



AGENDA

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TRAILS AND LANDSCAPING COMMITTEE [CITIZENS OVERSIGHT COMMITTEE]

Monday, February 12, 2018

7:00 p.m.

Hoyer Hall

Clayton Community Library City Hall

*6125 Clayton Road
Clayton, CA 94517*

COMMITTEE MEMBERS

Maryann Carroll-Moser
Carin Kaplan

Howard Kaplan, Chair
Nancy Morgan

*Vice Mayor David Shuey
(Ex-Officio)*

*Councilmember Tuija Catalano
(Ex-Officio Alternate)*

Staff: Laura Hoffmeister, Asst. to the City Manager
Mark Janney, Maintenance Supervisor

- A complete packet of information containing staff reports and exhibits related to each item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Committee meeting or on the City Website at www.cityofclayton.net.
- 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.cityofclayton.net
- Any writings or documents provided to a majority of the Committee 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.

* TRAILS AND LANDSCAPING COMMITTEE *

February 12, 2018

1. CALL TO ORDER & ROLL CALL – Chair

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Any member from the audience may address the Committee on items within the Committee's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it to the Chair. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called by the Chair, the speaker shall advance to 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 Committee may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.

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

3. CONSENT CALENDAR

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

- (a) Minutes of the December 4, 2017 Trails and Landscape Committee meeting.
- (b) Landscape Maintenance District Staff Activity Report for Dec. 5, 2017 – Feb. 12, 2018

Recommended Action: Approve the Consent Calendar.

4. BUSINESS ITEMS

- (a) Selection of Vice Chair.
(Asst. to the City Manager Hoffmeister)
- (b) Receipt and Review of City Council adopted Resolution “Affirming and Clarifying the Duties and Responsibilities of the “Trails and Landscape Committee” which serves as the Citizens Oversight Committee for the Citywide Landscape Maintenance District CFD 1997-1”.
(Asst. to the City Manager Hoffmeister)

Recommended Action: Information only - no action required.

- (c) Review of the Trails and Landscape Committee Meeting Procedures.
(Asst. to the City Manager Hoffmeister)

Recommended Action: Information only - no action required.

- (d) Review of the status of Landscape Maintenance District mid-year FY 17/18 budget expenses/revenues for July 1, 2017- December 31, 2018.
(Asst. to the City Manager Hoffmeister)

Recommended Action: City staff is not requesting any FY 17/18 mid-year increases to the total appropriation of the overall Landscape Maintenance District's budget adopted by the City Council.

- (e) Review of the status of Landscape Maintenance District FY 17/18 expenses through February 9, 2018.
(Asst. to the City Manager Hoffmeister)

Recommended Action: Information only - no action required.

- (f) Landscape Maintenance District Projects Update
(Maintenance Supervisor Janney)

Recommended Action: Information only - no action required.

5. **CORRESPONDENCE** – review of incoming and outgoing correspondence
- Informational Discussion Only- No Action
None

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

- (a) Assignment of Committee Report to the City Council at its February 20th meeting.
- (b) Future Agenda Items: (all future agendas will include minutes; Maintenance staff Activity Report for the District; LMD Projects status report as applicable; latest FY to date budget expenses)
- **May 7, or 14, or 22 – TLC meeting** for proposed landscape District Budget for FY 2018-19 (Note revised dates: Budget introduction to City Council May 15, 2018; and City Council adoption of budget June 5, 2018)
 - **Sept. 17, 2018 - TLC meeting** for FY 2017-18 actual year-end review and select Committee Member to prepare draft Annual Report for FY 17-18
 - **Nov./Dec .2018 - TLC meeting** FY 2017-18 TLC prepared Annual Report review
 - **Dec/Jan. 2019 – City Council meeting -TLC Annual Report FY 17-18 submittal**
 - **February 2019 – TLC meeting** for FY 2018-19 mid-year LMD budget review
- (c) Committee Member communications – general information not requiring any action by the TLC
- (d) Staff Communications/Announcements – general information not requiring any action by the TLC –
1. City Council meeting minutes from January 16, 2017
 2. Updated Committee Roster

7. **ADJOURNMENT** – The Committee's next regularly-scheduled meeting is will be called as needed. At 7:00 p.m. in Hoyer Hall, Clayton Community Library. Please contact the City Clerk at 673-7300 to verify actual date/and location.



Agenda Date: 2/12/18

Agenda Item: 3a

ACTION MINUTES
OF THE
REGULAR MEETING
TRAILS AND LANDSCAPING COMMITTEE
[Citizens Oversight Committee]

December 4, 2017

1. CALL TO ORDER & ROLL CALL – Chair Howard Kaplan

The meeting was called to order at 7:05 p.m. at Hoyer Hall 6125 Clayton Road, Clayton CA by Chair Howard Kaplan.

Committee Members Present: Maryann Carroll-Moser, Carol Herington, Dane Horton, Howard Kaplan, Carin Kaplan, Nancy Morgan, Vice Mayor Keith Haydon – Ex-Officio

Committee Members Absent: None.

Staff Present: Assistant to the City Manager Hoffmeister.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

No public comments.

3. CONSENT CALENDAR

- (a) *Minutes of the September 25, 2017 Trails and Landscape Committee meeting.*
- (b) *Landscape Maintenance Staff Activity Report – Informational Only.*

Motion by Vice Chair Horton, to approve the consent calendar with the correction to the minutes (two typos in 5a; revise and simplify the first paragraph in 5c; and correct typo in second paragraph of 5c.); seconded by Committee member Carol Herington. Motion passed 6-0.

4. BUSINESS ITEMS

- (a) *Review and consideration of the Landscape Maintenance District for Annual Report for FY 2016/2017 as the Citizens Oversight Committee*

Chair Howard Kaplan reviewed the draft Report noting that he prepared the document and message, staff provided the attachments and cover using the format from past reports.

The Committee members reviewed the draft document and a few minor wording clarifications were noted. Chair Howard Kaplan stated that he also noticed a few minor items and typos and would correct, then send the final to city staff for inclusion in the City Council agenda packet.

