bros- Diablo Estates	205	
10/29/2012		Toll Bros- Diablo Estates	410	
11/16/2012		Toll Bros- Diablo Estates	205	
1/14/2013		Toll Bros- Diablo Estates	205	
6/30/2013		Interest Booked	570	
6/30/2013		General Ledger Balance		43,419
6/30/2014		Interest Booked	489	
6/30/2014		General Ledger Balance		43,908
6/30/2015		Interest Booked	255	
6/30/2015		Adjusted Year-End Balance		44,163

Date	Receipt	Paid By	Amount	
10/18/1999	8437	Paula Pedersen-Oakwood Cir	2,569	
1/20/2000	8467	Presley-Diablo Village	8,107	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	9,458	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	10,809	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	12,160	
5/23/2000	9291	L. Afford - 8106 Marsh Ck Rd.	2,569	
5/31/2000	9296	S. Carvajal - 989 Oak St.	2,569	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	2,702	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	1,351	
6/30/2000		General Ledger Balance		52,293
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	2,569	
12/13/2000	9399	Miles Construction-115 Oak Ct.	2,569	
4/4/2001	10634	Aspen Valley Builders-1116 Oakwood Cir	2,569	
5/30/2001	10660	Lemke Construction-Oakwood Cir	2,569	
6/30/2001		General Ledger Balance		62,569
11/1/2001	11783	Mardel LLC-Bridlewood	48,811	
2/20/2002	11917	Lydia Associates-Rachel Ranch	20,552	
2002		CIP Projects-Westwood Park	(48,500)	
2002		CIP Project-Endeavor Hall Parking Lot	(27,595)	
6/30/2002		General Ledger Balance		55,837
9/23/2002		Diamond Terrace	75,268	
6/30/2003		General Ledger Balance		131,105
2004		Community Park Tot Lot (CIP)	(75,000)	
6/30/2004		General Ledger Balance		56,105
6/30/2004		Interest Booked	7,629	
6/30/2005		Community Park Tot Lot (CIP)	(6,500)	
6/30/2005		Interest Booked	1,815	
6/30/2005		General Ledger Balance		59,049
10/27/2005		Lenox Homes-Pine Hollow Estates	20,272	
2/24/2006		Transfer from Lenox C&D Deposit	280	
5/31/2006	18577	Pine Hollow Estates	1,640	
12/31/2005		CIP Project - Down Town Park	(57,234)	
6/30/2006		Interest Booked	455	
6/30/2006		General Ledger Balance		24,462
6/29/2007		Mitchell Creek Place	23,121	
6/30/2007		Interest Booked	1,210	
6/30/2007		General Ledger Balance		48,793
7/31/2007	18577	Pine Hollow Estates (s/b childcare)	(1,640)	
3/10/2008	21232	Lemke Construction - Diablo Point	61,656	
6/30/2008		Interest Booked	3,634	
6/30/2008		Trans to Community Park Upgrades CIP 10407	(112,443)	
6/30/2008		General Ledger Balance		-
1/31/2009		Trans from Pine Hollow Estates	280	
6/30/2009		Interest Booked	12	
6/30/2009		General Ledger Balance		292
6/30/2010		Interest Booked	2,238	
6/30/2010		General Ledger Balance		2,530
6/30/2011		Trans from Oakhurst AD for CCPark Project	55,885	

Date	Receipt	Paid By	Amount	
6/30/2011		Interest Booked	302	
6/30/2011		General Ledger Balance		58,717
6/30/2012		Interest Booked	1,404	
6/30/2012		General Ledger Balance		60,121
6/30/2013		Interest Booked	800	
6/30/2013		General Ledger Balance		60,921
6/30/2014		Interest Booked	686	
6/30/2014		General Ledger Balance		61,607
6/30/2015		Interest Booked	163	
6/30/2015		Trans to 2010 Pavement Rehab CIP 10407	(59,297)	
6/30/2015		Adjusted Year-End Balance		2,473

