



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

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**TUESDAY, August 16, 2016**

**7:00 P.M.**

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

**Mayor:** Howard Geller

**Vice Mayor:** Jim Diaz

### **Council Members**

Keith Haydon

Julie K. Pierce

David T. Shuey

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at [www.ci.clayton.ca.us](http://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 \*

August 16, 2016

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

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

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the City Council's regular meeting of July 19, 2016. [\(View Here\)](#)

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

(c) Approve the City's Investment Portfolio Report for the 4<sup>th</sup> Quarter of FY 2015-16 ending June 30, 2016. [\(View Here\)](#)

(d) Approve the appointment of Vice Mayor Jim Diaz as Clayton's representative on the Contra Costa County Transit Authority (CCCTA) Board of Directors. [\(View Here\)](#)

(e) Approve a Vehicle and Equipment Service Agreement with the City of Concord for non-exclusive maintenance and repair of certain City vehicles and equipment, and authorize the City Manager to sign the Agreement on behalf of the City. [\(View Here\)](#)

(f) Approve modifications to the FY 2016-2017 Budget deleting the one (1) Maintenance Leadworker permanent position in the City Budget in exchange for one (1) lower-compensated Maintenance Worker I position, and authorize the addition of one (1) permanent full-time Maintenance Worker I position in the Citywide Landscape Maintenance District. [\(View Here\)](#)

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Proclamation declaring Wednesday, August 17, 2016 as "Wilbur Daly Day" in the City of Clayton honoring a Clayton Centenarian (100 years old). [\(View Here\)](#)

(b) Proclamation declaring September 17 – 23, 2016 as "Constitution Week." [\(View Here\)](#)

(c) Proclamation declaring October 1, 2016 as "Bay Day." [\(View Here\)](#)

## 5. **REPORTS**

- (a) Planning Commission – Chairman Dan Richardson.
- (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) Consider the Second Reading and Adoption of Ordinances No. 463, 464, 465, 466 and 467 regarding a series of State and City required actions for compliance with its State Department of Housing and Community Development (HCD) conditionally-certified Housing Element and related state laws: ([View Here](#))

1). Second Reading and Adoption of Ordinance No. 463 (ZOA-04-16) requiring projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts.

2). Second Reading and Adoption of Ordinance No. 464 (ZOA 04-15) adding inclusionary housing regulations.

3). Second Reading and Adoption of Ordinance No. 465 (ZOA-05-16) to permit transitional and supportive housing in the Limited Commercial (LC) zoning district.

4). Second Reading and Adoption of Ordinance No. 466 (ZOA-03-16) to permit by right employee housing of six or fewer persons within residential zones.

5). Second Reading and Adoption of Ordinance No. 467 (ZOA-06-16) to update density bonus requirements to be compliant with California Assembly Bills (AB) No. 2222 and 744.

(Community Development Director)

Staff recommendations: Following the staff report and opportunity for public comment, it is recommended the City Council approve by individual motion the various actions listed below:

1. Adopt a motion to have the City Clerk read Ordinance No. 463 (ZOA-04-16) by title and number only and waive further reading; and following the City Clerk's reading, by motion adopt Ordinance No. 463 with the finding the action will not result in a significant adverse impact and was considered as part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element.;

2. Adopt a motion to have the City Clerk read Ordinance No. 464 (ZOA-04-15) by title and number only and waive further reading; and following the City Clerk's reading, by motion adopt Ordinance No. 464 with the finding the action will not result in a significant adverse impact and was considered as part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element.;

3. Adopt a motion to have the City Clerk read Ordinance No. 465 (ZOA-05-16) by title and number only and waive further reading; and following the City Clerk's reading, by motion adopt Ordinance No. 465 with the finding the action will not result in a significant adverse impact and was considered as part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element.;

4. Adopt a motion to have the City Clerk read Ordinance No. 466 (ZOA-03-16) by title and number only and waive further reading; and following the City Clerk's reading, by motion adopt Ordinance No. 466 with the finding the action will not result in a significant adverse impact and was considered as part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element.; and

5. Adopt a motion to have the City Clerk read Ordinance No. 467 (ZOA-06-16) by title and number only and waive further reading; and following the City Clerk's reading, by motion adopt Ordinance No. 467 with the finding the adoption of the Ordinance is not subject to the California Environmental Quality Act (CEQA) because this activity is not considered to be a project and it can be seen with certainty that it will not have a significant effect or physical change to the environment.

- (b) Consider a staff report on the technological success of using a polymer fill to rehabilitate bumps and hollows in arterial streets, and then consider the transfer of all funds from the 2016 Neighborhood Street Rehabilitation Project (CIP No. 10432) to the Fiscal Year 2016-17 Arterial Street Rehabilitation Project (CIP No. 10437) ([View Here](#))  
(City Engineer)



Staff recommendation: Following presentation by the City Engineer and opportunity for public comment, that Council authorize the reallocation of \$1.054 million from the 2016 Neighborhood Street Rehabilitation Project (CIP No. 10432) to the FY 2016-17 Arterial Street Rehabilitation Project (CIP No. 10437) and instruct the City Engineer to prepare project specifications and standards for competitive bid using a micro-surface treatment and polymer fill to resurface Clayton Road, Marsh Creek Road and Oakhurst Drive.

(c) Continued consideration of a Technology Modernization Report to upgrade the City's Website and City Hall electronic services using previously-earmarked General Fund excess monies from FY 2014-15 for one-time expenditures, equipment or capital project unmet needs, and related recurring support services expenses. [\(View Here\)](#)  
(Community Development Director)

Staff recommendation: Following staff presentation and opportunity for public comments, that City Council authorize the City Manager to use allocated Fiscal Year 2014-15 excess General Fund monies (not to exceed \$52,000) for online municipal code codification services by Municipal Code Corporation and an agreement with Digital Services to design and install an interactive City website and provide IT support services to include City Hall data backup servers.

(d) Consider a Mayoral request to implement a California Government Code provision which allows general law cities (like Clayton) to increase its monthly compensation for city council members, to become effective in December 2016 in conjunction with the reorganization of the Clayton City Council. [\(View Here\)](#)  
(Mayor Geller)

Staff recommendation: After presentation and opportunity for public comment, that Council provide policy direction to staff on whether to prepare an Ordinance to increase allowable compensation for city council members effective December 2016

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

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council on September 6, 2016 was canceled. Therefore, its next regularly scheduled public meeting is Tuesday, September 20, 2016.

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

Agenda Date: 8-16-2016

Agenda Item: 3a

TUESDAY, July 19, 2016

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmembers Haydon, Pierce and Shuey (arrived at 7:03 p.m.). Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk/HR Manager Janet Brown, City Engineer Rick Angrisani, and Community Development Director Mindy Gentry.

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

3. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the regular meeting of July 5, 2016.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 41-2016 setting and levying real property tax assessments in FY 2016-17 for the Oak Street Permanent Road Division.
- (d) Adopted Resolution No. 42-2016 setting and levying real property tax assessments in FY 2016-17 for the High Street Permanent Road Division.
- (e) Adopted Resolution No. 43-2016 setting and levying real property tax assessments in FY 2016-17 for the Oak Street Sewer Assessment District.
- (f) Adopted Resolution No. 44-2016 setting and levying real property tax assessments in FY 2016-17 for the Lydia Lane Sewer Assessment District.
- (g) Approved the City's response letter to FY 2015-16 Contra Costa County Civil Grand Jury Report No. 1605, "Caring for the Victims – Commercial Sexual Exploitation of Children in Contra Costa County."
- (h) Adopted Resolution No. 45-2016 certifying the results of the canvass of returns in the June 2016 Primary Election declaring the local electorate's 2/3rds (79.23%) affirmative passage of Clayton Ballot Measure "H" – Citywide Trails and Landscape Maintenance District continuation of existing services and special parcel tax (CFD 2007-1; Trails and Landscape Maintenance District).
- (i) Adopted Resolution No. 46-2016 supporting the concept of a Marsh Creek Corridor Multi-Use Trail that connects the Delta to Mount Diablo and neighboring communities.
- (j) Adopted Resolution No. 47-2016 approving the Engineer's Report and levying the annual assessments in FY 2016-17 on real property for the operation and maintenance of residential street lights in the Street Lighting Assessment District, pursuant to Streets and Highways Code 18070 and CA Government Code 54954.6.

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 – No Report.

- Councilmember Shuey arrived (7:03 p.m.) -

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

Vice Mayor Diaz attended the Wednesday Classic Car Show and Concert featuring "Mixed Nuts", the Contra Costa County Mayors' Conference hosted by San Pablo, and the 70<sup>th</sup> Anniversary event at the Central Sanitation District's treatment plant.

Councilmember Pierce attended meetings of the Metropolitan Transportation Commission, and meetings of the Contra Costa Transportation Authority. Ms. Pierce also announced a ribbon cutting ceremony for the completion of the Highway 4 project taking place at 8:30 a.m. on July 20th in Antioch.

Councilmember Shuey indicated "No Report".

Councilmember Haydon attended the last two Saturday Concerts in The Grove series and a meeting of TRANSPAC.

Mayor Geller attended the last two Saturday Concerts in The Grove series and announced upcoming concerts July 23rd featuring Larry Lynch and the Mob, July 30th featuring Cut Loose, and August 13th featuring Diamond Dave. Mayor Geller also attended the 70<sup>th</sup> Anniversary event at Central Sanitary District's treatment plant.

Vice Mayor Diaz announced the upcoming Wednesday night Classic Car show and concert featuring "Tone Pony."

Mayor Geller announced that nominations for City Council candidates for the November 8, 2016 election has opened up and runs until August 12; if no incumbent files nomination papers by the deadline, the filing period is automatically extended for non-incumbents for five days. Mayor Geller then announced he will not seek re-election to the City Council after serving 8 consecutive years.

- (e) Other – None.

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

Ernie Avila, Contra Costa Water District, Division 3 Director, introduced himself to the City Council as the City's new representative and is honored to be serving the Clayton community. Mr. Avila also provided a brief history of his background and public service. He also announced in a few days he will become a Clayton resident.

Members of the City Council welcomed Mr. Avila to the Clayton community.

Joanna Welch, Mt. Dell Drive, wanted to follow up on her prior suggestion for the City's consideration of the purchase and installation of license plate readers at each entrances and exits in town and inquired of its status. City Manager Napper responded that Ms. Welch's suggestion was given to the Clayton Police Chief and he is currently in discussions with the City of Concord about the idea as we share common borders at some of the entrances in and out of town. The City must also evaluate some of the considerations regarding use of license plate readers and privacy rights. He noted the City Council did set aside some monies for the purchase and installation of such equipment in the near future.

## 7. PUBLIC HEARINGS

- (a) Public Hearing on the proposed real property tax assessments in FY 2016-17 for the Diablo Estates at Clayton Benefit Assessment District (BAD) and consider the adoption of the Resolution setting, ordering and levying the annual assessments.

City Engineer Rick Angrisani presented the staff report noting at its public meeting on May 17<sup>th</sup> the City Council was presented with a proposed assessment incorporating the allowable CPI 2.7% increase over Fiscal Year 2015-16 assessments. As required by law, a notice regarding this evening's public hearing was mailed to the real property owners along with the Engineer's Report; for the benefit of the residents, the mailing included the expenditures of the District along with an accounting of its reserve funds. Mr. Angrisani advised the Benefit Assessment District Fund balance will cover the District's costs with the property management contract with Pinnacle until receipt of the first tax payment from the County in December, with no effect to the City's General Fund.

Mayor Geller opened the Public Hearing; no comments were offered. Mayor Geller closed the Public Hearing.

**It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to adopt Resolution No. 48-2016 confirming assessments for the operation and maintenance of improvements within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2016-17. (Passed; 5-0 vote).**

- (b) Public Hearing to consider a series of State and City required actions for compliance with its State Department of Housing and Community Development (HCD) conditionally-certified Housing Element and related state laws:
- 1). General Plan Amendment (GPA-01-16) to increase density allowed within the Multifamily High Density (MHD) designation from 15.1 – 20.0 units per acre to 20.0 units per acre.
  - 2). Introduction and First Reading of Ordinance No. 463 (ZOA-04-16) requiring projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts.
  - 3). Introduction and First Reading of Ordinance No. 464 (ZOA 04-15) adding inclusionary housing regulations.
  - 4). Introduction and First Reading of Ordinance No. 465 (ZOA-05-16) to permit transitional and supportive housing in the Limited Commercial (LC) zoning district.



5). Introduction and First Reading of Ordinance No. 466 (ZOA-03-16) to permit by right employee housing of six or fewer persons within residential zones.

6). Introduction and First Reading of Ordinance No. 467 (ZOA-06-16) to update density bonus requirements to be compliant with California Assembly Bills (AB) No. 2222 and 744.

Community Development Director Mindy Gentry presented the staff report along with a brief slideshow presentation highlighting the various items for consideration this evening and referenced the requirements for 2015-2023 Housing Element and State law compliances. She noted the Housing Element is one of seven mandated elements to be incorporated into each city's General Plan, which is subject to statutory requirements and a mandatory review by the State's Department of Housing and Community Development (HCD). Ms. Gentry also advised on November 18, 2014 the City Council approved the City's 2015-23 Housing Element containing goals, policies, and implementation measures that are not only important to the City, but must also be put into effect in order for the City to be compliant with and remain in compliance with State law; HCD's certification was "conditional" relying on the City's stated intent to enact these local measures. Ms. Gentry provided a brief explanation of the Regional Housing Needs Assessments (RHNA) and the unit allocation requirement by income category. Ms. Gentry also included a summary of what has occurred in other cities that had failed to implement the requirements with monetary penalties that were incurred and case law losses.

Councilmember Pierce requested clarification of affordable housing costs and their income categories as an example to the community of the household income eligibility ranges for such units. Ms. Gentry advised, for example, to qualify for the Low Income Category the annual household income limits \$46,751 - \$67,600 in Contra Costa County.

Councilmember Haydon inquired if the City does not comply with these requirements, will there be a loss of State funds? Mr. Napper advised in addition to losses of State funds and subventions, the City would also lose local road monies given to it by the Contra Costa Transportation Authority which approximates \$240,000.00 per year. Those monies are used to perform neighborhood street repaving projects.

Mayor Geller opened the Public Hearing.

Joanna Welch, Mt. Dell Drive, inquired if the Multi-Family High Density locations of development are mandated? She also asked if an Environmental Impact Study should be required. She further inquired about potential impacts if that report is negative; will alternate locations and additional traffic congestion, noise abatement, and infrastructure be considerations?

Ms. Gentry clarified an environmental impact review on the Housing Element was completed in 2014; further environmental impact reviews will be required on a project-specific basis on each individual site as required by the California Environmental Quality Act. City Manager Napper added currently there has not be a multi-family high density project submitted to the City; however, if one were submitted the process would consist of a land-use application review with consideration of the zoning of the property, then submitted to the Planning Commission, then ultimately a Public Hearing for consideration by the City Council prior to approval of any specific development.

Dan Hummer, Stranahan Circle, advised he was not aware of the Regional Housing Needs Allocation (RHNA) requirements on the City for its number of housing units and inquired if alternatives are available, along with any consequences if the number of required units is refused. Councilmember Pierce advised Clayton originally had a requirement of 254 RHNA units; however that was successfully negotiated down to 141 RHNA units.

Mr. Hummer noted the Minimum Density increase is from 15.1 to 20 dwelling units per acre to 20 units per acre. He inquired what happens if no one tries to develop the designated number of units on land zoned for such purpose. Ms. Gentry advised the State does not and cannot require units to be built; rather, the City must have a plan in place designating where this type of density development could occur. She added the State has the ability to change its laws and through the Housing Element process it routinely inquires on how cities plan to comply with current laws; compliance with State law can be found in Government Code 65583.2. City Manager Napper commented that in the past staff has been creative to find ways to accommodate the State requirements. An example of this past practice was several Housing Elements ago the City proposed its Regional Housing Needs Assessment (RHNA) be met with "granny units"; in the subsequent five years since that Housing Element was approved only one granny unit was built in the City. In its next 5-year housing element cycle, the State prohibited "granny units" as a local plan to meet all of a city's RHNA.

Mayor Geller closed the Public Hearing.

1. Resolution No. 49-2016 regarding an amendment to City General Plan Land Use Element to modify the permitted density within the Multifamily High Density Land Use Category (GPA-01-16).

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to adopt Resolution No. 49-2016 amending the Clayton General Plan Land Use Element to modify the permitted density within the Multifamily High Density Land Use Category (GPA-01-16) with finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).**

2. Introduction of Ordinance No. 463 to require projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts (ZOA-04-16).

**It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to have the City Clerk read Ordinance No. 463, by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 463 by title and number only.

**It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to approve Ordinance No. 463 for Introduction with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).**

3. Introduction of Ordinance No. 464 adding inclusionary housing regulations (ZOA-04-15).

**It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 464, by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 464 by title and number only.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to approve Ordinance No. 464 for Introduction with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).**

4. Introduction of Ordinance No. 465 to permit transitional and supportive housing in the Limited Commercial (LC) zoning district (ZOA-05-16).

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 465 by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 465 by title and number only.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to approve Ordinance No. 465 for Introduction with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).**

5. Introduction of Ordinance No. 466 to permit by right employee housing of six or fewer persons within residential zones (ZOA-03-16).

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 466 by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 466 by title and number only.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to approve Ordinance No. 466 for Introduction with findings the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).**

6. Introduction of Ordinance No. 467 to update density bonus requirements to be compliant with California Assembly Bills (AB) No. 2222 and 744 (ZOA-06-16).

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 467 by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 467 by title and number only.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to approve Ordinance No. 467 for Introduction with the findings the Ordinance is not subject to the California Environmental Quality Act because this activity is not considered to be a project and it can be seen with certainty that it will not have a significant effect or physical change to the environment. (Passed; 5-0 vote).**



8. **ACTION ITEMS**

- (a) Consider the approval of an Exclusive Negotiation Agreement (ENA) with Pacific Union Land Investors, LLC, for the preparation of a Disposition and Development Agreement (DDA) leading to the sale/purchase and private development and management of certain City-owned vacant real property in the Clayton Town Center, generally located at 6005 Main Street (APN 118-560-010-1), for commercial retail establishments and a senior care facility.

City Manager Napper presented the staff report providing a brief history of the City-owned vacant real property in the Clayton Town Center, and the engagement of commercial realty company Transwestern to outreach to numerous retail vendors for the purchase and development of said property. Overwhelmingly, prospective retailers responded "not interested" as Clayton does not meet their minimum density and population requirements for success. During the last year, four development offers were presented; two were for medium density residential uses, and two for mixed land uses of commercial retail frontage combined with senior care facilities. After much consideration, the City Council decided to pursue a mixed land use of commercial retail combined with senior care facility with eventual sale of the public land by working with Pacific Union Land Company, LLC (Danville, CA). The development proposal requires its separate purchase of the adjacent real property owned by Clayton Community Church, which agreement has been reached between those two private parties. Such action also coincides with the church's ultimate goal to relocate its operations to its recently-acquired land off Pine Hollow Court. The proposed sale/purchase price of the City's land is \$1.625 million.

City Manager Napper introduced two representatives in attendance from Pacific Union Land Company: Mr. Chris Garwood, VP of Community and Multi-Family Development, and Mr. Josh Reed, Director of Real Estate, indicating each is available to answer any questions. City Manager Napper noted Pacific Union Land Company is located locally in Danville and intends manage and operate the constructed senior care facility through a subsidiary. If the Exclusive Negotiation Agreement is approved this evening, the price of the land is set along with written assurances the developer cannot land bank the property as the relationship ultimately evolves into a Disposition and Development Agreement (DDA) to require construction of the project; it does formalize the City's relationship with Pacific Union Land Company. He further indicated neither the proposed project nor the actual sale of title to the City's property is approved by this action.

Mr. Garwood provided a brief summary of its proposal to revitalize Clayton's downtown by adding retail and a local senior services facility specializing in two-thirds assisted living services and one-third memory care. Mr. Garwood advised the facility will be comprised of 90 units with small kitchens, 65 full-time employees and operational 24 hours a day.

Mr. Reed added this type of senior facility is a low traffic generator but will bring visitors and family members into the City to visit relatives at the facility. Those individuals are very likely to be patrons of the downtown businesses.

Mr. Ed Del Beccaro, Managing Director at Transwestern, provided a brief history of some of the commercial clients of Transwestern and the benefits of Pacific Union Land Company's vision for this site. He also clarified the lower floor would be retail use with facility offices or living space above and behind the 10,000 square feet of retail space on Main Street.

Mayor Geller opened the floor to receive public comments.



Joanna Welch, Mt. Dell Drive, advised she is in favor of the idea, liked the additional retail uses and provided a suggestion of maybe a florist or café for the retail area.

Gerri Baker, 244 Stranahan Circle, expressed her concern any buildings constructed above a one-story would block that area's view of Mount Diablo. She also wanted to ensure there would be enough parking for the employees or visitors to the senior care facility.

Sharon Cianfrano, 207 Mt. Wilson Place, inquired if there had been any discussion regarding the need to now re-locate the carnival – where will it go? Councilmember Pierce responded CBCA has been aware for some time of its possible need to re-locate its Oktoberfest carnival and other community events with possible use of the Kinder-Care parking lot; however, there have not been any event decisions made yet.

Pamela Rogers, 365 Chardonnay Circle, expressed concern that 10,000 square foot of retail space may be too much and would like to see existing vacant retail space be filled before adding more into downtown. Mr. Ed Del Beccaro, Managing Director at Transwestern, advised retail space actually helps lease the units.

Sue Allen, 211 Mountaire Parkway, inquired on the use of the property located behind the U.S. Post Office and suggested senior apartments may be a good use for that area.

Mayor Geller closed the public comments period.

Councilmember Shuey advised this has been a difficult process for him as that vacant lot has been used for numerous community events. Mr. Shuey clarified this action merely provides a public opportunity to explore the potential for this property.

Councilmember Pierce advised the concept is an alternative to the current ground floor zoning and emphasized that Clayton's demographics do not meet the needs for the type of retailers the community would like; however, the proposal does provide an opportunity to accommodate our growing senior population.

City Manager Napper commented that Clayton is not the only city with vacant commercial store fronts, which can be seen in each city as you drive through it. Furthermore, most retailers are suffering as consumers are increasingly making purchases online as opposed to visiting stick and mortar buildings. This concept seeks to provide a much needed community service and offer specialized goods that cannot be purchased online.

**It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to approve the Exclusive Negotiation Agreement with Pacific Union Land Investors, LLC, and authorize the Mayor to sign the ENA on behalf of the City. (Passed; 5-0 vote).**

- (b) Discuss and determine the scope, options and the amount of funds available regarding the City's plans for its Fiscal Year 2016-17 Arterial Street Rehabilitation Project (CIP No. 10437) and/or its 2016 Neighborhood Street Rehabilitation Project (CIP No. 10432).

City Engineer Rick Angrisani presented the staff report providing a brief history of Measure J grant monies received to repair and widen east Marsh Creek Road from Regency Drive to Pine Lane; noting many difficult factors and costs preventing the completion of that project. Since that determination, that project has been removed from

the City's Capital Improvement Budget with the establishment of the 2016 Arterial Rehabilitation Project. Staff has prepared preliminary plans and estimates in order to receive approval for the new project from the Metropolitan Transportation Commission and the Contra Costa Transportation Authority. The first issue investigated was the pronounced dips in the road pavement adjacent to the medians along Clayton Road and Oakhurst Drive. The usual roadway solution includes the removal of the existing improvements and debris soils then replacing the soils with engineered fill and reconstruction the improvements. After research of various solutions, staff found a firm, Uretek USA, Inc., which developed a patented process for injecting polymers into the soils which fills voids and solidifies the underlying soils.

The remainder of the remediation work may be treated with either a slurry seal or micro-surfacing for the arterial street surface treatment; slurry seals can require 4 or more hours to properly set, while micro-surfacing takes around an hour to set. Mr. Angrisani advised the micro-surfacing will cost more than the allocated funds in the Measure J grant; however additional funds for completion of the entire project can be obtained by transferring monies from the 2016 Neighborhood Street Project. Should that action be undesirable and slurry seal is the Council's preferred method, then approximately 90 local streets could be treated.

Mayor Geller opened the floor to receive public comments; no public comments were offered.

Councilmember Pierce advised the micro-surfacing sounds like a preferred solution along with the polymer fill to lift the arterial streets. She inquired if it has been successful in other cities where it has been used? Mr. Angrisani advised the cities he has spoken with have been very happy with the polymer fill noting Uretek USA started in Texas over 20 years ago and does provide a guarantee of the material; if it is unacceptable in 5 years after installation the City will not be required to pay.

Councilmember Shuey inquired if there have been reports of material failures and what is the life expectancy of the polymer product? Mayor Geller expressed similar concerns with warranty of the product and its longevity. Mr. Angrisani advised he will perform additional research on the polymer fill and provide answers to the Council's questions at its next meeting.

**It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to approve the use of micro-surfacing in the 2016 Arterial Street Rehabilitation Project and to direct staff to perform additional research on the polymer fill technology by Uretek. (Passed; 5-0 vote).**

- (c) Consider a Technology Modernization Report to upgrade the City's Website and City Hall electronic services using previously-earmarked General Fund excess monies from FY 2014-15 for one-time expenditures, equipment or capital project unmet needs, and related recurring support services expenses.

Community Development Director Mindy Gentry presented the staff report noting an improvement to the technology used at City Hall for day-to-day services and the City's website is much needed by staff and the community. The modernization plan would implement updated and online Municipal Code searches, employment applications, business license applications and City form submittals, online payments, and regular Information Technology support services pertaining to the City's network, email system monitoring and security, disaster recovery, and on-call availability. After extensive research staff has identified Municipal Code Corporation as the preferred vendor for the

City's online searchable Municipal Code, and Digital Services for the City's IT needs to construct a new City website, webmaster services, optional web streaming, Intranet for staff and city officials and training. Ms. Gentry also provided a table illustrating comparative costs for the Council's consideration.

Vice Mayor Diaz inquired on the expected timeframe to implement the improvements? Ms. Gentry advised the Municipal Code updating would take approximately 12 weeks, and the City website improvements between 3 and 4 months.

Councilmember Pierce inquired on Digital Services disaster recovery and back-up services plan as she has concerns since this is a sole proprietor. Ms. Gentry advised she is unable to provide an answer to the back-up plan and will need to continue her research; she noted Digital Services currently provides the Information Technology support to the City of Antioch and it is satisfactory there.

Mayor Geller opened the floor to receive public comments.

Joanna Welch, Mt. Dell Drive, added in her experience it is not beneficial to use an Information Technology firm that is run as a sole proprietor as the style of coding can vary and be complex for someone else to take over if needed.

Doug Rogers, 365 Chardonay Circle, inquired if this item was put out to bid, rather than only receiving quotes from the existing City's preferred vendors?

Dan Hummer, Stranahan Circle, inquired on where the servers will be stored and if there is disaster recovery plans in place? Ms. Gentry advised the back-up will be stored in the cloud as over recent years it has become more cost effective.

Mayor Geller closed the public comment period.

Councilmember Pierce expressed grave concerns over the City's existing lack of offsite backup servers for recovery of City data and wanted to see staff's plans to accomplish that number one priority. Councilmember Shuey indicated he did not see the need for the City to implement web-streaming of its Council meetings since playback is shown on cable channels. Councilmember Pierce indicated she believed web-streaming would be used and appreciated by the community.

By general consensus, the Council requested more information by staff regarding Digital Services' backup support plans and details regarding City Hall backup servers.

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** –None.

11. **ADJOURNMENT**– on call by Mayor Geller, the City Council adjourned its meeting at 10:01 p.m.

The next regularly scheduled meeting of the City Council on August 2, 2016 has been canceled. Therefore, the next regularly scheduled meeting of the City Council will be August 16, 2016.

# # # # #

Respectfully submitted,

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Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Howard Geller, Mayor

# # # # #



Agenda Date 8/16/2016

Agenda Item: 3b

Approved:   
\_\_\_\_\_  
Gary A. Nepper  
City Manager

# STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 8/16/16

SUBJECT: INVOICE SUMMARY

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## RECOMMENDATION:

Approve the following Invoices:

08/12/2016	Cash Requirements	\$ 447,915.99
07/19/2016	ADP Payroll week 29, PPE 7/17/16	\$ 85,509.47
08/02/2016	ADP Payroll week 31, PPE 7/31/16	\$ 85,130.02

Total \$618,555.48

### Attachments:

Cash Requirements Report dated 8/12/2016 (8 pages)

ADP payroll report for week 29 (1 page)

ADP payroll report for week 31 (1 page)



**City of Clayton**  
**Cash Requirements Report**  
 City Council Meeting 8/16/16

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>ADP, LLC</b>								
ADP, LLC	7/29/2016	7/29/2016	472282631	Payroll fees PPE 7/17/16	\$153.84	\$0.00		\$153.84
ADP, LLC	8/16/2016	8/16/2016	477844389	Payroll fees PPE 7/31/16	\$153.84	\$0.00		\$153.84
				<i>Totals for ADP, LLC:</i>	<u>\$307.68</u>	<u>\$0.00</u>		<u>\$307.68</u>
<b>All-Guard Systems, Inc.</b>								
All-Guard Systems, Inc.	8/16/2016	8/16/2016	A81585	Annual Fire Monitoring, Daily Testing FY 17	\$600.00	\$0.00		\$600.00
				<i>Totals for All-Guard Systems, Inc.:</i>	<u>\$600.00</u>	<u>\$0.00</u>		<u>\$600.00</u>
<b>American Fidelity Assurance Company</b>								
American Fidelity Assurance Company	8/16/2016	8/16/2016	B490248	August supplemental insurance	\$257.54	\$0.00		\$257.54
				<i>Totals for American Fidelity Assurance Company:</i>	<u>\$257.54</u>	<u>\$0.00</u>		<u>\$257.54</u>
<b>AT&amp;T (CalNet3)</b>								
AT&T (CalNet3)	8/16/2016	8/16/2016	8371258	Phone 6/22/16-7/21/16	\$1,682.43	\$0.00		\$1,682.43
				<i>Totals for AT&amp;T (CalNet3):</i>	<u>\$1,682.43</u>	<u>\$0.00</u>		<u>\$1,682.43</u>
<b>Bay Area Barricade Serv.</b>								
Bay Area Barricade Serv.	8/16/2016	8/16/2016	0339181-IN	Caution tape	\$191.84	\$0.00		\$191.84
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$191.84</u>	<u>\$0.00</u>		<u>\$191.84</u>
<b>Bay Area News Group East Bay (CCT)</b>								
Bay Area News Group East Bay (CCT)	8/16/2016	8/16/2016	984205	Maintenance worker ad	\$1,038.40	\$0.00		\$1,038.40
Bay Area News Group East Bay (CCT)	8/16/2016	8/16/2016	984206	Legal ads for July	\$1,095.64	\$0.00		\$1,095.64
				<i>Totals for Bay Area News Group East Bay (CCT):</i>	<u>\$2,134.04</u>	<u>\$0.00</u>		<u>\$2,134.04</u>
<b>Berlogar Stevens &amp; Associates Inc.</b>								
Berlogar Stevens & Associates Inc.	8/16/2016	8/16/2016	225246	Professional services for GHAD, 6/26/16-7/30	\$3,780.51	\$0.00		\$3,780.51
				<i>Totals for Berlogar Stevens &amp; Associates Inc.:</i>	<u>\$3,780.51</u>	<u>\$0.00</u>		<u>\$3,780.51</u>
<b>CA Department of Justice</b>								
CA Department of Justice	8/16/2016	8/16/2016	182416	Fingerprint Apps, FBI	\$49.00	\$0.00		\$49.00
				<i>Totals for CA Department of Justice:</i>	<u>\$49.00</u>	<u>\$0.00</u>		<u>\$49.00</u>
<b>CalPERS Health</b>								
CalPERS Health	8/16/2016	8/16/2016	2074	August Medical	\$30,740.72	\$0.00		\$30,740.72
				<i>Totals for CalPERS Health:</i>	<u>\$30,740.72</u>	<u>\$0.00</u>		<u>\$30,740.72</u>
<b>CalPERS Retirement</b>								
CalPERS Retirement	8/16/2016	8/16/2016	071716	Retirement PPE 7/17/16	\$13,620.85	\$0.00		\$13,620.85
CalPERS Retirement	8/16/2016	8/16/2016	072416	City Council retirement ending 7/24/16	\$178.32	\$0.00		\$178.32
CalPERS Retirement	8/16/2016	8/16/2016	073116	Retirement PPE 7/31/16	\$13,625.85	\$0.00		\$13,625.85
				<i>Totals for CalPERS Retirement:</i>	<u>\$27,425.02</u>	<u>\$0.00</u>		<u>\$27,425.02</u>
<b>Caltronics Business Systems, Inc</b>								

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Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Caltronics Business Systems, Inc	8/16/2016	8/16/2016	2058039	Copier contract 6/17/16-7/16/16	\$815.27	\$0.00		\$815.27
<i>Totals for Caltronics Business Systems, Inc:</i>					<i>\$815.27</i>	<i>\$0.00</i>		<i>\$815.27</i>
<b>CCWD</b>								
CCWD	8/16/2016	8/16/2016	Series B	Irrigation 6/3/16-8/4/16	\$32,909.89	\$0.00		\$32,909.89
<i>Totals for CCWD:</i>					<i>\$32,909.89</i>	<i>\$0.00</i>		<i>\$32,909.89</i>
<b>Robert P Cedro</b>								
Robert P Cedro	8/16/2016	8/16/2016	091016	Concert in The Grove 9/10/16	\$1,800.00	\$0.00		\$1,800.00
<i>Totals for Robert P Cedro:</i>					<i>\$1,800.00</i>	<i>\$0.00</i>		<i>\$1,800.00</i>
<b>City of Concord</b>								
City of Concord	8/16/2016	8/16/2016	52868	Printing, Budget FY 17	\$300.80	\$0.00		\$300.80
City of Concord	8/16/2016	8/16/2016	52882	Printing, envelopes & bus. cards - Coss, Engla	\$260.77	\$0.00		\$260.77
City of Concord	8/16/2016	8/16/2016	52821	Dispatch services for June	\$20,089.50	\$0.00		\$20,089.50
<i>Totals for City of Concord:</i>					<i>\$20,651.07</i>	<i>\$0.00</i>		<i>\$20,651.07</i>
<b>City of Pleasant Hill</b>								
City of Pleasant Hill	8/16/2016	8/16/2016	900006779	Transpac Contribution FY 17	\$22,849.00	\$0.00		\$22,849.00
<i>Totals for City of Pleasant Hill:</i>					<i>\$22,849.00</i>	<i>\$0.00</i>		<i>\$22,849.00</i>
<b>Clayton Comm. Library Foundation</b>								
Clayton Comm. Library Foundation	8/16/2016	8/16/2016	080116	Trust Account withdrawal	\$10,000.00	\$0.00		\$10,000.00
Clayton Comm. Library Foundation	8/16/2016	8/16/2016	080316	Trust Account withdrawal	\$2,000.00	\$0.00		\$2,000.00
Clayton Comm. Library Foundation	8/16/2016	8/16/2016	081016	CCLF Draw of funds	\$2,000.00	\$0.00		\$2,000.00
<i>Totals for Clayton Comm. Library Foundation:</i>					<i>\$14,000.00</i>	<i>\$0.00</i>		<i>\$14,000.00</i>
<b>Clean Street</b>								
Clean Street	8/16/2016	8/16/2016	83030	July Street Sweeping	\$3,500.00	\$0.00		\$3,500.00
Clean Street	8/16/2016	8/16/2016	82126	April Street Sweeping	\$3,500.00	\$0.00		\$3,500.00
Clean Street	8/16/2016	8/16/2016	82457	May Street Sweeping	\$3,500.00	\$0.00		\$3,500.00
<i>Totals for Clean Street:</i>					<i>\$10,500.00</i>	<i>\$0.00</i>		<i>\$10,500.00</i>
<b>Comcast</b>								
Comcast	8/16/2016	8/16/2016	August	High speed internet 8/10/16-9/9/16	\$236.12	\$0.00		\$236.12
<i>Totals for Comcast:</i>					<i>\$236.12</i>	<i>\$0.00</i>		<i>\$236.12</i>
<b>Concord Garden Equipment</b>								
Concord Garden Equipment	8/16/2016	8/16/2016	530034	2 Hedgers	\$982.00	\$0.00		\$982.00
<i>Totals for Concord Garden Equipment:</i>					<i>\$982.00</i>	<i>\$0.00</i>		<i>\$982.00</i>
<b>Concord Trailer World &amp; Sport</b>								
Concord Trailer World & Sport	8/16/2016	8/16/2016	780628	Repairs to Dump Trailer	\$604.91	\$0.00		\$604.91
Concord Trailer World & Sport	8/16/2016	8/16/2016	780733	Repair to flat bed trailer	\$375.25	\$0.00		\$375.25
<i>Totals for Concord Trailer World &amp; Sport:</i>					<i>\$980.16</i>	<i>\$0.00</i>		<i>\$980.16</i>

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Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>Contra Costa County - Administrator's Office</b>								
Contra Costa County - Administrator's O	8/16/2016	8/16/2016	JAF 16-4	Jail Access Fees FY 16	\$5,076.00	\$0.00		\$5,076.00
<i>Totals for Contra Costa County - Administrator's Office:</i>					<u>\$5,076.00</u>	<u>\$0.00</u>		<u>\$5,076.00</u>
<b>Contra Costa County Department of Conservation &amp; Development</b>								
Contra Costa County Department of Co	6/30/2016	6/30/2016	06302016	Business license fees 4/1/16-6/30/16	\$172.90	\$0.00		\$172.90
<i>Totals for Contra Costa County Department of Conservation &amp; Development:</i>					<u>\$172.90</u>	<u>\$0.00</u>		<u>\$172.90</u>
<b>Contra Costa County Law &amp; Justice Systems (ACCJIN)</b>								
Contra Costa County Law & Justice Sys	8/16/2016	8/16/2016	LJIS 16-Cty	ACCJIN Shared costs FY 16	\$2,535.73	\$0.00		\$2,535.73
<i>Totals for Contra Costa County Law &amp; Justice Systems (ACCJIN):</i>					<u>\$2,535.73</u>	<u>\$0.00</u>		<u>\$2,535.73</u>
<b>Contra Costa County Library</b>								
Contra Costa County Library	8/16/2016	8/16/2016	Q4	Additional Library Hours Q4 FY 16	\$2,641.81	\$0.00		\$2,641.81
<i>Totals for Contra Costa County Library:</i>					<u>\$2,641.81</u>	<u>\$0.00</u>		<u>\$2,641.81</u>
<b>Contra Costa County Public Works Dept</b>								
Contra Costa County Public Works Dept	8/16/2016	8/16/2016	700573	May traffic signal maintenance	\$397.30	\$0.00		\$397.30
Contra Costa County Public Works Dept	8/16/2016	8/16/2016	700591	June traffic signal maintenance - repair pole at	\$721.06	\$0.00		\$721.06
<i>Totals for Contra Costa County Public Works Dept:</i>					<u>\$1,118.36</u>	<u>\$0.00</u>		<u>\$1,118.36</u>
<b>Contra Costa County Sheriff - Forensic Svc Div (Lab)</b>								
Contra Costa County Sheriff - Forensic S	8/16/2016	8/16/2016	CLPD-1606	Toxicology for June	\$1,980.00	\$0.00		\$1,980.00
Contra Costa County Sheriff - Forensic S	8/16/2016	8/16/2016	CLPD-216	Blood withdrawal services April-June 2016	\$630.00	\$0.00		\$630.00
<i>Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):</i>					<u>\$2,610.00</u>	<u>\$0.00</u>		<u>\$2,610.00</u>
<b>CR Fireline, Inc</b>								
CR Fireline, Inc	8/16/2016	8/16/2016	106200	Semi annual fire test for Endeavor Hall	\$310.00	\$0.00		\$310.00
CR Fireline, Inc	8/16/2016	8/16/2016	106199	Semi annual fire test for Library	\$310.00	\$0.00		\$310.00
CR Fireline, Inc	8/16/2016	8/16/2016	106201	Semi annual fire test for City Hall	\$310.00	\$0.00		\$310.00
<i>Totals for CR Fireline, Inc:</i>					<u>\$930.00</u>	<u>\$0.00</u>		<u>\$930.00</u>
<b>Cropper Accountancy Corp</b>								
Cropper Accountancy Corp	8/16/2016	8/16/2016	1212	1st Progress billing, Financial Statements, FY	\$5,000.00	\$0.00		\$5,000.00
<i>Totals for Cropper Accountancy Corp:</i>					<u>\$5,000.00</u>	<u>\$0.00</u>		<u>\$5,000.00</u>
<b>De Lage Landen Financial Services, Inc.</b>								
De Lage Landen Financial Services, Inc.	8/16/2016	8/16/2016	50863407	August copier contract	\$342.17	\$0.00		\$342.17
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					<u>\$342.17</u>	<u>\$0.00</u>		<u>\$342.17</u>
<b>Division of the State Architect</b>								
Division of the State Architect	6/30/2016	6/30/2016	06302016	Business license fees 4/1/16-6/30/16	\$79.80	\$0.00		\$79.80
<i>Totals for Division of the State Architect:</i>					<u>\$79.80</u>	<u>\$0.00</u>		<u>\$79.80</u>
<b>Dynamic Audio Concepts, LLC</b>								



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<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>
Dynamic Audio Concepts, LLC	8/16/2016	8/16/2016	091016	Sound for Concert in The Grove 9/10/16	\$650.00	\$0.00		\$650.00
				<i>Totals for Dynamic Audio Concepts, LLC:</i>	<i>\$650.00</i>	<i>\$0.00</i>		<i>\$650.00</i>
<b>Dynasty Roofing</b>								
Dynasty Roofing	8/16/2016	8/16/2016	CAP0208	C&D refund for 986 Tiffin Dr	\$2,000.00	\$0.00		\$2,000.00
				<i>Totals for Dynasty Roofing:</i>	<i>\$2,000.00</i>	<i>\$0.00</i>		<i>\$2,000.00</i>
<b>FarWest Sanitation &amp; Storage</b>								
FarWest Sanitation & Storage	8/16/2016	8/16/2016	173567	Washstand, restrooms for 4th Parade	\$347.20	\$0.00		\$347.20
				<i>Totals for FarWest Sanitation &amp; Storage:</i>	<i>\$347.20</i>	<i>\$0.00</i>		<i>\$347.20</i>
<b>Future Auto Center of Concord</b>								
Future Auto Center of Concord	8/16/2016	8/16/2016	279550,281175,2818	Repairs to 3 police cars	\$2,160.02	\$0.00		\$2,160.02
				<i>Totals for Future Auto Center of Concord:</i>	<i>\$2,160.02</i>	<i>\$0.00</i>		<i>\$2,160.02</i>
<b>G.N. Henley, Inc</b>								
G.N. Henley, Inc	8/16/2016	8/16/2016	16-57	Retention - Cardinet Trail repair	\$3,353.87	\$0.00		\$3,353.87
				<i>Totals for G.N. Henley, Inc:</i>	<i>\$3,353.87</i>	<i>\$0.00</i>		<i>\$3,353.87</i>
<b>Geoconsultants, Inc.</b>								
Geoconsultants, Inc.	8/16/2016	8/16/2016	18819	July Well Monitoring	\$1,546.50	\$0.00		\$1,546.50
				<i>Totals for Geoconsultants, Inc.:</i>	<i>\$1,546.50</i>	<i>\$0.00</i>		<i>\$1,546.50</i>
<b>Globalstar LLC</b>								
Globalstar LLC	8/16/2016	8/16/2016	7507499	Sat phone 6/16/16-7/15/16	\$61.70	\$0.00		\$61.70
				<i>Totals for Globalstar LLC:</i>	<i>\$61.70</i>	<i>\$0.00</i>		<i>\$61.70</i>
<b>Graybar Electric Co, Inc</b>								
Graybar Electric Co, Inc	8/16/2016	8/16/2016	986393454	Replacement light pole at Marsh Creek Rd	\$868.15	\$0.00		\$868.15
				<i>Totals for Graybar Electric Co, Inc:</i>	<i>\$868.15</i>	<i>\$0.00</i>		<i>\$868.15</i>
<b>Hammons Supply Company</b>								
Hammons Supply Company	8/16/2016	8/16/2016	94430	Library Janitorial supplies	\$230.11	\$0.00		\$230.11
Hammons Supply Company	8/16/2016	8/16/2016	94426	City Hall Janitoiral supplies	\$665.45	\$0.00		\$665.45
Hammons Supply Company	8/16/2016	8/16/2016	94431	The Grove Janitorial supplies	\$105.29	\$0.00		\$105.29
Hammons Supply Company	8/16/2016	8/16/2016	94443	The Grove Janitorial supplies	\$477.19	\$0.00		\$477.19
				<i>Totals for Hammons Supply Company:</i>	<i>\$1,478.04</i>	<i>\$0.00</i>		<i>\$1,478.04</i>
<b>HUB Inter of CA Ins Svc</b>								
HUB Inter of CA Ins Svc	8/16/2016	8/16/2016	June	June Insurance	\$100.18	\$0.00		\$100.18
HUB Inter of CA Ins Svc	8/16/2016	8/16/2016	July	Event Insurance for July	\$100.18	\$0.00		\$100.18
				<i>Totals for HUB Inter of CA Ins Svc:</i>	<i>\$200.36</i>	<i>\$0.00</i>		<i>\$200.36</i>
<b>J&amp;R Floor Services</b>								
J&R Floor Services	8/16/2016	8/16/2016	Seven 2016	July Janitoria <sup>1</sup>	\$4,910.00	\$0.00		\$4,910.00