Motion by Committee member Herington, seconded by Committee member Carin Kaplan, to approve the Annual Report with the minor corrections as noted, and forward to the City Council. Motion passed 6-0.

(b) Review of the status of the Landscape Maintenance District FY 17/18 expenses through November 27, 2017.

The Assistant to the City Manager Hoffmeister provided an overview of the data, the last report the Committee reviewed was the same format but through September 2017; she also noted that District expenditures are not a straight line, as there are many seasonal fluctuations with water bills, electrical bills, when plants and supplies purchased and use of temporary workers.

No action taken as this was informational item only.

(c) Landscape Maintenance District Projects Update

Chair Kaplan asked for the scope of work for the downtown planters to be brought before the TLC. The Assistant to the City Manager Hoffmeister noted that a narrative scope of the project has been previously provided and again was included in the project update memo from the Maintenance Supervisor.

It was clarified by Chair Kaplan by scope of work he meant to have the TLC review the construction plans, specifications and bid documents prior to going forward and before going out to bid. Chair Kaplan indicated that he had walked the project and looked at the planters and does not believe that all need to be replaced or enlarged. He was concerned that the costs could be reduced by modifying the scope, and some could just have repairs made. Chair Kaplan asked who determined the project scope, and need to enlarge planters or replace instead of repairing.

Asst. to the City Manager provided the following background information which was previously provided by Maintenance Supervisor Janney at the TLC September 25 and June 15, 2017 meeting. The project was originally established in 2015 as repairs to the planter boxes with a budget for FY 16-17 of \$35,000 approved. However the planters were field re-evaluated as part of the FY 17-18 budget process and it was determined that they were in need of replacement and enlargement where possible. It was Asst. to the City Manager understanding the boxes were evaluated by the City Engineer and Maintenance Supervisor. It was determined that the existing Chinese Pistache trees are not suitable for the planter boxes, as their root growth is pushing the planters walls apart and they get root bound as well. The Crape Myrtle, which is in a couple of

the planters, was determined by Maintenance Supervisor to be an appropriate tree species for the planters. Irrigation would also be provided to each planter as there is not any at this time. It was also determined that since irrigation was being done, the incremental cost of adding in electrical conduit and wiring was small and appropriate to do all at one time. This was the project scope the City Council approved with a budget of \$300,000 as part of the FY 17-18 budget adoption process. Assistant to the City Manager Hoffmeister stated that the Committee received this same information as part of their review of the draft budget at its June 15, 2017 meeting prior to the Council budget adoption. At that meeting no concerns were expressed by the Committee members in attendance regarding the proposed budget. This information was conveyed to the City Council in a memo to the Finance Manager which stated: *"The TLC reviewed the proposed budget using numbers that Finance Manager had presented at the City Councils June 6th meeting. The TLC did not propose any changes to the proposed Landscape Maintenance District budget for FY 17-18."*

Committee members that were present at the June meeting indicated that even though at the June budget review meeting they did not have objection, given Chair Kaplan concerns, they have changed their mind and think the project should be reconsidered by the TLC especially since it has not gone out to bid. Committee members concurred with Chair Kaplan that the TLC should be able to review construction plans and specifications before a project goes out to bid and that is a part of their oversight role. Chair Kaplan and other committee members asked staff to bring this project brought back to the TLC with all the plans and specifications and bid information.

Assistant to the City Manager Hoffmeister noted that review of this type information is beyond the duties of the TLC. The staff understands the role of the TLC is at a higher level, not the details of implementation. The City Council does not see plans and specifications before going to bid, it is not their, nor the Committees role, it is staff implementation work. The Council sets policy and projects with the budget and the TLC recommends, in an advisory capacity, expenditure items related to the Landscape District to City Council which is done at the budget time and ensures the special tax funds are being spent in the District. In general the Committee is higher level advisory body, not at detail of reviewing and/or approving/recommending plans and specifications. The committee could indicate they would like to see more funding for repaving trails, or for replanting in medians, trimming etc. or a specific project such as redoing the landscaping at the subdivision entries. It is not the TLC role for bid cost review it is the City Council role to receive staff recommendation on awarding a bid.

In response to questions by the Committee regarding project status, Asst. to the City Manager Hoffmeister stated this is a priority project by the City Council. The City Engineer is reviewing the recently located plans from the former City Engineer, finalizing the construction documents and specifications for going to bid. After bids are received the lowest responsible bid would then be recommended by staff to the City Council for awarding the contract. This process is the standard operating process for government and the cities.

In response questions by the Committee, Asst. to the City Manager Hoffmeister noted that the budget is an estimate, and bids could come in lower – which is always the hope. However there also could be no bids received - no interest in the project, then the project could be put back out to bid at a differing time, assuming that contractors were tied up at the time of when the initial bid package was advertised. Alternatively, bids could also come in higher than the budget. If this was to occur the City Council could still award the bid along with a budget adjustment to cover any increase. This does happen periodically on projects. The funds would come from the LMD fund balance. Alternatively the City Council could reject all the bids and provide additional direction to staff, such as rebidding or modifying etc. Their direction would likely depend on why the bids came in higher than the estimate.

Chair Kaplan indicated the committee should be the body to review and determine recommendations to the City Council on the plans and specifications prior to going to bid, and possible review of recommended low bid before it goes to City Council. Chair Kaplan noted he believes these activities would be within the meaning of the word 'oversight' of the Landscape Maintenance District committee function. Assistant to the City Manager Hoffmeister indicated that staff disagreed in this interpretation and it also has not been staff understanding of the direction by the City Council. There are details of all aspects of city work that is carried out by staff, not the elected or appointed advisory bodies.

Vice Mayor Haydon (Ex- Officio member) stated that since there is a difference in their role and responsibility between the TLC members and staff, the City Council could review at a future meeting. There was consensus to have this matter be reviewed by the City Council.

Asst. to the City Manager stated that a discussion and clarification of the TLC's role as on "oversight" committee for the Landscape Maintenance District would be included on the Council Agenda when the Annual Report by the TLC is presented. She would send an email to the TLC members advising of the date when known.