Date	Receipt	Paid By	Amount	Balance
10/18/1999	8437	Paula Pedersen-1103 Oakwood Cir	1,456	
1/20/2000	8467	Presley-Diablo Village	8,736	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	10,192	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	11,648	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	13,104	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	1,456	
5/31/2000	9296	S. Carvajal-989 Oak St	1,456	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	2,912	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	1,456	
6/30/2000		General Ledger Balance		52,416
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	1,456	
11/3/2000	9379	Ocean West-Commercial Post Office	24,028	
11/6/2000	9383	B&B Properties-Commercial	22,417	
12/11/2000	9399	Clyde Miles-115 Oak	1,456	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	1,456	
5/30/2001	10660	Lemke-Oakwood Cir	1,456	
6/30/2001		General Ledger Balance		104,685
11/26/2001	10731	Diamond Terrace	87,634	
6/30/2002		General Ledger Balance		192,319
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	4,368	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	21,840	
3/21/2003	13509	Larwin Vintage Clayton-Bridlewood	1,456	
11/27/2002	13467	Lydia Assoc-Rachael Ranch	11,648	
6/30/2003		General Ledger Balance		231,631
2003		CIP Projects-Marsh Creek Road	(230,000)	
1/3/2003		Kelok&Keller Ridge Signs, striping	(346)	
6/30/2004		General Ledger Balance		1,285
6/30/2004		Interest Booked	1,129	
6/30/2005		Interest Booked	77	
6/30/2005		General Ledger Balance		2,491
5/9/2006	18577	Pine Hollow Estates	11,648	
6/30/2006		Interest Booked	271	
6/30/2006		General Ledger Balance		14,410
6/30/2007		Interest Booked	369	
6/30/2007		General Ledger Balance		14,779
8/31/2007	20008	Mitchell Creek Place	13,104	
10/2/2007	20691	Longs Drug Store	46,725	
10/3/2007	20698	Oak Center Project-Flora Square	50,456	
12/27/2007	20959	Village Market	3,862	
6/30/2008		Interest Booked	4,317	
6/30/2008		General Ledger Balance		133,243
6/30/2009		Interest Booked	4,163	
6/30/2009		General Ledger Balance		137,406
6/30/2010		Interest Booked	5,476	
6/30/2010		General Ledger Balance		142,882
6/30/2011		B&B Properties-Commercial	3,423	
6/30/2011		General Ledger Balance		146,305

City of Clayton
Off Site Arterial Improvement Fees 304-5314
1999-2015

Attachment 5 (c)

Date	Receipt	Paid By	Amount	Balance
8/16/2011		Toll Bros- Diablo Estates	1,456	
1/3/2012		Toll Bros- Diablo Estates	7,280	
3/19/2012		Toll Bros- Diablo Estates	11,648	
4/17/2012		Toll Bros- Diablo Estates	4,368	
6/30/2012		Interest Booked	4,090	
6/30/2012		General Ledger Balance		175,147
8/8/2012		Toll Bros- Diablo Estates	2,912	
8/30/2012		Toll Bros- Diablo Estates	1,456	
10/29/2012		Toll Bros- Diablo Estates	2,912	
11/16/2012		Toll Bros- Diablo Estates	1,456	
1/14/2013		Toll Bros- Diablo Estates	1,456	
6/30/2013		Interest Booked	2,466	
6/30/2013		General Ledger Balance		187,805
6/30/2014		Interest Booked	2,114	
6/30/2014		General Ledger Balance		189,919
6/30/2015		Interest Booked	1,105	
6/30/2015		Adjusted Year-End Balance		191,024

City of Clayton
 Fire Protection Fees 303-5317
 1999-2015

Attachment 5 (d)