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Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for J&amp;R Floor Services:</i>					\$4,910.00	\$0.00		\$4,910.00
<b>Sandy Johnson</b>								
Sandy Johnson	8/16/2016	8/16/2016	PC 021216	Petty Cash- Parking fees, Misc Auto Maint	\$150.42	\$0.00		\$150.42
<i>Totals for Sandy Johnson:</i>					\$150.42	\$0.00		\$150.42
<b>Robin Krizay</b>								
Robin Krizay	8/16/2016	8/16/2016	061116	Deposit refund for Hoyer Hall 6/10 & 6/11/16	\$200.00	\$0.00		\$200.00
<i>Totals for Robin Krizay:</i>					\$200.00	\$0.00		\$200.00
<b>LarryLogic Productions</b>								
LarryLogic Productions	8/16/2016	8/16/2016	1594	City council meeting production 7/5/16	\$415.00	\$0.00		\$415.00
<i>Totals for LarryLogic Productions:</i>					\$415.00	\$0.00		\$415.00
<b>Marken Mechanical Services Inc</b>								
Marken Mechanical Services Inc	8/16/2016	8/16/2016	1840	January maintenance City Hall	\$150.00	\$0.00		\$150.00
Marken Mechanical Services Inc	8/16/2016	8/16/2016	2316	Labor for January for City Hall	\$750.00	\$0.00		\$750.00
<i>Totals for Marken Mechanical Services Inc:</i>					\$900.00	\$0.00		\$900.00
<b>Martell Water Systems, Inc.</b>								
Martell Water Systems, Inc.	8/16/2016	8/16/2016	23305	Install new 33 gallon tank High St/Marsh Cree	\$846.88	\$0.00		\$846.88
<i>Totals for Martell Water Systems, Inc.:</i>					\$846.88	\$0.00		\$846.88
<b>Matrix Association Management</b>								
Matrix Association Management	8/16/2016	8/16/2016	3287	Management services for August	\$4,375.00	\$0.00		\$4,375.00
<i>Totals for Matrix Association Management:</i>					\$4,375.00	\$0.00		\$4,375.00
<b>MPA</b>								
MPA	8/16/2016	8/16/2016	G1603	Workers' Comp - Work Alternative Participa	\$407.50	\$0.00		\$407.50
MPA	8/16/2016	8/16/2016	July	July Life, LTD	\$1,652.09	\$0.00		\$1,652.09
MPA	8/16/2016	8/16/2016	August	August LTD/Life	\$1,652.09	\$0.00		\$1,652.09
MPA	8/16/2016	8/16/2016	P1603	FY 17 Property Coverage	\$10,303.00	\$0.00		\$10,303.00
MPA	8/16/2016	8/16/2016	K1603	Wellness premium FY 17	\$958.00	\$0.00		\$958.00
MPA	8/16/2016	8/16/2016	ER-1603	ERMA Premium FY 17	\$7,638.00	\$0.00		\$7,638.00
MPA	8/16/2016	8/16/2016	L1603	Liability Premium FY 17	\$53,335.00	\$0.00		\$53,335.00
MPA	8/16/2016	8/16/2016	CM-1603	CARMA Premium FY 17	\$20,654.00	\$0.00		\$20,654.00
MPA	8/16/2016	8/16/2016	B1603	Workers' Comp Premium FY 17, Installment #	\$50,741.00	\$0.00		\$50,741.00
<i>Totals for MPA:</i>					\$147,340.68	\$0.00		\$147,340.68
<b>Neopost (add postage)</b>								
Neopost (add postage)	8/16/2016	8/16/2016	081016	Postage added 8/10/16	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage):</i>					\$300.00	\$0.00		\$300.00
<b>Pacific Telemanagement Svc</b>								
Pacific Telemanagement Svc	8/16/2016	8/16/2016	857030	August Courtyard payphone	\$73.00	\$0.00		\$73.00

**City of Clayton**  
**Cash Requirements Report**  
 City Council Meeting 8/16/16

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Pacific Telemangement Svc:</i>					\$73.00	\$0.00		\$73.00
<b>Natalia Pelletier</b>								
Natalia Pelletier	7/11/2016	7/11/2016	032817	Deposit refund EH 7/9/16	\$500.00	\$0.00		\$500.00
<i>Totals for Natalia Pelletier:</i>					\$500.00	\$0.00		\$500.00
<b>PERMCO, Inc.</b>								
PERMCO, Inc.	8/16/2016	8/16/2016	10600	General Engineering 7/9/16-7/22/16	\$3,960.50	\$0.00		\$3,960.50
PERMCO, Inc.	8/16/2016	8/16/2016	10601	CAP Inspections 7/9/16-7/22/16	\$103.75	\$0.00		\$103.75
PERMCO, Inc.	8/16/2016	8/16/2016	10602	Prep plans, bid pkg for Caltrans -7/9-7/22	\$1,037.00	\$0.00		\$1,037.00
PERMCO, Inc.	8/16/2016	8/16/2016	10603	Prep cost est, staff rpt, City Council mtg-7/9-7	\$1,277.50	\$0.00		\$1,277.50
PERMCO, Inc.	8/16/2016	8/16/2016	10605	GHAD Review rpts, prep assessment rolls -7	\$934.00	\$0.00		\$934.00
PERMCO, Inc.	8/16/2016	8/16/2016	10604	Review init submittal, prep COA's - 7/9-7/22	\$825.00	\$0.00		\$825.00
PERMCO, Inc.	8/16/2016	8/16/2016	10612	Review tent, map sub, prep COA's 7/23/16-8/	\$1,883.00	\$0.00		\$1,883.00
PERMCO, Inc.	8/16/2016	8/16/2016	10613	GHADReview monitoring rpts, prep assess r	\$642.13	\$0.00		\$642.13
PERMCO, Inc.	8/16/2016	8/16/2016	10611	CAP Inspections 7/23/16-8/5/16	\$83.00	\$0.00		\$83.00
PERMCO, Inc.	8/16/2016	8/16/2016	10610	General retainer 7/23/16-8/5/16	\$3,721.00	\$0.00		\$3,721.00
<i>Totals for PERMCO, Inc.:</i>					\$14,466.88	\$0.00		\$14,466.88
<b>PG&amp;E</b>								
PG&E	8/16/2016	8/16/2016	072216	Service 6/22/16-7/21/16	\$4,150.13	\$0.00		\$4,150.13
PG&E	8/16/2016	8/16/2016	071716	Service 6/15/16-7/14/16	\$20,700.08	\$0.00		\$20,700.08
<i>Totals for PG&amp;E:</i>					\$24,850.21	\$0.00		\$24,850.21
<b>Pond M Solutions</b>								
Pond M Solutions	8/16/2016	8/16/2016	14	July Fountain maintenance	\$650.00	\$0.00		\$650.00
<i>Totals for Pond M Solutions:</i>					\$650.00	\$0.00		\$650.00
<b>Scott Porter</b>								
Scott Porter	8/16/2016	8/16/2016	082716	Concert in The Grove 8/27/16	\$1,200.00	\$0.00		\$1,200.00
<i>Totals for Scott Porter:</i>					\$1,200.00	\$0.00		\$1,200.00
<b>Priority Payment Systems (Merchant Bankcard System)</b>								
Priority Payment Systems (Merchant Bar	8/16/2016	8/16/2016	July	July Bankcard Fees	\$199.42	\$0.00		\$199.42
<i>Totals for Priority Payment Systems (Merchant Bankcard System):</i>					\$199.42	\$0.00		\$199.42
<b>Professional Convergence Solutions, Inc</b>								
Professional Convergence Solutions, Inc	8/16/2016	8/16/2016	PCS0719162	Service calls for phones, July	\$185.00	\$0.00		\$185.00
<i>Totals for Professional Convergence Solutions, Inc:</i>					\$185.00	\$0.00		\$185.00
<b>Raney Planning &amp; Management, Inc.</b>								
Raney Planning & Management, Inc.	8/16/2016	8/16/2016	1610E-4	June Labor-Prep IS, Prep MMRP, Proj Mgmt	\$1,389.62	\$0.00		\$1,389.62
Raney Planning & Management, Inc.	8/19/2016	8/19/2016	1607E-3	June Labor - Prep Admin Draft IS	\$3,133.79	\$0.00		\$3,133.79
<i>Totals for Raney Planning &amp; Management, Inc.:</i>					\$4,523.41	\$0.00		\$4,523.41

**City of Clayton**  
**Cash Requirements Report**  
 City Council Meeting 8/16/16

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>Riso Products of Sacramento</b>								
Riso Products of Sacramento	8/16/2016	8/16/2016	159062	Copier contract 7/18/16-8/17/16	\$94.86	\$0.00		\$94.86
<i>Totals for Riso Products of Sacramento:</i>					<u>\$94.86</u>	<u>\$0.00</u>		<u>\$94.86</u>
<b>Roto-Rooter Sewer/Drain Service</b>								
Roto-Rooter Sewer/Drain Service	8/16/2016	8/16/2016	H-273-16	Hydro flush lines at CCP	\$744.00	\$0.00		\$744.00
<i>Totals for Roto-Rooter Sewer/Drain Service:</i>					<u>\$744.00</u>	<u>\$0.00</u>		<u>\$744.00</u>
<b>Sarro Associates</b>								
Sarro Associates	8/16/2016	8/16/2016	150	July services for Collector Street Rehab	\$1,250.00	\$0.00		\$1,250.00
<i>Totals for Sarro Associates:</i>					<u>\$1,250.00</u>	<u>\$0.00</u>		<u>\$1,250.00</u>
<b>Site One Landscape Supply, LLC</b>								
Site One Landscape Supply, LLC	8/16/2016	8/16/2016	76834377	PVC expansion repair couplings	\$153.26	\$0.00		\$153.26
Site One Landscape Supply, LLC	8/16/2016	8/16/2016	76950898	Irrigation parts	\$4,183.13	\$0.00		\$4,183.13
<i>Totals for Site One Landscape Supply, LLC:</i>					<u>\$4,336.39</u>	<u>\$0.00</u>		<u>\$4,336.39</u>
<b>Sprint Comm (PD)</b>								
Sprint Comm (PD)	8/16/2016	8/16/2016	703335311-176	Cell phones 6/26/16-7/25/16	\$271.96	\$0.00		\$271.96
<i>Totals for Sprint Comm (PD):</i>					<u>\$271.96</u>	<u>\$0.00</u>		<u>\$271.96</u>
<b>Staples Advantage</b>								
Staples Advantage	8/16/2016	8/16/2016	8040337739	Office supplies for July	\$126.36	\$0.00		\$126.36
<i>Totals for Staples Advantage:</i>					<u>\$126.36</u>	<u>\$0.00</u>		<u>\$126.36</u>
<b>Stericycle Inc</b>								
Stericycle Inc	8/16/2016	8/16/2016	3003511958	August Medical waste removal	\$96.07	\$0.00		\$96.07
<i>Totals for Stericycle Inc:</i>					<u>\$96.07</u>	<u>\$0.00</u>		<u>\$96.07</u>
<b>Stevens, Ferrone &amp; Bailey Engineering Co, Inc</b>								
Stevens, Ferrone & Bailey Engineering C	8/16/2016	8/16/2016	555-2.4	Lump sum monitoring/report - Kelok Wy	\$4,800.00	\$0.00		\$4,800.00
<i>Totals for Stevens, Ferrone &amp; Bailey Engineering Co, Inc:</i>					<u>\$4,800.00</u>	<u>\$0.00</u>		<u>\$4,800.00</u>
<b>SunValley Roofing</b>								
SunValley Roofing	8/16/2016	8/16/2016	CAP0209	Deposit refund for C&D 10 Herriman Ct	\$2,000.00	\$0.00		\$2,000.00
SunValley Roofing	8/16/2016	8/16/2016	CAP0209	Deposit refund for 10 Herriman Ct	\$500.00	\$0.00		\$500.00
<i>Totals for SunValley Roofing:</i>					<u>\$2,500.00</u>	<u>\$0.00</u>		<u>\$2,500.00</u>
<b>Underground Service Alert</b>								
Underground Service Alert	8/16/2016	8/16/2016	16070162	CA Annual membership fee, 811	\$309.48	\$0.00		\$309.48
<i>Totals for Underground Service Alert:</i>					<u>\$309.48</u>	<u>\$0.00</u>		<u>\$309.48</u>
<b>Wells Fargo Bank, N.A.</b>								
Wells Fargo Bank, N.A.	8/16/2016	8/16/2016	1342282	CLAY802LOI - Lydia Lane Sewer Bond pay	\$10,049.75	\$0.00		\$10,049.75
<i>Totals for Wells Fargo Bank, N.A.:</i>					<u>\$10,049.75</u>	<u>\$0.00</u>		<u>\$10,049.75</u>

## City of Clayton Cash Requirements Report City Council Meeting 8/16/16

<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>
<b>Workers.com</b>								
Workers.com	8/16/2016	8/16/2016	115913	Seasonal Labor, week ending 7/8/16	\$1,978.74	\$0.00		\$1,978.74
Workers.com	8/16/2016	8/16/2016	115986	Seasonal Labor, week ending 7/15/16	\$2,440.89	\$0.00		\$2,440.89
Workers.com	8/16/2016	8/16/2016	116061	Seasonal Labor, week ending 7/22/16	\$3,639.66	\$0.00		\$3,639.66
Workers.com	8/16/2016	8/16/2016	116136	Seasonal workers, week ending 7/29/16	\$3,127.03	\$0.00		\$3,127.03
				<i>Totals for Workers.com:</i>	\$11,186.32	\$0.00		\$11,186.32
				<b>GRAND TOTALS:</b>	\$447,915.99	\$0.00		\$447,915.99



# Earnings Statement

Employees with Overflow Statement

0 Overflow Statement 1 Total Statement

Tot Cks/Vchrs:00000000031 Tot Docs in all:00000000034

First No. Last No. Total

Checks: ADPCHECK ADPCHECK 00000000006

Vouchers: 00000290001 00000290025 00000000025

*PPE 7/17/16*

Z7L TOTAL DOCUMENT  
CITY OF CLAYTON  
LOCATION 0001

## CHECK STUFFING, RECONCILIATION

85509.47 GROSS  
 59967.39 NET PAY (INCLUDING ALL DEPOSITS)  
 10897.53 FEDERAL TAX  
 218.20 SOCIAL SECURITY  
 1184.71 MEDICARE  
 .00 MEDICARE SURTAX  
 .00 SUI TAX  
 3382.58 STATE TAX  
 .00 LOCAL TAX  
 66836.30 DEDUCTIONS  
 2990.15 NET CHECK

COMPANY CODE Z7L  
 CITY OF CLAYTON  
 TOTAL DOCUMENT  
 LOCATION 0001



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

WEEK 31 BATCH 2386 31 PAYS  
0 Employees With Overflow Statement  
0 Overflow Statement 1 Total Statement  
Tot Cks/Vchrs:00000000031 Tot Docs in all:00000000034  
First No. Last No. Total  
Checks: ADPCHECK ADPCHECK 00000000005  
Vouchers: 00000310001 00000310026 00000000026

# Earnings Statement

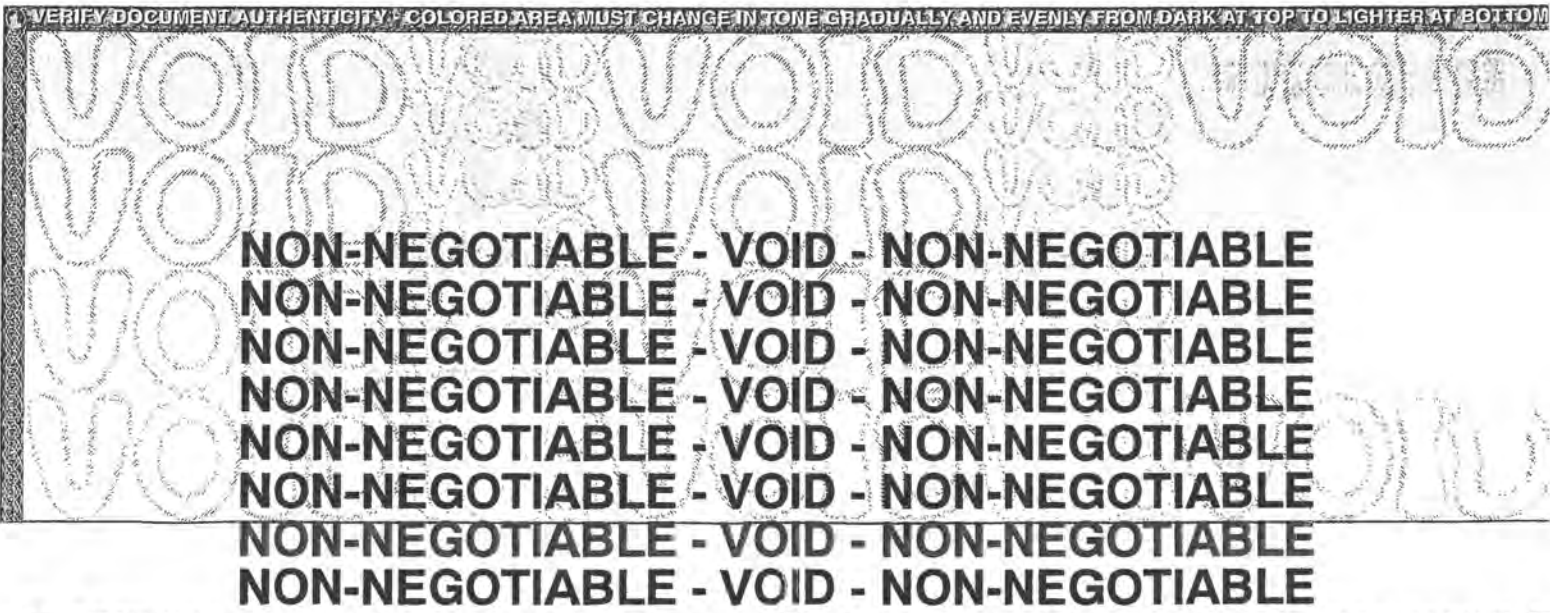
PPE 7/31/14

Z7L TOTAL DOCUMENT  
CITY OF CLAYTON  
LOCATION 0001

## CHECK STUFFING, RECONCILIATION

85130.02 GROSS  
60109.27 NET PAY (INCLUDING ALL DEPOSITS)  
10513.66 FEDERAL TAX  
233.98 SOCIAL SECURITY  
1179.26 MEDICARE  
.00 MEDICARE SURTAX  
.00 SUI TAX  
3234.79 STATE TAX  
.00 LOCAL TAX  
66805.25 DEDUCTIONS  
3163.08 NET CHECK

COMPANY CODE Z7L  
CITY OF CLAYTON  
TOTAL DOCUMENT  
LOCATION 0001





Agenda Date: 8-16-2016

Agenda Item: 3c

Approved:   
\_\_\_\_\_  
Gary A. Napper  
City Manager

# STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER

DATE: AUGUST 16, 2016

SUBJECT: INVESTMENT PORTFOLIO REPORT – FOURTH QUARTER FY 2015-16

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## RECOMMENDATION

It is recommended the City Council accept the City Investment Portfolio Report for the fourth quarter of fiscal year 2015-16 ending June 30, 2016.

## BACKGROUND

Pursuant to the section XIII of the City of Clayton Investment Policy, last revised on April 21, 2015, the Finance Manager is required to submit a quarterly investment report to the City Council. This quarterly report is also designed to meet the local agency reporting requirements outlined in *California Government Code* section 53646. The fourth quarter 2015-16 Fiscal Year report is provided herein.

## DISCUSSION

With the fourth quarter of the fiscal year completed, annual interest earnings for the General Fund is \$70,323, or 185.06% of forecasted General Fund interest revenues per the 2015-16 fiscal year adopted budget of \$38,000. Actual General Fund interest earnings well exceeded adopted budget projections for FY 2015-16 because the General Fund now makes up a much larger proportion of the City's investment pool following the completion of the AB 1484 post-redevelopment agency dissolution process. In total, \$4,935,407 in payments was made to the County pursuant to the state-imposed AB 1484 *Due Diligence Review* process. The transfer of Successor Agency and Successor Housing Agency monies to the County resulted in the General Fund's weighted proportionate share of the investment portfolio increasing to 36.9% in the current quarter ending June 30, 2016 from 26.6% one year ago in the quarter ending June 30, 2015.

City-wide investment earnings solely attributable to pooled investments (i.e. not related



to cash with fiscal agents such as bond proceeds) through the fourth quarter of fiscal year 2015-16 totaled \$171,579. Approximately 7.65% of the current City Investment Pool (the Pool) is invested in Local Agency Investment Funds (LAIF). The LAIF quarterly apportionment rate was approximately 0.55%, which is a slight increase (0.09%) from a rate of 0.46% in the preceding quarter. This is also a noticeable improvement compared to the LAIF apportionment rate of 0.28% one year ago on June 30, 2015. Certificates of Deposit comprised approximately 77.57% of the City investment portfolio as of the quarter ended June 30, 2016 and had a weighted average interest rate of 1.53%. Approximately 8.22% of the pool is made up of cash deposits and low (0.01%) interest bearing money market funds, available for normal operating cash flow purposes. Federal Agency Notes, authorized by the revised April 21, 2015 investment policy, were the highest yielding investment type making up approximately 6.56% of the portfolio with a weighted average interest rate of 1.56%. This relatively small proportion of government agency notes is due to several such investments being called following continuous Fed announcements that long-postponed interest rate growth will be addressed cautiously with any increases to come slowly, if at all.

The market value of the total investment portfolio was approximately \$13,840,086, which is \$125,200 (or 0.91%) higher than total carrying value as of June 30, 2016. This demonstrates how the conservative nature of the City's investment strategy mitigates the risk of the City incurring large unrealized losses in market declines. At the same time, given less risk being incurred, more predictable and modest investment returns will be realized following this same strategy.

In conclusion, for the fourth quarter ending June 30, 2016, the City of Clayton Investment Portfolio is being managed in accordance with the City's investment policy. In addition, the City's cash management program provides sufficient liquidity to meet the next six month's expenditures. The attached City of Clayton Investment Holdings Summary – Fourth Quarter of Fiscal Year 2015-16 (Attachment 1) provides additional analysis and the specific investment reporting criteria required by *California Government Code* section 53646.

### **FISCAL IMPACT**

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

Respectively submitted,



T. Kevin Mizuno, CPA

Finance Manager

City of Clayton  
Investment Holdings Summary  
Quarter Ending: June 30, 2016

ATTACHMENT 1

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
Local Agency Investment Fund (LAIF)	Local Agency Pool	LAIF	n/a	1,048,804.53	0.55%	0.55%	n/a	n/a	1,049,456.07
Financial Northeastern Companies	Cash	Financial Northeastern Companies		40.27	0.00%	0.00%	n/a	n/a	40.27
	Certificate of Deposit	Onewest Bank, FSB, CA	5120862	49,000.00	1.00%	0.99%	9/21/12	9/21/16	49,050.00
<b>Total Financial Northeastern Companies</b>				<b>49,040.27</b>					<b>49,090.27</b>
UBS Financial Services Inc.	Cash	BS Bank Sa Deposit Account	n/a	-	0.00%	0.00%	n/a	n/a	-
	Money Market Fund	RMA Government Portfolio	n/a	4,680.94	0.01%	0.01%	n/a	n/a	4,680.94
	Certificate of Deposit	GE Cap Bk, UT	36160X7D3	100,000.00	1.05%	1.05%	7/12/13	7/12/16	100,010.00
	Certificate of Deposit	Goldman Sachs Bank, NY	3814266E0	50,000.00	2.00%	1.99%	9/28/11	9/28/16	50,172.50
	Certificate of Deposit	Bank Of West, CA	065680E00	49,000.00	1.75%	1.75%	9/28/11	9/28/16	49,139.16
	Certificate of Deposit	Capital One Bank U, VA	140420QP8	99,000.00	1.00%	1.00%	11/5/14	11/7/16	99,167.31
	Certificate of Deposit	Firstbank P R Sant Pr	33764JQ57	198,000.00	1.00%	1.00%	12/20/13	12/20/16	198,590.04
	Certificate of Deposit	Marlin Bus Bk, UT	57116AGM4	50,000.00	1.00%	1.00%	7/17/13	1/17/17	50,195.50
	Certificate of Deposit	BMW Bk Na Salt Lak, UT	05568PV95	196,000.00	1.75%	1.73%	4/13/12	4/13/17	199,869.12
	Certificate of Deposit	Comenity Cap Bk, UT	20033ABN5	245,000.00	1.20%	1.19%	7/5/13	7/5/17	246,087.80
	Certificate of Deposit	Midwest Bk, IL	59828PBT6	245,000.00	1.15%	1.14%	7/15/13	7/17/17	246,778.70
	Certificate of Deposit	Santander Bank NA, DE	80280JLP4	100,000.00	1.00%	1.00%	2/10/16	8/17/17	100,278.00
	Certificate of Deposit	First Bk Highland, IL	31914ICG0	247,000.00	1.10%	1.10%	8/21/14	8/28/17	247,763.23
	Certificate of Deposit	Capital One Bk, VA	140420PP9	99,000.00	1.35%	1.35%	10/1/14	10/2/17	99,344.52
	Certificate of Deposit	Dollar Bk, PA	25665QAM7	198,000.00	1.20%	1.19%	11/17/14	11/17/17	198,954.36
	Certificate of Deposit	Banco Santander, PR	059646RZ4	245,000.00	1.20%	1.19%	1/23/15	1/23/18	247,209.90
	Certificate of Deposit	Oriental B&T, PR	686184WU2	200,000.00	1.15%	1.14%	2/10/16	2/20/18	200,970.00
	Certificate of Deposit	First Bus Bk, WI	31938QK78	200,000.00	1.15%	1.15%	9/31/15	4/2/18	200,686.00
	Certificate of Deposit	American Exp Cent, UT	02587DFT9	100,000.00	1.70%	1.69%	7/5/13	7/5/18	100,763.00
	Certificate of Deposit	Compass Bank, AL	20451PA00	150,000.00	1.55%	1.53%	7/10/13	7/10/18	152,224.50
	Certificate of Deposit	Goldman Sachs Bank, NY	38147JHW5	100,000.00	1.75%	1.72%	7/10/13	7/10/18	101,479.00
	Certificate of Deposit	Cit Bank, UT	17284CHW7	146,000.00	1.80%	1.77%	7/17/13	7/17/18	148,137.44
	Certificate of Deposit	First Financial NW, WA	32022MAG3	100,000.00	1.14%	1.14%	1/28/16	8/20/18	100,974.00
	Certificate of Deposit	Bank Baroda New York, NY	0606245Q2	247,000.00	2.05%	2.01%	10/18/13	10/18/18	251,942.47
	Certificate of Deposit	Sallie Mae Bank, UT	795450Q57	147,000.00	2.05%	2.01%	10/23/13	10/23/18	150,117.87
	Certificate of Deposit	American Express C, UT	02587DWJ3	100,000.00	2.00%	1.96%	11/28/14	11/28/18	102,070.00
	Certificate of Deposit	Sallie Mae Bank, UT	795450RT4	100,000.00	2.00%	1.96%	12/11/13	12/11/18	102,180.00
	Certificate of Deposit	Keybank NA, IN	493065VY9	100,000.00	1.53%	1.52%	1/20/16	1/22/19	101,971.00
	Certificate of Deposit	Discover Bank, DE	254672GC6	150,000.00	1.60%	1.57%	1/28/15	1/28/19	153,120.00
	Certificate of Deposit	Preferred Bank, CA	740367ER4	197,000.00	1.20%	1.19%	3/9/16	3/29/19	198,674.50
	Certificate of Deposit	First Savings Bank, IN	33621LBV4	99,000.00	1.15%	1.15%	5/4/16	5/24/19	99,097.02
	Certificate of Deposit	UBS Bank, UT	90348JAS9	200,000.00	1.20%	1.20%	6/9/16	6/17/19	200,254.00
	Certificate of Deposit	Discover Bank, DE	2546712E9	100,000.00	2.00%	1.95%	7/9/14	7/9/19	102,463.00
	Certificate of Deposit	Synchrony Bank, UT	87164XBQ8	100,000.00	2.05%	2.00%	7/11/14	7/11/19	102,462.00
	Certificate of Deposit	Third Fed S&L Assn, OH	88413QAY4	200,000.00	1.50%	1.46%	2/19/15	8/19/19	205,576.00
	Certificate of Deposit	First Financial NW, WA	32022MAJ7	147,000.00	1.45%	1.45%	2/10/16	8/19/19	147,174.93
	Certificate of Deposit	Eagle B&T Co, AR	26942ADC4	150,000.00	1.60%	1.60%	3/6/15	9/6/19	150,139.50
	Certificate of Deposit	Park Natl Bk Newar, OH	700654AT3	240,000.00	2.15%	2.10%	9/12/14	9/12/19	246,052.80
	Certificate of Deposit	GE Capital Bank UT	36162YF24	145,000.00	1.80%	1.74%	1/16/15	1/16/20	149,628.40
	Certificate of Deposit	Wells Fargo Bk Na Sd Us	94986TTT4	197,000.00	1.25%	1.24%	4/30/15	4/30/20	197,965.30
	Certificate of Deposit	Comenity Bank, DE	981996XS5	100,000.00	2.30%	2.31%	6/30/15	7/1/20	99,620.00
	Certificate of Deposit	World'S Foremost B, NE	9159919E5	200,000.00	2.30%	2.32%	8/6/15	8/6/20	198,590.00
	Certificate of Deposit	Merrick Bk, UT	59013JHE2	149,000.00	1.90%	1.86%	8/20/15	8/20/20	152,115.59
	Certificate of Deposit	JP Morgan Chase, OH	48125ZB3	200,000.00	1.25%	1.24%	1/26/16	2/10/21	201,108.00
	Certificate of Deposit	Synchrony Bank, UT	87164XLH7	94,000.00	1.70%	1.67%	2/25/16	3/4/21	95,716.44
	Government Agency	FHLMC	3134G8VZ9	250,000.00	1.25%	1.25%	3/29/16	4/21/21	250,055.00
<b>Total UBS Financial Services Inc.</b>				<b>6,735,680.94</b>					<b>6,801,568.84</b>

City of Clayton  
Investment Holdings Summary  
Quarter Ending: June 30, 2016

ATTACHMENT 1

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
<b>Morgan Stanley</b>	Money Market Fund	Morgan Stanley		3,401.91	0.01%	0.01%	n/a	n/a	3,401.91
	Certificate of Deposit	Medallion Bank, Salt Lake City, UT	58403BFZ7	200,000.00	1.00%	0.49%	8/19/13	8/19/16	200,130.00
	Certificate of Deposit	Goldman Sachs Bank (Salt Lake)	3814264E2	99,000.00	1.85%	0.92%	8/24/11	8/24/16	99,183.15
	Certificate of Deposit	Investors Savings Bank, NJ	46176PDX0	49,000.00	0.90%	0.89%	3/27/15	3/27/17	49,114.17
	Certificate of Deposit	CIT Salt Lake City, UT	17284CBL7	48,000.00	0.90%	0.89%	4/10/13	4/10/17	48,103.20
	Certificate of Deposit	Citizens National, Putnam, CT	176252AQ7	100,000.00	1.20%	1.19%	7/13/13	7/13/17	100,710.00
	Certificate of Deposit	Whitney Bank, MS	966594AM5	157,000.00	1.20%	1.19%	8/12/15	8/14/17	157,574.62
	Certificate of Deposit	Investors Savings Bank, NJ	46176PDY8	100,000.00	1.20%	1.19%	3/26/15	3/26/18	100,431.00
	Certificate of Deposit	Bank of North Carolina, NC	06414QUC1	200,000.00	1.50%	1.48%	1/16/15	4/16/18	201,908.00
	Certificate of Deposit	Bank Leumi, NY	063248FQ6	100,000.00	1.05%	1.04%	6/23/16	6/15/18	100,074.00
	Certificate of Deposit	BMO Harris, IL	05581WHP5	197,000.00	1.05%	1.04%	6/23/16	6/22/18	197,131.99
	Certificate of Deposit	Compass Bank, AL	20451PMD5	100,000.00	1.50%	1.04%	6/30/15	7/2/18	100,764.00
	Certificate of Deposit	Mercantile Bank of Grand Rapids, MI	58740XYT1	147,000.00	1.65%	1.61%	8/14/13	8/14/18	149,840.04
	Certificate of Deposit	First Bank PR Santurce, PR	33767AUJ8	50,000.00	1.45%	1.42%	1/20/16	1/22/19	50,912.00
	Certificate of Deposit	Webster Bank, CT	94768NKJ2	100,000.00	1.35%	1.32%	1/20/16	1/28/19	101,703.00
	Certificate of Deposit	Homebank, NA	43738AFU5	200,000.00	1.50%	1.47%	3/30/15	3/29/19	203,758.00
	Certificate of Deposit	Ally Bank, UT	02006LZR7	100,000.00	1.20%	1.19%	4/14/16	4/15/19	100,686.00
	Certificate of Deposit	State Bank of India, ILL	856283YN0	198,000.00	1.65%	1.62%	5/28/15	5/28/19	200,807.64
	Certificate of Deposit	First Business Bank, WI	31938QL85	50,000.00	1.50%	1.47%	6/11/15	6/11/19	50,714.00
	Certificate of Deposit	Ally Bank, UT	02006LE66	148,000.00	1.25%	1.24%	6/23/16	6/24/19	148,137.64
	Certificate of Deposit	Barclays Bank, DE	06740KHK6	149,000.00	2.10%	1.24%	7/23/14	7/23/19	152,674.34
	Certificate of Deposit	American Express Bank FSB, UT	02587CAJ9	247,000.00	2.00%	1.95%	7/24/14	7/24/19	253,179.94
	Certificate of Deposit	Comenity Bank, DE	20099A7A9	100,000.00	2.10%	2.08%	8/27/14	8/27/19	100,818.00
	Certificate of Deposit	Capital One Bank Glen Allen, VA	140420QF0	130,000.00	2.15%	2.09%	10/16/14	10/16/19	133,667.30
	Certificate of Deposit	State Bk India, NY	856284P8	50,000.00	2.25%	2.17%	8/27/14	10/17/19	51,669.00
	Certificate of Deposit	The Privatebank & Trust Co., IL	74267GULU9	100,000.00	1.90%	1.84%	1/23/15	1/23/20	103,118.00
	Certificate of Deposit	American Express Centurion Bank, UT	02587DXE3	47,000.00	1.95%	1.90%	1/30/15	1/30/20	48,149.15
	Certificate of Deposit	Peoples United Bank, CT	71270QML7	151,000.00	1.75%	1.70%	3/4/15	3/4/20	155,089.08
	Certificate of Deposit	Everbank, FL	29976DVV7	200,000.00	1.75%	1.70%	3/30/15	3/30/20	205,448.00
	Certificate of Deposit	HSBC Bank, VA	40434ASZ3	247,000.00	1.25%	1.24%	3/30/15	3/30/20	247,328.51
	Certificate of Deposit	CIT Bank, UT	17284DBM3	50,000.00	2.00%	1.95%	6/3/15	6/3/20	51,166.00
	Certificate of Deposit	Capital One, NA, Mclean, VA	14042E4Y3	245,000.00	2.25%	2.17%	7/22/15	7/22/20	253,040.90
	Certificate of Deposit	Wells Fargo, SD	9497485W3	50,000.00	1.75%	1.74%	6/17/16	6/17/21	50,136.00
	Government Agency	Federal Farm Credit Bank	3133EGEX9	200,000.00	1.67%	1.66%	6/9/16	6/14/21	200,086.00
	Government Agency	Federal Home Loan Bank	3130A8HH9	250,000.00	1.62%	1.61%	6/16/16	6/23/21	250,200.00
	Government Agency	Freddie Mac	3136G2KQ9	200,000.00	1.75%	1.74%	5/23/16	6/30/21	200,158.00
	<b>Total Morgan Stanley</b>			<b>4,762,401.91</b>					<b>4,821,012.58</b>
<b>Bank of America (book balance)</b>	Cash (checking account)	Bank of America		<b>1,118,957.83</b>	<b>0.00%</b>	<b>0.00%</b>	n/a	n/a	<b>1,118,957.83</b>

Broker/Institution	Carrying Value	Percentage of Portfolio	Weighted Average Yield to Maturity	W.A.M. (yrs)	Market Value
Local Agency Investment Fund (LAIF)	1,048,805	7.65%	0.55%	0.64	1,049,456
Financial Northeastern Companies	49,040	0.36%	1.00%	0.23	49,090
UBS Financial Services Inc.	6,735,681	49.11%	1.50%	2.38	6,801,569
Morgan Stanley	4,762,402	34.72%	1.59%	2.93	4,821,013
Bank of America (book balance)	1,118,958	8.16%	0.00%	0.00	1,118,958
<b>Total Investment Portfolio</b>	<b>13,714,885</b>	<b>100.00%</b>			<b>13,840,086</b>
2015-16 Budgeted Interest - General Fund	\$	38,000			
2015-16 Actual Interest Revenue to date (7/1/15 - 6/30/16)		70,325			
Percent of General Fund Budget Realized		185.06%			
Quarterly Weighted Average Annual Yield*		1.33%			
2015-16 Total Pooled Investment Income To Date (7/1/15 - 6/30/16)	\$	171,579			

I verify that this investment portfolio is in conformity with State laws and the City of Clayton's investment policy. The City's cash management program provides sufficient liquidity to meet the next six months' expenditures.

*T. Kevin Mizuno* 7/18/16  
Kevin Mizuno, Finance Manager Date

*M. Hufford* 8/1/16  
Mable Hufford, City Treasurer Date

\*This calculation excludes the City's non-interest bearing pooled checking account with Bank of America





Agenda Date: 8-16-2016

Agenda Item: 3d

Approved:

Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: JANET BROWN, CITY CLERK**

**DATE: August 16, 2016**

**SUBJECT: CHANGE IN A CITY COUNCIL LIAISON ASSIGNMENT**

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## RECOMMENDATION

It is recommended the City Council approve, by minute motion, Vice Mayor Diaz' request to fill the vacancy as the City representative on the Central Contra Costa Transit Authority (CCCTA) due to Mr. Gregg Manning's resignation effective August 1, 2016.

## BACKGROUND

At its regular meeting on December 15, 2015, the City Council by motion approved a number of revisions proposed by Mayor Geller regarding the assignment of Councilmembers to standing and ad-hoc committees of the City and other inter-agency liaisons.

Mr. Gregg Manning advised the City Council on May 3, 2016 that he will be relocating and unable to serve as the City's representative on the Central Contra Costa Transit Authority (CCCTA) after August 1, 2016. Mr. Manning thought it would be appropriate that alternate Vice Mayor Diaz move to the primary voting position as he has attended many meetings of the committee.

Attachments: A. Excerpt from City Council May 3, 2016 minutes (2 pages)  
B. City Council Assignments Standing/Ad-Hoc Committees/Liaisons 2016 (2 pages)

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

**ATTACHMENT A**

TUESDAY, May 3, 2016

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

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

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 City Council's regular meeting of April 19, 2016.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 21-2016 directing the preparation of an Engineer's report for calculation of the annual real property tax assessments in FY 2016-17 for the Diablo Estates at Clayton Benefit Assessment District (BAD).
- (d) Adopted Resolution No. 22-2016 finding and declaring that a continuing local emergency condition remains arising from damage to a portion of the Cardinet Trail while undertaking the City Council previously-authorized emergency repairs on the Cardinet Trail.

4. **RECOGNITIONS AND PRESENTATIONS**

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

This item was deferred to the regular City Council meeting of May 17, 2016.

5. **REPORTS**

- (a) Planning Commission – Commissioner Gregg Manning summarized the Commission's meeting of April 26, 2016. He noted its agenda included a Use Permit (UP) for a dentist office to be located in Village Oaks, 6200 Center Street, Suites I and J, which face the rear on-site parking lot. The UP was approved by the Planning Commission.



The Commission also considered an Ordinance extending the Town Center Parking Waiver for an additional three years from June 30, 2016 to June 30, 2019. The purpose of the extension is to continue the promotion of downtown development activity for retail and restaurant land uses. This item was approved for recommendation by the Planning Commission to the City Council for its approval.

Commissioner Manning also advised there is a Silver Oaks Project environmental scoping meeting taking place on Monday, May 9<sup>th</sup> at 6:00 p.m. in Hoyer Hall. He then concluded his report noting his Planning Commission term is expiring in June and he is unable to re-apply as he has reached his maximum term limit. Commissioner Manning further advised the City Council-appointed Alternate for the County Connection bus system, Vice Mayor Diaz, has frequently been in attendance at the Central Contra Costa Transit Authority meetings and could take his place as the Delegate when he moves soon.

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

(c) City Manager/Staff

City Manager Gary Napper announced the VFW will hold its 25<sup>th</sup> Annual Memorial Day Observance at the Veterans' Memorial Flagpole Monument at Oak and Main Streets in downtown Clayton on Monday, May 30<sup>th</sup> at 10:00 a.m.

Mr. Napper also advised the City is now accepting applications until June 15, 2016 for 3 offices on the City Planning Commission, noting 2 of the incumbents (Commissioners Manning and Johnson) have termed out and are unable to re-apply. Interviews and appointments are expected to take place at the regular second meeting of the City Council in June.

Vice Mayor Diaz added the 25<sup>th</sup> Annual Memorial Day Observance is in conjunction with the City of Concord. He also inquired if the third Planning Commissioner is eligible for reappointment. Mr. Napper confirmed Planning Commissioner Dave Bruzzone is eligible to re-apply for another term of the Planning Commission; however, there is no indication yet if he intends to do so.

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

Vice Mayor Diaz attended the Clayton Business and Committee Association's Rib Cook-off Committee meeting, the Clayton Business and Committee Association's Annual Art and Wine event, the Clayton Cleans Up! event, and a League of California Cities event at Campo di Bocce in Livermore.

Councilmember Pierce attended several meetings of the Contra Costa Transportation Authority, the Metropolitan Transportation Commission, the Association of Bay Area Governments, helped coordinate the Clayton Historical Society's Gardens Tour, the Clayton Business and Committee Association's Art and Wine vendor breakfast, and attended the annual Clayton Cleans Up! event and the HNTB Corporation's "Thought Leaders" Board meeting.

Councilmember Shuey indicated "no report".

Councilmember Haydon attended a Clayton Library Foundation Board meeting, the Clayton Business and Committee Association's Rib Cook-Off Committee meeting, the Clayton Cleans Up! event, a East Contra Costa Habitat Conservancy meeting, the Clayton American Association of University Women's (AAUW) Annual Spaghetti Feed, the Clayton Business and Committee Association's General Membership meeting, and

# CITY COUNCIL ASSIGNMENTS STANDING/AD-HOC COMMITTEES/LIAISONS

## CITY OF CLAYTON 2016

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

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

\* \* \* \* \*

Revised: 15 December 2015  
Original Adoption: 17 December 2004

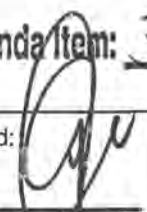




Agenda Date: 8-16-2016

Agenda Item: 3e

Approved:

  
Gary A. Napper  
City Manager

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** Chris Wenzel, Police Chief  
**DATE:** August 16, 2016  
**SUBJECT:** Revised Vehicle and Equipment Service Agreement with the City of Concord

## RECOMMENDATION

Staff recommends the City Council approve by minute motion, approving an Agreement with the City of Concord to assist law enforcement in its duties to provide the proper maintenance service and repairs to its patrol vehicles. Approval of this Agreement does not commit the City of Clayton to solely utilize the City of Concord's services but does allow access to its services.

## BACKGROUND

The City of Clayton has had a vehicle maintenance and service contract with the City of Concord since September 1992. The labor costs provided to the City of Clayton from the City of Concord was at a labor rate of \$55 an hour. Concord's costs have not been revised for over 20 years. Earlier this year the City of Concord shut down its vehicle maintenance services to re-evaluate its costs associated with that service. Concord's amount charged for labor usually covered 52% of the Clayton's actual cost to obtain law enforcement vehicle and maintenance services. The updated amount established by the City of Concord is now at a labor rate of \$105 an hour (91% increase). The comparable labor rate established by Future Ford of Concord is \$135 an hour.

## FISCAL IMPACT

The City's 2015-2016 vehicle repair costs paid to the City of Concord was approximately \$14,130. Extrapolating labor repair costs at an average of 50% of the total cost (\$14,130) tallies to approximately \$7,065 spent for labor. Using this expenditure history, the 91% increase in revised labor costs now offered by the City of Concord would result in an additional cost of \$6,430 in associated labor fees for our FY 2016-2017 maintenance and service to the patrol vehicles. A new projection of estimated costs in FY 2016-2017 utilizing Concord's increased hourly labor cost and work billed for its services bumps to \$20,560.

The adopted FY 2016-2017 City Budget included a total of \$16,500 for this expenditure.

Attachments: 1. Concord letter stating hourly labor increase and service contract (4 pages)

CITY OF CONCORD GARAGE  
5220 Vasco Lane  
Concord, CA 94520-4621

TELEPHONE: (925) 671-3198  
FAX: (925) 689-7294



RECEIVED

JUL 27 2016

Clayton Police Department

July 25, 2016

Clayton Police Department  
Attention: Sergeant Richard McEachin,  
6000 Heritage Trail  
Clayton, CA 94517-1249

**RE: VEHICLE AND EQUIPMENT SERVICE AGREEMENT**

Dear Sgt. McEachin,

This letter is to propose an update of the vehicle maintenance agreement between the cities of Concord and Clayton.

On June 28, 2016 the Concord City Council adopted standardized contract language to use when providing vehicle and equipment maintenance services to outside agencies. A copy of the new, standardized agreement is attached. The key change is an update to our labor rate, which has not been revised in more than 20 years. The old labor rate only covered 52% of the City's actual cost to provide vehicle and equipment maintenance services.

The City of Concord appreciates the long-standing relationship with your agency and wishes to continue providing services. If the new agreement is acceptable, please complete three originals with your agency information and have them executed by your approving authority. Return the three originals to my attention.

Please call me if you have any questions. I look forward to continuing to provide services to you.

Sincerely,

A handwritten signature in black ink that reads "Jeff Roubal".

Jeff Roubal  
Fleet Manager

Attachment: Vehicle and Equipment Service Agreement

## Vehicle and Equipment Service Agreement

THIS AGREEMENT entered into this \_\_\_ day of \_\_\_\_\_, 2016, by and between the City/Town/Agency of \_\_\_\_\_ (hereinafter referred to as "CITY/TOWN/AGENCY"), and the City of Concord, (hereinafter referred to as "CONCORD").

### RECITALS

WHEREAS, CITY/TOWN/AGENCY desires, for economic and efficiency purposes to contract with CONCORD to maintain and repair vehicles and equipment for CITY/TOWN/AGENCY owned vehicles; and,

WHEREAS, CONCORD has existing preventative maintenance and repair capabilities for City of Concord owned vehicles and equipment and can provide these services for vehicles belonging to CITY/TOWN/AGENCY.

NOW, THEREFORE, for and in consideration of the terms and conditions herein contained, CITY/TOWN/AGENCY and CONCORD agree as follows:

### AGREEMENT

**1. SCOPE OF SERVICES.** CONCORD will, upon request by CITY/TOWN/AGENCY, provide labor, materials, parts, and third-party contract services for maintenance and repair of vehicles and related equipment belonging to CITY/TOWN/AGENCY, as set forth below.

**a. Preventative Maintenance.** CONCORD may send out courtesy notices as reminders of preventative maintenance; however it shall be the responsibility of CITY/TOWN/AGENCY to schedule the appropriate service for its vehicles. Preventative maintenance courtesy notices will be scheduled on a time or mileage basis consistent with CONCORD's equipment scheduling policies for City of Concord vehicles and equipment

**b. Repair Services.** CITY/TOWN/AGENCY shall contact CONCORD to schedule and coordinate any vehicle repair work deemed necessary. CONCORD retains the right to refuse to provide certain services subject to availability of staffing, equipment or parts necessary for requested service.

**c. Third-Party Contract Services.** At CITY/TOWN/AGENCY's request, CONCORD may contract with a third-party service to conduct certain types of repairs, maintenance and/or preventative maintenance. Examples of third-party services include, but are not limited to, the following services: SMOG certification, windshield or glass repair/replacement, body work, upholstery repair, wheel alignment, warranty repair work, paint, window tinting, radiator repair and emergency lights.