5. **CORRESPONDENCE** – review of incoming and outgoing correspondence
Informational Discussion Only- No Action

None

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

- (a) *Assignment of Committee Report: to the City Council at its January 16, 2017 meeting: Chair Kaplan would attend and other committee members stated they may also attend.*
- (b) *Future Agenda Items: (all future agendas will include minutes; Maintenance staff Activity Report for the District; LMD Projects status report; ad-hoc subcommittee status reports: Adopt a Trail, Communication, Annual Report.*

Asst. to the City Manager Hoffmeister noted that with the suspending of the Ad Hoc Committees and Adopt a Trail those items will be removed from future agendas until re-established.

Future proposed meeting dates:

- **February 12, 2018** – TLC meeting FY 2017-18 mid-year LMD budget review
- **June 4, 2018** – TLC meeting for proposed Landscape Maintenance District Budget for FY 2017-18
- **September 17, 2018** – TLC meeting for FY 2017-18 actual year-end review and selection of Committee Member(s) to prepare draft Annual Report for FY 17-18
- **Nov./Dec. 2018** - TLC meeting FY 2017-18 TLC prepared Annual Report review

The TLC members reviewed the above proposed dates and identified the following future meeting dates to hold: February 12; June 4; the other future meeting dates would be decided at later time as so committee members could check their 2018 calendar appointments.

- (c) *Committee Member communications – general information not requiring any action by the TLC*

Vice Chair Horton stated that he did not reapply for the TLC and this was his last meeting. He noted that he learned a lot from his service on the Committee.

- (d) *Staff Communications/Announcements – general information not requiring any action by the TLC*

Asst. to the City Manager Hoffmeister stated that a new Vice Chair could be selected at the next TLC meeting.

9. ADJOURNMENT –

Upon call by Chair Kaplan the meeting was adjourned at 8:05 pm

Minutes prepared by:

Laura Hoffmeister, Asst. to the City Manager

APPROVED BY THE COMMITTEE

Howard Kaplan, Chair



Agenda Date: 2/12/18

Agenda Item: 3b

TRAILS & LANDSCAPING MAINTENANCE DISTRICT ACTIVITY REPORT

12/04/2017 to 02/12/2018

- With the recent lack of rains city maintenance staff is spot spraying and pulling weeds in the Landscape District Citywide on a continuing basis.
- Repairing irrigation system throughout the district from broken sprinkler heads, mainline breaks, to controller wiring issues.
- Continued with the Cities semi-annual trimming of the Landscape working on Clayton Road, Marsh Creek Road, and Eagle Peak Drive. Started the annual pruning of the Crape Myrtle trees and the Rose bushes on Main Street/Oak Street median island downtown.
- A large eucalyptus tree fell along the Cardinet Trail by Lydia Lane Park and another was removed because of immediate danger of falling.
- Installed signage along Peacock Creek Trail warning of the dangers of wildlife and their pets.
- Removed the dead Holiday/Christmas tree in the downtown lawn and replace with a new tree.



Agenda Date: 2/12/18

Agenda Item: 4a

Memo

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: February 12, 2018
Re: Selection of Vice Chair

Background:

At the February 12th meeting a Vice Chair should be selected. At the end of December 2018 the Vice Chair (Dane Horton) did not reapply for continuing on the TLC. The current Chair Howard Kaplan was selected in Sept., to replace then Chair AJ Chippero who was appointed to the Planning Commission, through December 2018. The current four TLC members whose terms expired December 31, 2017 were reappointed by the City Council through December 31, 2019. Since the current Chair Howard Kaplan was reappointed to the TLC, he continues as Chair through December 2018.

The TLC may select any of its members to serve as Vice Chair the term would be through December 2018. The Vice Chair serves as Chair in absence of the Chair. The Duties of these are listed below.

Procedure for Selecting Vice Chair :

At the meeting on the agenda item, the Chair will ask for nomination/volunteers for the Vice Chair position. Once all nominations are identified then the Chair will call for a vote for the Vice Chair. The nominee with the most votes, provided it is a majority of the votes, will become the Vice Chair. If there is not a majority of votes then the top voted nominees will be re-voted until a nominee received a majority of votes.

Duties:

Chair:

The Chairs duties include chairing the TLC meetings.

Calling each item on the agenda, ask for staff to present report; ensure all members have opportunity to ask questions/comments; ask for any public comment on the agenda items; then ask for a motion on the item, ask for a second, then call for the vote "all those in favor say aye"; "opposed say no."

State if the motion has passed or failed.

After the TLC has approved, signing the minutes of the meetings that staff has prepared.

Signing any other letters or items that may require the Chairs signature related to TLC matters, and preparing the Chairs message for inclusion in the TLC Annual Report.

Vice Chair:

The Vice Chair handles the above duties of the Chair in absence of the Chair.

**A RESOLUTION AFFIRMING AND CLARIFYING THE
DUTIES AND RESPONSIBILITIES OF THE
"TRAILS AND LANDSCAPE COMMITTEE"
WHICH SERVES AS THE CITIZENS OVERSIGHT COMMITTEE FOR THE
CITYWIDE LANDSCAPE MAINTENANCE DISTRICT CFD 1997- 1**

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

WHEREAS, in 1997 the voters of Clayton, California approved the formation of Community Facilities District 1997-1 to provide special parcel tax revenues for the maintenance of public roadway landscaping, open space and trail system improvements within the City of Clayton; and

WHEREAS, this District known as the "Citywide Landscape Maintenance District" was authorized by voters for a time period of ten (10) years to expire in 2007 unless otherwise approved or re-authorized by another affirmative vote of the local electorate; and

WHEREAS, on June 5, 2007, Measure "B" a replacement Citywide Landscape Maintenance District (CFD 2007-1) for a period of ten (10) years (July 2007 through June 2017) was passed (83%) by the voters at a special municipal election;