Date	Receipt	Paid By	General Fund Amount	Fund Balance
10/18/1999	8437	Paula Pedersen-1103 Oakwood Cir	300	
1/20/2000	8467	Presley-Diablo Village	1,800	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	2,100	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	2,400	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	2,700	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	300	
5/31/2000	9296	S. Carvajal-989 Oak St	300	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	600	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	300	
6/30/2000		General Ledger Balance		10,800
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	300	
11/3/2000	9379	Ocean West-Commercial-Post Office	1,426	
11/6/2000	9383	B&B Properties-Commercial	1,330	
12/11/2000	9399	Clyde Miles Construction-115 Oak St	300	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	300	
5/30/2001	10660	Lemke-Oakwood Cir	300	
6/30/2001		General Ledger Balance		14,756
11/26/2001	10731	Diamond Terrace	17,200	
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	900	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	4,500	
3/21/2002	13509	Larwin Vintage Clayton-Bridlewood	300	
6/30/2002		General Ledger Balance		37,656
6/30/2003		Interest Booked	2,400	
6/30/2003		General Ledger Balance		40,056
6/30/2004		Interest Booked	2,852	
6/30/2004		General Ledger Balance		42,908
3/24/2005		Fireprotection fee reimbursement to RDA	(42,908)	
6/30/2005		General Ledger Balance		-
6/30/2006		General Ledger Balance		-
6/30/2007		General Ledger Balance		-
10/2/2007		Longs Drug Store	2,773	
10/2/2007	20691	Oak Center-Flora Square	2,994	
10/9/2007	20701	Pine Hollow Estates	2,401	
12/27/2007	20959	Village Market	229	
6/30/2008		Interest Booked	281	8,168
8/13/2008	21056	Mitchell Creek Place	2,700	
6/30/2009		Interest Booked	476	
6/30/2009		General Ledger Balance		11,854
1/15/2010		Transfer to RDA (JE Dec18)	(11,854)	
6/30/2010		General Ledger Balance		-
6/30/2011		Interest Booked	-	-
6/30/2011		General Ledger Balance		-
8/16/2011		Toll Bros- Diablo Estates	300	
1/3/2012		Toll Bros- Diablo Estates	1,500	
3/19/2012		Toll Bros- Diablo Estates	2,400	
4/17/2012		Toll Bros- Diablo Estates	900	
6/30/2012		Interest Booked	122	
6/30/2012		General Ledger Balance		5,222

City of Clayton
 Fire Protection Fees 303-5317
 1999-2015

Attachment 5 (d)

Date	Receipt	Paid By	General Fund Amount	Fund Balance
8/8/2012		Toll Bros- Diablo Estates	600	
8/30/2012		Toll Bros- Diablo Estates	300	
10/29/2012		Toll Bros- Diablo Estates	600	
11/16/2012		Toll Bros- Diablo Estates	300	
1/14/2013		Toll Bros- Diablo Estates	300	
6/30/2013		Interest Booked	102	
6/30/2013		General Ledger Balance		7,424
6/30/2014		Interest Booked	83	
6/30/2014		General Ledger Balance		7,507
6/30/2015		Interest Booked	45	
6/30/2015		Adjusted Year-End Balance		7,552
FY 2000-01		RDA Loan to Fire Station		350,000
FY 2004-05		Fire protection fee reimbursement		(42,908)
FY 2009-10		Fire protection fee reimbursement		(11,854)
		Balance due at 6/30/15		295,238

Date	Receipt	Paid By	Amount	Balance
10/4/1999	8437	Pedersen	450	
1/20/2000	8467	Presley	2,700	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	3,150	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	3,600	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	450	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	4,050	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	450	
5/31/2000	9296	S. Carvajal-989 Oak St	450	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	900	
6/30/2000		General Ledger Balance		16,200
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	450	
11/3/2000	9379	Ocean West-Post Office	3,565	
11/6/2000	9383	B&B Properties	3,326	
12/11/2000	9399	Clyde Miles- 115 Oak	450	
4/4/2001	10634	Aspen Valley-Oakwood Cir	450	
5/30/2001	10660	Lemke-Oakwood Cir	450	
6/30/2001		General Ledger Balance		24,891
11/26/2001	10731	Diamond Terrace	10,750	
6/30/2002		General Ledger Balance		35,641
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	1,350	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	6,750	
3/21/2002	13509	Larwin Vintage Clayton-Bridlewood	450	
6/30/2002		CIP Projects-Corp Yard	(67,976)	
11/27/2002	13467	Lydia Assoc.-Rachael Ranch	3,600	
6/30/2003		General Ledger Balance		(20,185)
6/30/2004		General Ledger Balance		(20,185)
6/30/2004		Interest Booked	(997)	
3/24/2005		Transfer from CIP (Corp Yard)	9,141	
6/30/2005		Interest Booked	(382)	
6/30/2005		General Ledger Balance		(12,423)
5/9/2006	18577	Pine Hollow Estates	3,600	
6/30/2006		Interest Booked	(169)	
6/30/2006		General Ledger Balance		(8,992)
6/30/2007		Interest Booked	(230)	
6/30/2007		General Ledger Balance		(9,222)
8/31/2007	20008	Mitchell Creek Place	4,050	
10/2/2007	20691	Longs Drug Stores	6,932	
10/3/2007	20698	Oak Center Project-Flora Square	7,486	
12/27/2007	20959	Village Market	573	
6/30/2008		Interest Booked	329	
6/30/2008		General Ledger Balance		10,148
3/12/2009		Transfer to Endeavor Hall (Shutters)	(5,024)	
6/30/2009		Interest Booked	214	
6/30/2009		General Ledger Balance		5,338
6/30/2010		Interest Booked	-	
6/30/2010		General Ledger Balance		5,338
6/30/2011		Interest Booked	1,107	
6/30/2011		General Ledger Balance		6,445