**d. Delivery/Pick Up of Vehicles.** CITY/TOWN/AGENCY shall pick up and deliver vehicles and equipment to be serviced or repaired to the CONCORD garage facility, located at 2360 Bisso Lane in Concord, California. CITY/TOWN/AGENCY shall arrange to have disabled vehicles towed to the CONCORD Garage. The cost of roadside assistance, recovery, and towing will be paid by CITY/TOWN/AGENCY. If towing services are arranged by CONCORD, these costs shall be billed to

CITY/TOWN/AGENCY as a third party contracted service, set forth below in Section 2 (c). Vehicles shall be picked up by CITY/TOWN/AGENCY promptly after notification that repairs/maintenance has been completed; any completed vehicles that are not picked up within two (2) weeks of completion of service may be subjected to a storage fee of \$5.00 per day.

2. **COMPENSATION.** In connection with parts, materials and labor provided by CONCORD in maintaining or repairing CITY/TOWN/AGENCY vehicles, CONCORD shall charge CITY/TOWN/AGENCY the following:

a. **CONCORD Parts and Materials.** For parts and materials provided by CONCORD, CITY/TOWN/AGENCY shall pay CONCORD the direct cost of said parts and materials (including any costs for fuel), plus an additional ten (10) percent to reimburse CONCORD for its costs in administrating the vehicle repair program.

b. **CONCORD Labor.** For labor provided by CONCORD employees, CITY/TOWN/AGENCY shall pay the Current Productive Rate of CONCORD employees established by the City of Concord's Master Fees and Charges Schedule, which is reviewed and updated by the City of Concord City Council each fiscal year. (For example, as established in the Master Fees and Charges approved by Council in 2015, the labor of Equipment Mechanics are billed at the Current Productive Rate of \$84.34 per hour, and Automotive Parts Workers are billed at the hourly rate of \$30.28 per hour). CITY/TOWN/AGENCY agrees that the Current Productive Rate for CONCORD employees may change each fiscal year as established by the City Council.

c. **CONCORD Fuel.** For motor vehicle fuel provided by CONCORD, CITY/TOWN/AGENCY shall reimburse CONCORD the bulk price per gallon that CONCORD contracts with an outside vendor, plus an additional ten (10) percent to reimburse CONCORD for its costs in administrating the fuel program.

d. **Third-Party Labor and Repair.** For labor, materials and parts provided by third-party contract services, CITY/TOWN/AGENCY shall pay the direct costs of these services to CONCORD, plus an additional ten (10) percent to reimburse CONCORD for its costs in administrating the vehicle repair program.

d. **Invoices.** CONCORD will provide CITY/TOWN/AGENCY an itemized billing statement and invoice each month for any maintenance, repair or third-party contract service performed under this Agreement. All invoices are due upon receipt and are delinquent after thirty (30) days, and shall accrue interest at the rate of 10% per annum on any delinquent amounts.

3. **INDEMNITY.** Each party shall defend, indemnify, save, and hold harmless the other party, its governing body, officers, agents, and employees from and against any and all claims, demands, suits, costs, expenses, and liability, including reasonable attorney's fees, for any damage, injury, sickness, or death to persons or property due to the negligent, willful misconduct or wrongful acts of the indemnifying party, its officers, agents, or employees.

4. **TERM OF AGREEMENT.** This Agreement shall remain in effect until after thirty (30) days of receipt of a written notice by either party to terminate the Agreement.



5. **EXECUTION; COUNTERPARTS.** Each individual or entity executing this Agreement on behalf of either party warrants that he or she or it is duly authorized to execute and deliver this Agreement on behalf of either party and that such execution is binding upon the parties. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

The parties hereto have executed this Agreement on the date indicated below.

Dated: \_\_\_\_\_, 2016

CITY OF CONCORD, a municipal corporation

By: \_\_\_\_\_  
Valerie Barone  
City Manager

APPROVED AS TO FORM:

ATTEST:

By: \_\_\_\_\_  
Susanne Meyer Brown  
City Attorney

By: \_\_\_\_\_  
Joelle Fockler  
City Clerk

CITY OF \_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO FORM:

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
\_\_\_\_\_  
City Clerk



Agenda Date: 8-16-2016

Agenda Item: 3F

Approved:

Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: CITY MANAGER**

**DATE: 16 AUGUST 2016**

**SUBJECT: APPROVAL OF STAFFING AND BUDGET MODIFICATIONS TO THE CITY MAINTENANCE DEPARTMENT AND LANDSCAPE MAINTENANCE DISTRICT**

## RECOMMENDATION

By Consent Calendar minute motion, it is recommended the City Council approve modifications to the Fiscal Year 2016-2017 City Budget as follows:

1. Delete the one (1) Maintenance Leadworker permanent position in the City Maintenance Department in exchange for one (1) lower-compensated Maintenance Worker I permanent position; and
2. Authorize the permanent addition of one (1) full-time Maintenance Worker I position assigned 100% to the Citywide Landscape and Trails Maintenance District (CFD 2007-1).

## BACKGROUND

The City Maintenance Department is the personnel backbone to the City's care and maintenance of its public infrastructures and facilities. Charged with maintaining (and repairing) the City's five (5) major parks, its vast irrigation system, the popular trails system, trimming public landscaping and trees, open space care and weed abatement, traffic and regulatory signage, street lights, creek debris clearance, storm drains, and public buildings, the number of permanently-budgeted personnel for this broad responsibility has for over two (2) decades been five (5) positions:

Maintenance Supervisor:	2
Maintenance Leadworker:	1
Maintenance Worker I:	<u>2</u>
Total:	5

This permanent staffing level is supplemented by crews of 10-14 seasonal/temporary workers who aid the Department's annual efforts to accomplish its litany of field service tasks.

In addition, the City Maintenance Department budget has funds allocated to retain contractor specialty services as necessary to maintain the level of public field services expected by the Department. Despite the monetary allocations, the breadth and scope of required maintenance services remains a monumental challenge and undertaking.

### **PROPOSED MODIFICATIONS TO STAFFING LEVELS**

In July 2015 the long-time permanent Maintenance Leadworker employee retired. The Department was authorized to refill the permanent position yet the Maintenance Supervisors and the City Manager agreed this attrition provided a good opportunity to reexamine the current staffing levels. Attention to this task was unfortunately diverted as the Department became mired in the poor landscape conditions caused by the extended drought, a new 20% reduction in permanent staffing, preparation for the time extension ballot measure for the Citywide Landscape Maintenance District (November 2015), and an unexpected but irritating problem recruiting sufficiently trained seasonal/temporary workers. The latter aggravation arose when the statewide drought was lifted and private landscape contractors and competing cities gleaned the local worker pool by offering higher wages.

Worsening the Maintenance Department's capacity to sustain high public service levels is the natural aging of its workforce. Paid vacation accrual rates are at the maximum due to the longevity (and experience) of the permanent personnel, and within the last several years personal and family health situations have become more frequent. Consequently, there are increasingly frequent times when the permanent employee staffing level is down to 1 or 2 Maintenance personnel per day, which is clearly insufficient to address the never-ending cycles of repair, maintenance, and operations. It has also impacted the City's progress in pushing out capital improvement and upgrade projects, particularly those budgeted in the Landscape Maintenance District.

A. Rather than retain a vertical staffing structure, the first recommendation is to flatten the current deployment in the Department and eliminate the Maintenance Leadworker position. In exchange, the proposal calls for a lower compensated Maintenance Worker I position to restore the Department to its historical staffing level of five (5) permanent employees. With two (2) Maintenance Supervisor positions, overseeing the work of three (3) Maintenance Worker I is absolutely within adequate supervision spans of control. Flattening the allocation to a more horizontal alignment also offers greater flexibility to the Maintenance Supervisors in their assignment of daily and weekly field tasks.

B. The second recommendation in this proposal is based on the increasing need to augment the number of permanent field personnel in the Maintenance Department. Clearly, despite valiant efforts and commendable achievements, the permanent number of employees has become insufficient to assure adequate responsiveness to the endless responsibilities and expectations of the City's Maintenance Department.



To address this deteriorating situation, it is recommended one (1) new Maintenance Worker I position be permanently funded and added to the Department to be paid from the Citywide Landscape Maintenance District (CFD 2007-1; Fund No. 210). Research of the records involving the public deliberations of the Landscape Maintenance District (LMD) from 2005 through the electorate's approval of the Community Facility District 2007-1 (November 2007) reaffirmed it was always contemplated the need to hire one (1) new Maintenance Worker in the LMD to assist in its myriad of recurring duties and irrigation system repairs (ref. Attachment B). Following enactment of the ballot measure, the Maintenance Department determined it would defer the hiring of permanent personnel in lieu of using more seasonal/temporary workers to accomplish the responsibilities. While that deployment plan worked adequately for a number of years, recent circumstances and current evaluations result in the resolution that the number of permanently employed personnel in the City Maintenance Department must be increased (5 to 6; 20%) to sustain public operations and expectant service levels (ref. Attachment C – Landscape District service standards).

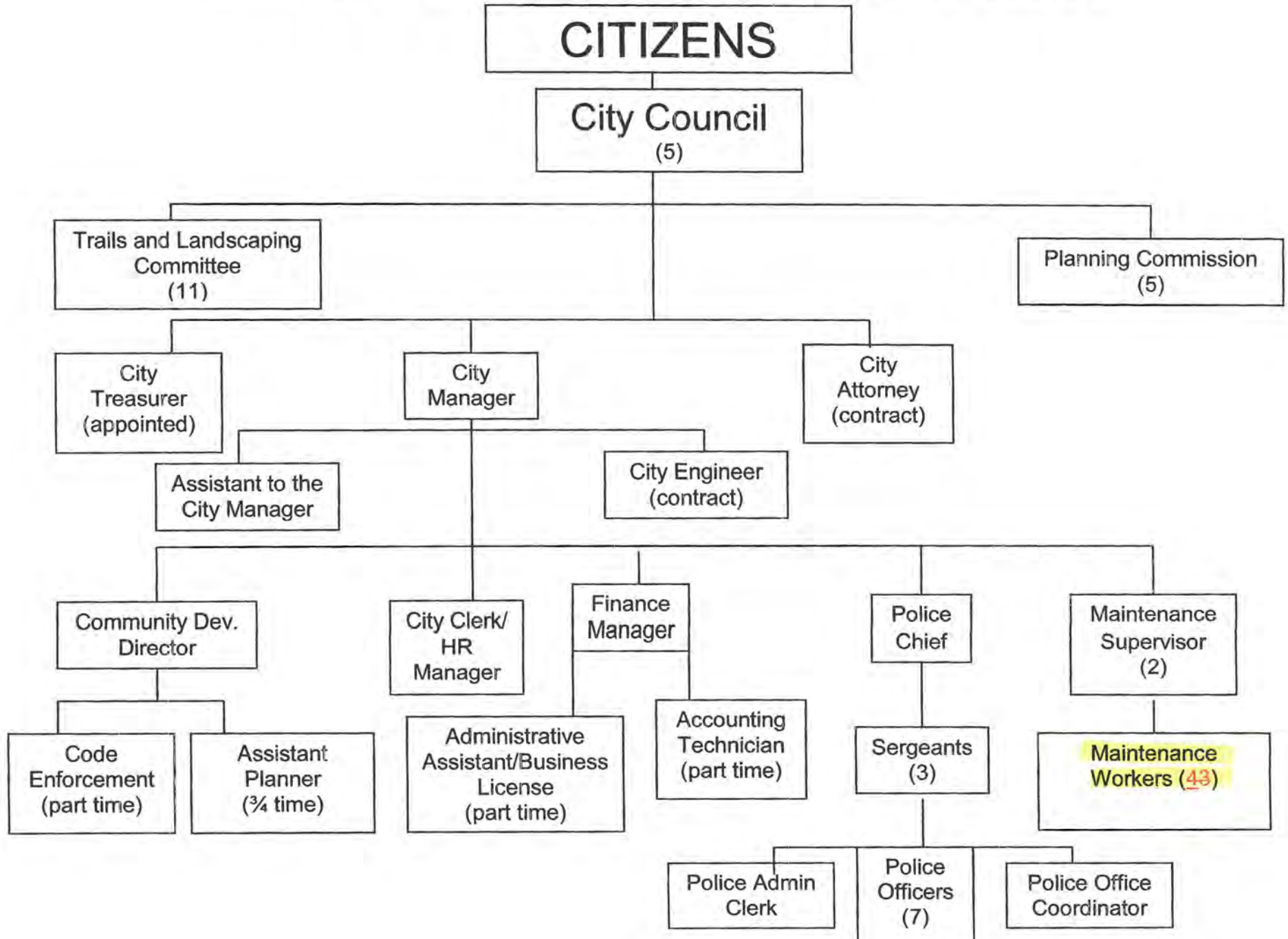
### **FISCAL IMPACT**

Providing sufficient financial resources is tantamount to sustaining prescribed public service standards. The recommended modifications to the staffing assignments in the City Maintenance Department will result in the following fiscal impacts:

1. Elimination of the one (1) Maintenance Leadworker permanent position in the FY 2016-2017 City Budget in exchange for a lower-compensated Maintenance Worker I permanent position will result in a \$45,400 savings to the overall City Budget. Of this amount, the General Fund expenditure reduction equals an approximate \$8,200 decrease due to task times split to other restricted funds (e.g. Downtown Park; Gas Tax; Landscape Maintenance District).
2. The addition of one (1) new permanent Maintenance Worker I position to be funded solely by (with work restricted in) the Citywide Landscape Maintenance District results in a new net operational expense of \$49,000 to Fund No. 210. This net expense incorporates the calculation eliminating one (1) seasonal/temporary worker position. The LMD presently has a cash equity fund balance of \$787,300 after offset for capital improvement projects previously-authorized but not yet completed.

Attachments: A. Revised City Organization Chart [1 pg.]  
B. 2007 Landscape Maintenance District materials noting new Workers required [2 pp.]  
C. Citywide Landscape Maintenance District service standards [3 pp.]  
D. City flier on Maintenance Worker I – two positions [2 pp.]

# CITY OF CLAYTON ORGANIZATION CHART





## THAT WAS THEN...

### Landscape Trimming

Trim all landscape areas every 18 months

### Irrigation Maintenance

Fix and repair when time allows.

### Mowing Turf

Fertilize once a year

No Aerating

### Tree Trimming

\$10,000 Tree trimming contract

### Herbicide Control

Spray pre-emergent once a year in median.

### Fertilizing

Fertilize all landscape areas if funding allows.

### Annuals

Plant annuals once a year.

Weed and clean planters when time allows.

### Trails

Spray preemergent along trails 2 times a year.

Spray Round Up along trails 2 times a year.

Complete trail repair and inspection once a year.

Periodic trail repair and inspection 6 times a year.

Cut down weeds along sides of trails once a year.

### Open Space

Cut weeds once a year along major trails and creeks.

### Replacement Fund

\$20,000

## THIS IS NOW!

### Landscape Trimming

Trim all landscape areas in District 2 times a year.

### Irrigation Maintenance

Full Time Irrigation Tech

### Mowing Turf

Fertilize lawns every 6 months.

Aerate once a year.

### Tree Trimming

\$15,00 Tree trimming contract

### Herbicide Control

Spray pre-emergent 2 times a year in median.

### Fertilizing

Fertilize all landscape areas once a year.

### Annuals

Plant annuals once a year.

Weed and clean planters once every 3 months.

### Trails

Spray preemergent along trails 2 times a year.

Spray Round Up along trails 2 times a year.

Complete trail repair and inspection once a year.

Periodic trail repair and inspection 6 times a year.

Cut down weeds along sides of trails 2 times a year.

### Open Space

Cut weeds two times a year along major trails and creeks.

### Replacement Fund

\$20,000

August 13, 2007

**Work Hour Tables\***

<i>Task</i>	<b>Work Hours</b>	<b>Personnel Needed</b>
<b>Landscape Trimming</b>	5760	3.13
<b>Irrigation Maintenance</b>	2080	1.0
<b>Turf Mowing</b>	376	0.2
<b>Trees Trimming</b>	220	0.11
<b>Herbicide Application</b>	2528	1.4
<b>Landscape Fertilization</b>	120	0.06
<b>Annual Plantings</b>	206	0.11
<b>Trails Maintenance</b>	1776	0.96
<b>Open Space Maintenance</b>	208	0.11
<b>TOTAL</b>	13274	7.08

\*Actual fieldwork time; no administration or support hours included. For purposes of this scenario, seven (7) people would be necessary with one (1) position a Maintenance Supervisor that works half-time in the field and half-time in the office performing department tasks.

<b>Current Positions</b>	<b>POSITION</b>	<b>POSITIONS NEEDED</b>	<b>TOTAL COMPENSATION*</b>
1	Maintenance Supervisor	1 x \$100,848	\$100,848
	Maintenance Lead Worker		
	Maintenance Worker II	2 x \$78,762	\$ 157,524
1	Maintenance Worker I	1 x \$69,596	\$69,596
1.5	Seasonal workers	3 x 15.00	\$93,600
3.5	<b>Totals:</b>	<b>7.0</b>	<b>\$ 421,568</b>

\* Total compensation including cost of all benefits.

**Annual Productive Work Hours Per Position**

Annual Work Hours (40 hrs. per week x 52 weeks)	2,080 hours
Paid City Holidays (11 per year x 8 hours)	- 88 hours
Paid Vacation (avgs. 15 days per year x 8 hours)	- 120 hours
Paid Sick Leave (avgs. 4 days per year x 8 hours)	- 32 hours
<b>Total Production Hours:</b>	<b>1,840 hours</b>

**TRAILS & LANDSCAPING COMMITTEE****\*\$196.77 A YEAR ASSESSMENT\***

January 16, 2007

*Note: Development of Standards assumed responsibility for District in "as-is" landscape condition but brought to the higher standard of maintenance requested by the Committee. Except for the \$20,000 per year Landscape Replacement Account, no workloads were included to elevate the existing landscaping with more shrubs, trees or associated improvements [e.g. irrigation systems; hardscape; replantings; deferred capital improvement projects].*

**Landscape Trimming**

- Trim all landscape areas in District 2 times a year.
  1. Trim all shrubs and groundcover in District landscape areas.
  2. Haul off all trimmings and debris.
  3. Hand-pull all large weeds over one foot tall.
  4. Pick up visible litter.
  5. Remove all dead shrubs or groundcover.
  6. Cut off all tree and plant suckers.
  7. Blow off all walkways and street areas.

**Irrigation Maintenance**

(Irrigation systems are operational approximately 9 months of the year)

- Check complete system 2 times a year.
- Adjust controllers 3 times a year.
- Repair any broken waterlines within 1 month of request.
  1. Complete system check of entire irrigation system.
  2. Adjust all sprinkler heads for proper coverage.
  3. Mark all irrigation boxes on lids and curbside.
  4. Repair any leaks in mainline or control valves.
  5. Repair any broken sprinkler heads.
  6. Replace or repair all irrigation boxes.
  7. Provide irrigation system upgrades over time as funding allows.

**Mowing Turf**

(Lawn areas will be mowed approximately 9 months out of the year)

- Mow lawns every 2 weeks.
- Edge lawns once a month.
- Fertilize lawns every 6 months.
- Aerate once a year.
  1. Mow all lawns in District.
  2. Edge all lawns in District.
  3. Fertilize all lawns in District.
  4. Pick up litter and debris in lawn areas.
  5. Blow off all walkways and street areas.



### Tree Trimming

- Trim all Crape Myrtles trees once a year.
- Trim all Oleanders trees every year.
- Trim trees away from walkways and signs as time allows.
- Trim as needed.
- \$15,000 tree trimming contract.
  1. Prune all Crape Myrtles for increase summer flowering.
  2. Thin and trim out crowns on all Oleander trees.
  3. Stake up trees as needed.
  4. Cut out all suckers.
  5. Coordinate contract tree work.
  6. Trim trees away from walkways and signs.

### Herbicide Control

- Spray pre-emergent 2 times a year in median.
- Spray pre-emergent once a year in roadside landscape areas.
- Spot spray every 2 months.
- Spray Round-Up along trails and open space once a year.
- Pull weeds over 1 foot as time permits.
  1. Control weeds located in the landscape areas
  2. Spray pre-emergent in landscape areas.
  3. Hand-pull any weeds over one foot.

### Fertilizing

- Fertilize all landscape areas once a year.
- Use slow release 14x14x14 at 1.5 lbs per 100 square feet
  1. Fertilize all landscape areas of District.
  2. Clean all walkways and street of excess fertilizer.

### Annuals

- Plant annuals once a year.
- Weed and clean planters once every 3 months.
  1. Plant annuals in all District flowerbeds.
  2. Cultivate soil and add conditioner before planting.
  3. Weed and clean out planters periodically.

### Trails

- Spray preemergent along trails 2 times a year.
- Spray Round Up along trails 2 times a year.
- Complete trail repair and inspection once a year.
- Periodic trail repair and inspection 6 times a year.
- Cut down weeds along sides of trails 2 times a year.
  1. Clear trails of all weeds and debris.
  2. Repair trail headers.

3. Replace  $\frac{1}{4}$  by dust.
4. Repair signage.

### **Open Space**

- Cut weeds once a year 30 feet from fence lines.
- Cut weeds two times a year along major trails and creeks.
- Remove noxious weeds under contract from Oakhurst open space.
  1. Cut weeds along major trails and creeks to three inches in height.
  2. Cut weeds 30 feet from fence lines in District to three inches in height.
  3. Remove noxious weeds from Oakhurst open space.
  4. Coordinate weed abatement and noxious weed contracts.



## Compensation

The rate of pay is \$3,427 to \$4,164 monthly. Placement within the range will be based upon the selected candidate's experience in the tasks to be performed and salary history.

In addition to the salary, the City offers an excellent benefits package that includes:

- The City's retirement system is CalPERS with no Social Security participation. The City has Tier I, Tier II and PEPRAs pension plans available dependent on the candidate's status in CalPERS.
- Deferred compensation plans, with voluntary employee contributions only.
- Paid vacation leave starts at 2 weeks up to 5 weeks accrued annually, based on longevity and increasing with years of City employment.
- Paid sick leave of eight (8) hours accrued per month.
- "Cafeteria Plan" with monthly monetary contributions paid by City in accord with the current Miscellaneous Employee Agreement (MOA). The employee may apply the City's monetary contribution toward employee and/or family premiums for medical and/or dental under specified conditions and categories.
- The City observes 10 paid holidays plus 3 personal (floating) holidays per fiscal year.

## Our Community

The City of Clayton (population approx. 11,300), tucked at the base of scenic Mt. Diablo in desirable Contra Costa County, offers a charming and safe small town atmosphere where residents take great pride and actively participate in their community. Clayton ranked in the top 100 Places to Live by *Money Magazine* (2007, 2009, and 2011).

## Selection Process

A City application is required to be completed and may be obtained at City Hall located at 6000 Heritage Trail, Clayton, CA 94517, online at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us); or call (925) 673-7300 during regular business hours to have an application mailed. Applications will be accepted until July 15, 2016 at 5:00 p.m. Initial screening of applications will be based on quality of experience, education and training. Candidates selected will be invited to participate in an interview process. Qualified applicants will be considered without regard to race, color, ancestry, religion, national origin, sex, gender, age, disability, medical condition (as defined by State Law), marital status or political affiliation. The selected finalists must successfully pass a Livescan fingerprint check, a pre-employment physical examination, and a comprehensive background investigation. Upon appointment, each new employee must serve a probationary period during which the employee must demonstrate sufficient capacity and ability to perform the work assigned to this position.



Accepting Applications

## **Maintenance Worker I**

(two positions available)

\$3,427—\$4,164 monthly

Depending upon qualifications

These are full-time, benefited positions.

**Final Filing Date:**

**July 15, 2016 at 5:00 p.m.**



6000 Heritage Trail  
Clayton, CA 94517  
Phone: 925-673-7300  
Fax: 925-672-4917



## The Department and Position

The City of Clayton is hiring two full-time employees to perform a variety of functions in the Maintenance Department. Under general supervision, each will perform entry level unskilled, semi-skilled or skilled labor in construction, maintenance, repair and related activities applied to the areas of general landscaping, grounds maintenance, cleaning of City Parks, City facilities, and street maintenance.



## Equipment, Methods and Guidelines

Equipment used; motorized vehicles and equipment, including dump truck, pickup truck, utility truck, tamper plate compactor, saws, pumps, propane kettle, compressors, sanders, generators, common hand and power tools, shovels, wrenches, detection device, mobile radio, phone, and ditch witch.

## Examples of Duties

Receives immediate supervision from an assigned supervisor; and may receive technical and/or functional supervision from tenured maintenance staff. Duties may include, but are not limited to, the following:

- Perform manual unskilled, semi-skilled, and skilled tasks in street, park, tree, water and storm drain maintenance, construction and repair.
- Perform such grounds maintenance as mowing lawns, raking leaves, and planting flowers, shrubs and trees, litter and trash pickup and disposal, removal and spraying of weeds.
- Assist in cleaning ditches, alleys, streets, culverts and storm drains.
- Operate mowers and other equipment and tools for purposes of cutting grass, trimming trees and shrubs, and planting and transplanting flowers, bulbs, shrubs and trees.
- Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.
- Perform related duties as assigned.

## Knowledge and Abilities

### Knowledge of:

- Basic construction methods, materials and terminology.
- Standard hand tools, light equipment and light vehicles.
- Basic safety precautions and practices necessary in working with hand tools, light equipment, and vehicles.
- Basic methods and practices involved in the care of shrubs, trees and flowers.

### Ability to:

- Learn technically complex construction and maintenance procedures in water system, streets, parks, and building maintenance.
- Use hand and power tools.
- Perform heavy manual labor for extended periods of time and under inclement weather conditions.
- Understand and follow written and oral instructions.
- Work alone or in small groups.



declaring  
Wednesday, August 17, 2016  
as  
"Wilbur Daly Day"

**WHEREAS**, on June 9, 1913 in Detroit, Michigan, Wilbur Daly was born to Nellie Kamman Way and Wilbur Thomas Daly, Sr., attended grammar school in Detroit and eventually enrolled in the Henry Ford Trade School where Mrs. Ford provided lunch to all the boys; and

**WHEREAS**, after finishing trade school Wilbur Daly worked for the Ford Company and while there on a "smoking break" his uncle showed Wilbur a picture of his uncle's two sisters, whereby Wilbur became immediately smitten by one of them, Myrtle May Hill, and he later married this "love of his life" on February 10, 1935; and

**WHEREAS**, Wilbur Day is an American patriot having joined the Michigan National Guard, and when WW II broke out he enlisted in the United States Army, subsequently stationed in several locations in the United States and eventually served in the Pacific Theater. He started as an infantryman, was moved into Army transportation, and ultimately was placed in charge of the Motor Pool. When the Korean War broke out in 1950, he was sent to Korea with his last tour of duty in 1958, and he was honorably discharged from the U.S. Army in 1960 as a Lt. Colonel; and

**WHEREAS**, Wilbur and Myrtle were married for 81 years and traveled the world with their family living in Japan, Germany, and Virginia; yet California's beauty and climate claimed his heart and he settled the family in Concord, California, after having six (6) children: Wilbur, Allen, Judith, Mary, Pamela, and Patricia. Today, Wilbur's family legacy includes 11 grandchildren, 21 great grandchildren, and 3 great, great grandchildren; and

**WHEREAS**, after landing in California, Wilbur Daly worked at the California Stevedore and Ballast at the Port of Oakland from where he finally retired in 1975. Wilbur then purchased a 5<sup>th</sup> wheel travel trailer and traveled extensively throughout the United States, including an adventure to Costa Rica, until he and Myrtle determined Clayton was home in May 2010; and

**WHEREAS**, during his 103 years of life, Wilbur Daly has experienced the best and the worst of times for America, starting with invention of the modern zipper in his birth year (1913), the first commercial airplane (1914), stainless steel (1916), pop-up toaster (1919), television (1927), bubble gum (1928), scotch tape (1930), FM radio (1928), color TV (1940), atomic bomb (1945), the computer (1949) and the Internet (1990), the hybrid car (2003), and the smartphone (1994). He has lived through the Great Depression (1929-1940), is a member of America's "Greatest Generation," and has witnessed the Vietnam War, the Cold War, and the modern wars of the Middle East; and

**WHEREAS**, Wilbur Daly now lives and loves life in Clayton, taking walks in the Town Center, and in particular he enjoys sitting in The Grove Park downtown where he listens to the children at play and basks in the sun and the beauty of this great City.

**NOW, THEREFORE, I, Howard Geller, Mayor, on behalf of the entire Clayton City Council, do hereby recognize and honor Wilbur Daly for a life well lived, express our collective gratitude to him for his service to America and his love to family, and do hereby proclaim Wednesday, August 17, 2016 as "Wilbur Daly Day" in the City of Clayton, California, as one of Clayton's Centenarians.**

declaring  
Saturday, October 6, 2016

as

## "Bay Day"

**WHEREAS**, the San Francisco Bay is central to the quality of life of all residents of the City of Clayton and the Bay Area and sustains a wide range of recreational and commercial activities that are critical to the local economy; and

**WHEREAS**, the health of San Francisco Bay and therefore of the Bay Area is threatened by pollution and climate change, and restoring Bay wetlands and reducing pollution in the Bay provides multiple benefits for all Bay Area residents and local wildlife ; and

**WHEREAS**, The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program, approved by voters as Measure AA on June 7, 2016, will protect San Francisco Bay for future generations by reducing trash, pollution and harmful toxins, improving water quality, restoring habitat for fish, birds and wildlife, protecting communities from floods, and increasing shoreline public access; and

**WHEREAS**, the people of the Bay Area should celebrate San Francisco Bay together as a region on at least one Bay Day each year to inspire appreciation, conversation, education, and action for the Bay, in order to highlight the work of Save The Bay and other environmental organization and individuals to improve the health of San Francisco Bay over the past fifty years.

**NOW, THEREFORE, I**, Howard Geller, Mayor, on behalf of the Clayton City Council, together with my colleagues on the City Council, on this 16<sup>th</sup> day of August 2016, do hereby proclaim October 1, 2016, and the first Saturday of October in future years to be "Bay Day" in the City of Clayton and commends all Bay Day organizers for their efforts to inspire the entire Bay Area to celebrate, protect, and restore San Francisco Bay.

Agenda Date: 8/16  
Agenda Item: 41



declaring  
September 17 - 23, 2016

as

## "Constitution Week"

**WHEREAS**, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS**, September 17, 2016, marks the two hundred twenty-ninth anniversary of the framing of the Constitutional Convention; and

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

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

**NOW, THEREFORE, I**, Howard Geller, Mayor, on behalf of the Clayton City Council, do hereby proclaim the week of September 17 through 23 as "Constitution Week" in the City of Clayton, California, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.


Agenda Item: 4C

Agenda Date: 8-16-2016



Agenda Date: 8-16-2016

Agenda Item: 8a

Approved:   
\_\_\_\_\_  
Gary A. Napper  
City Manager

# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR** *MG*

**DATE: AUGUST 16, 2016**

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCES TO AMEND VARIOUS CHAPTERS OF TITLE 17 OF THE CLAYTON MUNICIPAL CODE PERTAINING TO DENSITY BONUSES, TRANSITIONAL AND SUPPORTIVE HOUSING, EMPLOYEE HOUSING, AND REQUIRING PROJECTS TO MEET THE MINIMUM DENSITY IN MULTIPLE FAMILY RESIDENTIAL ZONING DESIGNATIONS (M-R, M-R-M, AND M-R-H)**

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## **RECOMMENDATION**

It is recommended the City Council consider all information provided and submitted, receive and consider all public testimony and, if determined to be appropriate, take the following actions:

1. Motion to have a Second Reading of Ordinance No. 463 by title and number only and waive further reading; and, on conclusion of the City Clerk's reading:
  1. a. Motion to adopt Ordinance No. 463 requiring projects to meet the minimum density in compliance with the General Plan land use designations in Multiple Family Residential Districts (M-R, M-R-M, and M-R-H) with the finding the action will not result in a significant adverse impact and was considered as part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (**Attachment 1**).
2. Motion to have a Second Reading of Ordinance No. 464 by title and number only and waive further reading; and, on conclusion of the City Clerk's reading:

2. a. Motion to adopt Ordinance No. 464 adding inclusionary housing regulations with the finding the action will not result in a significant adverse impact and was considered as part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element (**Attachment 2**).
3. Motion to have a Second Reading of Ordinance No. 465 by title and number only and waive further reading; and, on conclusion of the City Clerk's reading:
  3. a. Motion to adopt Ordinance No. 465 permitting transitional and supportive housing in the Limited Commercial (LC) District with the finding the action will not result in a significant adverse impact and was considered as part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element (**Attachment 3**).
4. Motion to have a Second Reading of Ordinance No. 466 by title and number only and waive further reading; and, on conclusion of the City Clerk's reading:
  4. a. Motion to adopt Ordinance No. 466 allowing employee housing of six or fewer by right within residential zones with the finding the action will not result in a significant adverse impact and was considered as part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element (**Attachment 4**).
5. Motion to have a Second Reading of Ordinance No. 467 by title and number only and waive further reading; and, on conclusion of the City Clerk's reading:
  5. a. Motion to adopt Ordinance No. 467 updating the density bonus requirements to be compliant with AB 2222 and AB 744 with the finding the adoption of the Ordinance is not subject to the California Environmental Quality Act (CEQA) because this activity is not considered to be a project and it can be seen with certainty that it will not have a significant effect or physical change to the environment. (**Attachment 5**).

### **BACKGROUND**

On July 19, 2016, the City Council introduced the subject ordinances, which propose to amend various Chapters of Title 17 of the Clayton Municipal Code for the purpose of implementing the City's 2015-2023 Housing Element and State law (**Attachment 6**). No changes were made to the ordinances.

### **ENVIRONMENTAL DETERMINATIONS**

Adoption of Ordinance No. 467 pertaining to the density bonus regulations (ZOA-06-16) is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.



Adoption of the remaining Ordinances (ZOA-04-15, ZOA-03-16, ZOA-04-16, ZOA-05-16) will not result in a significant adverse environmental impact as these changes were considered as part of the November 18, 2014 City Council adoption of the IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there is no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment and anticipated impacts have not changed nor is there new information that would alter those findings.

### **FISCAL IMPACT**

None, if the proposed actions are approved by the City Council. Potential exposure to litigation by interested third parties and/or jeopardy of local street repaving funds from CCTA are at risk should the City fail to implement its CA HCD conditionally certified Housing Element goals or comply with State laws.

### **ATTACHMENTS**

1. Ordinance No. 463 [3 pp.]
2. Ordinance No. 464 [13 pp.]
3. Ordinance No. 465 [3 pp.]
4. Ordinance No. 466 [3 pp.]
5. Ordinance No. 467 [4 pp.]
6. Excerpt of the Staff Report and the Minutes from the July 19, 2016 City Council [14 pp.]
7. 2016 State Income Limits [1 pp.]



ORDINANCE NO. 463

AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE  
REQUIRING PROJECTS TO MEET THE MINIMUM DENSITY IN COMPLIANCE  
WITH THE GENERAL PLAN LAND USE DESIGNATIONS WITHIN THE MULTIPLE  
FAMILY RESIDENTIAL DISTRICTS (M-R, M-R-M, AND M-R-H) (ZOA-04-16)

THE CITY COUNCIL  
City of Clayton, California

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

**WHEREAS**, on November 18, 2014, the Clayton City Council adopted Resolution No. 42-2014 approving the Clayton 2015-2023 Housing Element; and

**WHEREAS**, on December 1, 2014, the State Department of Housing and Community Development (HCD) conditionally certified the Clayton 2015-2023 Housing Element based on the City making a good faith effort toward enacting a number of implementation measures; and

**WHEREAS**, the State of California Government Code Section 65583.2(c)(3)(B)(iii) has determined suburban jurisdictions must establish a minimum density of 20 dwelling units per acre to accommodate for lower income households; and

**WHEREAS**, under Goal I, Implementation Measure I.1.2 of the Clayton 2015-2023 Housing Element, the City committed to amending the General Plan and the Zoning Ordinance to allow projects within the Multi-Family High Density General Plan land use designation (MHD) and the Multiple Family High Density (M-R-H) zoning designation by right subject to a minimum density of twenty dwelling units per acre (Ordinance); and

**WHEREAS**, the Clayton Planning Commission held a duly-noticed public hearing on June 28, 2016, at which it adopted Resolution No. 04-16 recommending City Council approval of the proposed Ordinance; and

**WHEREAS**, the Clayton City Council at its regular meeting on July 19, 2016, held a duly noticed public hearing to review and consider the Ordinance; and

**WHEREAS**, on November 18, 2014, the City Council of the City of Clayton adopted an IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there is no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment; and

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

**WHEREAS**, the Clayton City Council has reviewed all written evidence and oral testimony presented to date on this matter.

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

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

**Section 2.** Subsection A of Section 17.20.030 of the Clayton Municipal Code is hereby amended to read in full as follows:

“A. Duplex, triplex, townhouses, apartments and other multifamily structures meeting and not exceeding the density limits set by the applicable General Plan Land Use Designation.”

**Section 3.** **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

**Section 4.** **Conflicting Ordinances Repealed.** Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

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

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton, California held on July 19, 2016.

Passed, adopted, and ordered posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on August 16, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Howard Geller, Mayor

ATTEST

\_\_\_\_\_  
Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

\_\_\_\_\_  
Malathy Subramanian, City Attorney

\_\_\_\_\_  
Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on July 19, 2016 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on August 16, 2016.

\_\_\_\_\_  
Janet Brown, City Clerk

**ATTACHMENT 2**

**ORDINANCE NO. 464**

**AN ORDINANCE ADDING CHAPTER 17.92 TO THE CLAYTON MUNICIPAL CODE  
REGARDING INCLUSIONARY HOUSING REQUIREMENTS (ZOA-04-15)**

**THE CITY COUNCIL**

**City of Clayton, California**

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

**WHEREAS**, the City of Clayton currently does not have a formal Inclusionary Housing Ordinance; and

**WHEREAS**, Implementation Measure I.2.1 of the Housing Element of the Clayton General Plan encourages the City to adopt an Inclusionary Housing Ordinance with desired targets of five percent low income and five percent very low income units for residential projects of ten units or more; and

**WHEREAS**, as noted in the City's Housing Element (2015-2023), there is a significant need for more affordable housing within the City, including for the following reasons:

(1) The State Legislature, through California Government Code Section 65580, declares the availability of housing of vital statewide importance and local governments have a responsibility to use powers vested in them to facilitate the adequate provision for the housing needs of all economic segments of the community.

(2) Rental units in Contra Costa County are not affordable to people with extremely low incomes, such as those who depend on General Assistance, Temporary Assistance to Needy Families, or Supplemental Security Income. Over 2,000 households within Contra Costa County are on a waiting list for Section 8 assistance, and not all affordable housing units qualify for Section 8 housing assistance. In addition, many persons or families cannot accumulate the money required to move into an apartment (i.e., first and last months' rent plus security deposit);

(3) The high cost of housing makes it difficult to find housing that is affordable for those working minimum wage jobs. For example, based on 2000 Census data, twenty-seven percent of low and very-low income households owning their home and twenty-seven percent of low and very-low income households renting their home overpaid for housing costs;

(4) Only households earning above moderate incomes could afford a home priced at or around median. Homeownership is out of reach in Clayton for most lower-income households. For example, moderate income households within the City could not afford the 2013 median home price of \$595,000. Recent appreciation in real estate prices has increased these concerns;

(5) The City has a significant need for new affordable housing. The Association of Bay Area Governments (ABAG) has allocated the following Regional Housing Needs Allocation (RHNA) to the City for the period 2014 to 2022: 51 extremely low- and very



low-income units, 25 low-income units, 31 moderate-income units and 34 above moderate-income units; and

**WHEREAS**, the legal landscape surrounding the development of affordable housing in California is continually evolving; and

**WHEREAS**, the court in *Palmer/Sixth Street Properties v. City of Los Angeles* (2009) 175 Cal.App.4th 1396 determined that cities may no longer require developers to construct affordable housing units for rent; and

**WHEREAS**, the court in *California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435 clarified that cities may require developers to construct affordable housing units for sale; and

**WHEREAS**, on November 18, 2014, the City Council of the City of Clayton adopted an IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there was no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment; and

**WHEREAS**, on June 28, 2016, the Planning Commission considered all information provided and submitted, took and considered all public testimony, and recommended the City Council approve the ordinance amending the City of Clayton Municipal Code by adding Chapter 17.92 – Inclusionary Housing Requirements; and

**WHEREAS**, the City Council wishes to adopt this Inclusionary Housing Ordinance to satisfy Housing Element Implementation Measure I.2.1 in compliance with applicable state and local laws.

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

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

**Section 2. Amendment.** Chapter 17.92 is hereby added to the Clayton Municipal Code to read in full as set forth in the attached Exhibit A, incorporated by this reference.

**Section 3. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

**Section 4. Conflicting Ordinances Repealed.** Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

**Section 5. Effective Date and Publication.** This Ordinance shall become effective thirty (30) days from and after its passage. This Ordinance shall be published or posted as required by law.

The foregoing Ordinance was introduced at a noticed public hearing at a regular public meeting of the City Council of the City of Clayton held on July 19, 2016.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on August 16, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

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Howard Geller, Mayor

ATTEST

---

Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

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Malathy Subramanian, City Attorney

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Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a noticed public hearing of a regular meeting of the City Council of the City of Clayton held on July 19, 2016, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on August 16, 2016.

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Janet Brown, City Clerk

## Chapter 17.92

### INCLUSIONARY HOUSING REQUIREMENTS

**Sections:**

17.92.000	<b>Intent</b>
17.92.010	<b>Definitions</b>
17.92.020	<b>Applicability</b>
17.92.030	<b>Inclusionary Unit Requirement</b>
17.92.040	<b>Alternatives</b>
17.92.050	<b>Procedures</b>
17.92.060	<b>Standards</b>
17.92.070	<b>Enforcement</b>
17.92.080	<b>General Provisions</b>

#### 17.92.000 INTENT

It is the intent of this Chapter to establish standards and procedures that facilitate the development and availability of housing affordable to a range of households with varying income levels to implement the City's Housing Element and as mandated by Government Code Section 65580. The purpose of this Chapter is to encourage the development and availability of such housing by ensuring the addition of affordable housing units to the City's housing stock is in proportion with the overall increase in new housing units.

#### 17.92.010 DEFINITIONS

Whenever the following terms are used in this Chapter, they shall have the meaning established by this Section:

(a) **"Affordable Housing Costs"** means

(1) For Very Low-Income Households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.

(2) For Low-Income Households, the product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit.

(3) For Moderate Income Households, Affordable Housing Cost shall not be less than 28 percent of the gross income of the household, nor exceed the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit.

(b) **"Developer"** means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks City approvals for all or part of a Residential Development. The term "Developer" also means the owner or owners for any such property for which such approvals are sought.

(c) **"Director"** means the City's Director of Community Development.



- (d) **“Discretionary Approval”** means any entitlement or approval, including but not limited to a use permit, variance, design approval, and subdivision map.
- (e) **“Inclusionary Housing Agreement”** means a legally binding, written agreement between a Developer and the City, in form and substance satisfactory to the Director and City Attorney, setting forth those provisions necessary to ensure that the requirements of this Chapter, whether through the provision of Inclusionary Units or through an alternative method, are satisfied.
- (f) **“Affordable Housing Plan”** means the plan referenced in Section 17.92.050.
- (g) **“Inclusionary Housing Fund”** shall have the meaning set forth in Section 17.92.080(a).
- (h) **“Inclusionary Units”** means a dwelling unit developed pursuant to an Inclusionary Housing Agreement that will be offered for sale to Low and Moderate Income Households, at an Affordable Housing Cost, pursuant to this Chapter.
- (i) **“Low Income Households”** means households who are not very low income households but whose gross income does not exceed the qualifying limits for lower income families as established from time to time pursuant to Section 8 of the United States Housing Act for Contra Costa County as set forth in Title 25 of the California Code of Regulations, Section 6932, or its successor provision and adjusted for family size and other factors by the United States Department of Housing and Urban Development.
- (j) **“Low Income Units”** means Inclusionary Units restricted to occupancy by Low Income Households at an Affordable Housing Cost.
- (k) **“Moderate Income Households”** means households who are not low income households but whose gross income does not exceed one hundred and twenty percent (120%) of the median income for Contra Costa County, adjusted for family size and other factors by the U.S. Department of Housing and Urban Development, as published annually in Title 25 of the California Code of Regulations, Section 6932, or its successor provision.
- (l) **“Moderate Income Units”** means Inclusionary Units restricted to occupancy by Moderate Income Households at an Affordable Housing Cost.
- (m) **“Residential Development”** means the construction of new projects requiring any specific plan, development agreement, planned unit development permit, tentative map, minor subdivision, conditional use permit, site plan review or building permit for which an application has been submitted to the City and which would create one or more additional dwelling units to be offered for sale by the construction or alteration of structures. All new construction projects creating one or more additional dwelling units to be offered for sale on contiguous parcels of land by a single Developer shall constitute a single Residential Development subject to the requirements of this Ordinance, and any accompanying regulations, regardless of whether such projects are constructed all at once, serially, or in phases. The term “Residential Development” shall include the conversion of rental units to for-sale units.
- (n) **“Unrestricted Units”** means those dwelling units in a Residential Development that are not Inclusionary Units.

(o) **“Very Low Income Households”** means households whose gross income does not exceed the qualifying limits for very low income families as established from time to time pursuant to Section 8 of the United States Housing Act for Contra Costa County as set forth in Title 25 of the California Code of Regulations, Section 6932, or its successor provision and adjusted for family size and other factors by the United States Department of Housing and Urban Development, adjusted for family size and other factors by the United States Department of Housing and Urban Development.

#### **17.92.020 APPLICABILITY**

This Chapter shall apply to all Residential Developments, except as provided below.

- (a) Residential Developments proposed to contain less than ten (10) dwelling units.
- (b) Residential Developments that obtained a current, valid building permit prior to the effective date of the ordinance adding this Chapter.
- (c) Any dwelling unit or Residential Development which is damaged or destroyed by fire or natural catastrophes so long as the use of the reconstructed building and number of dwelling units remain the same, and the cost of such rehabilitation constitutes no more than fifty percent (50%) of the of its reasonable market value at the time of destruction or damage.

#### **17.92.030 INCLUSIONARY UNIT REQUIREMENT**

(a) **For-Sale Units:** If the Residential Development includes ten (10) or more units for sale, a minimum of ten percent (10%) of all newly constructed for sale dwelling units in the Residential Development shall be developed, offered to and sold to Low and Moderate Income Households, in a ratio determined pursuant to Section 17.92.060, at an Affordable Housing Cost.

(b) The Inclusionary Unit requirement set forth in this Section may be reduced as follows: If only Low Income Units are provided in lieu of any Moderate Income units, a credit of 1.5 units to every 1 unit shall be provided. However, the credits may only be applied to the extent such credit equals a whole number.

(c) In the event the calculation for the number of Inclusionary Units results in a fraction of an Inclusionary Unit, the Developer shall have the option of either: (i) providing a full Inclusionary Unit at Affordable Housing Costs; or (ii) making an in lieu payment to the Inclusionary Housing Fund in an amount equal to the percentage represented by the fractional unit multiplied by the applicable in lieu fee.