WHEREAS, in August 7, 2007 the Clayton City Council adopted Resolution 38-2007 which established the Trails and Landscape Committee to be comprised of up to eleven (11) citizen members, appointed by the City Council, as the citizens oversight committee for the City wide Landscape Maintenance District (CFD 2007-1) as called for in the ballot measure; and

WHEREAS, on June 7, 2017 the voters approved (79%) an extension (Measure "H") of the "Citywide Landscape Maintenance District" for a time period of ten (10) years to expire in 2027 unless otherwise approved or re-authorized by another affirmative vote of the local electorate, and included the continuation of the Citizens Oversight Committee; and

WHEREAS, on January 16, 2018, at the request of the TLC and City staff, the City Council provided clarification as to the scope and responsibilities of the Trails and Landscape Committee as it relates to oversight of the Landscape Maintenance District and directed staff to prepare this information in written form by Resolution for City Council review and approval; and

WHEREAS, this information supplements and clarifies the intent of Resolution 08-2006 which outlines the role of the TLC.

NOW, THEREFORE, BE IT RESOLVED at its February 6, 2018 public meeting the City Council did review, consider and approve the attached Exhibit A, "Affirming and Clarifying the Duties and Responsibilities of the 'Trails and Landscape Committee' which serves as the Citizen Oversight Committee for the Citywide Landscape Maintenance District 1997- 1".

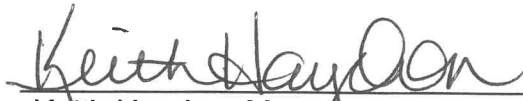
PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 6th day of February 2018 by the following vote:

AYES: Mayor Haydon, Councilmembers Diaz, Catalano and Pierce.

NOES: None.

ABSENT: Vice Mayor Shuey.

ABSTAIN: None.



Keith Haydon, Mayor

ATTEST:

Janet Brown, City Clerk

**AFFIRMING AND CLARIFYING THE DUTIES AND RESPONSIBILITIES OF THE
“TRAILS AND LANDSCAPING COMMITTEE”
WHICH SERVES AS THE CITIZENS OVERSIGHT COMMITTEE FOR THE
CITYWIDE LANDSCAPE MAINTENANCE DISTRICT CFD 1997- 1**

Background:

In 1997 the voters of Clayton, California approved the formation of Community Facilities District 1997-1 to provide special parcel tax revenues for the maintenance of public roadway landscaping, open space and trail system improvements within the City of Clayton. Tax revenue generated from Measure H is used exclusively for the District only.

This District known as the “Citywide Landscape Maintenance District” was authorized by voters for a time period of ten (10) years to expire in 2007 unless otherwise approved or re-authorized by another affirmative vote of the local electorate. On June 5, 2007, Measure “B” a replacement Citywide Landscape Maintenance District (CFD 2007-1) for a period of ten (10) years (July 2007 through June 2017) was passed (83%) by the voters at a special municipal election.

On August 7, 2007 the Clayton City Council adopted Resolution 38-2007 which established the Trails and Landscape Committee to be comprised of up to eleven (11) citizen members, appointed by the City Council, as the citizens oversight committee for the City wide Landscape Maintenance District (CFD 2007-1) as called for in the ballot measure.

On February 21, 2008 the Clayton City Council adopted Resolution 08-2006 which outlines the role of the TLC. This document serves to supplement and clarify the intent of that Resolution.

On June 7, 2017 the voters approved (79%) an extension (Measure “H”) of the “Citywide Landscape Maintenance District” for a time period of ten (10) years to expire in 2027 unless otherwise approved or re-authorized by another affirmative vote of the local electorate, and included the continuation of the Citizens Oversight Committee.

What is the District:

The District covers 2 million square feet of roadway landscape area; 40,700 sq feet of lawns and flowerbeds; apx. 3,000 city trees; 515 acres of open space; 7 miles of creekside trails; 20 miles of open space trails; apx. 50 street islands and medians.

District Standards:

Standards for the District include: mandatory firebreaks one time per year; weeds trimmed along major trails and creeks twice a year; trees trimmed for safety purposes; irrigation breaks repaired as necessary; public roadway landscaping trimmed twice a year; landscape areas fertilized one a year as necessary.

Meetings:

The Committee meets as needed, typically three times a year, and is subject the public meeting laws (Brown Act). Agendas and meeting materials are publically available and public may comment at the meetings. Staff is responsible for agenda items and reports.

The purpose of the Committee:

Measure H established the continuation of the Citizens' Oversight Committee. The Citizens Oversight Committee is called the Trails and Landscape Committee, hereafter referred to as "Committee"

The Committee is comprised of up to eleven (11) citizen members, appointed by the City Council.

The Vice Mayor shall serve as the City Council ex officio liaison to the Committee.

The Committee serves in an advisory capacity to the City staff and the City Council on matters related to the operation Citywide Landscape Maintenance District CFD 1997-1, hereafter referred to as "District"

The Committee serves as the principal citizens' advisory group to the City Council and city manager (city staff) pertaining to public roadway landscaping, trails system, the Clayton Fountain, and open space weed abatement services and their related infrastructure.

The Committee is an advisory body to the City Council on matters relating to the City's Landscape Maintenance District, (roadway landscaping, open space and trails – it does not include parks). The Committee may review the conditions of the landscape, trails and open space and annually recommend to the City Council proposed operations and proposed projects that should be repaired/reconstructed within the allocated budget.

The Committee will annually review the proposed District budget revenue and expenditures to ensure the landscape maintenance district revenue collected and spent are for activities (projects and services etc.) within the Landscape Maintenance District.

Responsibilities of the Committee:

Review and recommend an annual District Budget to the City Council prior to the commencement of each fiscal year (July – June).

Confirm or make recommendations to the City Council regarding proposed budget funding priorities within the District operations and proposed projects.

Review the fiscal year end actual revenues collected and actual expenses of the Landscape Maintenance District, and ensure the landscape maintenance district revenue collected and spent were for activities within the Landscape Maintenance District.

Prepare a public Annual Report to the City Council regarding activities, maintenance and financial status of the District.