Date	Receipt	Paid By	Amount	Balance
8/6/2011		Toll Bros- Diablo Estates	450	
1/3/2012		Toll Bros- Diablo Estates	2,250	
3/19/2012		Toll Bros- Diablo Estates	3,600	
4/17/2012		Toll Bros- Diablo Estates	1,350	
6/30/2012		Interest Booked	337	
6/30/2012		General Ledger Balance		14,432
8/8/2012		Toll Bros- Diablo Estates	900	
8/30/2012		Toll Bros- Diablo Estates	450	
10/29/2012		Toll Bros- Diablo Estates	900	
11/16/2012		Toll Bros- Diablo Estates	450	
1/14/2013		Toll Bros- Diablo Estates	450	
6/30/2013		Interest Booked	234	
6/30/2013		General Ledger Balance		17,816
6/30/2014		Interest Booked	200	
6/30/2014		General Ledger Balance		18,016
6/30/2014		Interest Booked	105	
6/30/2015		Adjusted Year-End Balance		18,121

CITY OF CLAYTON
AB 1600 DEVELOPMENT IMPACT FEES
- NOTE ALL FEES LISTED ARE SUBJECT TO CHANGE -

Fee	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Date	Account Number
Community Facilities Development	\$450.00 / Unit	\$125.00 / Unit	Commercial/ Industrial: \$0.50/Gross sq ft	Municipal Code § 3.16.020	Residential: Occupancy Permit	304-5323-00
					Commercial/Industrial: Zoning Clearance for Building Permit	
Offsite Arterial Street Improvement	\$1,456.00 / Unit	\$1,019.00 / Unit	Commercial/ Business: \$3.37/Gross sq ft	City Council Resolution Nos. 36-81 & 14-86	Zoning Clearance for Building Permit	304-5314-00
Childcare¹	\$205.00 / Unit	\$205.00 / Unit	\$0.10/Gross sq ft	Municipal Code § 16.60.050	Zoning Clearance for Building Permit	304-5307-00
Parkland Dedication	\$2,569.00 / Unit	\$1,666.00 / Unit (Duplex \$2,180.00/ Unit)	\$0.00	Municipal Code § 16.12.010	Subdivision/Parcel Maps: Final Map Approval	304-5312-00
					Individual Parcels: Zoning Clearance for Building Permit	
Fire Development Protection	\$300.00 / Unit (Mobile Home: \$200.00 / Unit)	\$200.00 / Unit	\$0.20/Gross sq ft	Municipal Code § 3.18.040	Occupancy Permit	304-5317-00

¹ Senior housing units, second-dwelling units, affordable housing units, and churches are exempt.

Last Revised: April 10, 2009

MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

July 21, 2015

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 8:42 p.m. by Chairman Geller. Boardmembers present: Chairman Geller, Vice Chair Haydon, Boardmembers Diaz and Pierce. Boardmembers absent: Boardmember Shuey. Staff present: District Manager Rick Angrisani, City Manager Gary Napper, General Legal Counsel Mala Subramanian, and Secretary Janet Brown.

2. **PUBLIC COMMENTS** – None.

3. **CONSENT CALENDAR** – It was moved by Boardmember Pierce, seconded by Boardmember Haydon, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).

(a) Approved the Board of Directors' minutes for its regular meeting of July 21, 2015.

4. **PUBLIC HEARINGS** - None.

5. **ACTION ITEMS**

(a) Public Hearing to consider the Geological Hazard Abatement District (GHAD) proposed real property tax assessments for Fiscal Year 2015-2016.

District Manager Rick Angrisani presented the staff report noting the District's 2015-16 Budget was approved at the Board's June 16th meeting and included the recommendation of increasing real property assessments in the District by the allowable 2.44% increase in the annual San Francisco - Bay Area Consumer Price Index. Mr. Angrisani indicated the District has no other source of revenues other than this \$35,522.94 annual assessment paid by real property owners in the District. No increase in assessment revenues beyond the allowable CPI increase can occur without property owners' affirmative vote.