(d) The number of Inclusionary Units required for a particular project will be determined at the time a land use application is filed by the Developer for a Residential Development with the City. If a change in the subdivision design results in a change in the total number of units, the number of Inclusionary Units required will be recalculated to coincide with the final approved project.

(e) For purposes of calculating the number of Inclusionary Units required by this Section, any additional units authorized as a density bonus under Chapter 17.90 and California Government Code Section 65915(b)(1) or (b)(2) will not be counted in determining the required number of Inclusionary Units.

## 17.92.040 ALTERNATIVES

In lieu of including the Inclusionary Units in the Residential Development pursuant to Section 17.92.030, the requirements of this Chapter may be satisfied through the following alternatives set forth in this Section.

(a) Off-Site. As an alternative to providing Inclusionary Units upon the same site as the Residential Development, the Developer may elect, by right, at the Developer's sole discretion to construct Inclusionary Units off-site subject to the following requirements:

(1) If the Developer constructs units off-site, the percentage of required Inclusionary Units shall be increased to fifteen percent (15%).

(2) The site of the Inclusionary Units has a General Plan designation that authorizes residential uses and is zoned for Residential Development at a density to accommodate at least the number of otherwise required Inclusionary Units, including the additional five percent (5%) for development off-site, within the Residential Development. The Developer shall obtain all required Discretionary Approvals and complete all necessary environmental review of such site.

(3) The site is suitable for development of the Inclusionary Units in terms of configuration, physical characteristics, location, access, adjacent uses, and other relevant planning and development criteria.

(4) Environmental review for the site has been completed for the presence of hazardous materials and geological review for the presence of geological hazards and all such hazards are or shall be mitigated to the satisfaction of the City prior to acceptance of the site by the City.

(5) The construction schedule for the off-site Inclusionary Units shall be included in the Affordable Housing Plan and the Inclusionary Housing Agreement.

(6) Construction of the off-site Inclusionary Units shall be completed prior to or concurrently with the Residential Development.

(7) Unless otherwise noted, all requirements applicable to on-site Inclusionary Units shall apply to off-site Inclusionary Units.

(b) In Lieu Fee. For Residential Developments proposing ten (10) units, the Developer may elect, by right, at the Developer's sole discretion to pay a fee in lieu of developing an Inclusionary Unit on-site. The amount of the in-lieu fee to be paid by Developer pursuant to this Section shall be the applicable in-lieu fee set forth in the fee schedule adopted by the City Council. For all Residential Developments proposing eleven (11) units or more, the Developer may request to pay a fee in lieu of all or some of the Inclusionary Units otherwise required by the Ordinance in lieu of developing Inclusionary Units on-site. The fee shall be charged for each unit or fraction of a unit as set forth in Section 17.92.030(c), and the fee shall be paid as follows:



(1) The amount of the fee to be paid by Developer pursuant to this subsection shall be the fee schedule established by Resolution of the City Council, and as adjusted from time to time by Resolution of the City Council.

(2) One-half (1/2) of the in-lieu fee required by this subsection shall be paid (or a letter of credit posted) prior to issuance of a building permit for all or any part of the Residential Development. The remainder of the fee shall be paid before a certificate of occupancy is issued for any unit in the Residential Development.

(3) The fees collected shall be deposited in the Inclusionary Housing Fund.

(4) No certificate of occupancy shall be issued for any corresponding Unrestricted Units in a Residential Development unless fees required under this Section have been paid in full to the City.

(c) Land Dedication. In lieu of building Inclusionary Units, a Developer may request to dedicate land to the City suitable for the construction of Inclusionary Units that the City Council reasonably determines to be equivalent or greater value than is produced by applying the City's in lieu fee to the Developer's inclusionary obligation and otherwise meets the following standards and requirements:

(1) Marketable title to the site is transferred to the City, or an affordable housing developer approved by the City, prior to the commencement of construction of the Residential Development pursuant to an agreement between the Developer and the City and such agreement is in the best interest of the City.

(2) The site has a General Plan designation that authorizes residential uses and is zoned for Residential Development at a density to accommodate at least the number of otherwise required Inclusionary Units within the Residential Development, and conforms to City development standards.

(3) The site is suitable for development of the Inclusionary Units in terms of configuration, physical characteristics, location, access, adjacent uses, and other relevant planning and development criteria including, but not limited to, factors such as the cost of construction or development arising from the nature, condition, or location of the site.

(4) Infrastructure to serve the dedicated site, including but not limited to streets and public utilities, must be available at the property line and have adequate capacity to serve the maximum allowable Residential Development pursuant to zoning regulations.

(5) Environmental review of the site has been completed for the presence of hazardous materials and geological review for the presence of geological hazards and all such hazards are or will be mitigated to the satisfaction of the City prior to acceptance of the site by the City.

(6) The City shall not be required to construct restricted income units on the site dedicated to the City, but may sell, transfer, lease, or otherwise dispose of the dedicated site. Any funds collected as the result of a sale, transfer, lease, or other disposition of sites dedicated to the City shall be deposited into the Inclusionary Housing Fund.



### **17.92.050 PROCEDURES**

(a) At the times and in accordance with the standards and procedures set forth herein, Developer shall:

(1) Submit an Inclusionary Housing Plan for approval by the Director, setting forth in detail the manner in which the provisions of this Chapter will be implemented for the proposed Residential Development. If land dedication or off-site units are proposed, the Inclusionary Housing Plan shall include information necessary to establish site location, suitability, development, constraints, and the number of Inclusionary Units assigned pursuant to this Chapter.

(2) Execute and cause to be recorded an Inclusionary Housing Agreement, unless Developer is complying with this Chapter pursuant to Section 17.92.040(b) (in lieu fee) or Section 17.92.040(c) (land dedication).

(b) No Discretionary Approval shall be issued for all or any portion of a Residential Development subject to this Chapter until the Developer has submitted an Inclusionary Housing Plan.

(c) No building permit shall be issued for the Residential Development, or any portion thereof, subject to this Chapter unless the City Council has approved the Inclusionary Housing Plan and the Inclusionary Housing Agreement (if required) is recorded.

(d) No certificate of occupancy shall be issued for the Residential Development, or any portion thereof, subject to this Chapter unless the approved Inclusionary Housing Plan has been fully implemented.

(e) The City Manager or designee may establish and amend policies for the implementation of this Chapter.

### **17.92.060 STANDARDS**

(a) Inclusionary Units shall be reasonably dispersed throughout the Residential Development; shall be proportional, in number of bedrooms, to the Unrestricted Units. If the Residential Development offers a variety of unit plans with respect to design, materials and optional interior amenities, the Inclusionary Units shall be identical with the Residential Development's base-plan in terms of design, appearance, materials, finished quality and interior amenities. If multiple floor plans with the same number of bedrooms are proposed, the Inclusionary Units may be the units with the smaller floor plans.

(b) All Inclusionary Units in a Residential Development shall be constructed concurrently with or prior to the construction of the Unrestricted Units. In the event the City approves a phased project, the Inclusionary Units required by this Chapter shall be constructed and occupied in proportion to the number of units in each phase of the Residential Development. In no case shall an Affordable Housing Unit be the final dwelling unit issued a Certificate of Occupancy of a Residential Development or its approved phase(s).

(c) Inclusionary Units shall be sold to Low and Moderate Income Households at a ratio established pursuant to a Resolution adopted by the City Council, and shall be provided at the applicable Affordable Housing Cost.

(d) The number of bedrooms must be the same as those in the Unrestricted Units, except that if the Unrestricted Units provide more than four (4) bedrooms, the Inclusionary Units need not provide more than four (4) bedrooms.

(e) Inclusionary Units shall prohibit subsequent rental occupancy, unless approved for hardship reasons by the City Manager or designee. Such hardship approval shall include provision for United States military personnel who are required to leave the country for active military duty.

(f) Prior the development of any units in a Residential Development, a deed restriction or other enforceable obligation approved by the City Attorney shall be recorded limiting the Developer and any successors, whenever an Inclusionary Unit is sold, to sell such unit to persons meeting the income eligibility requirements for Low and Moderate Income Households as applicable for a period of fifty-five (55) years.

#### **17.92.070 ENFORCEMENT**

(a) The provisions of this Chapter shall apply to all Developers and their agents, successors and assigns proposing a Residential Development. All Inclusionary Units shall be sold in accordance with this Chapter. It shall be a misdemeanor to violate any provision of this Chapter. Without limiting the generality of the foregoing, it shall also be a misdemeanor for any person to sell or rent to another person an Inclusionary Unit under this Chapter at a price exceeding the maximum allowed under this Chapter or to sell an Inclusionary Unit to a Household not qualified under this Chapter. It shall further be a misdemeanor for any person to provide false or materially incomplete information to the City or to a seller or lessor of an Inclusionary Unit to obtain occupancy of housing for which he or she is not eligible.

(b) Any individual who sells an Inclusionary Unit in violation of the provisions of this Chapter shall be required to forfeit all monetary amounts so obtained. Recovered funds shall be deposited into the Inclusionary Housing Fund.

(c) The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including but not limited to: (1) actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval; (2) civil actions for injunctive relief or damages; (3) actions to recover from any violator of this Chapter civil fines, restitution to prevent unjust enrichment, and/or enforcement costs; and (4) any other action, civil or criminal, authorized by law or by any regulatory document, restriction, or agreement under this Chapter.

(d) In any action to enforce this Chapter or an Inclusionary Housing Agreement recorded hereunder, the City shall be entitled to recover its reasonable attorney's fees and costs.

(e) Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any person, owner, Developer or household from the requirements of this Chapter.

(f) The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it would otherwise be entitled under law or equity.

**17.92.080 GENERAL PROVISIONS**

(a) Inclusionary Housing Fund

There is hereby established a separate fund of the City, to be known as the Inclusionary Housing Fund. All monies collected pursuant to 17.92.040, 17.92.060 and 17.92.070 shall be deposited in the Inclusionary Housing Fund. Additional monies from other sources may be deposited in the Inclusionary Housing Fund. The monies deposited in the Inclusionary Housing Fund shall be subject to the following conditions:

(1) Monies deposited into the Inclusionary Housing Fund must be used to increase and improve the supply of housing affordable to Very Low, Low, and Moderate, Income Households in the City. Monies may also be used to cover reasonable administrative or related expenses associated with the administration of this Section.

(2) The fund shall be administered, subject to the approval by the City Manager, by the Director of Community Development, or his or her designee, who may develop procedures to implement the purposes of the Inclusionary Housing Fund consistent with the requirements of this Chapter and through the adopted budget of the City.

(3) Monies deposited in accordance with this Section shall be used in accordance with the City's Housing Element, or subsequent plan adopted by the City Council to construct, rehabilitate, or subsidize affordable housing or assist other government entities, private organizations, or individuals to do so. Permissible uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public-private partnership arrangements. The Inclusionary Housing Fund may be used for the benefit of both rental and owner-occupied housing. In no case is the City obligated to actually construct affordable housing units on its own.

(b) Administrative Fees

The City Council may by Resolution establish reasonable fees and deposits, which shall fund the City's costs associated with the administration and monitoring of the Inclusionary Units and administration of the Inclusionary Housing Fund.

(c) Appeal

Within ten (10) calendar days after the date of any decision of the Director under this Chapter, an appeal may be filed with the City Clerk. Within ninety (90) calendar days of the request for an appeal is filed or a later time as agreed to by the appellant, the City Council shall consider the appeal. The City Council's decision shall be final.

(d) Waiver

(1) Notwithstanding any other provision of this Chapter, the requirements of this Chapter may be waived, adjusted, or reduced if a Developer shows, based on substantial evidence, that there is no reasonable relationship between the impact of a proposed Residential Development and the requirements of this Chapter, or that applying the requirements of this Chapter would take property in violation of the United States or California Constitutions.

(2) Any request for a waiver, adjustment, or reduction under this Section shall be submitted to the City concurrently with the Affordable Housing Plan required by Section 17.92.050. The request for a waiver, adjustment, or reduction shall set forth in detail the factual and legal basis for the claim.

(3) The request for a waiver, adjustment, or reduction shall be reviewed and considered in the same manner and at the same time as the Affordable Housing Plan, and is subject to the appeal process in subsection (c) above.

(4) In making a determination on an application for waiver, adjustment, or reduction, the Developer shall bear the burden of presenting substantial evidence to support the claim. The City may assume each of the following when applicable:

(i) That the Developer will provide the most economical Inclusionary Units feasible, meeting the requirements of this Chapter and any implementing regulations.

(ii) That the Developer is likely to obtain housing subsidies when such funds are reasonably available.

(5) The waiver, adjustment or reduction may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, based on substantial evidence, supporting the determinations required by this Section.



**ATTACHMENT 3**

**ORDINANCE NO. 465**

**AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE  
PERMITTING TRANSITIONAL AND SUPPORTIVE HOUSING WITHIN THE  
LIMITED COMMERCIAL (LC) DISTRICT (ZOA-05-16)**

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

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

**WHEREAS**, on November 18, 2014, the Clayton City Council adopted Resolution No. 42-2014 approving the Clayton 2015-2023 Housing Element; and

**WHEREAS**, on December 1, 2014, the State Department of Housing and Community Development (HCD) conditionally certified the Clayton 2015-2023 Housing Element based on the City making a good faith effort toward enacting a number of implementation measures; and

**WHEREAS**, under Goal II, Implementation Measure II.1.3 of the Clayton 2015-2023 Housing Element, the City committed to amending the Zoning Ordinance to allow transitional and supportive housing within the Limited Commercial (LC) District (Ordinance) to be compliant with Senate Bill 2; and

**WHEREAS**, the Clayton Planning Commission held a duly-noticed public hearing on June 28, 2016, at which it adopted Resolution No. 06-16 recommending City Council approval of the proposed Ordinance to amend a portion of Title 17 of the Clayton Municipal Code, permitting transitional and supportive housing within the Limited Commercial (LC) zoning district; and

**WHEREAS**, the Clayton City Council at a regular meeting on July 19, 2016 held a duly noticed public hearing to review and consider the Ordinance to amend a portion of Title 17 of the Clayton Municipal Code, permitting transitional and supportive housing within the Limited Commercial (LC) zoning district; and

**WHEREAS**, on November 18, 2014, the City Council of the City of Clayton adopted an IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there is no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment; and

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

**WHEREAS**, the Clayton City Council has reviewed all written evidence and oral testimony presented to date on this matter.

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

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

**Section 2.** Subsection L is hereby added to Section 17.24.020 of the Clayton Municipal Code to read in full as follows:

“L. Transitional and supportive housing, in the same manner and subject to the same restrictions as SRO facilities, including obtaining a conditional use permit (See Section 17.60.030.B.6).”

**Section 3.** **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

**Section 4.** **Conflicting Ordinances Repealed.** Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

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

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton, California held on July 19, 2016.

Passed, adopted, and ordered posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on August 16, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Howard Geller, Mayor

ATTEST

\_\_\_\_\_  
Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

\_\_\_\_\_  
Malathy Subramanian, City Attorney

\_\_\_\_\_  
Gary A. Napper, City Manager

I hereby certify that Ordinance No. 465 was duly introduced at a regular meeting of the City Council of the City of Clayton, California held on July 19, 2016 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on August 16, 2016.

\_\_\_\_\_  
Janet Brown, City Clerk

## ATTACHMENT 4

### ORDINANCE NO. 466

#### AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE PERMITTING EMPLOYEE HOUSING OF SIX OR FEWER EMPLOYEES WITHIN RESIDENTIAL ZONES (ZOA-03-16)

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

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

**WHEREAS**, on November 18, 2014, the Clayton City Council adopted Resolution No. 42-2014 approving the Clayton 2015-2023 Housing Element; and

**WHEREAS**, on December 1, 2014, the State Department of Housing and Community Development (HCD) conditionally certified the Clayton 2015-2023 Housing Element based on the City making a good faith effort toward enacting a number of implementation measures; and

**WHEREAS**, under Goal II, Implementation Measure II.1.2 of the Clayton 2015-2023 Housing Element, the City committed to amending the Zoning Ordinance to allow employee housing in residential districts to become compliant with California Health & Safety Code Section 17021.5 (Ordinance); and

**WHEREAS**, the Clayton Planning Commission held a duly-noticed public hearing on June 28, 2016, at which it adopted Resolution No. 07-16 recommending City Council approval of the proposed Ordinance to amend a portion of Title 17 of the Clayton Municipal Code, permitting employee housing for six or fewer employees; and

**WHEREAS**, the Clayton City Council at a regular meeting on July 19, 2016, held a duly noticed public hearing to review and consider the Ordinance to amend a portion of Title 17 of the Clayton Municipal Code, permitting employee housing for six or fewer employees; and

**WHEREAS**, on November 18, 2014, the City Council of the City of Clayton adopted an IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there is no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment; and

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

**WHEREAS**, the Clayton City Council has reviewed all written evidence and oral testimony presented to date on this matter.



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

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

**Section 2.** Section 17.04.090 of the Clayton Municipal Code is hereby renumbered as Section 17.04.092.

**Section 3.** A new Section 17.04.090 is hereby added to the Clayton Municipal Code to read in full as follows:

“17.04.090 Employee Housing. “Employee Housing” means housing as defined in California Health and Safety Code Section 17008 as it may be amended or modified.

**Section 4.** Subsection G is hereby added to Section 17.16.020 of the Clayton Municipal Code to read in full as follows:

“G. Employee housing providing accommodations for six or fewer employees.”

**Section 5.** Subsection D is hereby added to Section 17.20.030 of the Clayton Municipal Code to read in full as follows:

“D. Employee housing providing accommodations for six or fewer employees, provided that a conditional use permit is obtained. Such permit shall be reviewed and issued under the same procedures and in the same manner as that permit issued for single family dwelling units (See Section 17.60.030.B.5).”

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

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

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

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton, California held on July 19, 2016.

Passed, adopted, and ordered posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on August 16, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Howard Geller, Mayor

ATTEST

\_\_\_\_\_  
Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

\_\_\_\_\_  
Malathy Subramanian, City Attorney

\_\_\_\_\_  
Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on July 19, 2016 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on August 16, 2016.

\_\_\_\_\_  
Janet Brown, City Clerk

# ATTACHMENT 5

## ORDINANCE NO. 467

### AN ORDINANCE AMENDING PORTIONS OF CHAPTER 17.90 OF THE CLAYTON MUNICIPAL CODE REGARDING DENSITY BONUS REQUIREMENTS (ZOA-06-16)

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

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

**WHEREAS**, with the adoption of state legislation AB 2222 and AB 744, changes to the City's current density bonus regulations set forth in Chapter 17.90 are necessary; and

**WHEREAS**, on June 28, 2016, the Planning Commission considered all information provided and submitted, took and considered all public testimony, and recommended the City Council approve the ordinance amending the City of Clayton Municipal Code; and

**WHEREAS**, the Clayton City Council at a regular meeting on July 19, 2016 held a duly noticed public hearing to review and consider the Ordinance to amend a portion of Title 17 of the Clayton Municipal Code, permitting transitional and supportive housing within the Limited Commercial (LC) zoning district; and

**WHEREAS**, the City Council wishes to modify Chapter 17.90 of the Clayton Municipal Code as set forth in this Ordinance.

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

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

**Section 2. Amendment.** Section 17.90.030 is hereby amended to read in full as set forth below:

**17.90.030 Application.** The provisions of this Article apply to residential Development Projects and mixed-use Residential Development Projects, consisting of either five (5) or more general Dwelling Units, Senior Citizen Housing Developments, or Mobilehome Parks. However, this Article shall not apply to a Development Project located on property subject to Government Code sections 65915(c)(3) or 65915.5(g).

**Section 3. Amendment.** Subsection 17.90.050(d) is hereby amended to read in full as set forth below:

d. The transferred land and the Affordable Housing Units shall be subject to a deed restriction, which shall be recorded on the real property at the

time of dedication, ensuring continued affordability of the units for a term of at least fifty-five (55) years.

**Section 4.** **Amendment.** Section 17.90.070 is hereby amended to read in full as set forth below:

17.90.070 Condominium Conversions. When an Applicant's residential Development Project is the conversion of an existing apartment complex to a condominium complex and the Applicant agrees to make at least thirty-three (33%) of the total units of the proposed condominium Residential Development Project affordable to moderate income households for fifty-five (55) years, or fifteen percent (15%) of the total units of the proposed condominium Residential Development Project to Lower Income households for fifty-five (55) years, and agrees to pay for the administrative costs incurred by the City related to processing the application and monitoring the future status of the Affordable Housing Units, the City shall either (i) grant a Condominium Conversion Density Bonus or (ii) provide other incentives of equivalent financial value to be determined by the City.

An Applicant shall be ineligible for a Condominium Conversion Density Bonus or other incentives under this Section if the apartments proposed for conversion constitute a Residential Development Project for which a Density Bonus or other incentives were previously provided in accordance with this Chapter.

**Section 5.** **Amendment.** Subsection 17.90.160(c) is hereby amended to read in full as set forth below:

c. The purchaser of each Affordable Housing Unit shall execute an instrument or agreement approved by the City restricting the sale of the Affordable Housing Unit in accordance with this Chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the real property containing the Affordable Housing unit and shall contain such provisions as the City may require to ensure continued compliance with this Chapter and with Government Code Section 65915, including, but not limited to, equity-sharing as set forth in Government Code Section 65915; and

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

**Section 7.** **CEQA.** The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment.



**Section 8. Conflicting Ordinances Repealed.** Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

**Section 9. Effective Date and Publication.** This Ordinance shall become effective thirty (30) days from and after its passage. This Ordinance shall be published or posted as required by law.

The foregoing Ordinance was introduced at a noticed public hearing at a regular public meeting of the City Council of the City of Clayton held on July 19, 2016.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on August 16, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Howard Geller, Mayor

ATTEST

\_\_\_\_\_  
Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

\_\_\_\_\_  
Malathy Subramanian, City Attorney


\_\_\_\_\_  
Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a noticed public hearing of a regular meeting of the City Council of the City of Clayton held on July 19, 2016, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on August 16, 2016.

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
Janet Brown, City Clerk



Approved 
Gary A. Napper City Manager

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR 

**DATE:** JULY 19, 2016

**SUBJECT:** Compliance with City 2015-2023 Housing Element and Recent State Laws: General Plan Amendment to Increase the Minimum Density of the Multifamily High Density Land Use Designation and Ordinances to Amend Various Chapters of Title 17 of the Clayton Municipal Code Pertaining to Density Bonuses, Transitional and Supportive Housing, Employee Housing, and Requiring Projects to Meet the Minimum Density in Multiple Family Residential Zoning Designations (M-R, M-R-M, and M-R-H) (GPA-01-16, ZOA-04-15, ZOA-03-16, ZOA-04-16, ZOA-05-16, and ZOA-06-16)

## RECOMMENDATIONS

It is recommended the City Council consider all information provided and submitted, and take and consider all public testimony and, if determined to be appropriate, take the following actions:

1. Motion to approve the Resolution amending the General Plan to increase the minimum density in the Multifamily High Density land use designation from 15.1 to 20 dwelling units per acre to 20 units per acre (GPA-01-16) (**Attachment 1**).
- 2a. Motion to have the City Clerk read the Ordinance No. 463 by title and number only and waive further reading; and
- 2b. Following the City Clerk's reading, by motion approve Ordinance No. 463 for Introduction, requiring projects to meet the minimum density in compliance with the General Plan land use designations in Multiple Family Residential Districts (M-R, M-R-M, and M-R-H) (ZOA-04-16) (**Attachment 2**).

- 3a. Motion to have the City Clerk read the Ordinance No. 464 by title and number only and waive further reading; and
- 3b. Following the City Clerk's reading, by motion approve Ordinance No. 464 for Introduction, adding inclusionary housing regulations (ZOA-04-15) (**Attachment 3**).
- 4a. Motion to have the City Clerk read the Ordinance No. 465 by title and number only and waive further reading; and
- 4b. Following the City Clerk's reading, by motion approve Ordinance No. 465 for Introduction, permitting transitional and supportive housing in the Limited Commercial (LC) District (ZOA-05-16) (**Attachment 4**).
- 5a. Motion to have the City Clerk read the Ordinance No. 466 by title and number only and waive further reading; and
- 5b. Following the City Clerk's reading, by motion approve Ordinance No. 466 for Introduction, allowing employee housing of six or fewer by right within residential zones (ZOA-03-16) (**Attachment 5**).
- 6a. Motion to have the City Clerk read the Ordinance No. 467 by title and number only and waive further reading; and
- 6b. Following the City Clerk's reading, by motion approve Ordinance No. 467 for Introduction, updating the density bonus requirements to be compliant with AB 2222 and AB 744 (ZOA-06-16) (**Attachment 6**).

### **BACKGROUND**

On June 28, 2016, the Planning Commission conducted a noticed public hearing and considered the subject General Plan amendment and Ordinances. At the meeting and during the public comment periods, members from the public spoke regarding their concerns about the proposed amendments citing concerns about traffic, crime, and the higher density housing. Staff also received the attached email regarding the opposition to higher density housing adjacent to downtown (**Attachment 7**). Following questions and a discussion, the Planning Commission passed six Resolutions recommending the City Council approve the General Plan amendment and approve the five proposed Ordinances for Introduction and First Reading (**Attachment 8**).

State law and state public policies have long recognized the vital role local governments play in facilitating the supply and affordability of housing; therefore each local government in California is required to have a General Plan to guide the physical development of the city. The Housing Element is one of the seven mandated elements that must be included within each city's General Plan. The Housing Element is subjected to statutory requirements and a mandatory review by the State's Department of Housing and Community Development (HCD). The laws governing Housing Elements require all jurisdictions to adequately plan to



meet their existing and projected housing needs. The laws focused around the Housing Element are the State's primary market-based strategy to increase the housing supply, affordability, and choice.

On November 18, 2014, the City Council approved the City's 2015-2023 Housing Element, which is available on the City's website at: [http://ci.clayton.ca.us/?page\\_id=150](http://ci.clayton.ca.us/?page_id=150) or it can be viewed at the City of Clayton Community Development Department, which is located at City Hall, 6000 Heritage Trail (**Attachment 9**). The City's 2015-2023 Housing Element contains goals, policies, and implementation measures that are not only important to the City, but must also be put into effect in order for the City to be compliant with, and remain in compliance with, State law. The subject General Plan amendment and the proposed Ordinances, except for the Ordinance pertaining to the density bonus regulations, are in response to the identified goals, policies, and the implementation measures that are contained within the 2015-2023 Housing Element. HCD's certification of the City's Housing Element was "conditional", relying on the City's stated intent to enact these local measures. The update to the density bonus regulations would merely make the City's zoning ordinance in compliance with State law following the passage of AB 2222 and AB 744.

### **ENVIRONMENTAL**

Adoption of the Ordinance pertaining to the density bonus regulations (ZOA-06-16) is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Approval of the General Plan amendment (GPA-01-16) and adoption of the remaining Ordinances (ZOA-04-15, ZOA-03-16, ZOA-04-16, ZOA-05-16, ZOA-06-16) will not result in a significant adverse environmental impact as these changes were considered as part of the November 18, 2014 City Council adoption of the IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there is no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment and anticipated impacts have not changed nor is there new information that would alter those findings.

### **DISCUSSION**

#### **HOUSING ELEMENT IMPLEMENTATION**

##### ***Density Increase of Multifamily High Density Designation (GPA-01-16, ZOA-04-16)***

California state law Government Code Section 65583.2(c)(3)(B)(iii) requires suburban jurisdictions to establish a land use designation with a minimum density of 20 dwelling units per acre in order to accommodate lower income households. Therefore, the City, in

its 2015-2023 Housing Element established Goal 1, which was to provide adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation. Under Goal 1, Policy I.1 states "The City shall designate and zone sufficient land to accommodate Clayton's projected fair share housing allocation (RHNA) as determined by the Association of Bay Area Governments."

In order for the City to be compliant with State law and in order to execute the City's Housing Element's aforementioned Goal 1 and Policy I.1, Implementation Measure I.1.2 was adopted. The Implementation Measure states the City will amend its Multifamily High Density (MHD) General Plan land use designation to meet the State requirements of a minimum of 20 units to the acre. This minimum density is specifically for sites rezoned to accommodate the City's lower-income RHNA from 2007-2014 planning period, to specifically allow multifamily housing by-right at a minimum density of 20 units per acre. The 2015-2023 Housing Element identified January 31, 2016 as the timeframe this Implementation Measure would be in place (**Attachment 10**).

The Multifamily High Density (MHD) General Plan land use designation is found in two locations within the City. There is a cluster of six parcels adjacent to the Town Center area, mostly fronting onto (old) Marsh Creek Road. The other location consists of two parcels: 1) the old fire station building located on Clayton Road; and 2) an adjacent parcel fronting onto (south) Mitchell Canyon Road (**Attachment 11**).

The attached Resolution (**Attachment 1**) is proposing the City Council approve a General Plan amendment to change the density of the City's Multifamily High Density designation from 15.1 to 20 units per acre to a minimum of 20 units per acre as required by State law. The companion Ordinance (No. 463) to the General Plan amendment would amend the Clayton Municipal Code to require projects within the Multiple Family Residential Districts to meet the minimum density requirements (**Attachment 2**). This amendment to the Municipal Code would ensure the minimum density is met, again ensuring compliance with State law. The implementation of the General Plan amendment and the companion Ordinance to require the minimum density would fulfill the City's requirement to meet State law as well as allowing the City to successfully implement its own Housing Element.

### ***Inclusionary Housing (ZOA-04-15)***

State law requires that local governments identify and plan for the existing and projected housing needs of all economic segments of the community in their Housing Elements. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development of all types and variations.

State law requires that the State Department of Housing and Community Development (HCD) forecast statewide housing needs and allocate the anticipated need to region:

throughout the state. For the Bay Area, HCD provides the regional need to the Association of Bay Area Governments (ABAG), which then distributes the Regional Housing Needs Assessment (RHNA) to the cities and counties within the ABAG region. ABAG allocates housing production goals for cities and counties based on their projected share of the region's household growth, the state of the local housing market and vacancies, and the jurisdiction's housing replacement needs.

For the 2014-2022 projection period, ABAG has allocated the City of Clayton a total of 141 units which are broken down as follows by income category: 51 extremely low- and very low-income units, 25 low-income units, 31 moderate-income units, and 34 above moderate-income units. Given the City's RHNA allocation and the State legislature's push for local governments to identify actions that will make sites available for affordable housing as well as assist in the development of such housing, the City identified a goal to provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation. The City also adopted Policy I.2, which states "The City shall actively support and participate in the development of extremely low-, very low-, low-, and moderate-income housing to meet Clayton's fair share housing allocation. To that end, the City shall help facilitate the provision of affordable housing through the granting of regulation concessions and available financial assistance."

In order to meet Goal I and Policy I.2, Implementation Measure I.2.1 was identified to require residential projects of ten or more units to develop an Affordable Housing Plan, which requires a minimum of 10% of the units to be built or created as affordable housing units. To promote the goal of actively supporting and participating in providing housing for all economic segments, the City is proposing an Inclusionary Housing Ordinance, which would facilitate the fulfillment of Implementation Measure I.2.1 (**Attachment 10**). The addition of an Inclusionary Housing Ordinance would fully implement Measure I.2.1 by detailing the process and standards for the City and developers to follow.

Many cities and counties, over 170 within the State of California including the cities of Concord and Walnut Creek locally, have adopted inclusionary housing/zoning programs in order to address the lack of affordable housing as well as the obligations imposed by the state legislature. Furthermore, affordable housing was the subject of two recent landmark court cases. The courts provided clarification on what could be required by local governments as it pertained to inclusionary housing. The first case was *Palmer/Sixth Street Properties v. City of Los Angeles* (2009), which determined that cities could no longer require developers to construct affordable rental housing units due to the determination that inclusionary rental programs are contrary to the Costa-Hawkins Act, a State law which limits the ability of local jurisdictions to control how apartment rents are set. Given this case law, inclusionary programs for rental units and affordable housing are limited. However, the case *California Building Assn v. City of San Jose* (2015) clarified that cities may indeed require a developer to construct for-sale affordable housing units.

Given the City's Implementation Measure I.1.2 and the clarification from the courts, the City is now proposing to codify a formal Inclusionary Housing Ordinance requiring developers to



include lower income units within a project, pay an in-lieu fee, and/or dedicate land (**Attachment 3**). The following discussion outlines the key aspects of the proposed program:

#### Applicability

The Inclusionary Housing Ordinance (No. 464) would pertain to developments of ten or more for-sale dwelling units. Ten percent of the newly constructed homes would be required to be offered and sold to low and moderate income households. In the event the calculation results in a fraction of unit, the developer will have the option to make an in-lieu payment in an amount equal to the percentage represented by the fractional unit or providing a full affordable unit.

#### Alternatives

As an alternative to providing the inclusionary units on-site, the developer may elect to construct off-site units, pay an in-lieu fee, or make a land dedication. The provision of the units off-site would increase the required percentage of units to 15 and the developer would have to complete the construction of the units prior to or concurrently with the development. The in lieu fee would be set by the City Council and could be paid by the developer for all or a portion of the inclusionary units. Lastly, instead of building the inclusionary units, the developer may request to dedicate land to the City that would be suitable for the construction of inclusionary units, however the developer would have to meet certain parameters as outlined in the Ordinance. Those parameters include, but are not limited to, marketable title transferred to the City, a residential General Plan designation, infrastructure available at the property line, and a completed environmental review.

#### Procedures

Ordinance No. 464 also contains procedures that need to be followed by both the developer and the City. These procedures include submittal of the Inclusionary Housing Plan by the developer, which requires review and approval by the Community Development Director. The Inclusionary Housing Agreement would then need to be recorded on the property, unless the in-lieu fee will be paid or a land dedication will be made. No discretionary approval shall be issued for all or any portion of the development until the developer has submitted an Inclusionary Housing Plan and no building permit shall be issued unless the City Council has approved the Inclusionary Housing Plan and, if required, the Inclusionary Housing Agreement has been recorded. Lastly, no certificate of occupancy shall be issued unless the Inclusionary Housing Plan has been fully implemented.

#### Standards

The inclusionary units shall be reasonably dispersed throughout the property and shall be proportional in number of bedrooms to the unrestricted units. The units shall also consist of the same finishes, appearance, materials, and amenities. All of the inclusionary units shall be constructed concurrently with or prior to the construction of the unrestricted units. The inclusionary units shall prohibit subsequent rental occupancy, unless approved for hardship reasons such as for military personnel. A deed restriction or other enforceable obligation shall also be recorded on the property requiring that, whenever the inclusionary unit is sold, it



must be sold to persons meeting the income eligibility requirements for low- and moderate-income households for a period of 55 years.

***Transitional and Supportive Housing in Limited Commercial (LC) District (ZOA-05-16)***

Senate Bill 2, which became effective January 1, 2008 (Government Code Section 65583 and 65589.5), required all local jurisdictions within California to consider transitional and supportive housing as a residential use, and the use shall be subject to only those restrictions that apply to other residential dwellings of the same type and size.

Transitional housing is defined by the State in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. This housing can take several forms, such as single family or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living. Supportive housing is defined by the State in Section 50675.14 of the Health and Safety Code as housing that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

In order to be compliant with State law, the City adopted, within its 2015-2023 Housing Element, the following to address transitional and supportive housing (**Attachment 10**).

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

Policy II.1: The City shall seek to meet the special housing needs of individuals with disabilities and developmental disabilities, extremely low-, very low-, and low-incomes, large families, senior citizens, farmworkers and their families, female-headed and single-parent households, and others with special needs.

Implementation Measure II.1.3: The City shall amend the Zoning Ordinance to allow transitional and supportive housing in the Limited Commercial (LC) zoning district as a residential use subject only to the requirements of other residential uses in this district in compliance with Senate Bill 2 (2007).

The approval of Ordinance No. 465 would allow transitional and supportive housing to be located within the Limited Commercial (LC) District; however residential uses require the approval of a Conditional Use Permit within this land use designation (**Attachment 4**).

The timeframe for implementation provided in the City's Housing Element was one to two years following the adoption of the Housing Element.

### ***Employee Housing for Six or Fewer Employees (ZOA-03-16)***

The California Health and Safety Code Section 17021.5 requires employee housing as a permitted use in residential zoning districts. Employee housing is a distinctly defined housing type (Health and Safety Code Section 17008), and is generally characterized as farmworker housing for agricultural employees (**Attachment 12**).

As stated earlier, one of the City's policies within the 2015-2023 Housing Element is to meet special housing needs of certain populations, which includes farmworker housing. Implementation Measure II.1.2 of the City's 2015-2023 Housing Element states "The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5." Currently, the City's Municipal Code does not expressly prohibit or allow employee housing for six or fewer residents and since the Code does not define the term "household", the use is essentially allowed. However, since the City has identified this as an Implementation Measure, and if adopted, proposed Ordinance No. 466 would expressly allow employee housing for six or fewer residents to be permitted in residential districts (**Attachment 5**).

The 2015-2023 Housing Element identified 2015 as the timeframe for implementation.

### **FAILURE TO IMPLEMENT ITS HOUSING ELEMENT**

If the City does not fulfill the requirements of State law or the commitments made in its conditionally certified 2015-2023 Housing Element, it places the City at risk for a lawsuit, loss of regional, federal and/or State funds (e.g. CCTA's Measure J local street monies), potentially jeopardizes HCD's conditional certification of the City's current Housing Element, and not being able to achieve a State certified Housing Element in the future. There have been cities and counties who have attempted to disregard or did not comply with the State's statutory compliance regarding Housing Element law and the outcome has not played favorably to local governments. Put bluntly, each has failed and at considerable taxpayer expense. Here is a small sample of three court cases that have transpired throughout the State.

- *Urban Habitat v. City of Pleasanton (2006, 2008)* was a lawsuit challenging the housing policies of the City of Pleasanton. The lawsuit claimed the City had failed to enact the implementation measures within their Housing Element as well as challenging the legality of the voter-mandated housing cap. The City failed to make 30 to 40 acres of land available for high density housing as required by State law, which resulted in the State decertifying the City's Housing Element. After being subjected to \$1.9 million in legal fees and \$600,000 in defense fees and numerous years battling in the courts, the City of Pleasanton was ordered by the court to rezone areas up to 30 units per acre, including 15% or a minimum of 130 units of very low-income family housing.

- *Dotty Coplen v. County of Mendocino (2006, 2008)* was a lawsuit challenging the County's failure to adopt a Housing Element making sites available for development for sufficient affordable housing to meet the County's share of the regional need. As a result of the lawsuit, the County agreed to rezone 40 acres for the development of multifamily housing. Attorney's fees were also awarded for pre-litigation work and the court continues to monitor ongoing County compliance.
- *Winterhawk v. City of Benicia (1999)* was a lawsuit against the City of Benicia for identifying housing sites that were underwater or already developed. The Department of Housing and Community Development rescinded their certification of the City's Housing Element and the City settled after six months of litigation; however the new City Council refused to approve the agreement, appealed the court's decision three times, and lost on every appeal. The City was ordered to pay \$90,000 in legal fees and expended \$500,000 in attorney's fees fighting the lawsuit. The result was the City complying with State law.

Overall, challenges by local governments to the State's statutory requirements for housing have not resulted in positive outcomes for local jurisdictions. Not only has it resulted in the mandatory rezoning of properties and the payment of legal fees, but there also has been building moratoria put in place as well as threats to rescind local zoning powers and place such land use authority into the State's hands.

#### AB 2222 AND AB 744

##### ***Density Bonus (ZOA-06-16)***

The State Density Bonus Law was originally enacted in 1979 to encourage public agencies to offer density bonuses and other development incentives in order to stimulate the private construction of affordable housing units. Since the law has been in effect, there have been periodic updates but most recently the State legislature passed AB 2222 (2014) and AB 744 (2015). The City's Municipal Code currently outlines density bonus requirements as required per State law; however, it does not address the two aforementioned Assembly Bills, given their recent passage.

AB 2222 prohibits a developer from receiving a density bonus unless the proposed project would, at a minimum, maintain the number and proportion of affordable housing units within the proposed development, and the Bill also increased the required affordability period from 30 to 55 years.

AB 744 allows a developer that is requesting a density bonus and including 100 percent affordable rental units in the development to also request to reduce the minimum parking requirements for the development. In order to qualify, the project would have to be within one-half mile of a major transit stop, a seniors-only development with access to transit, or a development that serves special needs individuals with access to transit. For mixed income

developments within one-half mile of a major transit stop that include the maximum number of very low- or low-income units under the Density Bonus Law the parking requirement cannot exceed 0.5 per bedroom. Local governments could require a higher parking ratio if a parking study has been completed within the last seven years and it supports the need for additional parking.

Minor language changes to the Density Bonus Chapter (17.90) of the Clayton Municipal Code have been proposed to address AB 2222 (**Attachment 6**). Those language changes (Ordinance No. 467) include increasing the affordability period from 30 years to 55 years and requiring the developer to maintain the number and proportion of affordable housing units within the development. No language amendments to the City's Municipal Code were required to address AB 744.

### **FISCAL IMPACT**

None if the proposed actions are approved by the City Council. Potential exposure to litigation by interested third parties and/or jeopardy of local street repaving funds from CCTA are at risk should the City fail to implement its previously-stated Housing Element goal or comply with State laws.

### **ATTACHMENTS**

1. Resolution No. \_\_\_\_ [3 pp.]
2. Ordinance No. 463 [3 pp.]
3. Ordinance No. 464 [13 pp.]
4. Ordinance No. 465 [3 pp.]
5. Ordinance No. 466 [3 pp.]
6. Ordinance No. 467 [4 pp.]
7. Email Regarding High Density Housing [1 pp.]
8. Excerpt of the Minutes from the June 28, 2016 Planning Commission Meeting [7 pp.]
9. Excerpt from the November 18, 2014 City Council Staff Report [10 pp.]
10. Excerpt from the City of Clayton's 2015-2023 Housing Element [6 pp.]
11. General Plan Map [1 pp.]
12. Health and Safety Code Employee Housing Definition [2 pp.]



Joanna Welch, Mt. Dell Drive, wanted to follow up on her prior suggestion for the City's consideration of the purchase and installation of license plate readers at each entrances and exits in town and inquired of its status. City Manager Napper responded that Ms. Welch's suggestion was given to the Clayton Police Chief and he is currently in discussions with the City of Concord about the idea as we share common borders at some of the entrances in and out of town. The City must also evaluate some of the considerations regarding use of license plate readers and privacy rights. He noted the City Council did set aside some monies for the purchase and installation of such equipment in the near future.

**DRAFT**

## **7. PUBLIC HEARINGS**

- (a) Public Hearing on the proposed real property tax assessments in FY 2016-17 for the Diablo Estates at Clayton Benefit Assessment District (BAD) and consider the adoption of the Resolution setting, ordering and levying the annual assessments.

City Engineer Rick Angrisani presented the staff report noting at its public meeting on May 17<sup>th</sup> the City Council was presented with a proposed assessment incorporating the allowable CPI 2.7% increase over Fiscal Year 2015-16 assessments. As required by law, a notice regarding this evening's public hearing was mailed to the real property owners along with the Engineer's Report; for the benefit of the residents, the mailing included the expenditures of the District along with an accounting of its reserve funds. Mr. Angrisani advised the Benefit Assessment District Fund balance will cover the District's costs with the property management contract with Pinnacle until receipt of the first tax payment from the County in December, with no effect to the City's General Fund.

Mayor Geller opened the Public Hearing; no comments were offered. Mayor Geller closed the Public Hearing.

**It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to adopt Resolution No. 48-2016 confirming assessments for the operation and maintenance of improvements within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2016-17. (Passed; 5-0 vote).**

- (b) Public Hearing to consider a series of State and City required actions for compliance with its State Department of Housing and Community Development (HCD) conditionally-certified Housing Element and related state laws:
- 1). General Plan Amendment (GPA-01-16) to increase density allowed within the Multifamily High Density (MHD) designation from 15.1 – 20.0 units per acre to 20.0 units per acre.
  - 2). Introduction and First Reading of Ordinance No. 463 (ZOA-04-16) requiring projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts.
  - 3). Introduction and First Reading of Ordinance No. 464 (ZOA 04-15) adding inclusionary housing regulations.
  - 4). Introduction and First Reading of Ordinance No. 465 (ZOA-05-16) to permit transitional and supportive housing in the Limited Commercial (LC) zoning district.



5). Introduction and First Reading of Ordinance No. 466 (ZOA-03-16) to permit by right employee housing of six or fewer persons within residential zones. **DRAFT**

6). Introduction and First Reading of Ordinance No. 467 (ZOA-06-16) to update density bonus requirements to be compliant with California Assembly Bills (AB) No. 2222 and 744.

Community Development Director Mindy Gentry presented the staff report along with a brief slideshow presentation highlighting the various items for consideration this evening and referenced the requirements for 2015-2023 Housing Element and State law compliances. She noted the Housing Element is one of seven mandated elements to be incorporated into each city's General Plan, which is subject to statutory requirements and a mandatory review by the State's Department of Housing and Community Development (HCD). Ms. Gentry also advised on November 18, 2014 the City Council approved the City's 2015-23 Housing Element containing goals, policies, and implementation measures that are not only important to the City, but must also be put into effect in order for the City to be compliant with and remain in compliance with State law; HCD's certification was "conditional" relying on the City's stated intent to enact these local measures. Ms. Gentry provided a brief explanation of the Regional Housing Needs Assessments (RHNA) and the unit allocation requirement by income category. Ms. Gentry also included a summary of what has occurred in other cities that had failed to implement the requirements with monetary penalties that were incurred and case law losses.

Councilmember Pierce requested clarification of affordable housing costs and their income categories as an example to the community of the household income eligibility ranges for such units. Ms. Gentry advised, for example, to qualify for the Low Income Category the annual household income limits \$46,751 - \$67,600 in Contra Costa County.

Councilmember Haydon inquired if the City does not comply with these requirements, will there be a loss of State funds? Mr. Napper advised in addition to losses of State funds and subventions, the City would also lose local road monies given to it by the Contra Costa Transportation Authority which approximates \$240,000.00 per year. Those monies are used to perform neighborhood street repaving projects.

Mayor Geller opened the Public Hearing.

Joanna Welch, Mt. Dell Drive, inquired if the Multi-Family High Density locations of development are mandated? She also asked if an Environmental Impact Study should be required. She further inquired about potential impacts if that report is negative; will alternate locations and additional traffic congestion, noise abatement, and infrastructure be considerations?

Ms. Gentry clarified an environmental impact review on the Housing Element was completed in 2014; further environmental impact reviews will be required on a project-specific basis on each individual site as required by the California Environmental Quality Act. City Manager Napper added currently there has not be a multi-family high density project submitted to the City; however, if one were submitted the process would consist of a land-use application review with consideration of the zoning of the property, then submitted to the Planning Commission, then ultimately a Public Hearing for consideration by the City Council prior to approval of any specific development.