The Annual Report format and information shall be determined by the Committee and written by the Committee. City staff will provide appropriate information upon request to the Committee for its Annual Report preparation.

Advise the City Council and staff concerning budget, priorities and suggested levels of landscape care and maintenance for the District.

Review and recommend policies and practices to the City Council and city manager concerning the care, maintenance, repair, replacement and improvement of the District's assets and infrastructures.

Assist the City and its staff in the development and recommendation to the City Council of landscaping, trail and open space system improvements in the District

Seek and consider citizen and business person input regarding the daily and future operations and maintenance practices of the District.

The review of contracts, plans, specifications and documents and project implementation and project management are District responsibilities remaining under the authority of the City Manager, City Council and professional staff.

Determination of spending priorities, schedules, project details or financing plans are District responsibilities under the authority of the City Manager, City council and professional staff.

The review and/or recommending contracts, construction plan review or review/defining the scope of a project, providing direction to staff, are District responsibilities under the authority of the City Manager, City Council and professional staff.

Perform other such duties as may be assigned from time to time by the City Council.

The Vice Mayor of the Clayton City Council shall also serve as the City Council's representative to the Committee in an ex-officio liaison capacity.

The City Manager provides staffing and support services appropriate to the Committee and schedules Committee meetings as necessary to assist in and facilitate the Committee's deliberations and fulfillment of its assigned duties and responsibilities.

City staff is responsible for agenda items and preparation reports and drafting of minutes. The TLC may suggest future agenda items within the scope of the above duties and responsibilities. The TLC may review, accept or modify the draft minutes prior to action by the TLC.

Consider and make recommendations to the City Council for the renewal or extension of the Citywide Landscape Maintenance District by the local electorate prior to the District's scheduled expiration in July 2027.

Select a Chair and Vice Chair as needed.



Agenda Date: 2-06-2018


Agenda Item: 8a

Approved:

Gary A. Napper, City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager 

MEETING DATE: February 6, 2018

SUBJECT: Adopt a Resolution Affirming and Clarifying the Duties and Responsibilities of the "Trails and Landscape Committee" which serves as the Citizens Oversight Committee for the Citywide Landscape Maintenance District CFD 1997-1

RECOMMENDATION

Adopt the Attached Resolution Affirming and Clarifying the Duties and Responsibilities of the "Trails and Landscape Committee" which serves as the Citizens Oversight Committee for the Citywide Landscape Maintenance District CFD 1997-1

BACKGROUND

Measure B was passed by the voters of Clayton in June 2007 which established special district funding for the Citywide Landscape Maintenance District through June 31, 2017 (note: Measure H, passed by the voters in June 2016, extended the LMD special tax through June 31, 2027). The measure called for the preparation of an Annual Report by a Citizens Oversight Committee to be prepared and submitted to the City Council. The Trails and Landscaping Committee (TLC) is the local name approved by the City Council to refer to the Citizens Oversight Committee called for in the measure.

At its January 16, 2018 members of the current TLC is asked the City Council to review and discuss the TLC's role and responsibilities as an oversight committee.

At that meeting the City Council reviewed the prior Resolution 08-2006. The City Council confirmed its intent the TLC is a citizen's advisory committee that can provide input on overall direction (i.e.: trails maintenance versus landscape projects), to the governing body of the special district retained by and elected accountable body (the City Council). The TLC as the "Citizens Oversight Committee", is also responsible for compiling an independent Annual LMD Report regarding the revenues and expenses to verify the special tax funds were collected and used for LMD operations and projects. The City Council also clarified that as with the original intent, the committee is to be advisory, not direct managers over the Districts operations, thereby reaffirming staff management of the District's operations.

As an example, the TLC's advisory input goes to the City Council for any determination of project scope. City staff does not automatically change the scope of a project based on TLC advice. The construction drawings of the approved capital improvement are not submitted for review/critique/alternative directions to staff.

The City Council clarified the TLC role does not involve directing staff on the specifics of District operations and maintenance, including details of capital projects.

The City Council also confirmed the intent of the TLC is it may advise the City Council of its perspectives; however the City Council (as District governing board) is the ultimate authority to direct the City Manager on District operations. The Committee is an advisory body and is to focus on larger policy and project issues, not at the level of construction and bid plan review.

Following the discussion the City Council directed staff to draft a Resolution to reaffirm and clarify the role and expectations for the Trails and Landscaping Committee. Staff has prepared the attached Resolution and Exhibit A – "Affirming and Clarifying the Duties and Responsibilities of the "Trails and Landscape Committee" which serves as the Citizens Oversight Committee for the Citywide Landscape Maintenance District CFD 1997-1"

City Council Comments (at last meeting)

The City Council discussed and clarified that the intent is oversight of the dollars to ensure they are being spent as directed by the Council. The TLC could suggest and recommend landscape maintenance district improvements that needed attention and prioritize projects which is done through the budget process.

The expectation of the TLC oversight committee is to receive ideas for proposed projects, offer their opinion if it is a good idea and maintain overview that special tax funds are being spent only on trails, open space and landscaping projects.

The TLC may recommend prioritization allocations of limited funds and supporting staff on use of funds.

The TLC may review a proposed project allocation of funding available and if appropriate for the betterment of Landscape Maintenance District.

The intent of the TLC is to be stewards of the funds to assure citizens it would be looking at the funds and ensure they are being spent strictly for Landscape Maintenance projects.

Once a budget is approved the TLC does not involve itself in the design aspect or professional level of detail with construction contracts; city staff will manage the use of the allocated funds for maintenance activities and design, documents and construction of projects

Attachments:

Resolution __ - 2018: Affirming and Clarifying the Duties and Responsibilities of the "Trails and Landscape Committee" which serves as the Citizens Oversight Committee for the Citywide Landscape Maintenance District CFD 1997-1.



Agenda Date: 2/12/18

Agenda Item: 4c

**CITY OF CLAYTON
TRAILS AND LANDSCAPE COMMITTEE**

MEETING PROCEDURES

The TLC is governed by the Brown Act – the State Opening Meeting Law. (See *Attachment A and Attachment B for more information*)

Only listed agenda items may be discussed at the meeting.