Chairman Geller opened the floor to receive public comments.

Joe Beatty, 110 Crow Place inquired about the details of the special assessment and the potential hazard on Kelok Way, which is reported as low risk/no risk. Mr. Beatty advised that he educated himself from the engineering reports found on the City's website however he only found reference to Kelok Way. He finds the assessment amount small but it is of no benefit for his property on Crow Place.

Mr. Angrisani provided Mr. Beatty with brief histories of the Oakhurst hills land advising in the late 1980s seventy landslides were discovered with all properties at risk. The assessment is set to build-up a monetary reserve from the property owners to address any future land movement concerns. However, property owners in the past have refused to vote "yes" to raise their assessment amounts, when there are still land oriented needs to repair, such as v-ditches behind lots and storm drainage limited monitoring of Kelok Way. The assessment is divided by area and according to risk exposure, with and less risk below Oakhurst Drive.

Mr. Angrisani added the first year this assessment was collected the rate was \$125.00 per lot per year. The Oakhurst Geological Hazard Abatement District Board decided to lower the property assessment to minimal levels noting each parcel is still a part of the whole development even if the particular parcel is not directly at risk.

City Manager Napper offered further explanation the Oakhurst Geological Hazard Abatement District has the authority to assist property owners to rectifying or minimize land movements and damages but not the obligation depending on the financial resources of the District. The general benefit district exists as a possible aid to real property owners in pulling out of a land movement crisis; we wish to keep the District alive to enhance current property values, address losses in the area, and be available to generate necessary revenues from property owners in the District should the need arise and receive property owners' support.

Mr. Angrisani advised unfortunately there is not an insurance company in existence that provides coverage for earth movement. Mr. Beatty requested that future assessment notices report on the function and capacity of the District to address these matters. City Manager Napper responded the suggestion is a good one and improvements will be made to next year's notice, particularly for new property owners.

Following this explanation of the purpose and history of the GHAD property assessment, Mr. Beatty expressed he was satisfied and understood the need for such an assessment.

It was moved by Boardmember Pierce, seconded by Boardmember Haydon, to adopt GHAD Resolution No. 02-2015 ordering improvements and confirming real property tax assessments for FY 2015-16. (Passed; 4-0 vote).

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

None.

7. **ADJOURNMENT** - on call by Chairman Geller the meeting adjourned at 9:02 p.m.

Respectfully submitted,

Janet Brown, Secretary

Approved by the Board of Directors
Oakhurst Geological Hazard Abatement District

Howard Geller, Chairman



Agenda Date: 12-01-2015

Agenda Item: Aa GHAD

GHAD REPORT

TO: HONORABLE CHAIRMAN AND BOARDMEMBERS
FROM: GENERAL MANAGER
DATE: DECEMBER 1, 2015
SUBJECT: SELECTION OF CHAIRMAN AND VICE CHAIRMAN FOR 2016

RECOMMENDATION

It is recommended the Board of Directors select a new Chairman and Vice Chairman for next year.

BACKGROUND

Similar to the Clayton City Council's annual reorganization, the Board of Directors of the Oakhurst Geological Hazard Abatement District (GHAD) annually changes its chairman and vice chairman.

Since its December 2, 2014 Board meeting, Board Member Howard Geller has served as Chairman of GHAD with Board Member Keith Haydon serving as its Vice Chairman. At this time, the Board should conduct the nomination and selection of its chair and vice chair to serve for the next twelve months. In recent years the following individuals have served as officers of GHAD:

	<u>Chair</u>	<u>Vice Chair</u>
2015	Howard Geller	Keith Haydon
2014	Jim Diaz	Howard Geller
2013	David Shuey	Jim Diaz
2012	Hank Stratford	Joe Medrano
2011	Hank Stratford	Joe Medrano
2010	Howard Geller	David Shuey
2009	Hank Stratford	Howard Geller
2008	Bill Walcutt	Julie Pierce
2007	Julie Pierce	Gregg Manning
2006	Bill Walcutt	Gregg Manning
2005	David Shuey	Bill Walcutt
2004	Bill Walcutt	Gregg Manning
2003	Bill Walcutt	Julie Pierce

FISCAL IMPACT

None. Boardmembers do not receive any stipend for their time and effort expended in these offices.

Respectfully submitted,

Rick Angrisani
General Manager