Dan Hummer, Stranahan Circle, advised he was not aware of the Regional Housing Needs Allocation (RHNA) requirements on the City for its number of housing units and inquired if alternatives are available, along with any consequences if the number of required units is refused. Councilmember Pierce advised Clayton originally had a requirement of 254 RHNA units; however that was successfully negotiated down to 141 RHNA units.



Mr. Hummer noted the Minimum Density increase is from 15.1 to 20 dwelling units per acre to 20 units per acre. He inquired what happens if no one tries to develop the designated number of units on land zoned for such purpose. Ms. Gentry advised the State does not and cannot require units to be built; rather, the City must have a plan in place designating where this type of density development could occur. She added the State has the ability to change its laws and through the Housing Element process it routinely inquires on how cities plan to comply with current laws; compliance with State law can be found in Government Code 65583.2. City Manager Napper commented that in the past staff has been creative to find ways to accommodate the State requirements. An example of this past practice was several Housing Elements ago the City proposed its Regional Housing Needs Assessment (RHNA) be met with "granny units"; in the subsequent five years since that Housing Element was approved only one granny unit was built in the City. In its next 5-year housing element cycle, the State prohibited "granny units" as a local plan to meet all of a city's RHNA.

Mayor Geller closed the Public Hearing.

1. Resolution No. 49-2016 regarding an amendment to City General Plan Land Use Element to modify the permitted density within the Multifamily High Density Land Use Category (GPA-01-16).

**It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to adopt Resolution No. 49-2016 amending the Clayton General Plan Land Use Element to modify the permitted density within the Multifamily High Density Land Use Category (GPA-01-16) with finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).**

2. Introduction of Ordinance No. 463 to require projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts (ZOA-04-16).

**It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to have the City Clerk read Ordinance No. 463, by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 463 by title and number only.

**It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to approve Ordinance No. 463 for Introduction with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).**

3. Introduction of Ordinance No. 464 adding inclusionary housing regulations (ZOA-04-15).

**It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 464, by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 464 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to approve Ordinance No. 464 for Introduction with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).

4. Introduction of Ordinance No. 465 to permit transitional and supportive housing in the Limited Commercial (LC) zoning district (ZOA-05-16).

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 465 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 465 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to approve Ordinance No. 465 for Introduction with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).

5. Introduction of Ordinance No. 466 to permit by right employee housing of six or fewer persons within residential zones (ZOA-03-16).

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 466 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 466 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to approve Ordinance No. 466 for Introduction with findings the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).

6. Introduction of Ordinance No. 467 to update density bonus requirements to be compliant with California Assembly Bills (AB) No. 2222 and 744 (ZOA-06-16).

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 467 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 467 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to approve Ordinance No. 467 for Introduction with the findings the Ordinance is not subject to the California Environmental Quality Act because this activity is not considered to be a project and it can be seen with certainty that it will not have a significant effect or physical change to the environment. (Passed; 5-0 vote).

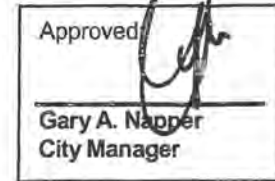


Section 6932. 2016 Income Limits

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
<b>Alameda County</b> 4-Person Area Median Income: <b>\$93,600</b>	Extremely Low	20500	23400	26350	29250	31600	33950	36730	40890
	Very Low Income	34150	39000	43900	48750	52650	56550	60450	64350
	Low Income	52650	60150	67650	75150	81200	87200	93200	99200
	<b>Median Income</b>	65500	74900	84250	<b>93600</b>	101100	108600	116050	123550
	Moderate Income	78600	89850	101050	112300	121300	130250	139250	148250
<b>Alpine County</b> 4-Person Area Median Income: <b>\$94,900</b>	Extremely Low	18150	20750	23350	25900	28440	32580	36730	40890
	Very Low Income	30250	34600	38900	43200	46700	50150	53600	57050
	Low Income	46100	52650	59250	65800	71100	76350	81600	86900
	<b>Median Income</b>	66450	75900	85400	<b>94900</b>	102500	110100	117700	125250
	Moderate Income	79750	91100	102500	113900	123000	132100	141250	150350
<b>Amador County</b> 4-Person Area Median Income: <b>\$72,300</b>	Extremely Low	15200	17400	20160	24300	28440	32580	36730	40890
	Very Low Income	25350	28950	32550	36150	39050	41950	44850	47750
	Low Income	40500	46300	52100	57850	62500	67150	71750	76400
	<b>Median Income</b>	50600	57850	65050	<b>72300</b>	78100	83850	89650	95450
	Moderate Income	60700	69400	78100	86750	93700	100650	107550	114500
<b>Butte County</b> 4-Person Area Median Income: <b>\$58,900</b>	Extremely Low	12400	16020	20160	24300	28440	32580	36550	38900
	Very Low Income	20650	23600	26550	29450	31850	34200	36550	38900
	Low Income	33000	37700	42400	47100	50900	54650	58450	62200
	<b>Median Income</b>	41250	47100	53000	<b>58900</b>	63600	68300	73050	77750
	Moderate Income	49500	56550	63650	70700	76350	82000	87650	93300
<b>Calaveras County</b> 4-Person Area Median Income: <b>\$70,200</b>	Extremely Low	14750	16850	20160	24300	28440	32580	36730	40890
	Very Low Income	24600	28100	31600	35100	37950	40750	43550	46350
	Low Income	39350	44950	50550	56150	60650	65150	69650	74150
	<b>Median Income</b>	49150	56150	63200	<b>70200</b>	75800	81450	87050	92650
	Moderate Income	58950	67400	75850	84250	91000	97750	104450	111200
<b>Colusa County</b> 4-Person Area Median Income: <b>\$58,900</b>	Extremely Low	12400	16020	20160	24300	28440	32580	36550	38900
	Very Low Income	20650	23600	26550	29450	31850	34200	36550	38900
	Low Income	33000	37700	42400	47100	50900	54650	58450	62200
	<b>Median Income</b>	41250	47100	53000	<b>58900</b>	63600	68300	73050	77750
	Moderate Income	49500	56550	63650	70700	76350	82000	87650	93300
<b>Contra Costa County</b> 4-Person Area Median Income: <b>\$93,600</b>	Extremely Low	20500	23400	26350	29250	31600	33950	36730	40890
	Very Low Income	34150	39000	43900	48750	52650	56550	60450	64350
	Low Income	52650	60150	67650	75150	81200	87200	93200	99200
	<b>Median Income</b>	65500	74900	84250	<b>93600</b>	101100	108600	116050	123550
	Moderate Income	78600	89850	101050	112300	121300	130250	139250	148250
<b>Del Norte County</b> 4-Person Area Median Income: <b>\$58,900</b>	Extremely Low	12400	16020	20160	24300	28440	32580	36550	38900
	Very Low Income	20650	23600	26550	29450	31850	34200	36550	38900
	Low Income	33000	37700	42400	47100	50900	54650	58450	62200
	<b>Median Income</b>	41250	47100	53000	<b>58900</b>	63600	68300	73050	77750
	Moderate Income	49500	56550	63650	70700	76350	82000	87650	93300



Agenda Date: 8-16-2016  
Agenda Item: 8b



# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: RICK ANGRISANI, CITY ENGINEER**

**DATE: AUGUST 16, 2016**

**SUBJECT: REVIEW OF URETEK REFERENCES**

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## **RECOMMENDATION**

Following presentation and public comment, authorize the reallocation of \$1.054 million from the 2016 Neighborhood Street Rehabilitation Project (CIP No. 10432) to the FY 2016-17 Arterial Street Rehabilitation Project (CIP No. 10437) and instruct City Engineer to prepare specifications and standards for competitive bids using a polymer fill injection to stabilize the roadways and micro-surfacing treatment to resurface Clayton Road, Marsh Creek Road and Oakhurst Drive

## **BACKGROUND**

At your July 19th meeting, the Council approved Staff's recommended scope of work and budget for the 2016 Rehabilitation Project (CIP Project No. 10437).

The scope of work included a recommendation to use URETEK USA's procedure of injecting polymers into the soil to lift up several areas of pavement where the underlying soils have consolidated and created dips in the pavement on Oakhurst Drive and Clayton Road. This patented process and injection material have been used in many places around the country but is just breaking into the California market.

The Council requested more detail on the company's background and references.

### **Company History**

In 1975, URETEK Finland developed a special formulation of high density polymers from a wide cross-section of possible blended characteristics. URETEK 486 was selected as a brand name for this unique material for lifting and undersealing concrete.

In 1979, the URETEK method was patented in the United States and other countries around the world. Since that time, URETEK completed over 75,000 concrete rehabilitation projects worldwide.

In 1988, URETEK USA was granted the exclusive license rights for the sale of the product and services in the United States and Mexico. With their corporate headquarters in Houston, Texas, the company serves various DOT, public works, commercial, industrial and residential markets. In 1997, URETEK patented a unique system for restoring load transfer and fast, permanent repair for jointed or cracked pavements. In 2000, URETEK introduced the "Deep Injection" process, a proprietary system for increasing the bearing capacity of foundation soils for pavements, slabs and structures. In 2003, URETEK was issued patents in the United States and Canada for the "Deep Injection" process.

### References

Staff spoke to several references provided by URETEK:

Glen Love  
Harris County, Texas  
(281) 435-1111

Dennis Baldwin  
Dallas-Fort worth International Airport  
(972) 973-6205

Deotis Gay, Jr.  
Houston County, Texas  
(713) 991-6881

Frank Martinez  
Dept. of Transportation, New Mexico  
(575) 626-0178

The comments from all of the contacts were uniformly positive. URETEK has worked for each entity for at least five years and have successfully completed numerous stabilization and pavement raising projects for each of them. They all agreed that the use of URETEK's patented process has saved significant amounts of money compared to the usual remove and reconstruct methods. They also stated the URETEK stands behind its work and if the pavement fails or becomes depressed within five years after the original repair, URETEK will come back and repair the pavement at absolutely no cost. In fact, URETEK offers a two year guarantee against a settlement in excess of 1/4 inch in their standard contracts but is willing to offer a five year guarantee for a slight surcharge.

Staff then contacted other state DOTs (New Mexico, Georgia, and Vermont) to determine how long the repairs performed by URETEK actually lasted. All of our contacts, who have been using URETEK as far back as 2000, reported that to date, there has been no movement or settlement in any areas URETEK was used.

The anticipated costs for the URETEK treatments (\$230,000±) represents approximately 11% of the project's total estimated costs (\$2,100,000). It is doubtful that the permanent repairs could be accomplished by routine methods (removal, some type of reinforcement or underground support structure to block future movement of the remaining landslide debris, and replacement of the surface improvements ). The estimated costs would easily exceed \$750,000 and would require a month or more of lane closures on Clayton Road and Oakhurst Drive.

Based upon our discussions, Staff is confident that URETEK will solve our "dip" problems permanently.



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Concrete Rehabilitation

Made Interesting



STRENGTHENING WEAK SOIL UNDER PAVEMENTS

**URETEK's Deep Injection Technology:**

"At Depth" look aiming to solve America's ailing roads & bridges

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# URETEK's Deep Injection Technology:

The Answer to America's Ailing Infrastructure

Since the early days of modern civilization, road builders and building

construction contractors have understood the relationship between stable ground and the roads, bridges, and structures that lie on that ground. When weather conditions produce rain, snow, or severe temperature shifts, underground problems such as voids, fissures, and water pockets can be created that in turn, destabilize road surfaces, highways and building foundations. The result - cracks, potholes, and sink holes that can wreak havoc on public assets such as roadways, sewers, pipelines, bridges and overpass supports, as well as private buildings and structures.

Even though work crews can seal the cracks, fill the potholes, lay down new asphalt, or rebuild the damaged infrastructures, it only masks the underlying problem, requiring that a similar round of maintenance is needed again after the next season of severe weather. The key to having quality road surfaces and public structures that last longer and require less frequent maintenance is having stable base soils. The materials that are used to repair base soils play an important role in correcting problems on a permanent basis.

In the past, several materials were widely used to fill underground voids: From seashells and wood chips, to combinations of lime which have varied anywhere from seashells and wood chips, to combinations of lime, fly ash, cement, and concrete slurry. However these products

which somewhat filled the voids failed to drive out and seal them from the entry of surface water back into the base soils.

Many municipalities and commercial businesses are now placing a greater emphasis on preventative measures designed not only to seal but also to strengthen these underground soil strata. By increasing the density of compromised sub-surface soils repairs are longer lasting and the asset is better protected.

## Benefits of Expanding Polymers

These outdated base mixtures complicated the repair effort by adding significant cement-base mixtures complicate the repair effort by adding significant amount of weight to an already base strata. In addition, since the quality of cement materials is compromised by hydration, any standing water in these void areas diluted the mixtures, decreasing effectiveness. Finally, the low tensile strength of cement based materials make their usage under heavy load or vibration conditions (such as highways) susceptible to early and predictable short life and in-service failure.

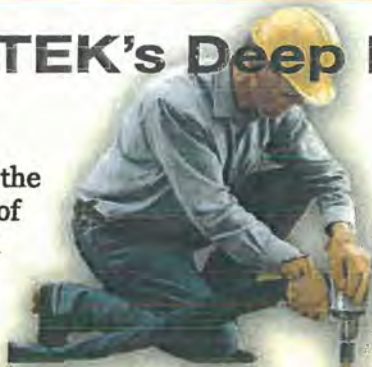
ideal for highways, bridge approaches/departure slabs as well as taxiways, runways and tunnels that have settlement problems caused by a poor sub-base and soil compaction. Expanding polymers are also specially formulated to be fast acting and hydro-insensitive, ensuring that they are unaffected by any water or wet soil that may lie under the surface pavement.

**Long Lasting** - URETEK's Expanding Polymers have a high degree of compressive and tensile strength, extending longevity guaranteed for 10 years against any loss of dimensional stability or deterioration.

**Fast Acting** - With our expanding polymers injection, maintenance times are reduced to hours instead of the days or weeks required for other traditional techniques. As a result, the transportation asset can be restored to full use by the general public more quickly, minimizing disruption and customer frustration.

**Hydro-Insensitive** - For heavily saturated, wet soil conditions, the unique chemistry of URETEK expanding polymers stops weak cross-linking at the time the material is injected. Our proprietary system assures strong high quality material even in wet environments. The material is excellent for sealing underground pipes by surrounding and sealing the leaking joint or damaged area.

**Expansive** - When its two base chemicals are combined and injected into the void, the polymer material expands up to 20 times its original liquid volume. Because of these unique expansive capabilities, the polymer material fills all voids or fissures while further compressing



STRENGTHENING TIED SOILS UNDER PAVEMENTS



and densifying the underground soils in the process. URETEK often doubles or triples the strength of base soils.

**Lightweight** - Expanding Polymers are extremely lightweight, weighing less than 5% of a comparable quantity of cement/concrete based grouts. As a result, a minimal amount of

additional overburden weight is introduced into the already distressed sub-grade soil environment.

**Safe** - The cured polymer material is inert, environmentally neutral, and does not contribute to soil or water contamination, leaching, or pollution. In comparison, other soil densi-

fication procedures such as cementitious materials are not environmentally friendly. URETEK's unique expanding polymers are the direct result of our technical research and 85,000 successful projects worldwide. These advantages are there for you.



**URETEK POLYMERS:**  
A RESPONSIBLE CHOICE FOR OUR ENVIRONMENT.

**URETEK**  
SAFETY & ENVIRONMENT

Rigid polyurethane is a thermoset polymer reduced from the reaction of the polymeric MDI and a polyfunctional alcohol. Thermoset polymers are those that change irreversibility during the reaction into a crosslinked, thermally stable network. Rigid polyurethane foams are resistant to oils and gasoline and most solvents. Polyurethane's are widely used in the construction industry for such purposes as insulating pipe for use below grade, in-situ barriers in ditches to prevent erosion and other uses where the material may be buried.

In a DuPont publication (BA-13) from the mid 1980's, polyurethane foams were tested under a variety of conditions. One of the tests involved burial of rigid polyurethane foam for a period of 10 years

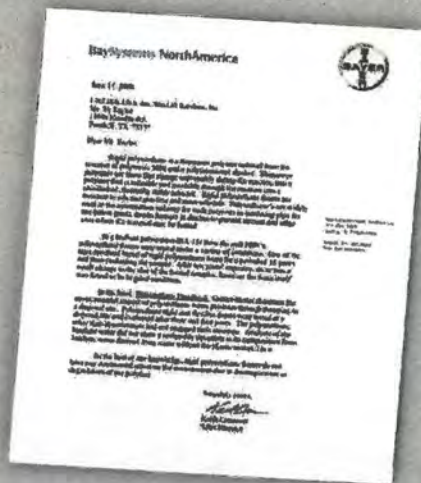
and then evaluating the sample. After ten years' exposure, there was a small change in size of the buried samples, however the foam itself was found to be in good condition.

In the book, Polyurethane Handbook, Gunter Oertel discusses the environmental impact of polyure-

thane waste products through dumping in a disposal site. Polyurethane rigid and flexible foams were tested at a disposal site and evaluated after three and five years. The polyurethane, other than discoloration had not changed their structure. Analysis of the leachate water did not show a noticeable deviation in its composition from leachate water derived from waste without the plastic material in it.

To the best of our knowledge, rigid polyurethane foams do not have any detrimental effect on the environment due to decomposition or degradation of the polymer.

BaySystems  
North America



URETEK was Green  
When Green wasn't Cool...



# DIAGNOSING PROBLEMATIC BRIDGE APPROACHES

Many expansion joints are not sufficiently filled, allowing water to flow into the underlying fill materials.

Many bridge approach elevation profiles have slopes higher than 1/200, which is considered a maximum acceptable gradient for bridge approaches.

Constant vibration and pounding of daily traffic rapidly increases sleeper slab and pavement settlement.

## Common Bridge Approach Problems

The foundation soil or embankment fill settles.

Backfill materials under poorly performing approach slabs are often loose and under-compacted causing voids creating a structural integrity concern with both the approach slab and bridge.

# SOLVING PROBLEMATIC BRIDGE APPROACHES

URETEK's Deep Injection Process for sunken pavement and bridge approach/departure slabs takes a fraction of the time that traditional repair methods take.

The patented Deep Injection process compacts loose soil strata at depths where the strata is weakest.

The URETEK Method lifts and supports sunken pavement along with void filling and undersealing weak slabs.

URETEK's patented expanding polymers have a hydro-insensitive element that drives out water from soils with a high moisture content.

## URETEK's Pavement & Bridge Approach Solutions

High density, lightweight URETEK polymers surgically realign approach slabs and densify weak soil strata.





# Deep Injection Process

## Steps to Success

### Step 1 – The Investigative Phase

Prior to any material injection, a series of preliminary tests are conducted to identify and determine the specific areas that have a weaker soil stratum, and to find the specific locations where the expanding polymer material is needed. The tests are performed using a dynamic cone-penetrometer, a metal rod (with conical tip) that is driven into the ground to measure the density of the ground soil. The rod is marked in 10-centimeter increments and is used as an indication of soil strength. This measurement process is accomplished through a series of "blow counts" that are administered by dropping a specific weight from a certain distance onto the top of a penetrometer rod to drive it into the ground. The number of blows that are necessary to send the rod 10 centimeters into the soil are counted and measured. For example, a high number of blows would be indicative of a more

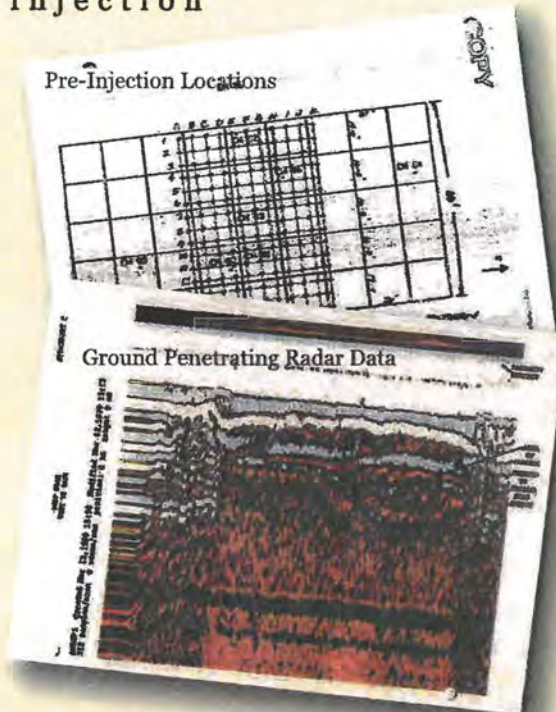
Penetrometer Test



dense soil, while a lower number of blows would indicate a weaker soil condition. Typically, weak soils register a low value, typically 1 to 5 blows, while denser soils register a higher blow count above 10, 20 or higher.

### Step 2 – The Preparation Phase

Once the penetrometer tests have been completed, the specific locations and depths of weaker soil strata are logged. Using this information, special probe drills are used to measure and drill an



injection pattern in the form of a grid that includes a series of 5/8" to 3/4" holes encompassing the entire identified area. The injection grid will direct the locations for the expanding polymers injections which will strengthen the soil directly underneath the structure as well as the surrounding area. To further enforce the target areas, injection holes are drilled at a variety of depths depending on the soil condition.

### Step 3 – The Primary Injection Phase

Once all of the injection holes are drilled, a length of tubing is placed into each hole to accurately position the expanding polymers

material. The polymer, which is based on a combination of two different chemicals, is warmed prior to its injection into the ground to facilitate the injection process. The weaker locations closest to the surface, comprising depths between 3 to 9 feet receive the first injection. When the injection has been completed, the polymer material reaches its maximum density very rapidly.

As the synthetic polymer material is placed into selected strata, it begins to quickly expand. It will grow to over 20 times its original liquid volume, filling any void or fissure encounters in its expansion path. As this occurs, soils are also compacted by the material. Since the polymer is hydro-insensitive, any ground

water that the polymer encounters in its expansion path is pushed aside. This property allows for deep injections to occur under any type of ground condition, including heavily saturate-soils. Expansion of the polymer is over within one minute reaching 90 percent of its strength within 15 minutes.

### Step 4 – The Secondary Injection Phase

Once the upper stratum is densified, lower levels can be addressed. Depending on the condition of the underground soil and the depths that are required, there can be additional deeper injection locations. This second



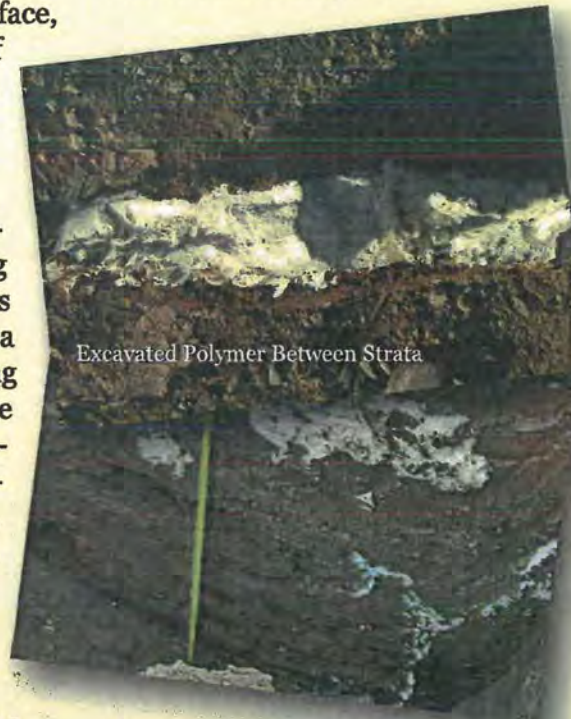
round of deep injections encompasses the entire soil support area necessary for the overbearing structural load. Each injection continues up to a point of minimum lift registered at the surface, indicating the sufficiency of densification. This assures a sufficient radial compaction from each point of injection.

As this final portion of polymer expands, the surrounding sphere of influence compacts and densifies the soil to affect a controlled lift of the bearing loads. These movements are precisely monitored and controlled by the laser level measuring devices on the surface. By proceeding in this manner, these injections guarantee an adequate increase of the bearing capacity of the weight bearing systems. Once this final injection phase has been completed, the road or structure can be returned to normal operation within 15 minutes. This results in dramatically reduced costs and minimizes the downtime for use of the asset.

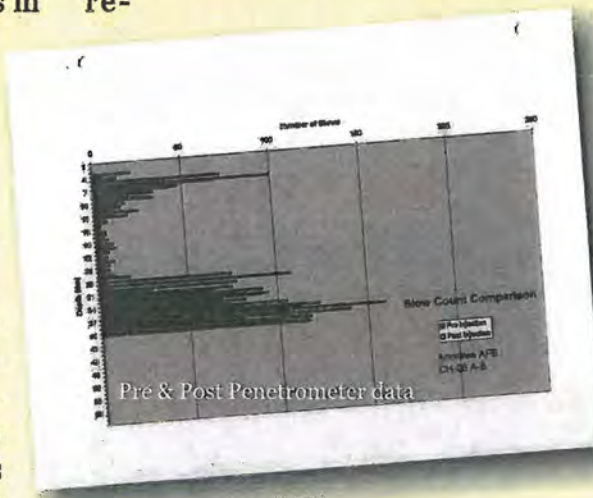
#### Step 5 – The Validation and Testing Phase

Given the variances that are inherent with any underground environment, it becomes imperative to test the reinforced area after the injections have been applied to ensure that the process has accomplished the densification goals. After the injection phases have been completed, a series of post-injection penetrometer tests are completed in close proximity to the injection locations. Proof of

specific soil strata strength is accomplished and logged. A report is generated and given to the client to validate the changes that have taken place in



the ground density and show the improvements that have been made in re-



storing the surface elevation, and also increasing the bearing capacity of the foundation soils. Using deep injected expanding

polymers provides a cost effective, fast, and safe solution for soil stabilization problems, as well as delivering a "no disruption" cure for highways, roads/bridges, runways/taxiway repair problems, deep soil densification, and sealing underground leaks. With this process, many of today's state, county, and municipal governments can make the most cost effective use of limited budget resources while dramatically improving the quality and longevity of their existing infrastructure investments.

The patented Deep Injection Process is available from URETEK USA, who has been performing deep polymer injection for public and private institutions across the country for over 20 years. Visit either of our websites for more information: [www.uretekusa.com](http://www.uretekusa.com) for roads, bridges, and highway applications or visit [www.uretekicr.com](http://www.uretekicr.com) for industrial, commercial, and manhole/wastewater applications.





[www.uretekusa.com](http://www.uretekusa.com)

# Get your soil a gym membership.

Toughen wimpy soil with powerful URETEK polymers.



Soil  
Densification

Tunnel  
Stabilization

Tunnel  
Sealing

Joint  
Sealing

[www.zeroexcavation.com](http://www.zeroexcavation.com)





Agenda Date: 8-16-2016

Agenda Item: 8c

Approved:

Gary A. Napper  
City Manager

# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**  
**FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR**  
**DATE: AUGUST 16, 2016**  
**SUBJECT: TECHNOLOGY FUNDING (CDD-06-16)**

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## RECOMMENDATION

It is recommended the City Council consider all information provided and submitted, receive public comments, and, if determined to be appropriate, take the following actions:

- 1) Authorize the City Manager to enter into a five year agreement with Municipal Code Corporation (MuniCode) for the MyMunicode package for professional online codification services.
- 2) Authorize the City Manager to enter into an agreement with Digital Services to create a new interactive City website, provide ongoing IT services with an appropriate backup individual or firm identified, and implement backup server services; and
- 3) Review and consider the costs and information presented on web streaming of the City Council meetings and provide policy direction to staff regarding Council's interest in pursuing this service further; and
- 4) Authorize the City Manager to expend the necessary funds from the previously-earmarked \$47,000 (new City website, backup server and IT support services) and \$5,000 (searchable online Municipal Code) in FY 2015 General Fund excess monies to implement the approved technology services improvements/modernizations.

## DISCUSSION

This staff report is a supplement to the proposed necessary technology improvements and associated funding that was presented to the City Council at its public meeting of July 19, 2016 (**Attachment 1**). At the meeting, City Council directed staff to clarify and provide information regarding the consultant's staffing backups in place if the City were to select Digital Services as the vendor for both the City's information technology service needs as well as new website design. The Council expressed concerns about Digital Services being a sole proprietorship relative to Digital Services' capacity to provide technical services

should Digital Services be unavailable either temporarily or permanently to manage the City's IT needs.

#### Digital Services' Plan

Following the July 19<sup>th</sup> Council meeting, staff spoke with the owner of Digital Services to discuss the concerns that had arisen pertaining to a backup solution in the event Digital Services was no longer available. First, Digital Services was able to provide information regarding the nature of the network setup and the website, which would both be designed in such a manner that a trained IT technician would be able to navigate the network and the website in his absence. In addition, Digital Services provided in its scope of work that one of the first steps in setting up the City's network and servers, which would include cloud back up of the City's data, would be to provide the credentials and login information to the City in a hardcopy format.

Therefore, should Digital Services no longer be the City's IT vendor or if something were to happen to Digital Services' availability, the City would be able to provide the pertinent information to another individual or firm in order to gain access to the system. Digital Services also agreed to vet and designate a second individual or IT firm that would be willing and available to intervene in his absence, whether temporarily or permanently. Digital Services has taken this step previously with other clients, but through the vetting process would want to ensure the backup individual or IT firm would be specifically suited to the City's technological needs. In addition, similarly to how the City's technology needs are currently being met, an outside vendor such as R Computers could be utilized on a time and materials basis in the event Digital Services and the backup are both unavailable; in essence R Computers could act as a secondary backup option. Also, Digital Services utilizes open source and commonly used programs such as Linux (operating system), Microsoft Exchange Server (email and calendaring system), and Amazon Web Services (cloud data backup) which are readily available and heavily used in commercial applications. Due to this availability and usage, there are large pools of competent and qualified users to assist the City if there was a gap in support services.

For the new City website design, Digital Services will be using WordPress, which is designed in such a manner that is based on a series of steps, so if something were to happen midstream the City would be able to bring in someone well-versed in WordPress to complete the website. Again, Digital Services will name a secondary backup if something were to occur where he would be unavailable to address the City's issues or not be able to complete the design of the website. Further, according to WordPress, which has been around since 2003, 24% of all websites on the Internet are powered by the WordPress platform. WordPress is a common open source software that is readily used because of its ease of use and is designed in such a manner that a website designer would be able to step right into the City's website and rectify any issues or step in midstream during the design process.

The owner of Digital Services will be in attendance at this City Council meeting to answer any questions or to clarify any issues related to the proposed scope of work, technology specifics, and his business operations.



### Alternate IT Consultant

Lastly, if the City Council remains uncertain with the backup scenario described above, the Council may instruct staff to seek a larger operator that has a number of technicians, such as R Computers. However, should a larger firm be preferred, this direction will cost the City additional monies and the resultant expense will exceed the one-time funds that were set aside from the FY 2015 General Fund Assigned Surplus Reserves (i.e., \$5,000 for online municipal code and \$47,000 for website development). A table in the Fiscal Impact section of the staff report below shows the cost difference between Digital Services and another vendor.

Given the proposed level of work is not extremely complicated and given that Digital Services will utilize commonly used platforms and software, staff is comfortable recommending Digital Services given his knowledge base, costs, customer service, and flexibility.

### Backup Server Plans

The City's data server currently utilizes a mirrored hard drive for storage without secondary onsite or offsite backup, except for the City's financial records which are stored in the cloud. Without a backup system in place and if something catastrophic were to occur the City would not only lose years of electronic data, but countless hours of staff time would have to be spent putting the City's records back in place. The best and most economical way for the City to ensure data is appropriately backed up is by utilizing a cloud storage service. The cloud eliminates the need to have physical hardware located at an offsite location, which would require configuration of a secure location, power, and an internet connection to conduct a regular backup.

Digital Services' plan, if they are selected as the City's IT vendor, is to install an onsite backup system for the server as well as to install and setup an automated, low-cost, disaster recovery solution, which includes the safe storage of regular backups of all files on a remote cloud server hosted by Amazon Web Services. The estimated costs would be approximately \$2,925 to perform this work, which was identified in the submitted scope of work.

The backup recovery solution was not specifically identified in the proposals submitted by R Computers or by Nerd Crossing. The approximate cost to up setup this service utilizing a larger IT firm and assuming 45 hours to complete the setup, would cost anywhere from \$5,400 to \$6,750.

### **FISCAL IMPACT**

Staff has included a comparative fiscal impact table below showing the total costs if Digital Services becomes the preferred selected vendor as well as the total approximate costs if a larger firm was selected for IT Services. The assumed costs were based on the number of hours estimated by Digital Services, but based on the hourly rate of \$120 which is the next comparable cost for server and desktop services, but not for network services. Given the assumptions for the table, the total costs will actually be more than what is reflected in the table below. Those additional costs not accounted for in the table would be for work on the City's network as well as the cost for the additional servers.




Service	Cost (Digital Services)		Approx. Cost with Other Vendors	
	Annual Ongoing	One-time	Annual Ongoing	One-time
IT Services	\$4,700 (incl. backup servers)	N/A	\$15,000 (not incl. backup servers)	N/A
Hosted Email Exchange	\$1,440	\$975	\$1,440	\$1,800
Website Design	N/A	\$12,000	\$1,250	\$47,000
Develop & Host Intranet	N/A	\$1,300	N/A	\$2,400
Website Training	N/A	\$2,600	N/A	N/A
Webmaster Services	\$1,300	N/A	N/A	N/A
Online Municipal Code	\$995 + \$18 per page	N/A	\$995 + \$18 per page	N/A
Web Streaming	\$4,300	N/A	\$4,800	\$4,500
Backup Server	Included	Included	N/A	\$5,400 (does not include hardware)
<b>TOTAL w/o Web Streaming</b>	<b>\$8,435*</b>	<b>N/A</b>	<b>\$18,685*</b>	<b>\$51,200</b>
<b>TOTAL</b>	<b>\$12,735*</b>	<b>\$16,875</b>	<b>\$23,485*</b>	<b>\$55,700</b>

\*Does not include the \$18 per page for codification services required under the online municipal code line item.

**ATTACHMENTS**

1. July 19, 2016 City Council Staff Report and Excerpt of the Minutes [67 pp.]



Approved: 
Gary A. Napper City Manager

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *mg*  
**DATE:** JULY 19, 2016  
**SUBJECT:** TECHNOLOGY FUNDING (CDD-06-16)

---

## RECOMMENDATION

It is recommended the City Council consider all information provided and submitted, receive public comments, and, if determined to be appropriate, take the following actions:

- 1) Authorize the City Manager enter into a five year agreement with Municipal Code Corporation (MuniCode) for the MyMunicode package for professional codification services.
- 2) Authorize the City Manager to enter into an agreement with Digital Services to create a new interactive City website and ongoing IT services.
- 3) Review and consider the costs and information presented on web streaming of the City Council meetings and provide direction to staff regarding Council's interest in pursuing this service further.

## BACKGROUND

At its regular public meeting held on November 17, 2015, the City Council solicited and received a "wish-list" of unmet needs from all departments throughout the City relating to improvements, replacements, or new acquisitions needed in the city or the City organization (**Attachment 1**). Included within the 24 item "wish-list" were technology improvements identified by staff to improve City operations through an increase in efficiency as well as an increase in more accessible services for the public. These items included a new interactive City website, and an online searchable municipal code. The electronic records management system was also identified as "wish-list item"; however that item will return to the Council at a later date.

At its February 2, 2016 meeting, the City Council received a narrowed down "wish-list" of 13 items after which the City Council determined it would like to pursue the interactive website and searchable municipal code, amongst others. Based on the information provided by staff for the two aforementioned items, the Council wanted to see additional information due to

the associated ongoing costs with these technology services (**Attachment 2**). Staff now resubmits the matter to the City Council with additional information for these two items as well as consideration for additional ongoing funding for identified unmet technological needs. As part of the gathering of information for the technology related items on the "wish-list", concerns arose regarding the lack of financial attention to the City's technological needs. These concerns, which are discussed in further detail below, include the lack of proper off-site backups, the lack of continual security monitoring, and no one to ensure the systems are operating smoothly. There is also concern with the lack of ongoing maintenance and routine technical services being provided to the City, such as system updates and server backups.

Technology is inescapable in this day and age and given that individuals, businesses, and governments are relying more and more on technology to streamline processes and to become more efficient, it only makes sense that these costs would increase over time due to this reliance on technology. This City is no different and it really needs to take steps to increase its investment in technology to ensure it stays technologically current. Staff has concerns the City is seriously trailing behind other government agencies in regards to the public's expectation of access to services that are being provided, not to mention upkeep on the basic systems. Not only would this investment, both the ongoing costs and the one-time costs, in technology keep the City current but it would also ensure the City can provide superior customer service to its citizens. The investment in technology now would avoid a more costly investment down the road for the City to avoid "playing catch up" in regards to technological improvements. Improvements in technology do have one-time costs associated with them, but given the lack of attention and previous funding for technology, it's time the City Council consider increasing the ongoing funding for the City's technological requirements; having City employees work more efficiently and effectively using technology helps to mitigate the pressing need for additional employees and that escalating expense.

### **DISCUSSION**

A question was raised at the February 2, 2016 City Council meeting regarding the current state of the City's existing computer hardware. The average life of a City computer is approximately ten years and the current age of the City's computers is four to five years, so nearly half way through its useful life.

**Searchable Municipal Code:** Based on the City Council's direction at the February 2, 2016 meeting (**Attachment 2**), staff is returning with a request to authorize the City Manager to enter into a five year agreement with Municipal Code Corporation (MuniCode) for the MyMunicode package for professional codification services (**Attachment 3**). The costs associated with this service would be an annual commitment of \$995 per year plus a per page rate of \$18 with the first year annual fee being waived. The MyMunicode package is the premium package, which provides not only an online searchable municipal code, but also provides the storing of previous versions of the municipal code, the ability to research other cities' codes that are hosted by Municode, and the provision of a hyperlink for a newly adopted code prior to supplementation, to name a few. The total anticipated costs for the first five years would be approximately \$4,000 with the annual cost then being folded into the annual budget. It is estimated it will take approximately 12 weeks to build, convert, and launch the City's code from the time an agreement is executed.



The existing issues with the current display of the City's Municipal Code on our website is that it is not searchable, lacks uniformity, and the City is unable to easily store previous versions of the Code. The only possible search of the code that can be performed is if Adobe Reader Pro has been paid for and installed on the computer and even then it only searches the chapter and not the entire code. The professional codifiers, MuniCode, can standardized the entire code, manage updates, and web host the City's code. The City of Clayton is the only jurisdiction in the entire County to not have a professional codifier service to manage its Municipal Code.

If the Council does not want to commit to the premium package of an annual cost of \$995, there is also the option of the basic service for \$350 per year plus \$18 per page for supplementation. The basic service provides a uniformly formatted, searchable, and hosted municipal code. This option is not preferred by staff because it lacks the ability to reference past versions of the Municipal Code, changes to the Municipal Code will not be posted online in between the periodic supplements or updates, and would not allow users the ability to compare past versions of the online code. The MyMuniCode package also allows drafts of legislation to be done on the online version of the code, where the basic package does not offer this feature.

IT Services: As discussed earlier, staff has concerns with the lack of available resources for the City's technology needs, which arose from devising the one-time "wish-list". Also, the City currently has been operating without a regular on-call person or IT firm to handle its current information technology needs. The City had been utilizing a member of the community who had performed many tasks pro bono or by charging the City a minimal hourly rate (approximately \$40/hour); however this community member no longer has the availability to address the City's needs, and certainly is unavailable when emergencies arise needing immediate attention. Further, the technological demands and needs of the City have morphed over the time and due to the increase of reliance on technology, it's time the City should consider regularly dedicating funds to contract with a firm or individual that specializes in these support services. When City Hall computers go down, very little staff work can be performed.

These services would include regular maintenance of the City's workstations, its network, an update to the email system, monitoring and ensuring adequate system security, setup a disaster recovery solution, as well as on-call availability due to a system malfunction or failure; not to mention a required update of the City's network system to ensure it is properly functioning. The City's network currently consists of one server with approximately 15 work stations. Further, the City's network is and has recently been experiencing chronic and repetitive issues and technical difficulties lately, which need to be addressed to ensure a smooth operation of City services. These issues and difficulties should ideally be handled by an IT professional rather than City staff trying to troubleshoot or to pay for an expensive on-call service that is unfamiliar with the City's system.

City staff sought quotes from a number of different firms that specialize in IT services in order to address technological issues as well as weaknesses and vulnerabilities of its system and to identify a firm to handle the City's ongoing demands for information technology services.

- Digital Services (**Attachment 4**): \$65/hour with an estimated 45 hours the first year with a recommended package of \$4,780 per year which includes not only IT services. but it also includes a server with backup capabilities.
- Nerd Crossing (**Attachment 5**): \$150/hour with a recommended package of \$1080 per quarter (\$4,320/year).
- R Computers (**Attachment 6**): \$120/hour to \$150/hour depending on the work with a monthly cost of \$1,250 (\$15,000/year).

Given that Digital Services' hourly rate is substantially lower than the other two service providers; staff is recommending them as the preferred vendor. In addition, Digital Services will be able to provide construction of a new City website, webmaster services, and web streaming, which are all discussed in further detail below. Having one vendor for all of these services is also a benefit to the City to address all technology issues rather than have a multitude of companies managing each process or element.

One of the issues staff has flagged for upgrading is the email system. Currently the exchange server is setup in such a manner that makes it difficult for remote access via the web. When remotely accessing emails, messages have to be intercepted from the hosting email exchange server before they are downloaded to the City's server and if they are downloaded from the exchange server then they will not make it to the City user's inbox unless a copy is forwarded. Further, City staff cannot share calendars to schedule meetings or to know a colleague's availability. The Microsoft Exchange server can be setup in such a manner that calendars can be shared and viewed with others in the organization. Digital Services has identified all of these services to cost approximately \$4 per email account per month, which equates to \$1,440 per year. It would take approximately \$975 in labor for the one-time cost to setup the Microsoft Exchange server.

Digital Services would also be able to setup an INTRANet for staff and officials for a one-time cost of \$1,300. The INTRANet could be a common repository for human resource documents, standard City contract templates, list of community events, the City employee handbook, tutorials, training materials, and any other documents that should be shared on an organizational wide basis.

Interactive Website: The City's existing website is currently operated and maintained by City staff with occasional outside help if there is an issue beyond staff's limited technical capabilities. Unlike many other cities, Clayton does not have an Information Technology specialist on staff and the organization does its best to troubleshoot issues and maintain a website with employees having general application knowledge. The City's website is currently out of date when compared to current website technology and one could even argue it's in a state of disrepair with its lack of uniformity in its layout, broken links, the challenges to staff when making changes due to the older platform, and difficulty navigating the site. The City's existing website consists of static pages containing useful information about the City and its departments and services. The website also provides a calendar of events, allows residents to log maintenance or code enforcement complaints, and also provides the City's meeting agendas and minutes. In order to enhance the design and functionality, an outside professional web designer is required. For an example of its antiquity, City forms, permits and applications cannot be completed online and electronically transmitted to the City via its website, a basic business feature in today's world.

As discussed earlier, technology is continuously improving and the City's existing website does not contain many of the interactive features that are now available. So, based on Council's direction at the February 2, 2016 meeting, staff is returning with a recommended proposal for website design from Digital Services (**Attachment 4**). At the February 2, 2016 meeting staff presented three different proposals ranging from full service websites to basic platforms. Staff selected one proposal from those three to bring back to the Council for consideration based on the cost for design, the breadth of functionality of the website, the option to train staff, and the option for webmaster services if needed.

Digital Services is proposing a comprehensive City website that includes a full redesign of the City's website, including the following functions: online payments, job application submittals, online reservation systems for City facilities, permit application submittals, an event calendar, integration with the City's business license software to accept online payments, and many other features. The proposed one-time cost for the website redesign is \$12,000, plus an additional one-time cost of \$2,600 for staff training for a one-time total of \$14,600; but in order to ensure the website stays maintained and secure, webmaster services are proposed on an as-needed basis with an estimate of \$1,300 per year. The staff training will allow each department to update its own page with announcements, press releases, news or other pertinent information. This will allow the City the benefit of a professionally designed and maintained site, but with the day to day operations still with City staff; therefore avoiding the expense of a full-time webmaster. A comparative survey of public agencies revealed an average cost of approximately \$46,000 for a similar website redesign.

The proposed interactive website would be a vast improvement in terms of the design and capabilities as compared to the existing City website. This new website will assist the public in conducting business with the City as well as streamline business processes, therefore reducing staff time and improved operational efficiency.

Web Streaming of City Council Meetings: City staff researched the option to provide streaming and video archiving of the City Council meetings as an option for the Council to consider. Staff received three quotes from the following vendors:

- Digital Services (**Attachment 4**): \$358 per month (\$4,300/year) with no upfront costs
- Swagit (**Attachment 7**): \$750 per month (\$9,000/year) plus one-time upfront costs ranging from \$4,980 to \$6,975
- Granicus (**Attachment 8**): \$400 per month (\$4,800/year) plus one-time upfront costs ranging from \$3,500 to \$4,500

If the Council would like to pursue web streaming of the City Council meetings, staff is recommending Digital Services as the preferred vendor because its proposal is the most cost effective. Also with Digital Services, the City will still maintain ownership rights of the video, which is not the case with other web streaming providers. There will be some nominal additional staff time associated with this option because staff will have to provide a time-log of the Council meetings so the meetings can be indexed prior to their uploading to the City's website.



## **FISCAL IMPACT**

The table below summarizes the annual ongoing costs the City would need to undertake for IT services as well as the one-time costs associated with the development of the City's website. The City Council set aside \$5,000 for the online municipal code and \$47,000 for the development of a new website out of the one-time monies from the "FY 2016 General Fund Assigned Surplus Reserves", which currently has a balance of approximately \$276,949. The one-time funding will be able to pay for the development of the website, website training, development of the INTRANet, and setup of the hosted email exchanged for \$16,875, leaving \$35,125 in remainder. The remainder would cover the annual ongoing expenses for 2.75 years, 4.1 years without web streaming, and then those reoccurring costs would need to be folded into the budget.

<b>Service</b>	<b>Cost</b>	
	Annual Ongoing	One-time
IT Services (incl. servers)	\$4,700	N/A
Hosted Email Exchange	\$1,440	\$975
Website Design	N/A	\$12,000
Develop & Host Intranet	N/A	\$1,300
Website Training	N/A	\$2,600
Webmaster Services	\$1,300	N/A
Online Municipal Code	\$995 + \$18 per page	N/A
Web Streaming	\$4,300	N/A
<b>TOTAL w/o Web Streaming</b>	<b>\$8,435</b>	<b>N/A</b>
<b>TOTAL</b>	<b>\$12,735*</b>	<b>\$16,875</b>

\*Does not include the \$18 per page for codification services required under the online municipal code line item.

## **ATTACHMENTS**

1. November 17, 2015 City Council Staff Report and Excerpt of the Minutes [5 pp.]
2. February 2, 2016 City Council Staff Report with Attachment A and Exhibit 10 and Excerpt of the Minutes [7 pp.]
3. MuniCode's Proposal [16 pp.]
4. Digital Services' Proposal [5 pp.]
5. Nerd Crossing's Proposal [5 pp.]
6. R Computers's Proposal [9 pp.]
7. Swagit's Proposal [8 pp.]
8. Granicus's Proposal [5 pp.]