The public (not the Committee members) may comment on non-Agenda items under public comment.

The TLC cannot engage with the non-agenda public commenters' other than to ask for the speakers to clarify; direct the item to staff for follow up with the speaker, and/or place on a future TLC agenda if it is under the purview of the TLC.

At the end of the meeting Committee members may bring up items under its purview to be placed on a future agenda by city staff.

No committee members may discuss, email, text or otherwise communicate outside of the meeting on matters that they make decisions or recommendations with a quorum of the members.

The following procedures are a basis for guiding the conduct of its meetings:

1. The Chair should clearly announce the agenda item number and what the subject is.
2. The Chair should invite the appropriate people (e.g., staff, committee members, etc.) to report on the item, including any recommendation they might have.
3. The Chair should ask members of the Committee if they have any technical questions of clarification regarding the report(s). The Chair should provide time for these questions and for appropriate responses.
4. The Chair should invite public comments. If no one present then the Chair can so verbally note and go to next step (#5 below). If there are a larger number of persons wanting to provide comments, the Chair may establish a time limit (i.e. a maximum of 3 minutes) for individuals commenting or use other measures to help assure that all persons are heard. At the conclusion of the public comments, the Chair should announce that the public comment period has concluded.

5. The Chair should invite general discussion of the Committee members on the information received to this point on the agenda item. The Chair should encourage the participation of all the Committee members in this discussion.
6. After general discussion of the information received, the Chair asks for a motion from the Committee members. The Chair should defer from making the motion unless the other Committee members are reluctant to make the motion.
7. After the motion is made the Chair asks for a second to the motion by any member of the Committee that wishes to second the motion. The Chair should defer from making the second unless other Commissioners are reluctant to make the second. If there is no second then the motion fails and does not come before the group.
8. The Chair should announce the name of the Committee member who made the motion, and the second.
9. The Chair should ask if everyone understands the motion. If there is not understanding then the Chair can ask:
 - a. The Chair can ask the maker of the motion to repeat it;
 - b. The Chair can repeat the motion; or
 - c. The Chair can ask City staff present, to repeat the motion.
10. The Chair should ask if there is any further discussion of the motion by the Committee members.
11. When the discussion has ended, the Chair should announce that the Commission will vote on the matter. At this point, the Chair may repeat the motion to make sure all are clear on the matter before the vote.
9. The Chair should then call for the vote. The Chair may ask simply for the “ayes” and the “nays”. If members of the body do not vote, then they should “abstain”. A simple majority determines whether the motion passes or is defeated.
10. The Chair should announce the result of the vote and what action (if any) the Commission has taken.

Attachment A: Brown Act Overview – Quick Highlights of Key Provisions

Attachment B: The Brown Act and the Perils of Electronic Communication

BROWN ACT OVERVIEW – QUICK HIGHLIGHTS OF KEY PROVISIONS

For more information see www.cacities.org/opengovernment

The Committee can meet and convene only with a posted agenda 72 hours in advance of regular meeting time; and 24 hours in advance for special meeting.

A minimum of a quorum or majority of the appointed body must be present to conduct the scheduled and agenda meeting.

If there is less than a quorum the meeting cannot be held and staff will reset to a future meeting date and time.

Committee members must allow for general public comment on matters under their purview that are not listed on the agenda, though no discussion may take place other than clarifications of speaker and refer to staff for follow up or to direct placement of issue on future agenda. A uniform time limit if needed may be set at the beginning for each speaker (ie: 3 minutes; or 5 minutes).

The Committee must allow for public input on all matters listed on their agenda. A uniform time limit if needed may be set at the beginning of this for each speaker (ie: 3 minutes; or 5 minutes).

All Committee discussion must occur at the meeting - Commission members may not discuss matters of the agenda before the meeting with each other prior to the meeting, this includes emails and voice mails, texts, letters, social media messaging, etc.

A Committee member may discuss agenda items with one member only, but that member may not discuss with any other member or else a serial meeting has occurred. It is strongly recommended that this not occur as a member may not be aware that another member could have been contacted already on a topic and thus created an illegal serial discussion.

Committee members may have discussion outside of the meeting including voice mails and emails only related to availability to schedule a meeting, transportation arrangements to/from a meeting or to advise may not be in attendance at a meeting.

Individual Committee members may contact staff with ideas for future agenda items under its purview; however it is better to include this at the end of the agenda – “items for future agendas”. Discussion of the merits of the item can not occur just the scheduling or not scheduling of it.

Committee members may have general discussion outside of the meeting on matters that have already been decided by the Committee, general matters overall, or on items that have yet to be placed on an agenda.

Committee members may address the Planning Commission or City Council as personal individuals, or if agreed as a representative of the TLC, ie: status report, recommendation reports.

Permissible Gatherings. Not every gathering of members of a public body outside a noticed meeting violates the law. For example, a violation would not occur if a majority of the members attend the same educational conference or attend a meeting not organized by the local agency as long as members do not discuss among themselves agency business except as part of the gathering. Nor is attendance at a social or ceremonial event in itself a violation. The basic rule to keep in mind is a majority of the members cannot gather and discuss agency business except at an open and properly noticed meeting.

Commissioners may have conflicts of interest on items where they own property or have an interest in property in close proximity to a site, or are a member of a organization making a request or sponsoring an item that could be under review for recommendation by the CSC, in that case the Commissioner may address the CSC as an individual in person or writing, or a representative of the outside organization, but must recuse themselves from the matter after they have provided their statement. This means that they have to physically leave the room and not be a part of the meeting discussion. If they are part of an organization it is better to have another member from that organization make the comments/presentation – the CSC member would still not be able to be in the room.

The Brown Act and the Perils of Electronic Communication

BY KARA UEDA



Kara K. Ueda is a partner with the law firm of Best Best & Krieger, LLP, and can be reached at kara.ueda@bbkllaw.com or (916) 551-2822.

About Legal Notes

This column is provided as general information and not as legal advice. The law is constantly evolving, and attorneys can and do disagree about what the law requires. Local agencies interested in determining how the law applies in a particular situation should consult their local agency attorneys.

Local public officials are often frequent and zealous users of technology and social media. Given the rapid speed with which people can now send e-mails and text messages and post comments online, a casual e-mail conversation between two city council members or an offhand comment on a newspaper website may quickly and inadvertently turn into a “meeting” under the Brown Act.

About the Brown Act

Most members of legislative bodies (including city councils, commissions, boards and committees) soon learn upon taking office that a quorum of their membership may not meet to discuss official business unless the meeting complies with the Brown Act. Often referred to as California’s open meeting law, the Brown Act provides that members of a legislative body may hold a meeting when a majority of them — at the same time and place — “hear, discuss, deliberate or take action on” an item within their subject matter jurisdiction.¹

To hold a lawful meeting under the Brown Act, a local agency must, among other things, provide public notice about the meeting for a certain time period and ensure that the public can access the meeting. Thus, if a city council (for example) has five members, three of the five may not meet at a restaurant to discuss city business unless the city has posted public notice about the meeting and otherwise complies with the Brown Act.

The Brown Act does not prohibit individual members of a legislative body from separately providing their own comments and opinions about a matter. A commissioner may write a newspaper editorial about an item the commission approved, and a city council member may give a speech or tweet about local projects under way in the city. Nor does the Brown Act prohibit “one-way” communications where, for example, a city manager transmits a communication to the entire council by e-mail.² The “passive receipt” of a document by public officials is different from a commission’s or city council’s collective action or discussion.

E-Mail Exchanges May Constitute Serial Meetings

Similarly, the Brown Act prohibits public officials from doing in successive steps what they cannot do in one step. More specifically, the Brown Act provides that a majority of a legislative body may not use any series of communications, either directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the legislative body’s subject matter jurisdiction.³ Serial meetings typically occur by either a “hub and spoke” or a “daisy chain” meeting.

Hub and Spoke Meetings

A hub and spoke meeting occurs when one person acts as the center and communicates with members of the legislative body. For example, Council Member Newman cannot call Council Member Oliver to discuss an item of city business and then call Council Member Peoples to discuss his conversation with council member Oliver. In this meeting Council Member Newman was the hub, and the other two council members were the spokes. Hub and spoke meetings may also occur by e-mail if the individual members e-mail each other instead of calling.

Daisy Chain Meetings

A serial meeting may also occur if Council Member Newman calls Council Member Oliver to discuss an item of city business, and then Council Member Oliver calls Council Member Peoples to discuss the same thing. This type of communication is also called a daisy chain meeting. This type of meeting is particularly likely to occur by e-mail due to the ease of forwarding e-mails.

Serial Meetings in Cyberspace

The Internet provides numerous opportunities for local officials to post their thoughts and opinions about city issues. Local bloggers report on city news and sometimes provide a running commentary of council and commission meetings as they happen. And most newspapers have websites where members of the public can — and frequently do — comment on the articles. When these entries or articles are especially timely or controversial, they practically invite comments by interested residents and local officials.

As of this writing, no court has specifically ruled on the intersection of comments posted on the Internet and the Brown Act's requirements. However, the same serial meeting rules that apply to e-mail may likely apply to other online conduct such as commenting about online news stories.

The potential danger with the online world is the speed with which a simple comment on a blog, a Facebook status update, a photo or newspaper article may rapidly become a discussion about city business by a quorum of the legislative body. For example, a local blogger may post an entry about an upcoming planning commission agenda item. Proponents and opponents both weigh in on the blog comments. A planning commissioner reads the entry and also posts a comment about the item. A second planning commissioner also decides to post a comment, and then a third planning commissioner responds to the first two commissioners. Thus, a discussion among the three of them ensues electronically on the Internet.

Did the planning commissioners violate the Brown Act? At first glance, it may seem that the planning commissioners did not violate the Brown Act if the blog is available for any member of the public to read. The planning commissioners may believe that basic open government principles were followed because they were not trying to have a secret meeting to discuss official business, and anyone could read their electronic conversation. But the planning commissioners also did not have their electronic conversation pursuant to a noticed meeting under the Brown Act.⁴ Instead, they used a series of communications to discuss and deliberate on an item within their subject matter jurisdiction.

The sheer openness of a conversation is not the critical factor under the Brown Act. For example, the three commissioners could have instead met in one of their living rooms and livestreamed their conversation on the Internet as it was occurring. That video would also be public and available for everyone to see and possibly to comment on as it was happening. This in-person living room conversation about city business, though, would not comply with the Brown Act.

In addition, an issue may raise particular legal and practical sensitivities where any type of comment may not be wise. For example, if a local agency will consider a matter where a person is owed certain due process rights or if an agency is involved in pending litigation, local officials should first contact their city attorney for advice on whether they should be making *any* type of comment, regardless of the forum or medium. These considerations are separate and apart from Brown Act issues.

Conclusion

While the use of new technology offers important advantages in keeping individuals up to date and informed, the speed with which messages may be sent and comments posted can have drawbacks if public officials inadvertently find themselves in the midst of an e-mail conversation or conversation thread with other members of their commission or city council. The law may eventually catch up to the current technology, but until it does public officials should continue to abide by the general Brown Act principles regardless of whether the communication is in person or online.

An In-Depth Guide to the Brown Act

The League publishes a guide to the Brown Act for the non-lawyer, which is updated periodically. *Open & Public IV: A Guide to the Ralph M. Brown Act* is available free online at www.cacities.org/opengovernment.

Additional Related Resources

For related information, read these *Western City* articles.

Social Media and Public Agencies: Legal Issues You Should Know About

Reading Employees' Text Messages: A Heads Up for Public Agencies

U.S. Supreme Court Rules That City Review of Employee Text Messages Was Reasonable

Taking the Bite Out of Blogs: Ethics in Cyberspace

Footnotes:

¹ Gov't Code § 54952.2(a).