Approved:

Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: CITY MANAGER**

**DATE: 17 NOVEMBER 2015**

**SUBJECT: CONSIDER USE OF FY 2014-15 EXCESS GENERAL FUND MONIES TO ADDRESS IDENTIFIED ONE-TIME EXPENSE UNMET FINANCIAL NEEDS**

## RECOMMENDATION

It is recommended, following staff presentation and opportunity for public comments, the City Council provide staff with general policy direction to narrow its interest in further staff research and refined quotes on the organization's identification of unmet financial needs in City public facilities, infrastructures, and capital equipment using a portion or all of the \$389,895 in excess General Fund monies from the conclusion of FY 2015-15.

## BACKGROUND

Concurrent with the receipt of a "clean" opinion from the City's independent auditing firm of Cropper Accountancy Corporation, the City learned that Fiscal Year 2014-15 ended its operations and expenses with a cash excess of \$389,895 in General Fund monies. The City's General Fund balance is now at \$5,538,632 with an unassigned balance of \$4,509,255 (which amount includes the \$389,895 under discussion). With the General Fund primarily shouldering the bulk of essential public services to our community and for the operations of the municipality (e.g. personnel services), it is often difficult to incorporate larger ticket items into the annual budget while maintaining the City Council's policy of producing an annually-balanced budget. Therefore, the General Fund reserve is multi-purpose in its function as the City's "savings" account, not only for emergency and disaster purposes but also to underwrite one-time expenditure items that are merely too large or non-repetitive to tuck into a balanced budget.

Recognizing this principle, the City Council in August 2006 established a new "Deferred Maintenance Fund" using \$350,000 in excess General Fund monies from the conclusion of its FY 2007-08 City Budget. Over the years, that Fund was used to perform a variety of public facility and one-time expense needs of the City that would otherwise have been left unattended (e.g. new carpet/paint in Hoyer Hall in 2010; hand-dryers in public restrooms; rehabbed pathway at Lydia Lane Park; North Valley Park drainage system; rehabbed Community Park shade structures, new benches and new asphalt pathways; additional



concrete work in the City Hall courtyard; new curtains, chairs and exterior fence at Endeavor Hall).

### **FY 2014-15 GENERAL FUND EXCESS**

At its public meeting on 02 November 2015, in conjunction with the presentation of the Audited Financial Statements, the City Council received and commented briefly on the inclusion of a staff-generated list of potential one-time expenditures for consideration relative to the \$389,895 in General Fund net excess monies. Members of the City Council expressed interest in discussing these identified unmet needs in greater detail and requested staff agendaize this discussion at its next public meeting. In the interim, staff re-circulated its initial list internally to further identify one-time expense items that may have been overlooked or should be acknowledged.

Consequently, the attached compilation (ref. Exhibit A) classifies, by City department, those recognized needs worthy of identification and potential funding, either now or in the near future. In harmony with the City's prudent fiscal policy of not creating or developing new facilities, infrastructures or organizational purchases that will obligate or consume recurring expenditures to support, the list naturally leans to maintaining or upgrading existing assets or capital equipment. To facilitate the City Council's determination of priority, items marked by an asterisk (\*) are deemed pressing for attention and priority consideration. In addition, the City Council may have one-time expense items it wishes to add to this list. This list largely contains items that are not eligible for funds from sources other than the City's General Fund (e.g. Restricted-Use Funds).

### **RECOMMENDED PROCESS**

None of the items listed are accompanied by actual quotes; the dollar amounts are merely estimates by staff at this point and are each subject to further refinement. An associated cost does represent the professional judgement of staff as to a likely ballpark figure, but actual expense is subject to further research and refinement by staff.

However, rather than staff spending time investigating each listing, it is recommended the City Council discuss and provide to staff its general policy direction as to which, if any, of the listed items should be further explored by obtaining actual quotes and vendor/contractor estimates. Staff would then complete that expense fine-tuning and return with a staff report containing the results of its efforts for consideration of earmarked funds by the City Council.

Exhibit A. List of Potential One-Time Expense Items



General Fund Net Excess \$389,895.00

\* \* \* \* \*

Identified One-Time Expenditures (by City Department)

<b>A. City Maintenance</b>	
◦ F-450 Utility Truck	\$ 70,000 *
◦ Paint and re-seal Public Restrooms at Community Park	\$ 12,000 *
◦ Paint interior & exterior of Endeavor Hall, re-finish wood flooring (2009), and re-seal patio concrete (2005)	\$ 19,000 *
◦ New carpet and re-paint interior of Clayton Library (20 yrs.)	\$ 115,000 *
◦ New trash cans, BBQs and Knack Boxes at Community Park	\$ 20,000 *
◦ Re-install copper wiring (theft) on Community Park pathway between upper and lower sports fields, plus lighting controller	\$ 17,000
◦ Trim trees at Community Park	\$ 30,000
◦ Replace resilient play surface at North Valley Park (16 yrs.)	\$ 16,000
◦ Tree replacement at North Valley Park (20 trees @ \$500)	\$ 10,000
◦ Carport in City Corporation Yard (for new tractor, etc.)	\$ 10,000
◦ Mini-Excavator (on traks)	\$ 50,000
◦ Replace wood street light poles with metal ones (City-owned)	\$ 250,000 *
◦ Install solar power equipment to run Clayton Fountain	\$ unk
<b>B. Police Department</b>	
◦ Police Carport (side yard of City Hall)	\$ 50,000
◦ Funds for Training Day of entire PD (on same day)	unk
◦ Replace PD tasers (11)	\$ 28,000
<b>C. Community Development (Planning)</b>	
◦ Update City Noise Element	\$ 40,000
◦ Restore Keller Ranch outbuildings	\$ 80,000
◦ Comprehensive update of City General Plan	\$ 400,000
<b>D. Department-wide Technology and Records Storage *</b>	
◦ New interactive City Website	\$ unk
◦ Electronic Records Management System (laserfiche) (quote of \$10,000 to convert 20 boxes; 120+ boxes)	\$ 100,000 (a start) *
◦ Searchable Online City Municipal Code	\$ unk
◦ Geographic Information System (GIS)	\$ unk

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.



Approved: Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: CITY MANAGER**

**DATE: 02 FEBRUARY 2016**

**SUBJECT: CONTINUED CONSIDERATION FOR USE OF FY 2014-15 EXCESS  
GENERAL FUND MONIES TO ADDRESS ONE-TIME EXPENSE UNMET NEEDS**

## RECOMMENDATION

It is recommended, following staff presentation and opportunity for public comments, the City Council provide staff with specific direction regarding pursuit of which unmet financial needs in City public facilities, infrastructures, and capital equipment using a portion or all of the \$389,895 in excess General Fund monies from the conclusion of FY 2014-15.

## BACKGROUND

At its regular public meeting held on 17 November 2015, the City Council received a laundry list of unmet needs for improvement, replacement, or new acquisitions pertaining to the mission of the City organization to sustain public services and infrastructure of the City. After review and critique of the 24 items listed, the City Council narrowed its interest for further study and additional staff research to thirteen (13) items. As noted in the previous report, the City learned that Fiscal Year 2014-15 ended its operations and expenses with a cash excess of \$389,895 in General Fund monies. The City's General Fund balance is now at \$5,538,632 with an unassigned balance of \$4,509,255 (which amount includes the \$389,895 under discussion).

Since that meeting, various members of City staff have spent considerable time obtaining refined quotes and conducting further investigation of the 13 items selected by the City Council. The Focus List chosen by the City Council is attached and honed estimates and further information have been provided when possible.

## FOCUS LIST ITEMS

Of the thirteen (13) original items on the Council's Focus List, one has already been implemented by City staff as it was identified by the City Council long ago as an item that should be installed at City Hall. That matter involved the installation of a password-protected City Hall Wi-Fi system, which objective was accomplished within existing resources on

January 25<sup>th</sup>. Therefore, that particularly item is displayed for reference purpose but labeled as "Done." In addition, following research by the Chief of Police as to possible law enforcement coverage from another public agency so the Clayton Police Department could conduct a one day Training Day for our entire police department (sworn and non-sworn), Chief Wenzel learned the City of Concord would be willing to cover Clayton PD calls for service that singular day at no additional expense. Consequently, that particular need has been listed but labeled as "accomplished by the Chief at no cost."

However, with any opportunity granted to staff for its exploration of unmet needs of the City, since the November 2015 meeting we have added back two (2) new items for consideration in this mix. One is the exterior repainting of City Hall (\$6,900) and the other is the installation of ten (10) high-grade security cameras at the entry/exit points of the City; the latter idea, becoming used by many cities as another tool to fight community crime, has a complete system price tag of \$132,983 but it is a public safety enhancement that could be implemented in phases.

### **RECOMMENDED PROCESS**

City staff having a stakeholder's interest in the outcome of the City Council's deliberations on this matter will be in attendance at the meeting to answer questions regarding their specific requests. Each item on the Focus List has an associated detail sheet or staff memorandum cross-referenced by an Exhibit number. The order of the Exhibits does not represent staff priorities but arranged by department.

It is recommended the City Council determine which unmet needs and how much excess FY 2014-15 General Fund monies warrant its willingness to encumber funds. In doing so, no authorization is granted awarding contracts or the associated allocation of funds. Staff will return to the City Council for formal authorization at a subsequent public meeting.

Attachment A: Focus List of Potential One-Time Expense Items [1 pg.]  
B. Potential Uses List from Nov. 2015 meeting [1 pg.]

- Exhibits:
1. Mini-Excavator
  2. Utility Bed Truck
  3. Community Park trash cans, BBQs, reseal restroom floor
  4. Endeavor Hall repainting, floor refinish, reseal concrete patio
  5. Solar power to operate Clayton Fountain
  6. Replace wood street light poles
  7. City Hall exterior repaint
  8. Police security cameras at entry/exit points of City
  9. Sustain Police Department full deployment due to attrition
  10. Electronic Records Management (laserfiche)
  11. Upgrade City Website and IT services
  12. Searchable Online City Municipal Code

**FOCUS LIST****IDENTIFICATION OF ONE-TIME UNMET CITY NEEDS  
02 FEBRUARY 2016**

**FY 2014-15 GENERAL FUND NET EXCESS** \$ 389,895.00

\* \* \* \* \*

**FOCUS LIST OF ONE-TIME EXPENDITURES** (listed by City Department)**I. City Maintenance**

• Exhibit 1 [11 pp.]	2016 Mini Excavator (Ford New Holland)	\$ 42,243.00
• Exhibit 2 [7 pp.]	2016 Utility Bed Truck (Ford F350)	\$ 58,811.00
• Exhibit 3 [6 pp.]	New trash cans, BBQs and reseal restroom floor at Clayton Community Park	\$ 24,919.00
• Exhibit 4 [4 pp.]	Paint interior & exterior of Endeavor Hall, re-finish wood floor, reseal concrete patio	\$ 18,963.00
• Exhibit 5 [2 pp.]	Solar power to run Clayton Fountain	\$ 859,000.00 +
• Exhibit 6 [5 pp.]	Replace 75 wood street light poles with metal ones (City-owned)	\$ 264,000.00
• Exhibit 7 [2 pp.]	<u>New</u> : Repaint exterior of City Hall	\$ 6,900.00

**II. Police Department**

• - No Exhibit -	Funds for Training Day of entire PD	\$ Accomplished by Chief at no cost
• Exhibit 8 [3 pp.]	<u>New</u> : Security Cameras at Exit/Entry points of City	\$ 132,983.00
• Exhibit 9 [2 pp.]	<u>New</u> : Sustain Police deployment at full strength due to pending attrition	\$ 21,473 - 38,237

**III. Community Development (Planning)**

• - No Exhibit -	Demolition of Keller Ranch outbuildings (3)	\$ unknown (\$20k?)
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**IV. Department-wide Technology and Records Storage**

• Exhibit 10 [48 pp.]	New Interactive City Website/IT Services	\$ 9,000 - 47,000
• Exhibit 11 [1 pg.]	Electronic Records Management (laserfiche) (quote converts 120 boxes)	\$ 48,337.00
• Exhibit 12 [15 pp.]	Searchable Online City Municipal Code (Municode quote at 6 years of service)	\$ 5,000.00
• - No Exhibit -	Wi-Fi at City Hall	\$ DONE



### Information Technology and a New City Website

The existing City website was built by a former Clayton resident pro bono, which is currently maintained by nontechnical City staff. The site has served the City well for many years; however websites today are becoming more robust and acting as a key portal to Information for customers (the public) while also assisting City staff by providing the capability to conduct City business quicker and more efficiently. Currently, the City's website contains a great deal of information for the public; however it is limited in its scope and functionality, not to mention the website is on an out of date platform. City staff received three proposals for the development and implementation of a new website with one of the proposals containing other technological options for the City Council to consider. Further, website design and creation can range from very simple websites to incredibly large and complex sites with not only information but also functionality and interaction, and these three quotes provide that range of possibilities to consider.

#### GovOffice (Attachment A)

GovOffice is a large national company that provides website technologies and solutions for not only government but also education, nonprofit, advocacy and campaign sectors with 1,500 municipal accounts. GovOffice has clients throughout the United States such as the City of Orinda, Imperial Beach, CA, Adelanto, CA, and Oxford, NC.

GovOffice has a variety of pricing solutions depending on the needs of the client with the design platform prices ranging from \$595 to \$6,395, which is contingent on the level of services required by the client. Given the size of the City of Clayton as well as the type of functions desired for the website, GovOffice identified the Premium Plus Design package, which includes a custom homepage, four custom interior banners, auto-image slide, quick link buttons, the ability to accept online payments, and mobile website design. Other features included in the website would be weather and news feeds, community survey forms, eNewsletter solutions, alerts, and service request forms. This option would cost the City \$11,670 for the design and implementation of the website with an ongoing annual hosting fee of \$1,250. This website is designed in such a fashion as it would be maintained by City staff following an online training session; however this option is limited in the number of the functions provided by this company's software.

#### Vision Internet (Attachment B)

Vision Internet is a large company with nearly 700 municipalities with clients across the United States. Their clients include the Santa Clara, CA, Reno, NV, Provo, UT, and Bend, OR.

Vision Internet has provided a cost quote of \$46,820.00, which would provide the City with a turnkey website that would be updated and managed by City staff after two days of onsite training. The annual reoccurring costs were not provided in the City's proposal. Vision Internet has three different packages, which dictate the level of functionality of the site. Premium features include facilities registration which could be used for Endeavor Hall and the Community Park, streaming video center, job application submittals, and the ability to receive online payments. The functionality of this website would be a

dramatic improvement over the existing website as well as have more of a functional capacity than the offerings of GovOffice.

### **DIGITAL SERVICES** (Attachment C)

Digital Services is a local independent small business located in the City of Antioch. The quote provided by Digital Services not only includes the cost of website development, but also includes costs associated with addressing technical support as well as technological shortfalls of the City. The City's previous technical support and IT consultant operated on an on-call basis and provided the City with services as more of a secondary job which left nontechnical staff spending time trying to troubleshoot issues. The City's IT consultant is no longer available and the City is looking for replacement IT services. City staff also requested Digital Services to examine other issues and the costs associated with providing technical support and updates to the City of Clayton.

### ***IT SUPPORT***

The first issue covered in the proposal is the cost to back up the City's server. Currently, the City is operating with only one server with a mirrored hard drive, which is not backed up offsite so if something were to happen to that server the City will lose several years of data and City staff would have to recreate many documents and processes from scratch. The lack of having backup storage is risky and is considered to be a bad management practice. Digital Services provided a price quote of \$2,209.00 per year for server backup services including cloud storage.

Another service that was researched was the provision of MS Office 365, which is a Microsoft Hosted Exchange. Currently, City staff cannot share or view Outlook calendars between other staff and remote access to email only downloads emails that have not been previously downloaded by the server. Emails existing in the user's inbox cannot be viewed remotely, plus emails that are remotely downloaded do not show up in the user's inbox at their City workstation. This is cumbersome and not ideal for the ease of use. The quoted price of \$384 in the proposal is actually low due to an incorrect assumption of the number of employees. The actual cost would actually be closer to \$1,100 per year for this service.

### ***Website Design***

Digital Services also provided the costs for the development of a new City website. City staff put together a comprehensive wish list of capabilities for the new website which included but are not limited to: form submission, integration with the business license software to allow for online renewals, online payments, interactive facility rental calendar, video streaming, and online submission of job applications. The total one-time costs to develop a new website are proposed to be \$8,450.

Digital Services also included costs associated not only with ongoing web services but also assumed IT services at 15 hours per month at \$65 per hour. The hourly rate of \$65 per hour, which includes both website services as well as IT support, is the best rate staff could find for IT support services, other quotes received were for \$230 per hour and \$150 per hour just for IT support without having the more comprehensive website component. The total ongoing costs would be estimated at \$11,700, which

Includes onsite IT services, website security protection, the uploading of materials to the website, and maintenance of the site. This option would remove nontechnical staff from the maintenance and the uploading of materials to the website by providing third party separation. Staff has discussed the assumption of the number of hours required per month with Digital Services, which may be negotiable.

Currently, the City budget has allocated \$4,000 for server backup and IT support services and has previously reached levels of \$6,000 in past budgets. The proposed services would result in an additional \$8,000 to \$10,000 approximately in additional costs for IT support as well as the additional services as it relates to the website, not including web streaming. As stated earlier the number of hours may be negotiable, which could reduce the overall costs to the City.

The table below shows a summary of municipalities throughout the State that recently underwent the process of creating a new website and how much cost was incurred by those jurisdictions. This table is to provide the Council with an idea of the range of possibilities as well as the going rate for these services.

CITY	COST	DATE
Mountain View	\$85,000	2012
Santa Clara – implementation only, no design	\$81,985	2015
Midpeninsula Regional Open Space District	\$49,410	2014
Los Altos	\$40,000	2013
Campbell	\$28,350	2013
Palos Verdes Estates – Refresh	\$24,750	2015
Monrovia	\$13,000	2013

### *Streaming*

Lastly, at the request of staff, Digital Services looked into the possibility of live streaming of the City Council meetings. There are only a total of five jurisdictions, with Clayton being one of them, in Contra Costa County that do not stream their Council meetings. The other jurisdictions are Lafayette, Orinda, Moraga, and Danville; however Orinda and Moraga provide an audio recording on the City's website following the meeting. The total annual cost to stream the City Council meetings as well as archive the meetings would be \$6,720, with the main costs attributed to the lease of the video server. Due to the proposed cost, Staff has also requested from Digital Services the costs associated with posting the video of the Council meetings on the City's website after the meeting has occurred, which is an additional option for Council consideration. Staff has not received this cost at the writing of this report.

Staff recommends the City Council direct staff to continue to negotiate further with Digital Services and return back to the Council with a revised proposal. The proposal shall reflect an agreed upon lower number hours for IT services and website maintenance. The proposal shall also include an option to upload the City Council videos in place of streaming.



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

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

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

City Manager Napper indicated at the City Council's regular meeting of November 17, 2015 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 these funds. 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 FY 2014-15 net excess 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. Mr. Napper provided a focus list for one-time unmet city needs for further exploration per the direction of the City Council.

City Department heads were available at this meeting to answer any questions or provide additional information to the City Council regarding items pertaining to their departments.

After considerable discussion and review, the City Council determined it would like to pursue the following unmet needs:

- 2016 Mini Excavator.
- New trash cans, BBQs and reseal restroom floor at Community Park.
- Paint interior & exterior of Endeavor Hall, re-finish wood flooring, and re-seal concrete patio.
- Repaint City Hall exterior.
- Security Cameras at Exit/Entry points of City.
- Sustain Police deployment at full strength due to pending attrition.
- Demolition of Keller Ranch outbuildings (3).
- New interactive City website/IT Services.
- Electronic Records Management System (laserfiche).
- Searchable Online City Municipal Code.
- City back-up servers.

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

Mr. Napper advised that items above his authority of approval will be brought back to future regular meetings of the City Council with no monies encumbered until awarded by the City Council.

City Council general direction was given to staff to provide additional research and bring back refined information for council consideration and action as appropriate.



# municode

Municipal Code Corporation • P.O. Box 2235 Tallahassee, FL 32316  
Info@municode.com • 800.262.2633  
fax 850.564.7492 • www.municode.com

May 3, 2016

Ms. Mindy Gentry  
Community Development Director  
6000 Heritage Trail  
Clayton, CA 94517 1250

Email Sent Via: [mgentry@ci.clayton.ca.us](mailto:mgentry@ci.clayton.ca.us)

Dear Ms. Gentry,

Thank you for speaking with Stephen Hall and expressing interest in utilizing Municode for supplementation services. We have reviewed the City's municipal code and are pleased to submit the following information for your review.

Our team is driven by the desire to serve you and your citizens. We believe that quality customer relationships and exceptional service are what have set us apart in the legal codification industry since 1951. Our commitment to service inspires us to: provide you with the highest quality legal codification services in the industry; set the standard for online and mobile services; ensure that you receive the most accurate and timely supplements possible and to work with you as a long-term partner. Our desire to serve you is why we have chosen this profession.

## **Why Municode?**

**Integrity.** *"Our word is our bond."* We believe that long-term relationships built on trust are built to stand the test of time. Our goal is to serve you and your citizens for the next 30 years or more.

**Attorneys.** We have a team of full-time attorneys. All of your legal work is completed by our experienced team of in-house attorneys.

**Experience.** With over 3,755 customers in all 50 states, we are the most trusted and experienced codifier of local government codes in the nation. Our team of attorneys has an average of over 20 years of codification experience. With over 190 professionals committed to serving you, we have the depth of knowledge and experience that it takes to stay at the forefront of legal and technological developments.

**Relationships.** For over 64 years, we have earned the trust, loyalty and respect of our customers by focusing on what is most important to us: our customers. We have a team of customer service professionals dedicated to serving you, your team and your citizens. No matter what the challenge, we are here for you.

**Quality.** We are committed to excellence in every product that we create. Our team of legal editors and legal proofreaders, each averaging over eight years of service, is dedicated to providing you with the most accurate and timely product available in the nation.

**Technological Leadership.** MunicodeNEXT is the nation's most advanced, accessible and intuitive website. With MunicodeNEXT, your staff and citizens can have access to your municipal code, all archived versions of your code, every official copy of your ordinances, the power to compare versions of your code over time, the ability to be notified every time your code is updated and a powerful search engine capable of simultaneously searching your code, ordinances, minutes, resolutions, budgets and more. Our web tools are designed to make your job easier, your code more accessible and your citizens more informed.

**Commitment to California.** We are proud to serve 220 municipalities in the state of California. We regularly attend, support and sponsor the California City Clerks Association and California Clerks of the Board of Supervisors.

## Why Our Clients Love Us

**Applying our Legal Experience.** We have a large team of full-time attorneys. This is a crucial factor to consider when assessing the qualifications of a codification company that is being considered for legal publication and supplementation services. We have been in business for over 64 years and have worked for decades serving the biggest and most advanced municipalities in the nation, as well as 220 clients located in California. No other codification company has this level of experience and knowledge that can be harnessed for your benefit.

**Team Approach.** We have 14 legal editorial teams, over 35 legal editors and over 20 legal proofreaders. By partnering with us, you are provided with a depth of legal talent that is unmatched in the industry. You and your citizens deserve the best and deserve to have a team that will be here to serve you no matter what the situation.

**Customer Service.** Our goal is to fully understand your unique needs. Your Municode representative, Stephen Hall, is able to meet with you in person anytime. Stephen can also provide onsite training or host webinars throughout the term of the contract.

**Your Representative.** Municode's West Coast Sales Representative, Stephen Hall, is located in Long Beach, California. He is available to answer questions and meet with you, as needed. Stephen worked in governmental sales for over 16 years. Stephen is new to the Municode team and he looks forward to visiting Clayton often and will regularly attend the California Municipal League Conference, Clerks Conference and IIMC Conference. Stephen is supported by our entire team in Tallahassee.

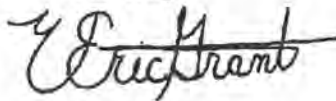
**Real People.** If you have a question, our response time is normally less than a few minutes via e-mail (constantly monitored) or within the half-hour for phone correspondence. When you call us, you will find that our phones are answered by our employees...not an automated answering service.

**Personal Touch.** We are a family-owned, medium size business which means you always receive a level of personal service that is unparalleled in the industry. We earn our reputation by providing exceptional customer service, offering helpful suggestions and developing solutions for your unique situation.

**Responsible Citizen.** We are proud to support numerous Clerk, Attorney, Municipal and County Associations. Additionally, we partner with the International Institute of Municipal Clerks and International Municipal Lawyers Association to provide services to their members. Our Vice President of Sales, Dale Barstow, is the former President of the Municipal Clerks Education Foundation. We are also extremely active within our community, supporting the United Way, Boys Town, the Tallahassee Veteran's Village and Ability First through quarterly employee volunteer days.

If you have any questions or desire additional information, please call and speak with our Vice President of Sales, Dale Barstow, Regional Sales Representative Stephen Hall, or our Assistant Vice President of Sales, Steffanie Rasmussen. We are also happy to schedule a conference call or webinar with all interested parties, or meet with you personally. We are here to serve you!

Sincerely,



W. Eric Grant  
President

WEG/gm

Enc.

Cc: Steffanie Rasmussen, Assistant Vice President of Sales

[stefr@municode.com](mailto:stefr@municode.com)

800-262-2633 ext. 1148

Stephen Hall, West Coast Regional Sales Representative

[shah@municode.com](mailto:shah@municode.com)

(310) 422-2095



# Executive Summary

## Republication, Supplementation and MunicodeNEXT:

*Logic: Give your municipality a fresh start. Clean up the pagination, reprint all pages and replace binders and tabs, if needed. Quickly and efficiently transition your municipal code to the most advanced suite of web/mobile services available in the nation: **MunicodeNEXT**.*

- Ⓢ Conversion into Municode database & republication. .... **No charge<sup>1</sup>**
- Ⓢ Supplementation ..... **\$18 per page**
- Ⓢ Online hosting and support ..... **1 year free, then \$350<sup>2</sup>**
- Ⓢ Timeline..... **within 12 weeks**

## Pricing = Apples to Apples:

We realize that different companies call services by different names. Here are some important considerations to keep in mind when comparing proposals:

- Ⓢ Conversion into Municode database and republication of the code is **no charge**;
- Ⓢ Supplement charges - **single column per page rate of \$18**;
- Ⓢ The **online code fee is waived for the first year** and then only **\$350** for our basic service,
- Ⓢ If you want to further enhance the transparency of your online code, you can upgrade to the MyMunicode package bundle for **only \$995!**
- Ⓢ Municode **does not charge** an extra fee for posting supplements online.
- Ⓢ Municode **does not charge** an extra fee for printing your supplement pages.
- Ⓢ Municode **does not charge** a supplement handling fee.

We will handle 100% of the publishing for you. This includes editing, page composition, proofreading, indexing, and delivering the information as printed or electronic copy. We understand the scope of this project to include a complete republication of your code, continued supplementation and online hosting of your code. Upon completion of the republication project, supplementation services will commence.

When we republish your code, pages are recomposed to eliminate short pages, pages with blank backs and oddly numbered (point) pages. Following the re-composition, the entire code is reprinted and supplement number designations start over with supplement No. 1.

### The process includes:

- Ⓢ Conversion to our database;
- Ⓢ Removal of supplement numbers;
- Ⓢ Creation of preliminary pages (title page, officials' page, and preface);
- Ⓢ New page numbers;
- Ⓢ Editing & proofreading;
- Ⓢ 10-point font, single column (unless otherwise instructed);
- Ⓢ Incorporation of maps, diagrams, charts and tables;
- Ⓢ Creation of index (if elected);
- Ⓢ Proofs provided for your review;
- Ⓢ Posting your newly republished code on MunicodeNEXT;
- Ⓢ Printing 4 new copies with binders and tabs.

### The process does not include:

- Ⓢ Reorganizing the structure of your code;
- Ⓢ Review by an attorney;
- Ⓢ Substantive editing or changes to the text.

<sup>1</sup> Please see page 3 for additional pricing details.

<sup>2</sup> Please see page 4 for additional features and pricing available on our MunicodeNEXT platform.

## Quotation Sheet

### Conversion and Republication

- |                                     |  |                          |
|-------------------------------------|--|--------------------------|
| <input checked="" type="checkbox"/> | Conversion of municipal code to Municode database                                    | No charge <sup>3</sup>   |
| <input checked="" type="checkbox"/> | Removal of supplement numbers  | No charge                |
| <input checked="" type="checkbox"/> | Updating of preliminary pages (title page, officials' page, and preface)             | No charge                |
| <input checked="" type="checkbox"/> | New page numbers   | No charge                |
| <input checked="" type="checkbox"/> | Creation of a consistent style   | No charge                |
| <input checked="" type="checkbox"/> | 4 printed copies of the new code with tabs   | No charge                |
| <input checked="" type="checkbox"/> | Inclusion of adopted legislation, per page added or amended                          | \$18                     |
| <input checked="" type="checkbox"/> | Current code can be posted online as a PDF during conversion & republication project |                          |
| <input type="checkbox"/>            | 3-post expandable binders with stamping, \$59 each                                   | qty _____ \$ _____       |
| <input type="checkbox"/>            | 3-ring leatherette binders with stamping, \$47 each                                  | qty _____ \$ _____       |
| <input type="checkbox"/>            | 3-ring vinyl binders <sup>4</sup> , \$18 each  | qty _____ \$ _____       |
| <b>Binder Color:</b>                |  |                          |
| <input type="checkbox"/>            | Semi-Bright Black  | <input type="checkbox"/> |
| <input type="checkbox"/>            | Dark Blue  | <input type="checkbox"/> |
| <input type="checkbox"/>            | Hunter Green   | <input type="checkbox"/> |
| <input type="checkbox"/>            | Burgundy   |                          |
| <b>Binder Stamping Color:</b>       |  |                          |
| <input type="checkbox"/>            | Gold   | <input type="checkbox"/> |
| <input type="checkbox"/>            | Silver   | <input type="checkbox"/> |
| <input type="checkbox"/>            | White  |                          |

### Supplement service base page rate<sup>5</sup>

Page Format	Base Page Rate
Single Column	\$18 per page

### Base page rate above includes:

- Acknowledgement of material
- Data conversion, as necessary
- Editorial work
- Proofreading
- Updating the index
- Schedule as selected by you<sup>6</sup>
- Updating electronic versions<sup>7</sup> and online code
- Printing 4 copies

### Base page rate above excludes:

- Freight, pre-billed Actual freight
- State sales tax If applicable
- Graphics<sup>8</sup> & tabular<sup>9</sup> matter, per graphic or table \$10
- Code on internet, *first year fee waived* Selections on page 5

### Electronic media options for Municipal Code (sent via download)<sup>10</sup>

- |                          |                              |                                       |
|--------------------------|------------------------------|---------------------------------------|
| <input type="checkbox"/> | Folio Bound Views            | \$295 initially then \$100 per update |
| <input type="checkbox"/> | WORD (DOCX)                  | \$150 initially then \$75 per update  |
| <input type="checkbox"/> | Adobe PDF of the code        | \$150 initially then \$75 per update  |
| <input type="checkbox"/> | Adobe PDF of each supplement | \$150 initially then \$75 per update  |

**Payment for Supplements and Additional Services:** Invoices will be submitted upon shipment of project(s).

<sup>3</sup> Provided Municode can rely upon the version of the code furnished and it is in an editable, electronic format. Conversion will take approximately 12 weeks upon receipt of all required materials.

<sup>4</sup> Only black binders are available in vinyl and a cover insert will be provided in lieu of name stamping on the cover.

<sup>5</sup> All prices quoted in this section may be increased annually in accordance with the Producer Price Index – Bureau of Labor Statistics.

<sup>6</sup> Schedule for supplements can be weekly, bi-weekly, monthly, bi-monthly, quarterly, tri-annual, semi-annual, annual or upon authorization. Electronic updates can occur more frequently than printed supplements.

<sup>7</sup> We do not charge a per page rate for updating the internet, however a handling fee is charged for PDF, Word, Folio or additional electronic media items ordered.

<sup>8</sup> Includes printing all copies. Additional fees may apply if graphics are printed color.

<sup>9</sup> Tabular matter is defined as tables, algebraic formulas, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.

<sup>10</sup> "delivery" is defined as making updated electronic data available to you via download or FTP. Fee applies whenever content is delivered as HTML, PDF, XML, Folio or Word, via one of the afore-mentioned mediums.

## Online Services Quotation Sheet

- The current code can be posted online as a PDF during the conversion & republication project at no additional cost to you.

Elections below will be implemented upon republication of your code.

Please check the appropriate box (es) to indicate your selection:

**Value Pricing:**

- MyMunicode<sup>11</sup> includes the following:

**\$995 annually<sup>12</sup>**  
First year fee waived

- Online Code = MunicodeNEXT
- OrdBank
- CodeBank
- CodeBank Compare + eNotify<sup>13</sup>
- MuniPRO
- Custom Banner

**A la carte pricing:**

In lieu of purchasing the above package, online services can be purchased a la carte at the following rates:

- |  |       |
|--|-------|
| <input type="checkbox"/> Online Code = <i>MunicodeNEXT</i> (annually) <i>first year fee waived</i> | \$350 |
| <input type="checkbox"/> CodeBank (annually)   | \$150 |
| <input type="checkbox"/> CodeBank Compare + eNotify <sup>14</sup> (annually)                       | \$250 |
| <input type="checkbox"/> MuniPRO Service (annually)  | \$295 |
| <input type="checkbox"/> Custom Banner (onetime fee)   | \$250 |

**OrdBank**

- |  |       |
|--|-------|
| <input type="checkbox"/> Per ordinance fee (recommended if MyMunicode is not selected as only 5 ords per year) | \$35  |
| <input type="checkbox"/> Flat annual fee   | \$385 |

- MuniDocs (up to 100 documents) **\$750 per year**

**Specification of Documents to Post.** Please provide the document classification of the material to be added into the MuniDocs. This will be the classification utilized online for public access. Example: City Council Minutes, Commission Minutes, Agendas, Resolutions, etc. Please write in the specific documents.

- Minutes \_\_\_\_\_
- Council Minutes \_\_\_\_\_
- Committee Minutes \_\_\_\_\_
- Agendas \_\_\_\_\_
- Resolutions \_\_\_\_\_
- Budgets \_\_\_\_\_
- Other \_\_\_\_\_
- Other \_\_\_\_\_
- Other \_\_\_\_\_

**Municode does not charge a per page rate to update the internet – this is all included in the supplement per page rate.**

<sup>11</sup> Municode does not charge a per page rate for updating the internet – this is included in the supplement per page rate.

<sup>12</sup> Total value if each item were to be purchased a la carte would be approximately \$1,430 per year with participation in our OrdBank service.

<sup>13</sup> Enrollment in CodeBank is required in order to receive the CodeBank Compare/eNotify technology.

<sup>14</sup> Enrollment in CodeBank is required in order to receive the CodeBank Compare/eNotify technology.



**Online Hosting of Master Plan (Foreign Code)**

The City of Clayton will continue to maintain the Master Plan internally and utilize the MunicodeNEXT website to post the plan online. The City will preferably provide the Master Plan and subsequent updates in either WORD or PDF formats. When the City submits a supplement to Municode, the complete Chapter or Section should be referenced to facilitate the updating of the online code.

**Online Features and Tools.** The Master Plan will have the following tools available to the user: search (simple and Boolean), ranked hit list, search history, print/save as PDF for each document, email direct links to documents, and customization of a code banner to match the City's website design. We will provide you with a link to be placed on your website directing users to the municode.com website to view your code.

Simply furnish the plan electronically and we will create an online table of contents, integrate the documents with our search engine, and post the plan on our website in chapter format. We will provide you with a link to post on your website. For subsequent updates, send us your updated chapters and we will update the appropriate files. Files must be provided to Municode in a non-scanned, electronic format such as an original PDF or Microsoft WORD file.

- Initial set up fee to post the Master Plan online (one time fee) \$550**
  - Web Hosting** – No fees as long as Municode hosts the Municipal Code online
  - The Master Plan will be integrated with our search engine and electronically indexed;
  - Municode will not be able to print supplements, strictly online publication only;
  - No editorial changes will be made to the code through Municode.
  
- Master Plan update service, per update \$150**
  
- Website features available under the foreign code option**
  - Collapsible TOC
  - In-line Images (if present in source documents);
  - Pinpoint Searching
  - Save as PDF copy;
  - Print;
  - Email from website;
  - Server Stability and Disaster Recovery Plan;
  - Telephone and web support for citizens and staff.



Municipal Code Corporation • P.O. Box 2235 Tallahassee, FL 32316  
Info@municode.com • 800.262.2633  
fax 850.564.7492 • www.municode.com

This proposal shall be valid for a period of ninety (90) days from the date appearing below unless signed and authorized by Municode and the Client.

**Term of Agreement.** This Agreement shall begin upon execution of this Agreement and end three years after the publication date of the new code. Thereafter, the supplement service shall be automatically renewed from year to year provided that each party may cancel or change this agreement with sixty (60) days written notice.

Municode warrants that all material produced for the City's Municipal Code shall be in the public domain and Municode shall not attempt to copyright or place a copyright notice on any material produced for the Code. Municode further warrants that all materials prepared for and provided to the City of Clayton, including but not limited to codification workbooks, final printed Code books, supplemental pages, CDs, electronic files and all data contained within, are the property of the City of Clayton and will not be copyrighted. Municode also acknowledges that the City of Clayton may reproduce or use in any manner deemed necessary, by the City, any materials prepared for and provided to the City.

Submitted by:

MUNICIPAL CODE CORPORATION

Municode Officer: *[Signature]*

Title: President

Date: May 3, 2016

Accepted by:

CITY OF CLAYTON, CALIFORNIA

By: \_\_\_\_\_

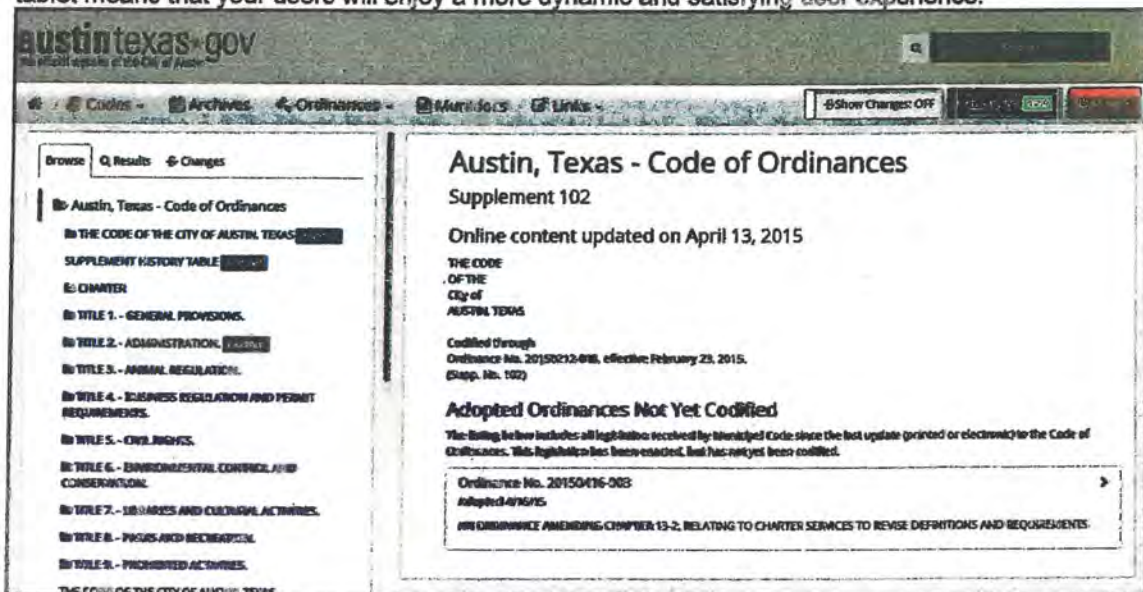
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Date: - \_\_\_\_\_

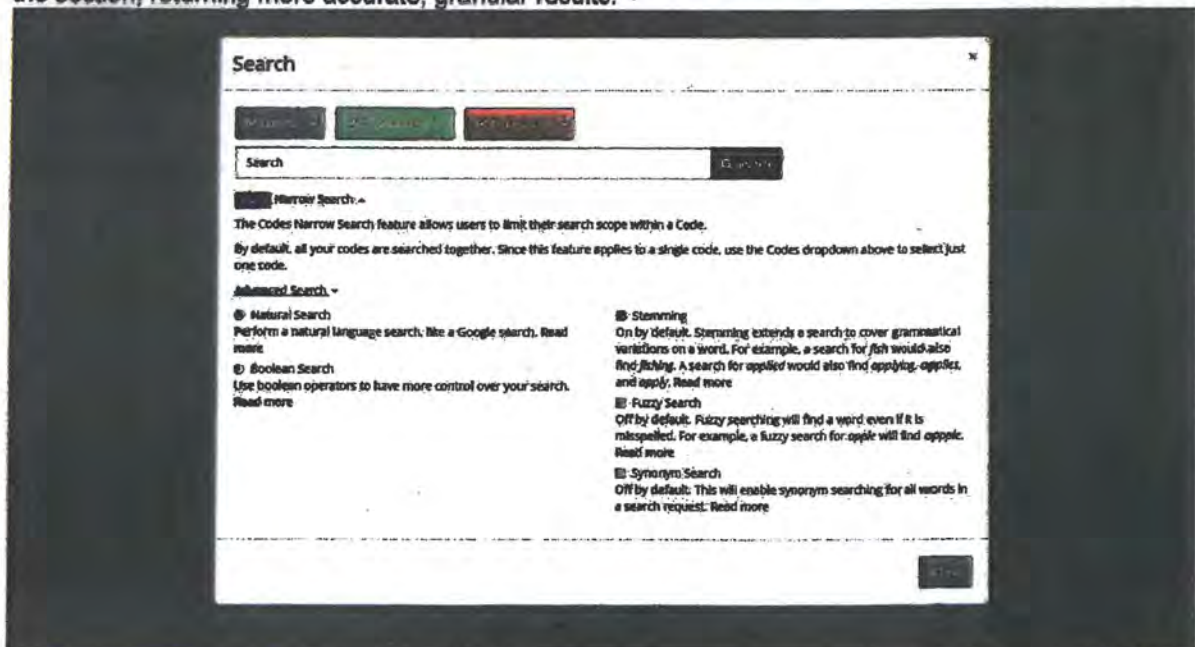
# MunicodeNEXT – Online Resource

## STANDARD FEATURES:

- 1. **Modern Design** – MunicodeNEXT was designed by our team with an emphasis on mobile devices. This means that tablet users will be directed to the full version of your site. This advance was made possible thanks to the responsive user interface that we have created. Being able to access the full version of MunicodeNEXT from a tablet means that your users will enjoy a more dynamic and satisfying user experience.



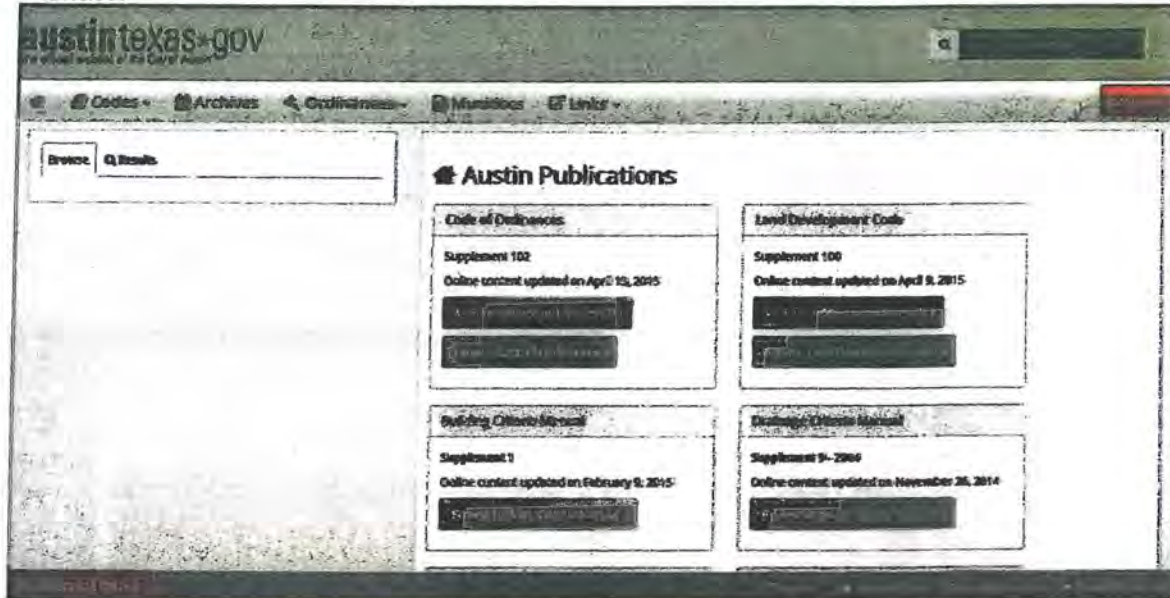
- 2. **Tablet friendly** – Tablet users are directed to the full desktop version of the site. The advanced user interface uses large buttons and icons, making it extremely touch friendly.
- 3. **Searching** – Search results begin in a popover, then move to a persistent left-hand tab as you cycle through the results. You can toggle between search and browse modes by selecting the appropriate tab. This enables you to quickly move through search results without clicking “back” to a search results page. The code is also indexed by the section, returning more accurate, granular results.



- 4. **Advanced Searching** – You and your power users can conduct searches using Normal Language, Boolean Logic, Stemming, Fuzzy Search and Synonym search.



- 🔍 **Searchable ordinances** – Thanks to our OrdBank service, ordinances posted pre and post-codification are full-text searchable with hit highlighting.
- 🔍 **Searching all content types** – If you use our OrdBank or MuniDocs service, you can search any combination of the code, ordinances, and MuniDocs simultaneously. Search results are color coded and labeled for easy identification.
- 🔍 **Narrow Searching** – Your users have the ability to search selected chapters or titles in order to pinpoint their searches and find what they are looking for as quickly as possible!
- 🖨️ **Print/Save/Email** – Users can print, save (as Word) or email files at the section level, as well as, at the article or chapter level. You will also be able to print, save or email non-sequential sections from multiple portions of your code(s).
- 📖 **Multiple publications** – If you have multiple publications (code, zoning, etc.), they will all be searchable from one interface.



- 📱 **Social Media Sharing** – You and your users are able to share code sections via Facebook and Twitter. This will make it easier for you and your team to utilize social media in order to engage your citizenry and enhance your level of transparency.
- 🔗 **Internal Cross-Reference Linking** – Cross-references within your code are linked to their respective destination Article, Chapter, or Section.
- 🖱️ **Mouseover (cluetips)** – Navigate to your code and any linked cross-reference will quickly display the pop-up preview window.
- 🔗 **Static Linking** – Copy links of any section, chapter or title to share via email or social media.
- 📄 **Scrolling Tables and Charts** – Headers stay fixed while you scroll through the table/chart.
- 📍 **GIS** – We can provide a permalink to any code section and assist staff to create a link from your GIS system to relevant code sections.
- 🖼️ **In-line Images & PDFs** – We take great care to ensure that your images match online and in print, and are captured at the highest quality possible. Our online graphics can be enlarged with a frameless view to maximize the image. Municode can also incorporate PDFs of certain portions of the code that have very specific viewing and layout requirements.
- 📑 **Collapsible TOC** – The table of contents collapses and is re-sizeable, providing additional real estate with which you may view your code. Easily view your maps, graphs and charts by simply enlarging the item.
- 📞 **Support** – Phone, email and web support for citizens and staff: 24 hour email response; phone support from 8:00 a.m. to 8:00 p.m. (eastern)

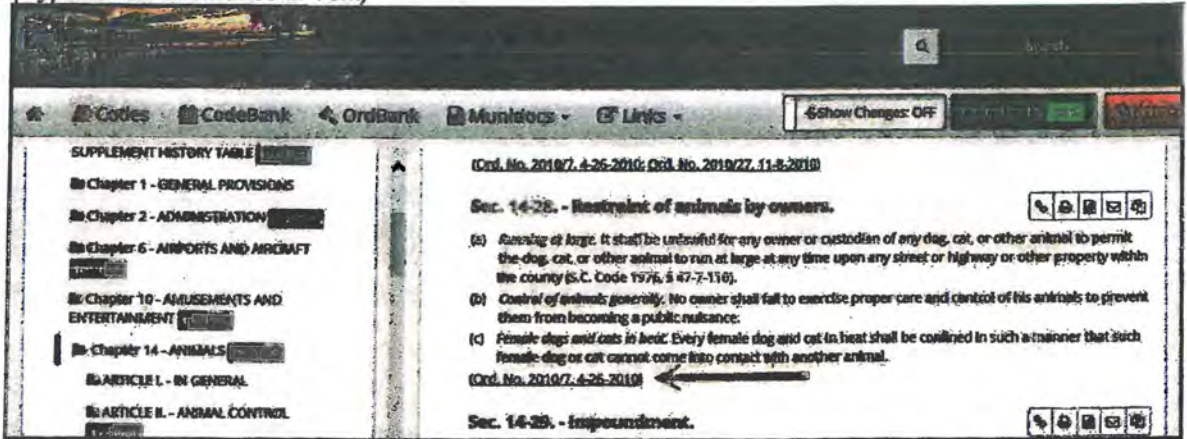


# MunicodeNEXT

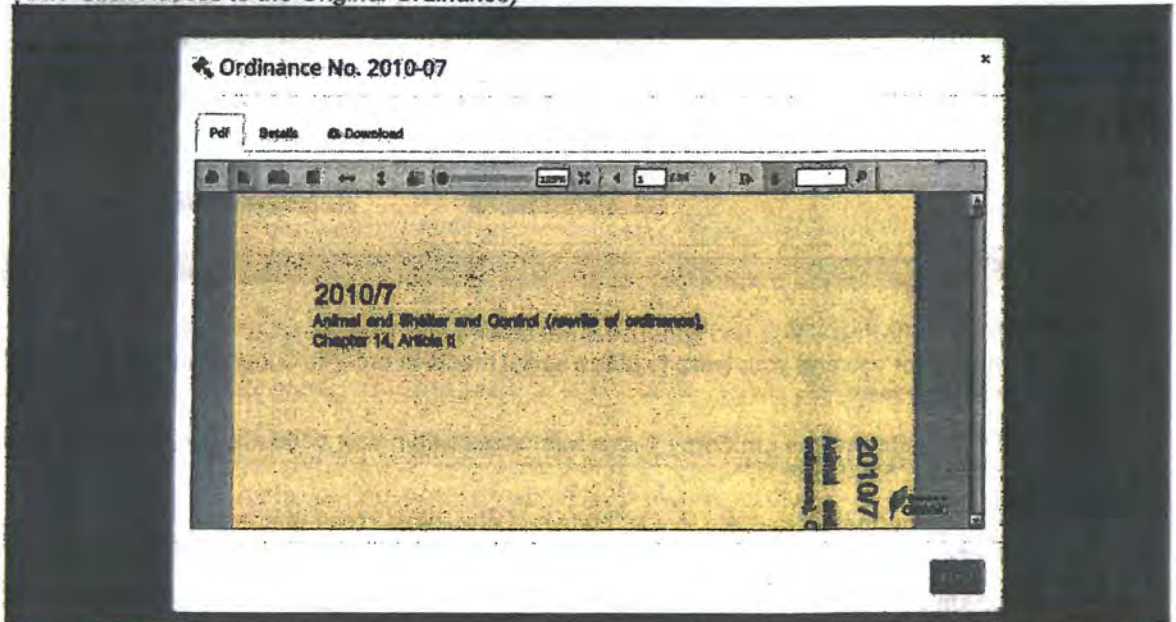
Take Your Online Code to the NEXT Level with these Exclusive, Premium Features!

OrdBank. With our OrdBank solution, newly adopted legislation will be posted online in between supplements. Upon the completion of your supplement, the ordinances will be linked in your history notes and stored in your OrdBank Repository under the "OrdBank" tab.

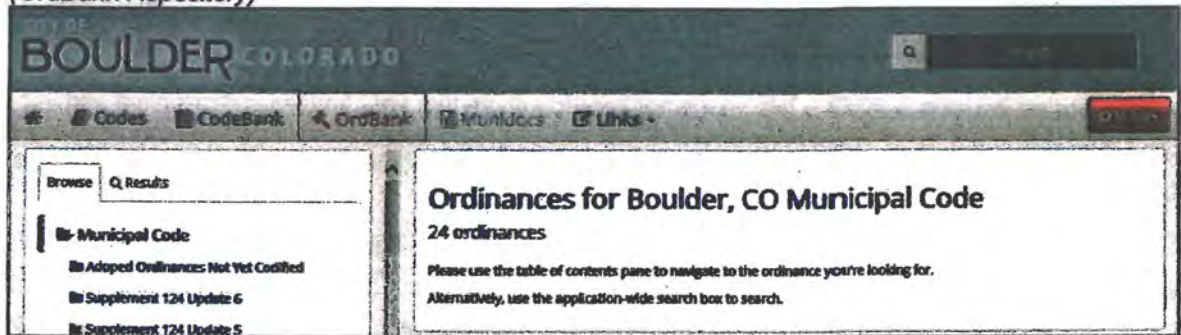
(Hyperlinked Ordinance in Text)



(One-Click Access to the Original Ordinance)

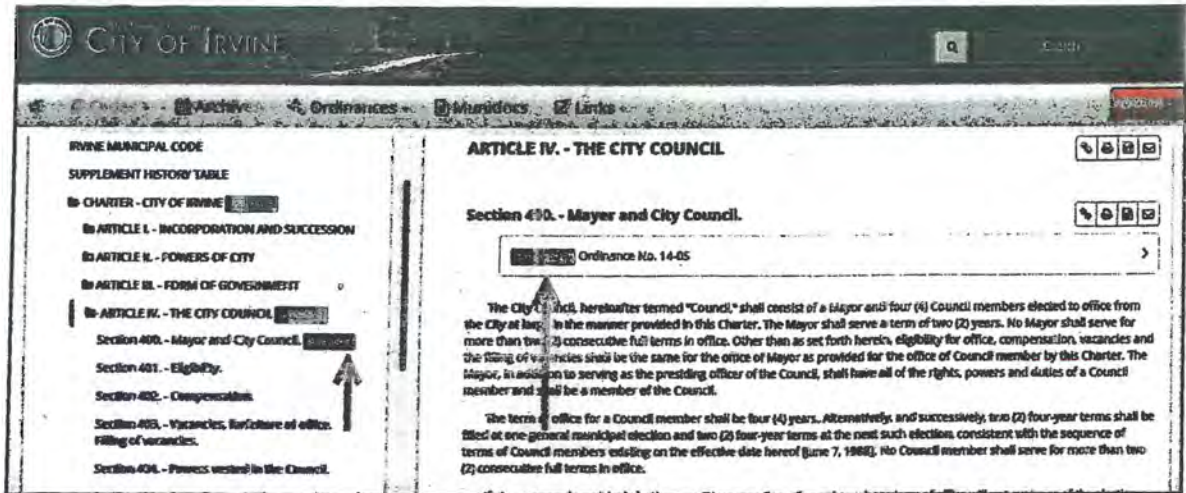


(OrdBank Repository)



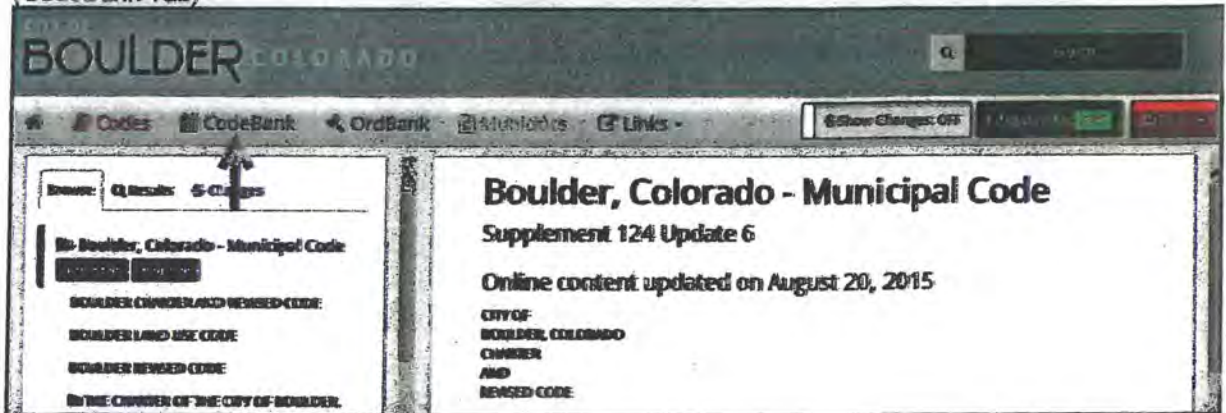


**OrdLink + OrdBank.** Prior to incorporating the ordinances into your code via supplementation, the OrdLink system can hyperlink newly adopted ordinances to the section being amended. Linked sections are highlighted in the table of contents and links are created from the amended sections to the new ordinances. Once the linked ordinances are incorporated into your code, they are added to your OrdBank repository and hyperlinked to your history notes. This service helps put everyone on notice that new ordinances have been adopted.



**CodeBank.** Our CodeBank service serves as an online archival platform for previous supplements of your code. Empower your staff and citizens to access every previous version of your code with one click.

*(CodeBank Tab)*



*(Permanent Repository)*

**Update Me**

Filling out this form will allow you to receive an email notification every time select publications are updated.

If you no longer wish to receive these notifications once signed up, you can unsubscribe via a link in the notification email.

**Name**

**Profession**

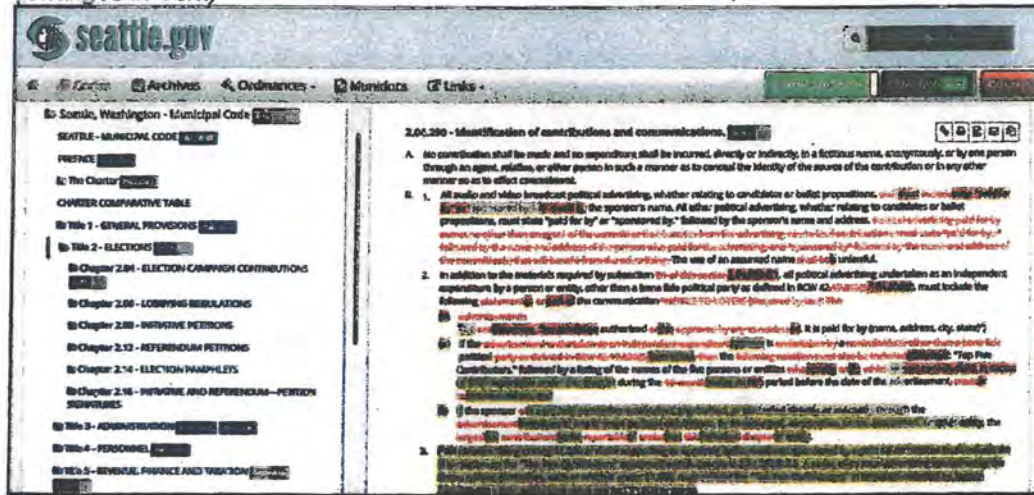
**Codes**

By submitting this form you agree to allow Minneapolis to use your information for informational and statistical purposes only. Your information will not be shared with any third parties by either Minneapolis or Municipal Code Corporation.



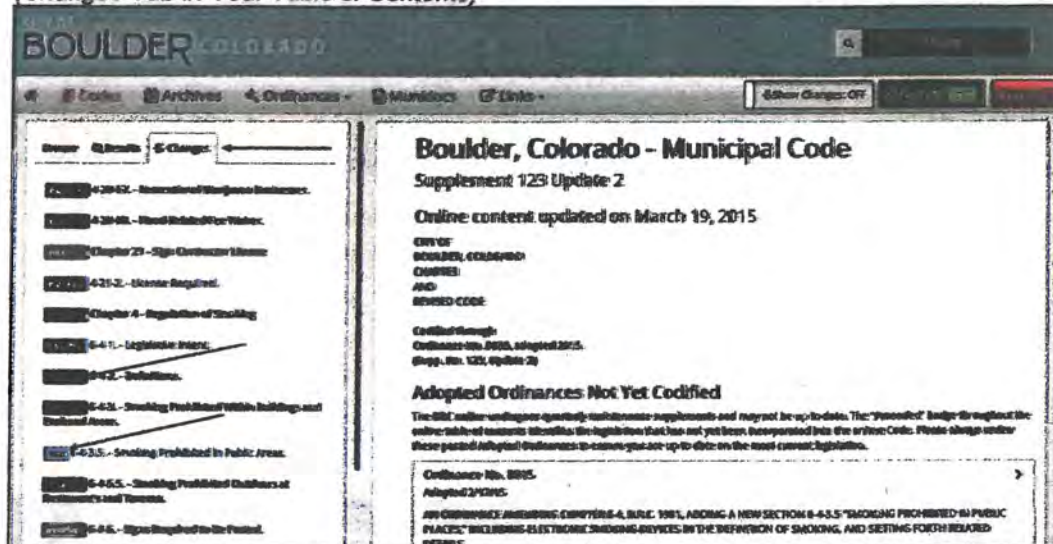
**CodeBank Compare.** Our CodeBank Compare service is a powerful feature that provides users the ability to select a past version of your online code and compare it to any other version of your online code. The differences will be shown via highlights (added material) or strikethrough (deleted material).

*(Changes in Text)*



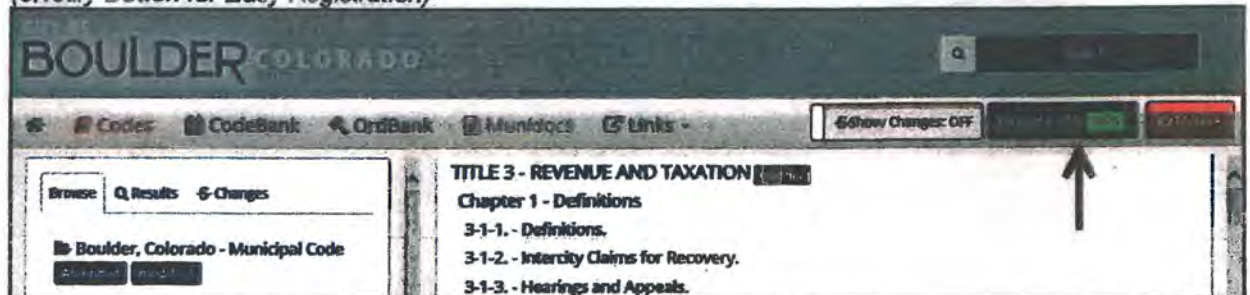
Users will be notified of the changes in the table of contents and within the text of the code via "modified," "new," or "removed" badges. Users can also select an option to view all of the changes in a single view, complete with strikethrough and highlights showing the specific textual changes that were made. The CodeBank Compare service will show all amendments to your code that were implemented during the most recent update.

*(Changes Tab in Your Table of Contents)*



**eNotify.** Our eNotify service allows users to enroll online and receive email notifications each time your online code is updated. This will empower your staff and citizens to receive instant notifications every time your online code is updated.

*(eNotify Button for Easy Registration)*





**Update Me**

Filling out this form will allow you to receive an email notification every time select publications are updated.

Note: If you no longer wish to receive these notifications once signed up, you can unsubscribe via a link in the notification email.

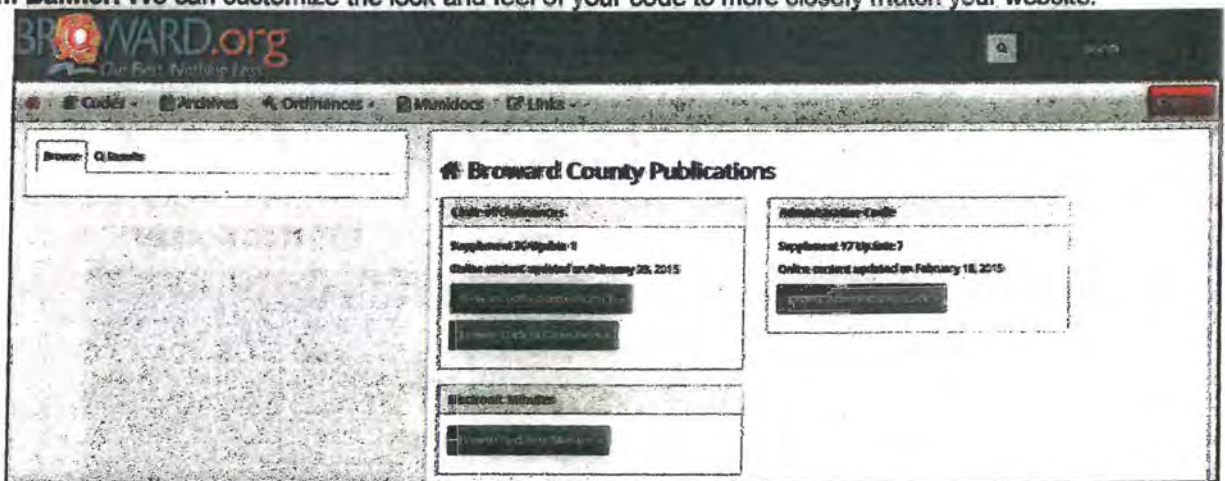
**Email**  
Enter email:

**Profession**  
Select One:

**Code**  
 Code of Ordinances

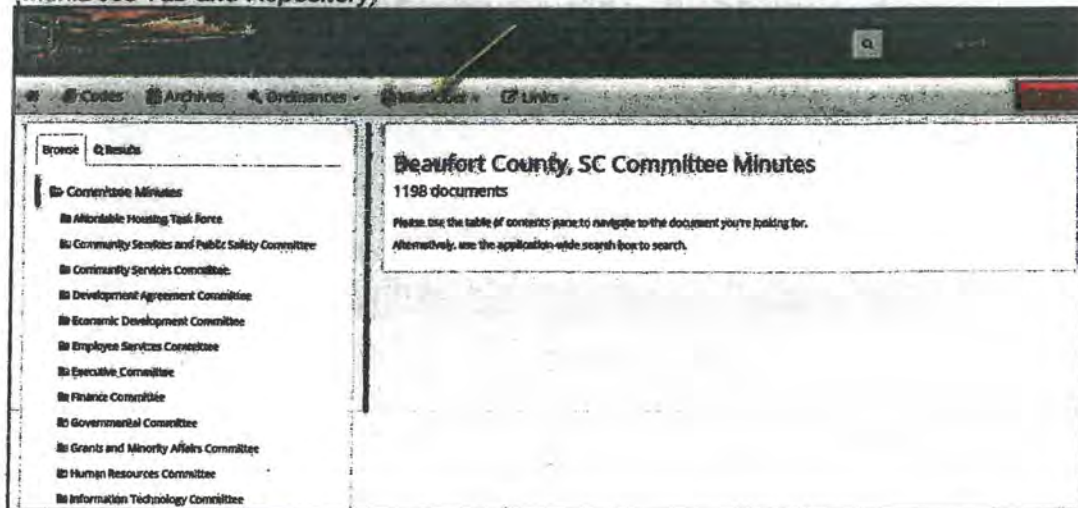
By submitting this form you agree to allow Minneapolis to use your information for informational and statistical purposes only. Your information will not be shared with any third parties by either Minneapolis or Municipal Code Corporation.

**Custom Banner.** We can customize the look and feel of your code to more closely match your website.



**MuniDocs.** Enables municipal users to send material of your choosing directly to us to upload documents to your online code. Let us do all the work and upload your minutes, resolutions, budgets, and or any other non-code material online. Your collection of documents, will be posted alongside your code and will be fully searchable and filterable for ease of use. No need for you and your staff to learn and manage a new system.

*(MuniDocs Tab and Repository)*



**MuniPRO.** MuniPRO Searching allows you to search the over 3,140 codes we host (the entire country, a single state, or individually selected codes of your choosing). MuniPRO Searches are ideal for researching local regulations of special interest, or to find out how other communities are dealing with similar issues. If the IP based model is selected, only Multiple Code Searching is available. MuniPRO provides subscribers with the following tools:

- ⑥ **Multiple Code Search.** Search all codes within one state, multiple codes within one state, or search over 3,140 codes in the entire U.S. hosted by Municode! Search results are sorted by relevancy and indicate the source publication, showing excerpts and keyword highlighting.
- ⑥ **MuniPRO Favorites.** Create a "favorites" list of frequently visited codes or sections. This will save time by making navigation a one-click process from your dashboard.
- ⑥ **MuniPRO Notes.** Create a note and attach it to any document in any publication. Note icons will show in both the Table of Contents and search results page, alerting the user to a previously written note. Notes can be shown or hidden when browsing and searching a publication, and a global listing of notes can be accessed with a single click from your dashboard.
- ⑥ **MuniPRO Drafts.** Begin a new ordinance draft to keep track of pending legislation. Drafts icons will appear in the table of contents and search results, and can also be accessed from a single click.

YOUR ADVANTAGES WITH

# municode **NEXT**

 municodeNEXT

 municode

Basic Search	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Print/Save/Email	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
All-in-One Search	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Advanced Search	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Modern Design	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fully Searchable PDF documents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Twitter & Facebook Sharing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Enhanced for Tablet Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>PREMIUM FEATURES</b>		
*Oralink	<input type="checkbox"/>	<input type="checkbox"/>
*Oralink	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
*CodeBank	<input type="checkbox"/>	<input type="checkbox"/>
*CodeBank Compare	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
*eNotify	<input type="checkbox"/>	<input type="checkbox"/>
*MuniPro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
*Custom Site Theming	<input type="checkbox"/>	<input type="checkbox"/>

\*Municode's optional, premium offerings are enhanced with MunicodeNEXT. Call or email for details.



## Web Accessibility

**Internet Stability – Geographic Redundancy.** We house our public facing website in a secure, SAS70, PCI compliant data center owned and operated by Peak 10 in Atlanta, Georgia. This page outlines the features of Peak 10's datacenter, including redundant Internet providers, redundant power and cooling, and secure biometric access to the physical facility (<http://www.peak10.com/about-peak-10/data-center-locations/atlanta/>). All systems are backed up and synchronized between our Tallahassee, Florida and Atlanta, Georgia locations for full geographic redundancy should one of the sites become inaccessible.

**ADA Compliance.** ADA Law Accessibility & Compliance - We will take all reasonable steps necessary to meet the Priority 1 checkpoints of the Web Content Accessibility Guidelines 1.0 (<http://www.w3.org/TR/WCAG10/>) outlined by the W3C. In the event that a particular page or feature of our site is not WCAG Level 1.0 compliant, we will make our best effort to provide an alternative, compliant page.

Our current website is Section 508 compliant. We provide a version of each Code we host for Disability Access, accessible via our mobile site. This version of the code contains no frames and is also mobile friendly for access from any modern smartphone or tablet running iOS, Android, Windows Phone 7 or higher, WebOS, or Blackberry OS. Sample ADA/Mobile Link: <https://www.municode.com/library/mn/minneapolis?forceview=mobile>.

**Publishing software will support all modern browsers.** Our web application runs on the .Net platform and is written in C# using the MVC framework. All content is rendered in standard HTML and is viewable in all modern browsers including PC: Microsoft Internet Explorer 9 or later, Firefox 3.6 or later, Chrome 18 or later. Macintosh®: Safari™ 5.0 or later, Firefox 3.6 or later, Chrome 18 or later.

**Security assessment for the hosted facility (SOC Report).** Our public facing systems are co-located in a datacenter operated by Peak 10 in Atlanta, GA. This data center is SAS 70 Type II and PCI compliant, employing all modern data center best practices with regard to physical security. All individuals entering the data center must be active customers or authorized vendors with badge and PIN access to the front door. Biometric authentication is required to enter the data center facility, and each rack is locked with a combination lock to prevent unauthorized access. The facility is monitored by camera 24/7 to further provide physical security.

We secure our systems using enterprise grade security products. We employ firewalls from Palo Alto networks to secure the perimeter and endpoint security from Symantec to provide anti-virus scanning and threat detection on all servers, desktops, laptops, virtual machines, and mobile devices. Symantec actively scans all file access on all endpoints on our network and immediately quarantines any suspected malware, immediately sending notification to our systems administration staff.

**Backups of data performed.** We utilize Veeam Backup & Recovery to take daily snapshots of all servers in our Atlanta and Tallahassee datacenters. Snapshots are performed from 8 pm EST to 5 am EST and are replicated between sites. Atlanta snapshots are copied to Tallahassee and vice versa. We routinely test our backups.

**Antivirus protection.** We utilize Symantec Endpoint Protection to protect all desktops, laptops, virtual desktops, and servers from viruses and malware. Signatures are updated every 4 hours and pages are sent immediately to a team of admins if an infection is detected.

**Data redundancy.** We use Equallogic iSCSI SANs for all our storage needs. Each SAN member is fully redundant – redundant power supplies, controllers, NICs, etc. The drives on each array are configured as either RAID 5, RAID 50, or RAID 60 arrays.

## Additional Services

As an additional service/product under this contract, the following optional services are available:

**Distribution.** Fulfillment services are available to distribute individual printed copies of codes and supplements to departments or subscribers at no additional fee to you. We can sell your codes, supplements, chapter reprints, binder and tabs at a pre-determined price. We assume all risk and expense for providing these items. Orders can be placed through our online ordering, via fax, mail or telephone. More detailed information about distribution services will be provided after the return of the proofs.

**Future Legal Review.** At any point during the term of this Agreement, or extensions thereof, we can provide additional legal reviews to identify inconsistencies, obsolete provisions or compare the code to current state law. State law references can be updated in conjunction with this legal review or as a separate engagement.

**Utility Billing and Revenue Management Services.** MCCadvantage (MCCa), a fully integrated division of Municipal Code Corporation, offers industry leading end-to-end utility bill presentment services for the local government market. MCCa's revenue management services include utility bill print and mailing, e-bill fulfillment, pro-active notifications and electronic payment options. Currently, almost 60 municipal owned utilities trust MCCa to process approximately 7 million bill statements annually. Our utility billing processes create flexible, efficient and customer-centric solutions that allow municipalities to better leverage existing billing resources. Costs for bill presentment services, including custom bill design, data formatting, printing and mailing services are competitively priced based on billing volume.

**Enterprise Content Management Software (Laserfiche).** With a client base of over 600 government agencies, we are the largest provider of Laserfiche solutions in the country.

**Electronic Agenda and Legislative Management (Legistar).** MCCi, a subsidiary of Municipal Code Corporation, offers the Granicus Legislative Management Suite (Legistar) and related services which provides electronic automation and creation of Agendas and Minutes. Options for integrating Legistar with Laserfiche and MunicodeNEXT are also available.

**Digital Imaging Services.** MCCi offers scanning, indexing and integration of hard copy documents, electronic documents, and microfilm/microfiche. MCCi integrates the records with Laserfiche Software to provide the Client with the most powerful search engine available.

**Open Records Request Solution (JustFOIA).** MCCi offers its JustFOIA solution to help agencies track Open Records Requests. JustFOIA is a hosted solution that is user-friendly, affordable, and integrated with Laserfiche ECM.

**Contract Management Software (Contract Assistant).** MCCi offers the Contract Assistant Software (developed by Blueridge Software) which is a solution designed to provide control and automation of the contract management process, while also offering Laserfiche integration options.



## What Our Clients Say about Partnering With Us

*"We were not only impressed with the services and products provided by Municode but the speed in which it all took place. Our Legislative Body and Administration were pleased with the new code books and the pricing we received. Thank you for producing this great product with such professionalism. We look forward to our continued relationship with Municode."*

*"We certainly couldn't have done it without your team. MCC is a very customer oriented company."*

*"I find everyone at Municode delightfully friendly and helpful. You are all very professional. It's apparent that you all care a great deal about good customer service. That is wonderfully refreshing as it is so hard to find anymore."*

*"I am extremely satisfied with Municipal Codes Corporation's performance and customer assistance. Not many companies provide such excellent services."*

*"You have personally demonstrated excellent service, diligence and concern for the integrity of our code and the integrity of the product your company produces. Please know your efforts are very much appreciated!"*

*"We appreciate the superior customer service you have provided. I can't tell you how nice it is to have people that will work with you."*

*"You are true professionals and great to work with!"*

*"Thank you for the tremendous job that you do for us. You always make me look good as the Clerk and I truly appreciate your services."*

*"WONDERFUL!!! Thanks for making my life easier, I really appreciate all that you do!"*

*"Your diligence, care, command over the process and attention to details have been exceptional. Moreover, what also helps set you apart from most of those in your line of work is that, you are readily accessible and exceedingly responsive. I hope that my clients are as pleased with me as I am with you."*

*"I really enjoy working with you! Your responsiveness and enthusiasm are greatly appreciated!!"*





**City of Clayton**  
6000 Heritage Trail  
Clayton, CA 94517

May 4, 2016

This proposal is for IT services, including the development of the new City of Clayton (COC) website. This website will include a wide variety of features, designed to serve the residents of Clayton and provide to the general public, up to the minute information about the City of Clayton.

DIGITAL services (DS), with two decades of experience in developing and administrating city government websites, will provide all services including the hardware, software, and labor necessary to accomplish the IT services described in this document.

**The IT Services are:**

- COC Computers, IT systems evaluation, and maintenance
- Disaster Recovery: All workstations and server setup for regular, automated backups and cloud storage
- Setup Hosted Exchange Email for COC Staff
- Website Development and Staff Training
- INTRANet Website Development
- Onsite IT Services (as-needed)
- Webmaster Services (as-needed)

**IT Services (on-site and remote)**

- DS will provide all necessary services to bring up to date all workstations and server.
- We will assist in the migration away from the current email configuration, to a very reliable hosted exchange service (OFFICE365).
- DS will first evaluate all COC workstations, laptops, server, and peripheral equipment including Comcast router and Cisco switches (known as EQUIPMENT). DS will then create a thorough 'work list' of all EQUIPMENT and prioritize the work, beginning with security and then backups.
- DS will remove any malware or viruses that maybe present within the system and then confirm various anti-virus/malware/firewall protections are in place. At the same time, we will confirm all MS system updates are current.
- Finally, DS will install and setup an automated, low-cost, disaster recovery solution. The solution includes safely storing regular backups of all COC files on a remote AWS cloud server.

DS will assume all responsibilities in maintaining EQUIPMENT throughout the year. Typically, after the EQUIPMENT has been brought up to normal operations, DS can provide a fast-response support and on-going maintenance, via remote connections.

DS will provide experienced IT support on an "as-needed" basis at \$65 per hour with a (2) hour minimum. We estimate it will take (45) forty-five hours in the first year to complete the work described in this section.

**Server leases**

Establish Web server and Glacier backup service for office stations and file server:

- Website server with SSL capable of hosting all COC websites

## Server leases (cont.)

- Back-up system for servers and office

## Email

DS will setup 30 email (MS Exchange) accounts using Microsoft's Hosted Exchange (AKA Office365). This will enable all Exchange server functionality including shared calendars, scheduling of rooms. Here are the features as listed by Microsoft:

- **Large mailboxes**  
Each user gets 50 GB of mailbox storage and can send messages up to 150 MB in size.
- **Outlook support**  
Users can connect supported versions of Outlook to Exchange Online, so they can use the rich client application they already know.
- **Web-based access**  
For web-client access, Outlook on the web provides a premium browser-based experience that matches the look and feel of the full Outlook client.
- **Outlook app**  
Get more done on your phone and tablet with the Outlook app for iOS and Android.
- **Inbox management**  
Stay focused on the most important messages with Clutter, which applies machine learning to clean up your inbox and set up rules that match the way you work.
- **Document collaboration**  
Save attachments directly to OneDrive for Business with just one click and share the link to the file—right from Outlook on the web.
- **Groups**  
Simplify collaboration with Office 365 Groups, which lets teams self-organize, work together across tools and devices, and build upon the expertise of others.
- **Shared calendar and contacts**  
Compare calendars to schedule meetings and access collaboration features, including shared calendars, groups, the global address list, external contacts, tasks, conference rooms, and delegation capabilities.
- **Third-party apps for Outlook**  
Spend less time switching between apps with an extension model that allows third-party web applications easy plug-in access for both Outlook and Outlook on the web.
- **Security**  
Every mailbox is protected with premier anti-malware and anti-spam protection via Exchange Online Protection.
- **In-Place Archive**  
Keep your inbox clean by automatically moving old messages to an In-Place Archive.

Microsoft Email Service – 30 Accounts @ \$4 per user per month	\$1,440.00
IT Services (onsite and remote) – (15) hours @ DS Rate	\$975.00
Sub total	\$2,415.00

## **Website Development**

DS will develop a multi-function website using Word Press and various plug-ins. We will create a "skin" that includes all design elements (i.e. color palette, logo, font styles, and so on) and the navigation system. The website design will be a contemporary, mobile-friendly design that will include western theme elements like parts from a buckboard. The color palette will follow the western theme while adhering to ADA standards (in contrast and font size).

DS will work with COC staff to develop a new structure to the website (aka "skeleton"). DS will then populate the website with approved content (text, images, video, etc.) provided by COC.

The following is a list of features and functions that will be included in the website:

- Multi-language capability
- Works on all platforms including mobile
- Online submission of job applications
- Online submittal of complaint form for code enforcement
- Form submission for smaller permits with the ability to be able to collect fees.
- General Plan and Specific Plans searchable with links to the separate chapters.
- Online acceptance of facility rental applications
- Requires City approval before payment can be accepted
- System prevents application from being processed if status of other required permits is unresolved (i.e. alcohol permit, noise permit, proof of insurance)
- Online acceptance of business license applications
- Requires City approval before payment can be accepted
- Integrate with Jessica's HDL business license system via CSV data.
- Interactive facility rental calendar that includes:
  - Internal staff access to see what days are available/booked for each facility
  - Public should be able to view the calendars as well, but not see all the details (i.e. just see the dates/times booked for each facility – not who, and the pending status)
  - System prevention of double bookings.
  - System requirement for payment to be received before date/times can be reserved. Admin Clerk may need to manually select "paid" online for the calendar date to be booked (some payments will inevitably be accepted over the counter/phone so this manual check may be required)
- Online payment processing for:
  - Facility rentals Including: Endeavor Hall, Library, Clayton Community Park picnic
  - Business license renewals and new business licenses
- Integrate Police Department website into the City's main site.
  - Include RV permitting
  - Include anonymous reports for crime to be directly sent to the Police Department.

## ***Future Website Redesign***

An added benefit of using WordPress, is the dramatic cost reduction in future website redesign. Because WordPress is based around the idea of using themes (aka templates) for style, we could redesign the entire website by applying a new, customized COC template for a fraction of what a "traditional" website redesign would cost.



### **INTRAnet Website Development**

DS will utilize the infrastructure already established by this project to develop an internal-use website (aka INTRAnet). The INTRAnet will only be visible to employees within the city's (LAN) network. We estimate the time to set-up this additional website, on the new server, to be (20) hours.

### **Staff Training**

DS will train (remotely) key COC staff members that will maintain the websites and various systems. We estimate the time to prepare the various systems and train staff to be an additional (40) hours.

### **Server Core includes:**

- AWS (Amazon Web Services) and (2) Elastic IPs
- Add SSL for secure payments
- Word Press core website
- Theme (primary)
- Theme (rental-calendar system)

Lease of AWS Linux 64bit with 4GB Memory and 100GB SSD	\$1,200.00
(1) Lease of AWS Glacier cloud backup storage service	\$480.00
Sync software for office backup - onetime cost	\$200.00
Sub total	\$1,880.00

### **Meeting Video Archive**

DS will install a very small transmitter that relays the video/audio output of the City Council meetings to a video streaming server. Both the transmitter and server will be leased to COC, and therefore DS is responsible for maintaining this equipment, including the transmitter and server. The term, like all aspects of this proposal is per year, but can be cancelled at anytime.

After the meeting has been streamed live, DS will use a COC supplied time-log of the meeting and DS will then "index" the video and place the completed archive of the meeting on the COC website. These videos can be watched on any device including PC, MAC, IOS, and Android.

(1) lease of video streaming transmitter installed and maintained by DS - one year commitment	\$400.00
(1) Lease of streaming video server. Based on (4) hour per month usage, indexing and posting of meetings to archive(website)	\$3,900.00
Sub total	\$4,300.00

### **Webmaster Services**

Upon completion of the new website, DS will provide on-going Webmaster Services for all COC websites and servers. DS offers this support on an "as-needed" basis at \$65 per hour. We estimate the Webmaster Services required for the first year will be (20) twenty hours.

**Budget Breakdown:**

Item description	1 <sup>st</sup> Year Estimate	Onetime Cost Estimate	
Server Setup and Website Development		\$12,000.00	
Develop and Host COC INTRANet		1,300.00	
Hosted Exchange Email for COC Staff	\$1,440.00	\$975.00	
Staff Training: for all features in websites		\$2,600.00	
Servers Leases (for websites and backups)	\$1,880.00		
Video Streaming	\$4,300.00		
IT Services (on-site and remote)	\$2,900.00		
Webmaster Services	\$1,300.00		
Estimated total for the first year including one-time costs			<b>\$28,695.00</b>

**Timeline**

DS will install the encoder within two weeks of acceptance of this proposal. The website development typically takes six weeks from the initial skeleton phase to final launch. And the Staff Training will take approximately two weeks.

**Invoicing**

DS will generate a monthly invoice detailing the work completed in the previous month. Our payment terms are NET 15 days.

**Terms**

DS requires a \$4,500 deposit to initiate the work included in this proposal. The deposit will be applied to the server leases, software licenses, and PC encoder and the remaining towards initial website development hours.

The items and terms included in this proposal are meant to be a package. IF COC agrees to this proposal, please sign and return this document.

Thank you for considering our proposal.

---

Representing the City of Clayton

Date

---

Representing the DIGITAL services

Date

Address: 400 Appian Way, El Sobrante, CA 94803

Website: [www.nerdcrossing.com](http://www.nerdcrossing.com)

E-mail: [info@nerdcrossing.com](mailto:info@nerdcrossing.com)

Phone: 1-888-NERD-XING (1-888-637-3946)



**Honest, High Quality Technology Services**

City of Clayton  
Laura Hoffmeister  
6000 Heritage Trail  
Clayton, CA 94517  
925-673-7308

September 1, 2015

Dear Laura:

Thank you for the opportunity to discuss your technology needs at the City of Clayton's administrative offices. We work closely with other businesses in the Bay Area and we look forward to being your honest, reliable IT team. We were also recently honored as the Richmond Small Business of the Year:

<http://rcoc.com/congratulations-nerd-crossing-richmonds-small-business-of-the-year/>

As discussed, we have outlined a proposed on-going IT support plan for your company. Please review and let us know if you have any questions. We look forward to working with you and your team!

Cheers,

*Jim*

Jim Hammack  
Owner/Chief Nerd  
415.309.6750





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## ***Honest, High Quality Technology Services***

### **City of Clayton – High Level Technology Overview**

This high-level information was gathered during our site survey with Laura.

#### **Desktops**

- Approximately 15 workstations; 3 in maintenance, 10 in office, 2 laptops
- Most are Dell Precision T1600 with W7 Pro, Xeon 3.1GHz processor, 8GB, 500GB (two partitions C: and D: drives)

#### **Server**

- Dell PowerEdge 1800, two (2) Xeon 3.00GHz processors, 4GB RAM, two partitions C: (1.77TB free out of 1.81TB), D: (277GB free out of 931GB)
- Windows Server 2008 R2
- Active Directory Domain Services
- DHCP, DNS, File Services, Print and Document Services
- ClaytonServer\_cityofclayton.local
- X: commdev, Z: shared
- HdL City Staff business application
- Avast! Business Protection expired in 12/2014
- There is an additional Dell PowerEdge 1800 that has recently been retired after Blackbaud FE was migrated to the Cloud
- No Backups

#### **Software stack**

- Microsoft Office 2010
- Avast! antivirus
- Adobe Acrobat X Pro (one desktop)

#### **Network Equipment**

- Cisco SG200-50 50 port gigabit switch
- Comcast SMC business class router/modem

#### **Printers**

- One leased Konica multi-function printer

#### **Web/Email hosting**

- POP email/web hosting through Sure Support

#### **Telecom**

- Comcast 100Mbps/20Mbps plan; speed not verified

**Phone system: CALLNET3**



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## ***Honest, High Quality Technology Services***

### **On-Going Support Plan**

Nerd Crossing recommends a combination of dedicated on-site and remote support to help manage your on-going IT needs.

### **Proposed Dedicated On-Site Support**

Dedicated on-site support will include one technician for no less than four hours per day on a schedule agreeable to both the City of Clayton and Nerd Crossing. We would request that the City of Clayton provide a single point of contact for all IT related issues and a spreadsheet of all non-critical issues discovered during the week prior to the scheduled visits. Based on the site survey, we recommend the following schedule:

- One regularly scheduled quarterly visit (4 hours/quarter)

Dedicated on-site support will be billed at our small business rate of \$150/hour. Additional hours will be billable at our small business rate of \$150/hour.

### **Remote Maintenance Plan**

In addition to the above dedicated on-site support recommendations, we recommend an on-going quarterly maintenance package, which would help your company proactively address a variety of technology issues, including staying current on any desktop and server security fixes.

Plan includes:

- Up to 4 hours of remote support
- Remote monitoring and troubleshooting of systems
- Remote installation of operating system patches, software updates and/or fixes
- Preventative maintenance such as defrag, clearing temporary files, virus scans, etc.
- Backup verification
- One remote or on-site check-in visit per month

\$480/quarter

Additional hours will be billable at our small business rate of \$150/hour.





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## *Honest, High Quality Technology Services*

Other benefits of being on the retainer include:

- Priority support ticket status
- No travel fees
- ½ hour minimum remote support calls vs. one hour minimum

After 3 months, Nerd Crossing recommends re-evaluating the maintenance plan and adjusting the number of support hours based on the company's needs, if necessary.

### Technology Projects on the Horizon

During the site visit, the following projects were discussed and are in the company's plans for near future. Each of these projects will have a separate scope of work.

- Install wifi infrastructure to allow public access on first and third floor conference rooms

Estimate to complete wifi infrastructure:

- Two (2) enterprise level wireless access points - \$299+tax/each
- 4-8 hours of labor, billable at \$150/hour
- Wiring not included

### Transition Plan

Prior to entering into an on-going support arrangement, the City of Clayton and Nerd Crossing will develop a week transition plan that will include billable time for:

- A complete hardware, software and network inventory
- A more in-depth analysis of all systems, documentation, etc.
- Dedicated time with existing IT personnel for turnover and training
- Verification of critical business applications, backups, etc.
- Other duties as defined by both the City of Clayton and Nerd Crossing

Recommended scope of work for the above transition plan is one full day on-site (8 hours), billable at \$150/hour.





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Phone: 1-888-NERD-XING (1-888-637-3946)



## ***Honest, High Quality Technology Services***

### **Our Philosophy**

We believe that technology should be something that improves lives. Yet, as promising as the technological advances are today, the truth is that it can be quite overwhelming. For you home users, our patient, customer service oriented approach will help you navigate through some of these challenges and learn to embrace technology as a tool. For our loyal non-profit and business customers, partner with you to proactively protect your critical systems and minimize loss of productivity.

### **Our Mission**

To provide honest, high quality technology services.

### **Our People**

We employ honest, experienced and customer-focused team members.

### **Terms & Agreement**

On-going monthly retainers are due by the first of each month. For project related work, all hardware costs are due prior to procurement and 50% of labor is due prior to project commencement. Final payment is due upon project completion. Outstanding balances are subject to an interest rate of 1.5% per month. Work cannot begin until an Authorized Signature has been received.

One regularly scheduled monthly visit (4 hours/month), \$600/quarter  
Remote Monthly Maintenance Plan (4 hours/month) - \$480/quarter  
Total Monthly Costs - \$1,080/quarter

Prices are subject to change without notice due to availability. This quote is valid for (30) days.

I, \_\_\_\_\_, have reviewed the proposal from Nerd Crossing and agree to the outlined scope of work.

Signed \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_



# R-Comp360 Managed Services Proposal

For



Presented By



Tom Stombaugh  
Director of Professional Services

## R-Computer

3953 Industrial Way Ste. A, Concord, CA 94520  
Phone (925) 798-4884 Fax (925) 798-4894  
[www.r-computer.com](http://www.r-computer.com)



## Introduction

R-Computer would like to thank City of Clayton for the opportunity to provide this proposal for our R-Comp360 Managed Service Program to support their Windows Server / PC and network infrastructure.

R-Computer was incorporated in 1986 and is a leading IT service provider in Northern California. We have provided installation, maintenance and repair services for thousands of business clients, including numerous municipalities and other government entities. We are a privately held company and have a proven track record of long-term success with many companies of your size.

We believe in proactive service to prevent network problems before they cause expensive downtime. Knowledge about the overall health of your network will allow you to plan and budget for your future IT needs as opposed to reacting when a break/fix scenario arises. Our R-Comp360 Managed Service Program sets a high standard for network maintenance and as part of the program we act as a strategic partner to identifying areas of need and providing solutions in the most cost effective manner possible.

Details regarding our R-Comp360 Managed Service Program and how we will support your network are attached. Your commitment to the R-Comp360 program would be based on an annual agreement with the ability to opt out at any time.

We are excited to extend this proposal to support the network infrastructure at City of Clayton and feel we have the management tools and staff in place to successfully do so.

I would like to thank you in advance for your time and consideration. I will call in a few days to follow up on our proposal. However, if you have any questions or concerns, please do not hesitate to call or email me. I look forward to the opportunity to partner with you in the near future.

Sincerely,

Tom Stombaugh  
R-Computer Inc.  
3953 Industrial Way,  
Concord, CA 94520  
925-566-3550  
tom@r-computer.com







## **Existing Needs, Goals and Objectives**

City of Clayton wishes to acquire IT support as an outsourced solution. City of Clayton requires IT support services to maintain the server and workstation including remote and unlimited onsite service, preventative maintenance and general guidance on their ongoing IT strategies.

City of Clayton is currently running a Windows based network consisting of 1 server and 13 workstations. City of Clayton current (physical) server is operational but in need of some cleanup and maintenance. They are experiencing DNS issues, causing problems on the network.

We also recommend the addition of a Network Security Appliance to protect the network. A quote will be provided.

## **R-Comp360 Overview: Purpose and Objectives**

The purpose of this document is to outline R-Computer' R-Comp360 network support program. This service is designed to dramatically reduce or eliminate computer problems in your business while maximizing your network's speed, performance, and stability, without the expense of a full-time IT staff.

Unlike other computer consultants who profit from the failures in your IT environment, our purpose is to PREVENT computer problems from escalating into unexpected downtime, data loss, interruptions in business, and financial loss. This program is ideal for business owners who:

- Need to have their computer network, e-mail, databases, and Internet access up and running 24/7/365 without problems.
- Value the security of their data, and want to do everything possible to prevent loss, corruption, or theft.
- Want to maximize the speed, availability, and performance of their network.
- Hate dealing with—or thinking about—computer problems and other complexities of operating a computer network.
- Need to rely on a professional IT department without the overhead of in-house IT personnel.

## **R-Comp360 Benefits**

- ✓ **You'll avoid expensive repairs and recovery costs.** Our network monitoring and maintenance will save you money by preventing expensive network disasters from happening in the first place. As a matter of fact, we guarantee it.
- ✓ **You'll experience faster performance, fewer glitches, and minimal downtime.** Some parts of your system will degrade in performance over time, causing them to slow down, hang up, and crash. Our preventative maintenance and network monitoring will detect these problems early and prevent them from escalating into more expensive repairs and downtime.
- ✓ **You'll feel as though you have an in-house IT department - without the costs.** As an R-Comp360 partner, you'll have access to a knowledgeable support staff that can be reached immediately should you have any kind of problem or question.
- ✓ **You'll receive substantial discounts on IT services that you are already buying.** Most IT firms will nickel and dime you over every little thing they do. Under this program, you'll pay one flat, affordable rate and get all of the technical support you need. No hidden charges, caveats, or disclaimers outside of special projects.
- ✓ **You'll eliminate trip fees and receive faster response to your problems.** Thanks to our remote monitoring and maintenance software, we will have the ability to remotely access and repair most network problems right



from our offices. If we cannot fix it remotely, we will dispatch a technician to your office.

- ✓ **You'll be able to budget IT support costs just like rent or insurance.** Wouldn't it be nice to avoid unexpected costs for fixing or restoring your network? Now you can.
- ✓ **You'll sleep easier knowing the "gremlins at the gate" are being watched.** Cyber criminals never sleep! But thanks to our 24/7/365 monitoring and on-going maintenance, you'll have one less thing to worry about.
- ✓ **You'll safeguard your data.** The data on the hard disk is always more important than the hardware that houses it. If you rely on your computer systems for daily operations, it's time to get serious about protecting your critical, irreplaceable electronic information.
- ✓ **You'll stop annoying spam, pop-ups, and spyware from taking over your computer and your network.** Not only are these intruders annoying, but they can introduce viruses and jeopardize the security of your network.
- ✓ **You'll gain incredible peace of mind.** As a business owner, you already have enough to worry about. We'll make sure everything pertaining to your network security and reliability is handled so you don't have to worry about it.

### **Proposed Solution**

R-Computers R-Comp360 Managed Service Program, as proposed for City of Clayton, will incorporate remote monitoring, remediation, and maintenance services to proactively manage the overall health of the network. This allows City of Clayton to leverage R-Computers infrastructure to improve your company's productivity through proactive monitoring and automation of routine maintenance tasks.

You will also have access to our team of highly trained professionals to help implement and support most every aspect of your technology environment and to meet all your IT needs!

### **R-Comp360 highlights include:**

- **Server & Infrastructure Management**
  - Initial Site Survey
  - 24x7 Monitoring and alerting for servers & network equipment (OS and applications)
  - Automated or manual service pack and OS patch updates
  - Server Traffic and Load Monitoring
  - Storage Space and availability
  - System Performance trends
  - Spyware Scan & Removal
  - Managed Anti-Virus Protection and Spam filtering
  - Hardware Integrity (check for pending failures)
  - Asset Reporting – Both Hardware & Software
  - Remote Access to any system where our agent is installed
  - Backup Maintenance, Verification and Administration
  - Remote support for firewalls, routers & switches
- **PC Management**
  - System Optimization and Cleanup
  - Spyware Scanning and Removal
  - Managed Anti-Virus Protection and Spam filtering
  - Operating System and system Patch Management
  - Service Pack Installation
  - Hardware Integrity
  - SMART scanning (hard drive failure detector)
  - Critical System Services and Events Monitoring
  - Remote Access to any system where our agent is installed regardless of location

- **Network Security – E-Mail Filter / Web Defense / E-Mail Archiving**
  - Inbound / Outbound Mail Filtering
  - Alternative E-mail access in an outage
  - Additional Spyware defense
  - Additional Anti-Virus gateway defense
  - Content Filtering
- **Routine Onsite Visits**  
A technician will be scheduled onsite as determined necessary by City of Clayton and R-Computer to:
  - Physically inspect servers and hardware
  - Address User Issues
  - Test peripherals, such as UPS(s)
  - Review network documentation and make changes as necessary
  - Review routers, firewalls, switches for failure or problems
  - Optimize server for maximum performance and reliability
  - Test backup and restore data
- **Remote Help Desk and On-Site Support**  
In order to resolve issues in the quickest most efficient manner we will attempt to remotely remedy all detected issues via our Help Desk Team and Management Tools. Field Engineers will be dispatched if our helpdesk cannot resolve the issue remotely.
- **Unlimited Spam Filtering For All Users:**
- **FREE Break-Fix Services**  
In the RARE event that your network goes down, or if you experience any type of problem, our team of senior technicians will troubleshoot and resolve the issue at NO ADDITIONAL SERVICE FEE to you. You can consider this like a network insurance plan
- **FREE Unlimited Help Desk Support:**  
You and your employees can call or email anytime during business hours and speak to a technician about problems they are experiencing.
- **FREE Server Restore:**  
In the case of fire, flood, or other disaster, we will restore your server to its original state.
- **Vendor Management and Procurement**  
We will be the liaison between your application software & hardware manufacturer to help resolve issues.
- **Incident and Problem Management**  
Root Cause Analysis will be performed on reported incidents to determine if there is an underlying problem that may lead to recurring issues or possible disruption of services. Problems will be escalated and reviewed by Tier 2 and 3 support staff so that a solution may be implemented to prevent recurrence and maintain network reliability.
- **Management Level**  
CIO-level services for IT consulting, annual IT budget development & strategic IT planning.
- **Annual account review meetings**  
Periodically we will come on-site to perform an extensive analysis of your network's trends, security, and performance, as well as to review your company's goals and technology issues with you. This quarterly review will allow us to make specific recommendations for improving your network performance, office productivity, and help you plan and budget for future IT needs.  
The intention of these meetings is to review service and network performance to maintain a proactive interaction with the network. These meetings will include representatives of both companies to learn as much as possible regarding upcoming business issues, challenges, and goals, and how IT can assist in accomplishing them.
  - Strategic planning (short-term / long-term)
  - Technology Budget Planning
  - Performance review (network and service)
- **Plus, you will be covered under our 100% No-Hassle Guarantee:**





We are so confident in our R-Comp360 program that we are willing to back it up with a powerful guarantee that no other IT firm or consultant would dare to make:

We guarantee that we will be able to detect, diagnose, and PREVENT most any type of network problem from escalating into downtime. If by some odd chance your network goes down, if you get a virus, a hacker invasion, or any other problem that requires clean up and repair, we will do all of the work necessary to restore your network back to full speed with no additional service fees to you.



**Unlimited Time Agreement Detail**

The R-Comp360 Unlimited Time Agreement provides 24x7 monitoring, maintenance and remediation services. Any required on-site time during our normal business hours by a systems administration engineer of R-Computer is included in the monthly service fees outlined below. Any changes in desktop, server or total supported users will impact total.

**Not Included:** Projects and installation of additional Servers or the replacement of more than 2 PCs per month.

Description	Qty		Total
R-Comp360 Server Monitoring and Management <ul style="list-style-type: none"> <li>• Monthly Maintenance and server tuning – includes event log check, CPU utilization, threshold checks, etc.</li> <li>• All networking equipment (routers, switches, firewall)</li> <li>• Monitor and remediate any detected issues</li> <li>• Critical Service Monitoring</li> <li>• Hardware Fault Detection</li> <li>• Help Desk and Field Engineering Support</li> <li>• Backup and Disaster Recovery Planning</li> <li>• User Account Administration</li> <li>• Printer Administration</li> <li>• Security Rights and Permissions Administration</li> <li>• Security Updates, Patch and Hotfix Installation</li> <li>• Software Installation</li> </ul>	1		
R-Comp360 Desktop Monitoring and Management <ul style="list-style-type: none"> <li>• Twice weekly scans and removal services for spyware</li> <li>• Anti-Virus updates</li> <li>• Patch Management and updates</li> <li>• Temporary file deletion and system optimization</li> <li>• Asset scanning services</li> <li>• Help Desk and Field Engineering Support</li> <li>• Software Distribution</li> <li>• Hardware Fault Detection</li> </ul>	13		
R-Comp360 User Support <ul style="list-style-type: none"> <li>• Help Desk Support with Extended Coverage</li> <li>• Remote Support</li> <li>• User Account Maintenance</li> <li>• Help Desk Ticket Automation</li> <li>• Mobile Device Management</li> </ul>	13		
<b>Unlimited Support and service response time onsite Total</b>			<b>\$1250 / Month</b>
<b>Optional Remote Services with 3 hour Onsite cap Total</b>		<b>\$695/ mo</b>	



**Project Management Consulting**

R-Computer project management consulting is defined as work that falls outside the scope of the regular support services that are being proposed for the existing network and can include the time of the Account Manager assigned to City of Clayton, or other R-Computer Senior Engineers. Examples of out of scope work include:

- High-end infrastructure consulting – Complex local and wide area connections, remote access, new server configuration and implementation
- Line of Business consulting – Includes research of proposed solution and recommendations for any additional hardware or configuration necessary for implementation
- Advanced Security Policy Consulting – Consulting on items such as security, password, guest network, etc.
- New / Remote office setup – includes setup and configuration of new offices.

Description	Type of work	Rate
Discounted Hourly Project Rates:	Network Infrastructure	\$150.00
	Server / Desktop	\$120.00
	Project Management	\$150.00

**After Hours Support**

(5:00PM to 7:00AM, Monday through Friday, All Day Saturday and Sunday)

R-Computer has an answering service and on-call engineers in place for after-hours support for our contract clients.

- \$300.00 Uplift Fee applies to after-hours calls for on-site or phone support (1<sup>st</sup> call waived each month)
- Time and a half (After hours & weekends) Based on straight time prevailing rate
- Double Time (Holidays) Based on straight time prevailing rate

**Documentation**

Information regarding your Service Tickets and billing is available online via our Client Portal. Network Documentation is stored securely in our server and is available upon request. Monthly Executive Summary reports will be provided via e-mail, showing the statistics for your network's overall "health" during the previous month.

**References:**

**Alamillo Rebar:** 80 users in 3 locations with remote users

Chris Pereira-(707)-551-7007 x207 [chris@alamillorebar.com](mailto:chris@alamillorebar.com)

**Telfer Oil:** 75 users in 5 locations with remote users

Ken Chambless – (925)228-1515 [ken.chambless@telfercompanies.com](mailto:ken.chambless@telfercompanies.com)

**IBEW 1245:** 30 users in one location and 40 remote users

Doug Girouard – (805)-458-5233 [deg0@ibew1245.com](mailto:deg0@ibew1245.com)

**Castle Construction:** 42 users in one location with remote users

James Baldacci (925)328-1000 [jbaldacci@castlecompanies.com](mailto:jbaldacci@castlecompanies.com)





## **Frequently Asked Questions**

**Q: If I sign up for this program, what is my commitment?**

**A:** We request that clients sign up for a 12-month commitment to allow us to allocate the appropriate resources to your account. However, for first-time contracts, we will allow an initial 6-month commitment to allow you to test the waters and see if this program works for you

**Q: Are new hardware and software installation costs covered under this agreement?**

**A:** Yes however the implementation of new software solutions, the installation of new servers and the replacement of more than 10% of the PC fleet in any given month would be considered a special project and billed as such.

**Q: Will you guarantee that I won't have any technical problems or downtime?**

**A:** No, we cannot guarantee that you will never have any technical problems or downtime; no one can. However, we will guarantee you will see a significant drop in the number of problems you experience and a dramatic improvement in the speed, performance, and reliability of your system. Plus, if you are a R-Comp360 Client, we will resolve any computer network problems without billing you additional fees.

## **Closing**

R-Computer appreciates the opportunity to provide this proposal. If this proposal is not in line with what you had anticipated please don't hesitate to discuss it with us as we are happy to modify our solution to meet your unique needs.

Sincerely,

Tom Stombaugh  
(925) 566-3550  
tom@r-computer.com

March 23, 2016

Mindy Gentry  
Community Development Director  
Clayton, CA

Mindy,

Swagit Productions began in 2003 with a mission to supply jurisdictions an affordable solution to stream content in an overpriced, complicated and hands-on video industry. We strive to bring our clients convenience and transparency without adding an extra work-load on behalf of the jurisdiction. A company that first specialized in turnaround streams for television stations and newspapers, Swagit has grown significantly to a diverse client list which includes a variety of government entities, including: cities, counties, states, school districts, newspapers, television stations, etc.

- Swagit is unique. It is the only in the field that has a complete video production facility, allowing for services and support of all your video capturing, indexing, agenda integration and publishing needs.
- Swagit is hands-free. All video uploading, archiving and indexing is done by Swagit engineers, which means no extra work for jurisdictions. Swagit is the only vendor that gives you the option to let our staff do the work for you.
- Swagit is always there, 24/7. With Swagit, audio/video disk storage, system management and bandwidth intensive delivery tasks can be offloaded to our content network, which actively manages and monitors 24 hours a day, 7 days a week.
- Swagit has an open API. Swagit's open architecture means that we can integrate with your choice or existing agenda management solution.

Swagit would like to sincerely thank you for your time and consideration. We look forward to working with you on this important project and are 100% dedicated in meeting your streaming needs. If you have any questions regarding this proposal or would like any further information, please do not hesitate to contact us.

Respectfully,

Michael Osuna  
Director of Sales  
Swagit Productions, LLC  
214.432.5905 (Office)  
214.957.5401 (Cell)  
michael@swagit.com

## EXECUTIVE SUMMARY / COMPANY HISTORY

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Swagit Productions, LLC is a privately held company headquartered in Plano, Texas. Founded in 2003, Swagit is a progressive company that is pioneering the broadband multimedia communication service industry by providing clients a **hands-free** approach to always being connected to end-users' information needs. In combining Swagit's EASE™ and Cosmos™ solutions, clients are offered the most comprehensive **hands-free** experience possible.

Swagit specializes in providing streaming media solutions to cities, counties, states and school districts. Furthermore, Swagit is a complete video production entity: including services such as post-production, studio and recording booth sessions.

Swagit began with a mission to supply clients an affordable solution to stream their own content in an overpriced, complicated, hands-on video industry. What began as a company that specialized in turnaround streams for cities, counties, states and school districts, Swagit has grown significantly and provides an open API which allows for integrations with all Agenda/Document Management Solutions.

This lets our clients choose the 'best of breed' Agenda Management Solution for their unique needs.

With Swagit's EASE™ streaming video solution, clients are able to stream their public content live and on-demand through the jurisdiction's website. HTML5 compatibility makes getting to the content even easier and more convenient as viewers are able to access all of the video content via their computer, smart phone or tablet. Archived meetings are indexed and broken up into clips per each agenda item for a greater end-user experience.

Cosmos™ is Swagit's broadcast solution comprised of two to four cameras and pro-video switching equipment that allows either Swagit engineers to control the cameras remotely or on-site camera control by government staff. It is the Cosmos™ solution combined with EASE™ that allows for clients to be able to outsource all of the production and video streaming/indexing to Swagit Productions, LLC for a completely end-to-end, **hands-free** solution.

The Swagit network stretches across North America guaranteeing that you and your constituents are always connected. Our network insures fast connect times from the closest point-of-presence (POP) to an end-user's location. In addition, Swagit's network is fully redundant giving clients the peace of mind of redundancy and keeping with the Swagit motto of "Always Connected."

## POINTS OF DIFFERENCE

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- Swagit's EASE™ solution is a completely **hands-free** and requires no staff time or resources
- Larger video with Swagit's solution (up to 70% larger) and FLASH video format, the most commonly viewed format on the web. Swagit also utilizes HMTL5 for streaming to mobiles devices such as the iPhone and iPad.
- Swagit's open API allows integrations with any agenda management solution
- Swagit is the only government streaming provider that has developed its own content delivery network, ensuring quick and reliable connections for your constituents
- Unlimited storage for Specialty content
- Swagit's unique **hands-free** solution typically qualifies as a sole sourced solutions allowing for quick deployments





## **EASE™ – Extensible Automated Streaming Engine**

The Extensible Automated Streaming Engine (EASE™) is a software framework comprised of foundation and extension modules that work together to automate many otherwise manually intensive tasks. This completely hands-off solution meets the current and future needs of your entity without creating any additional work for the city's clerks or webmasters.

- **Video Capture and Encoding**

EASE™ Encoder records content according to your broadcast schedule and transfer the recorded audio/video to the Swagit Content Network via a secure Virtual Private Network (VPN) connection, making it available for live and/or on-demand streaming.

- **Indexing and Cross Linking**

Using your published meeting agendas as a guide, Swagit's Managed Service Division (SMSD) indexes the meetings without any work from the city. SMSD will annotate your content by adding jump-to points with specific item headings, giving users the greatest flexibility to find the specific content they need. With these jump-to points, users can step through video by searching for or clicking specific items.

- **Agenda Management Integration**

If meeting packets or other related information is available online, SMSD will link them directly to the video player for easy access.

**Swagit's EASE™ solution integrates with all Document/Agenda Management solutions.**

- **Archiving**

Client audio/video can be stored securely on the Swagit Content Network indefinitely. Fault tolerance and high availability is assured through replication of audio/video content to multiple, geographically redundant, Storage Area Networks (SAN). Our standard packages include 80GB of storage, enough for approximately three full years of city council meetings.

- **Presentation**

By navigating through the video library, users can view a list of meetings chronologically and once in a selected meeting you can unleash the power of the jump-to markers to search for specific points within individual audio/video clips.

- **Delivery**

In order to deliver on-demand content to end users in a format that is native to their computer's operating system, Swagit can deliver content in all major streaming video formats: Flash, Windows Media, QuickTime and Real. Swagit is proud to support Flash as its default format, which has proven itself as the format of choice from such vendors as YouTube, Google Video, ABC and NBC/Universal.

**Currently, Flash has a 99% ubiquity rate amongst all the platforms. Swagit can provide Windows Media format (70% ubiquity) however, using Windows Media format may exclude Apple users.\***

# EASE™ – Extensible Automated Streaming Engine

Swagit also streams in HTML5 providing content to mobile devices such as the iPhone, iPad and other mobile devices.



## ■ Monitoring

Swagit is monitoring all aspects of the Swagit Content Network to ensure its health and availability. This monitoring extends to cover remote Swagit EASE™ Encoders deployed on client premises. In the rare event of trouble our engineers are promptly notified so that they may dispatch a swift response in accordance with our support procedures.

## ■ Statistics

Swagit collates log files from our streaming servers monthly and processes them with the industry recognized Google Analytics. Google Analytics generates reports ranging from high-level, executive overviews to in depth quality of service statistics. These reports help to highlight growth trends and identify popular content.

## ■ Support

Beyond our proactive monitoring and response, Swagit offers ongoing, 24/7 technical support for any issues our clients may encounter. While our choice of quality hardware vendors and a thorough pre-installation testing phase go a long way toward ensuring trouble free operation of our EASE™ Encoders, we do recognize that occasionally unforeseen issues arise. In the event that our engineers detect a fault, they will work to diagnose the issue. If necessary, next business day replacement of parts will be completed. Swagit offers continual software updates and feature enhancements to our services and products for the life of your managed services contract.



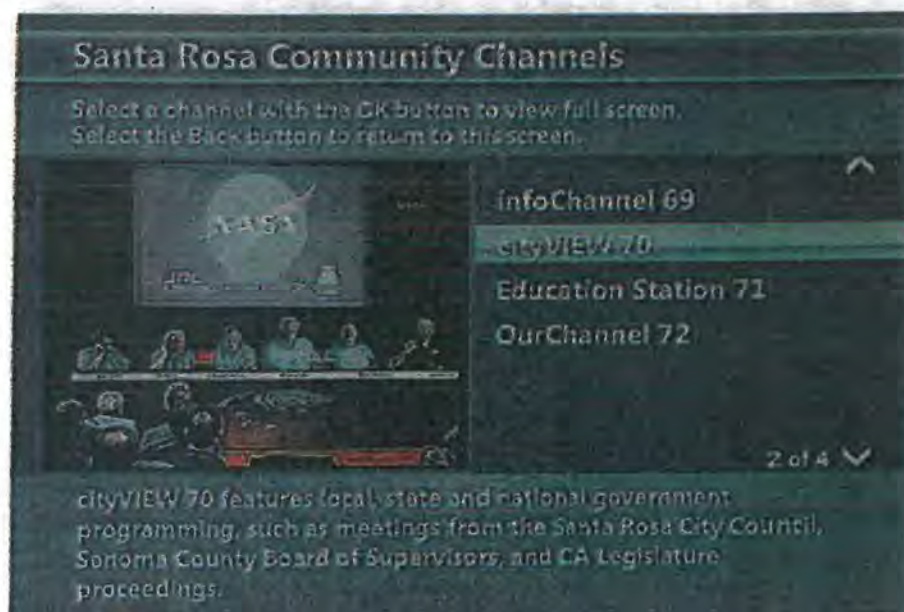
# EASE™ – Extensible Automated Streaming Engine

## AT&T U-verse® Integration

Many Public Access, Educational and Government (PEG) channels now have the opportunity to reach a new group of broadcast subscribers via AT&T U-verse® TV service. To reach these subscribers, U-verse® requires a 480x480 pixel Windows Media VC-1 stream at 1.25Mbs. Our EASE™ encoder is not only capable of creating a live U-verse® compatible stream, but it can also simultaneously encode a video stream, of your choosing (i.e. Flash, Windows Media, QuickTime, Real, etc.), for internet distribution.

AT&T U-verse® and Swagit Productions, LLC both have headquarters located within the Dallas, Texas area. This allows the two companies to work together seamlessly for the betterment of government transparency. The partnership combined with Swagit's 'hands-free' streaming solutions, helps increase accessibility of government programming. Additionally, adding another form of distribution for content using a single solution not only saves money, but also makes things easy.

The City of Allen was able to deploy their content to AT&T U-verse® TV by leveraging their existing partnership with Swagit. "We have been using Swagit for on-line video on-demand since 2004 and have been very happy not only with the integrity of the product, but also with the quality of customer service," said ACTV Executive Producer Mark Kaufmann. "With the recent addition of Live streaming services, the opportunity opened to connect to AT&T's U-verse® TV network. We knew it was the right decision as we are constantly trying to find creative, cost-effective ways to reach more viewers."





## PRICING – EASE™ Up-Front Costs

Swagit's EASE™ encoders offer broadcasters and other administrators the ability to stream live events to cable television providers (i.e. AT&T U-verse®), over the Internet through a high speed connection, or to mobile devices such as iPhones, iPads or Androids. Furthermore, the unit can record and archive all media for on-demand viewing as well.

Item Description	Type	Costs (Up-Front)
Basic Encoder -Hardware/Software (AT&T U-verse® Compatible)	Workstation / 1U Rackmount	\$ 4,030.00
Swagit Tower (Tower-Based unit), Encoder Software Installation, System Burn-In		
Branded Video Library Design, Branded Player Design		
Remote Install (Typically 3 hours)		
Licenses for Software/Tools (Flash Media, EASE™, WOWZA, HTML5, Microsoft OS)		
Video Capture Card w/Simulstream Software	260-e	\$ 950.00
Basic - Hardware/Software (AT&T U-verse® Compatible) + Video Capture Card		= \$ 4,980.00

- OR -

Item Description	Type	Costs (Up-Front)
Standard Encoder- Hardware/Software/Provisioning (AT&T U-verse® Compatible)	1U Server	\$ 6,025.00
Swagit 1U Server, Encoder Software Installation, System Burn-In, Rackmount Kit (4 posts-universal), Includes up to 25 internal users		
Branded Video Library Design, Branded Player Design		
Remote Install (Typically 3 hours)		
Licenses for Software/Tools (Flash Media, EASE™, WOWZA, HTML5, Microsoft OS)		
Video Capture Card w/Simulstream Software	260-e	\$ 950.00
Standard - Hardware/Software/Provisioning (AT&T U-verse® Compatible) + Video Capture Card		= \$ 6,975.00

\* Price and hardware model are subject to change after 90 days without prior notice.

## PRICING – EASE™ Video Upload Only

Swagit's EASE™ encoders offer broadcasters and other administrators the ability to stream live events to cable television providers (i.e. AT&T U-verse), over the internet through a high speed connection, or to mobile devices such as iPhones, iPads or Androids. Furthermore, the unit can record and archive all media for on-demand viewing as well. **No live streaming, on demand only with upload only solution.**

Item Description	Type	Costs (Up-Front)
<b>Hardware/Software/Provisioning</b>	<b>1U Encoder</b>	<b>N/A</b>
<ul style="list-style-type: none"> <li>EASE™ Encoding Unit includes software installation, system burn-in, with option for up to 50 internal users</li> </ul>		N/A
<ul style="list-style-type: none"> <li>Branded Video Library Design, Branded Player Design and Set Up</li> </ul>		\$ 1,850.00
<ul style="list-style-type: none"> <li>Remote Network Installation (Typically 3 hours)</li> </ul>		N/A
<ul style="list-style-type: none"> <li>Software Licenses (Flash Media, HTML5, Microsoft OS)</li> </ul>		N/A
Osprey Capture Card with Simulstream and DirectShow® API	260-e	N/A
EASE™ SD Remote Video Indexing Kit	Software	N/A
		<b>Total Costs (Up-Front)</b>
<b>Total EASE™ SD Setup</b>		<b>\$ 1,850.00</b>



## PRICING – EASE™ Monthly Managed Services

Swagit's Extensible Automated Streaming Engine (EASE™) solution meets all current and future needs for government **without** creating any additional work for staff. EASE™ is a hands-free tool that eliminates the need for client staff members to spend time on indexing, editing or time-stamping video content. Each EASE™ package includes *On-demand* archiving, a 24/7 LIVE Stream via Internet and PEG, video podcasting through iTunes, streaming to Apple devices (ex: iPad & iPhone) and up to 120 hours of additional specialty content each year. Client also has the ability to upload media via FTP as an option if live streaming is not applicable.

Service Description		Costs (Monthly)
Package 1	(EASE™) Up to <u>25</u> indexed meetings a year	\$ 750.00
Package 2	(EASE™) Up to <u>50</u> indexed meetings a year	\$ 950.00

(OPTIONAL) Services/Upgrades – Individual Pricing	Costs
Additional Edited and On-Demand Indexed meetings (Per additional meeting)	\$ 150.00/meeting
Storage per additional year (if beyond 36 month window)	\$ 180.00/year
Programming, Development or Design Implementation	\$ 120.00/hour

**We offer a Price Match Guarantee for all "apples-to-apples" services.**





## Granicus Budgetary Quote for Clayton CA

April 20, 2016

Dear Mindy,

Thank you for considering Granicus and discussing your city's interest in improving its public meeting efficiency through paperless agenda and minutes. What follows is a budgetary proposal containing Granicus products and services tailored to your organizational and fiscal requirements. This proposal is for budgeting purposes only and will be replaced by a formal proposal when appropriate.

By selecting Granicus, your organization will gain what over 1200 government clients already have: a trusted partner. And we're the only company with the experience and capabilities to provide an integrated solution that fits your existing legislative processes, software, and technical infrastructure.

Granicus is committed to ensuring your critical applications are installed quickly and run effectively with 24/7 tech support and proactive monitoring. You'll also receive unlimited web-based training and a dedicated account manager who will know your solution inside and out. Our aim is to help you effectively achieve your goals.

On the following few pages, you will find our proposed solution, investment, product descriptions and some of our key differentiators.

We look forward to establishing a rewarding, long-term relationship with you.

Sincerely,

Joshua Hurni  
Account Executive  
415-967-5573  
Granicus, Inc

## Investment

Your Granicus solution was based on your specific voting and public meeting efficiency needs. Our pricing reflects our commitment to supply customers with the highest value and quality software and support.

Product Name	Up-Front	Monthly
<b>Government Transparency (Webcasting)</b>	<b>\$4,500.00*</b>	<b>\$400.00</b>
<b>Total</b>	<b>\$4,500.00</b>	<b>\$400.00</b>

**Quote Expires May 30, 2016**

NOTE: The pricing in this preliminary proposal excludes tax and is SUBJECT-TO-CHANGE. While this preliminary proposal will provide you with our best possible estimate of what your solution will look like, it is not considered complete until a network assessment has been completed. Our goal here at Granicus is to make sure that every new client has a successful deployment and to make sure that our products exceed your expectations. We believe that spending the time to accurately conduct an assessment of your network and documents will help us meet our goals and will ensure that you have the best experience possible. \*\*\*

\* It is possible to lower the upfront cost for webcasting if you chose a different encoder. This is the maximum for a standard set-up. Once our engineers have validated your environment we will determine correct hardware and cost.

## Proposed Solution

### *Granicus® Open Platform*

The Granicus® Open Platform is the cloud-based foundation for all Granicus applications. It allows government organizations to manage and store an unlimited amount government public meeting data. It is the core of our content management, administration and distribution tools and includes free access to our APIs and SDKs, helping you seamlessly connect your Granicus solution to systems in place. The Granicus Platform includes the ability to upload and publish content including videos and documents. [Click here](#) for more information on the Granicus Open Platform.

- Unlimited content storage and distribution
- Open architecture and SDK
- Archived video editing and indexing
- Citizen web portal
- Live and on-demand streaming to mobile devices
- Create a paperless agenda environment with iLegislate® for the iPad

### *Granicus Encoding Appliance*

The Granicus Encoding Appliance is designed and built for our platform and streaming protocols to provide government organizations with superior live and on-demand webcasting performance. The hardware is pre-configured and delivered ready to stream. Simply connect power, network and an audio/video source. Full appliance control is available through a web browser or locally installed client application.

- Provides live and on-demand streaming – online and via mobile devices
- Remote systems monitoring and Granicus maintenance updates
- 500 GB of local storage (approximately 1,000 hours of archive content)
- Facilitates internal streaming across your local area network (LAN) – up to 50 concurrent viewers
- Supports extraction and display of embedded closed captions to help maintain ADA compliancy
- Faster archive upload times, less video buffering
- H.264 video codec encoding
- HTML5 and Flash compatible streaming delivery



Granicus' hosted infrastructure supports the encoding appliance and offers unlimited bandwidth, storage and the highest security standards through a cloud-based platform. Our remote, proactive system monitoring guarantees faster response time, predicts problems before they arise, and helps reduce the cost of IT support and maintenance. The Granicus team works around-the-clock to ensure your applications are protected and operating smoothly. This ensures long-lasting success with our technologies while maximizing your solution's performance.

## ***Government Transparency Suite***

The Government Transparency Suite gives your citizens greater access to public meetings and records online. Take the next step towards transparency and stream meetings and events live, link related documents to your video, and provide advanced searching of archives. The Government Transparency Suite gives you unlimited cloud bandwidth and storage as well as local live and on-demand streaming for up to 50 concurrent viewers. This Suite also allows you to connect agenda data to the iPad to review agendas and supporting documents, take notes, and more through the iLegislate® application. [Click here](#) for more information on the Government Transparency Suite.

- Give citizens convenient access to live and archived streaming through your website
- Reduce public inquiries with searchable, self-service access online
- Import agendas and index video live to eliminate hours of work
- Manage and distribute unlimited meetings and events—all completely automated
- Reach a broader audience - integrate closed captions with video
- Understand and measure public participation with in-depth video analytics

## Granicus Differentiators

- World's most experienced provider of government transparency, citizen participation, meeting efficiency, and legislative management solutions with:
  - Over 1,200 clients in all 50 states, at every level of government
  - Over 31 million government webcasts viewed
  - More than 265,350 government meetings online
- First fully integrated legislative workflow management system for local government
- Open API architecture and SDK allow for seamless integrations with systems already in place
- Certified integrations provide flexibility and choice of agenda workflow solutions
- Exclusive provider of the iLegislate iPad application that allows users to review agendas and supporting materials, bookmark and take notes on items, stream archived videos, and review community feedback
- Only government webcasting service to provide encoding, minutes annotation, transcription, and closed captioning services
- Truly unlimited storage and distribution for all meeting bodies and non-meeting content
- Indefinite retention schedules for all archived meeting and non-meeting content
- Only provider of both government webcasting and citizen engagement services
- 24/7/365 customer service and support
- 97% customer satisfaction rating, 98.5% client retention rating
- One of the 100 companies that matter most in online video by Streaming Media magazine
- Ranked 185 on Deloitte 500 fastest growing companies
- Ranked 419 on Inc 500 fastest growing companies
- Client Success stories are available here: <http://www.granicus.com/customers/case-studies/>

**Gary Napper**

Agenda Item: 8d

**From:** Gary Napper  
**Sent:** Tuesday, August 09, 2016 5:10 PM  
**To:** Howard Geller  
**Subject:** Council Agenda title

Consider a Mayoral request to implement a California Government Code section provision allowing a general law city like Clayton to increase its monthly compensation to city council members, effective in December 2016 with the reorganization of the Clayton City Council.

Mayor: I have the pertinent Gov't Code sections that I will attach to your email request to me. Presently, the City Council Members receive \$390 per month. The last adjustment was made in December 2008 so under the law it can be increased no more than 5% per year since the last increase.  $8 \text{ years} \times 5\% = 40\%$ , which means the current \$390 could be increased by City ordinance to \$546 per month.

GARY A. NAPPER  
City Manager  
6000 Heritage Trail  
Clayton, CA 94517-1250  
925.673-7300  
[www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)





**Subject:** GC 36516.5

**Government Code Section § 36516. Compensation of council members under ordinance**

**(a)**

**(1)** A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

**(2)** The salaries approved by ordinance under paragraph (1) shall be as follows:

**(A)** In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month.

**(B)** In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month.

**(C)** In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

**(D)** In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

**(E)** In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

**(F)** In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

**(3)** For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

**(4)** The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No ordinance shall be enacted or amended to provide automatic future increases in salary.

**(b)** Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

**(c)** Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

**(d)** Any amounts paid by a city for retirement, health and welfare, and federal social security benefits

shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

**(e)** Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

**(f)** A city council member may waive any or all of the compensation permitted by this section.

**Subject:** GC 36516.5

**Government Code Section 36516.5. Restriction on change in council member's compensation during term of office**

A change in compensation does not apply to a council member during the council member's term of office. This prohibition shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of the city council becomes eligible for a salary increase by virtue of the council member beginning a new term of office.



**ORDINANCE NO. 416**

**AN ORDINANCE REVISING MONTHLY COMPENSATION FOR CITY COUNCIL AND PLANNING COMMISSION MEMBERS BY REPLACING SECTIONS 2.05.010 AND 2.12.025 OF THE CLAYTON MUNICIPAL CODE WITH NEW SECTIONS SO NUMBERED**

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

**THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 2.05.010 of the Clayton Municipal Code (Monthly Compensation) and applicable sections of Clayton Ordinances codified therein are each hereby repealed and new Section 2.05.010 is hereby added to Chapter 2.05 to read as follows:

**"2.05.010      Monthly Compensation.** Each member of the City Council shall receive compensation in the amount of Three Hundred Ninety Dollars (\$390.00) per month for each full month of a Council Member's term of office, provided however, no compensation shall be paid for any month in which the Council fails to hold at least one regular public meeting."

**SECTION 2.** Section 2.12.025 of the Clayton Municipal Code (Planning Commission Monthly Compensation) and applicable sections of Clayton Ordinances codified therein are each hereby repealed and new Section 2.12.025 is hereby added to Chapter 2.12 to read as follows:

**"2.12.025      Monthly Compensation.** Each member of the Planning Commission shall receive compensation in the amount of One Hundred and Twenty Dollars (\$120.00) per month for each full month of the Commission Member's term of office, provided however, no compensation shall be paid for any month in which the Commission fails to hold at least one regular public meeting."

**SECTION 3.** Monthly compensation for Council members as fixed in Section 1 above shall not become effective until December 16, 2008, which follows the next City Council election in November, 2008, when one or more members of the Council shall begin a new term of office.

**SECTION 4.** Compensation for Planning Commission members as fixed in Sections 2 above shall become effective December 16, 2008.

**SECTION 5. SEVERABILITY CLAUSE.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have adopted the Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION 6.** This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on February 19, 2008

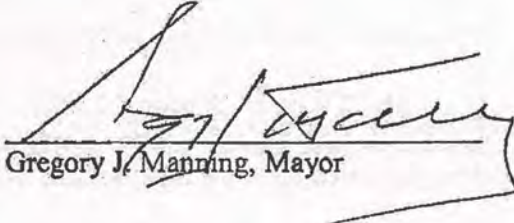
Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on March 4, 2008 by the following vote:

AYES: Mayor Manning, Vice Mayor Pierce, Councilmembers Shuey, Stratford and Walcutt.

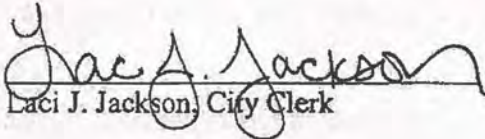
NOES: None.

ABSENT: None.

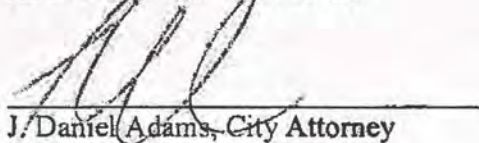
ABSTAIN: None.

  
\_\_\_\_\_  
Gregory J. Manning, Mayor

ATTEST:

  
\_\_\_\_\_  
Laci J. Jackson, City Clerk

APPROVED AS TO FORM:

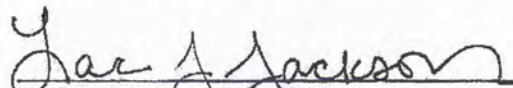
  
\_\_\_\_\_  
J. Daniel Adams, City Attorney

APPROVED AS TO ADMINISTRATION:

  
\_\_\_\_\_  
Gary A. Napper, City Manager



I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on February 19, 2008 and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on March 4, 2008.

  
Laci J. Jackson, City Clerk





Approved:

Gary A. Napper  
City Manager/Executive Director

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** City Clerk

**DATE:** March 4, 2008

**SUBJECT:** Second Reading and Adoption of Ordinance No. 416 Revising Monthly Compensation for City Council and Planning Commission Members

## RECOMMENDATION

It is recommended the City Council consider Ordinance No. 416 for Second Reading and Adoption.

## BACKGROUND

At its February 19, 2008 meeting the City Council introduced Ordinance No. 416 with increases for the City Council and the Planning Commission's monthly compensation. The Council also made a decision to have both compensations effective as of December 15, 2008.

## FISCAL IMPACT WITH INCREASES TO COUNCIL AND PLANNING COMMISSION

The total difference annually after fiscal year 2008-2009 would be \$7,985.40 as shown below:

Compensation	Current Annual	FY 2008-2009 (7 months with new compensation)	Continuing Costs after FY 2008-2009
City Council compensation X 5	\$22,617.00	\$26,575.15	\$29,402.40
Planning Commission compensation X 5	\$6,000.00	\$6,700.00	\$7,200
Total:	\$28,617.00	\$33,275.15	\$36,602.4

Attachments: 1. Ordinance No. 416 (3 pages).



Approved:

Gary A. Napper  
City Manager/Executive Director

# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: City Clerk**

**DATE: February 19, 2008**

**SUBJECT: Consideration of a proposed Ordinance adjusting monthly compensation for elected members of the Clayton City Council and appointed members of the City Planning Commission to be effective beginning December 15, 2008.**

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## **RECOMMENDATION**

It is recommended the City Council consider proposed Ordinance No. 416 for Introduction and First Reading.

## **BACKGROUND**

As a general law city, the City of Clayton is governed by the California Government Code [Sections 36516] pertaining to the maximum amount a general law elected city councilmember may earn for compensation. It also regulates when such adjustments in compensation may be authorized.

A. **Section 36516 (a)(1)**

In cities up to and including 35,000 in population, each member of the city council may receive up to and including \$300 per month in compensation. Said amount *is not* inclusive of any other benefits the city councilmembers may receive.

This amount is the current compensation received by each member of the Clayton City Council.

B. **Section 36516.5**

A change in compensation can not apply to a councilmember during one's term of office when voted into place; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of the council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of beginning a new term of office.

C. **Section 36516 (c)**

Compensation of council members may be increased beyond the amount provided in this section by a local ordinance or by an amendment to a local ordinance but the amount of the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No salary ordinance shall be enacted or amended which provides for automatic future increase in salary.

## DISCUSSION

Pursuant to the applicable laws of the California Government Code, the Clayton City Council, by adoption of a new local ordinance, may adjust the current \$300 per month city council compensation to be effective for each member of the City Council [5] newly-constituted and reorganized after the certified results of the municipal election to be held 04 November 2008. Such an ordinance should be adopted [Second Reading] by this City Council no later than 04 October 2008 or the Council's second regular meeting in September in order to be clearly effective for the "new" Clayton City Councilmembers.

The only available method of increasing compensation, Section 36516 (c) allows the monthly compensation amount to exceed the allowable \$300 per month with a 5% increase for each calendar year from the previous increase. The previous increase was adopted to increase the City Council compensation commencing December 2002 (by Ordinance No. 365).

Calendar years since December 2002:	6
5 yrs. Past + 2008 forward = 6 yrs X 5% per year	30% increase factor
\$300/mo X 30%	\$390

By state law, the maximum monthly compensation that may be set by City Council action at this time is \$390.00 commencing in December 2008.

After reviewing this matter at its January 2, 2008 City Council meeting, the Council requested staff move forward with preparing an Ordinance. Staff is presenting two options for the Council. Option 1 is to increase only the City Council's monthly compensation. Option 2 increases the City Council and the Planning Commission's monthly compensation. Council is asked to address a policy if they proceed with Option 2 and must consider when to have Ordinance go into effect for the Planning Commission.

## FISCAL IMPACT FOR CITY COUNCIL INCREASE

Should the City Council decide to proceed with the enactment of a local ordinance increasing the monthly compensation of each City Councilmember seated after the November 2008 general municipal election (in December 2008), the net budgetary impact would be realized for the remaining 7 months of FY 2008-2009 [assumption: maximum \$390/month set]:

<b>Council Compensation and Associated Costs (per Councilmember)</b>	<b>FY 2008-2009 (7 months)</b>	<b>Annual Impact thereafter</b>
Council compensation	\$90	\$90
PERS:	\$19.26	\$19.26
Workers Comp:	\$2.52	\$2.52
FICA/Medicare	\$1.31	\$1.31
<b>Total per Councilmember:</b>	<b>\$113.09</b>	<b>\$113.09</b>
<b>Total X 5 Councilmembers:</b>	<b>\$565.45</b>	<b>\$565.45</b>
<b>Annual Total:</b>	<b>\$3,958.15</b>	<b>\$6,785.40</b>



It is noted that members of the City Council have not, in past practice, submitted any expenses for costs incurred in the performance of their elected duties, such as telephone or cell phone charges, gasoline/mileage expenses, or home paper costs.

The difference between this current Council compensation and the new Council compensation would be \$6,785.40 as shown below:

Council Compensation and Associated Costs( per Councilmember)	Current	FY 2008-2009 (7 months with new compensation)	Continuing Costs after FY 2008-2009
Council compensation	\$300.00	\$390	\$390
PERS:	\$64.20	\$83.46	\$83.46
Workers Comp:	\$8.40	\$10.92	\$10.92
FICA/Medicare	\$4.35	\$5.66	\$5.66
<b>Total per Councilmember:</b>	<b>\$376.95</b>	<b>\$490.04</b>	<b>\$490.04</b>
<b>Total X 5 Councilmembers:</b>	<b>\$1,884.75</b>	<b>\$2,450.20</b>	<b>\$2,450.20</b>
<b>Annual Total:</b>	<b>\$22,617.00</b>	<b>\$26,575.15</b>	<b>\$29,402.40</b>

#### **ASSOCIATE COMPENSATION ADJUSTMENTS- PLANNING COMMISSION**

Each member of the Clayton Planning Commission receives a nominal monthly compensation of \$100. This amount was adjusted upward by City Council Ordinance No. 365 at the time of the last increase to the Council compensation. Determination of compensation for local appointed officials of a city rests with the respective City Council.

Since Ordinance No. 365 went into effect there has been a 13% increase to the CPI Index, not including the calendar year 2008. The Planning Commission is required to make site visits and any increase to their compensation could be reasonable due to the increase in gasoline prices. Staff recommends that if the Council wishes to increase the Planning Commission Compensation they do so by a 20% increase to largely compensate for the hike in fuel costs.

The difference between this current compensation and the new compensation would be \$1,200.00 as shown below:

Planning Commission Compensation (per Commissioner)	Current	FY 2008-2009 (7 months with new compensation)	Continuing Costs after FY 2008-2009
Planning Commission compensation	\$100.00		\$120
Total X 5 Commissioners per month:	\$500.00		\$600.00
Annual Total:	\$6,000.00	\$6,700.00	\$7,200

**FISCAL IMPACT WITH INCREASES TO COUNCIL AND PLANNING COMMISSION**

If both compensations were increase the total difference annually after fiscal year 2008-2009 would be \$7,985.40 as shown below:

<b>Compensation</b>	<b>Current Annual</b>	<b>FY 2008-2009 (7 months with new compensation)</b>	<b>Continuing Costs after FY 2008-2009</b>
City Council compensation X 5	\$22,617.00	\$26,575.15	\$29,402.40
Planning Commission compensation X 5	\$6,000.00	\$6,700.00	\$7,200
Total:	\$28,617.00	\$33,275.15	\$36,602.4

- Attachments: 1. Option 1- Draft Ordinance No. 416- Only Council Compensation Changes (2 pages)  
2. Option 2- Draft Ordinance No. 416 with Council and Planning Commission Compensation Changes (2 pages)