² See *Roberts v. City of Palmdale*, 5 Cal. 4th 363 (1993).

³ Gov't Code § 54952.2(b)(1).

⁴ See *also* 84 Ops. Cal. Atty. Gen. 30 (2001) (opinion of the attorney general that the Brown Act does not allow a quorum of a legislative body to discuss agency business over e-mail even if those e-mails are made publicly available and posted to the agency's website).

Agenda Date: 2/12/18

Agenda Item: 4d

City of Clayton						
Landscape Mtn District CFD 2007-1 Fund 210						
Mid Year Budget status for FY 17-18						
Note percentage not exact due to rounding						
detail of color line items on attached						
		2017-18	2017 -18	2017 -18	2017 -18	2017 -18
Account Number	Account Name	Adopted Budget	July 1 - Dec 31 actual expenses	% of budget expended	funds remaining	% of budget funds remaining
7111	Salaries/Regular	202,000	81,741	40.47%	120,259	59.53%
7112	Temporary Help	149,000	52,854	35.47%	96,146	64.53%
7113	Overtime	1,000	476	47.60%	524	52.40%
7218	LTD Insurance	3,500	943	26.94%	2,557	73.06%
7220	PERS Retirement	23,300	9,962	42.76%	13,338	57.24%
7221	PERS Retirement - Unfunded Liability	24,300	12,618	51.93%	11,682	48.07%
7231	Workers Comp Insurance	12,700	12,175	95.87%	525	4.13%
7232	Unemployment Insurance	5,000	1,927	38.54%	3,073	61.46%
7233	FICA Taxes	10,500	2,680	25.52%	7,820	74.48%
7246	Benefit Insurance	44,700	17,075	38.20%	27,625	61.80%
7301	Recruitment/Pre-employment	1,000	223	22.30%	777	76.70%
7311	General Supplies	50,100	11,784	23.52%	38,316	76.48%
7316	Landscape Replacement Material	40,000	600	1.50%	39,400	98.50%
7335	Gas & Electric Serv.	30,000	14,773	49.24%	15,227	50.76%
7338	Water Service	130,000	88,712	68.25%	41,288	31.75%
7341	Buildings/Grounds Maintenance	20,000	4,460	22.00%	15,540	78.00%
7342	Machinery/Equipment Maint.	19,000	2,949	15.52%	16,051	84.48%
7343	Vehicle Maintenance	18,000	8,050	44.72%	9,950	55.28%
7344	Vehicle Gas, Oil, and Supplies	13,000	6,210	47.77%	6,790	52.23%
7381	Property Tax Admin Cost	4,000	2,353	58.53%	1,647	41.47%
7382	Election Services	-	-	-	-	-
7389	Misc Expense	-	-	-	-	-
7411	Professional Services Retainer (Legal)	2,000	0.00	0.00%	2,000	100.00%
7419	Other Prof. Services	6,560	2,009	31.00%	4,551	69.00%
7429	Animal/Pest Control Services	5,000	175	3.50%	4,825	96.50%
7440	Tree Trimming Services	25,000	26,550	106.20%	-1550	-6.20%
7445	Weed Abatement Services	122,000	11,873	9.73%	110,127	90.27%
7486	CERF Charges/Depreciation	14,500	14,500	100.00%	0	0.00%
7520	Project/Program costs	533,000	21,068	4.00%	511,932	96.00%
7615	Property Taxes	2,800	2,791	99.68%	9	0.32%
8101	LMD Admin - Transfer to GF	36,095	18,048	50.00%	18,047	50.00%
8111	Transfer to CIP Fund	-	-	-	-	-
8113	Transfer to Stormwater Fund	1,008	0.00	0.00%	1,008	100.00%
	Total Expenditures	1,549,063	429,579	28%		
	Total funds not yet expended or remaining				1,119,484	72.00%
4604	Clayton LMD Special Parcel Tax	1,089,277	686,116	62.99%		
	Tax revenue still to be received				403,161	37.01%
5601	Interest	12,000	7,729	64.41%		
	Interest still to be received				4,271	35.59%
5606	Unrealized Inv Gain/Loss	-				
	Total Revenue	1,101,277	693,845	64%		
	Total revenue still to be received				407,432	36.00%
	Increase (Decrease) in Fund Balance	(447,786)				
	Beginning Fund Balance	1,096,085				
	Ending Fund Balance	648,299				

		FY 17-18 adopted budget	actual expenses July-Dec 31	% of budget expended	2017 -18 funds remaining	2017 -18 % of budget funds remaining
7311	<u>General Supplies</u>					
	Alpine Awards	-				
	Bay Area Barricade	4,000	495.91	12%	3,504.09	
	Cole Supply	1,600	0	0%	1,600.00	100%
	Concord Garden Equipment	500	73.35	15%	426.65	85%
	Contra Costa Topsoil	-	-	-	-	
	Crop production services -lawn seed, fertilizer	4,000	2,367.54	59%	1,632.46	41%
	Fertilizer	5,000	0	0%	5,000.00	100%
	Graybar	-	-			
	Herbicides	8,000	0	0%	8,000.00	100%
	Irrigation	8,000	0	0%	8,000.00	100%
	Site One Landscape	8,000	4,508.49	55%	3,491.51	45%
	Zee Medical Supply	-				
	Misc Supplies (Calcard - US Bank)	11,000	4,338.56	39%	6,661.44	61%
		50,100	11,783.85	24%	38,316.15	76%
7341	<u>Building/Grounds Maintenance</u>					
	Martell Water Systems (Well pump repairs)	5,000	0	0%	5,000.00	100%
	Pond M Solutions (\$650x12 water feature maintenance)	8,000	3,900	49%	4,100.00	51%
	Pond M Solutions (extra repairs)	5,000	0	0%	5,000.00	100%
	Spraytec Maintenance (wastewater)	2,000	560.25	28%	1,439.75	72%
	Misc. Supplies (Calcard, etc.)	-				
		20,000	4,460.25	45%	15,539.75	55%
7342	<u>Machinery/Equipment Maintenance</u>					
	Concord Garden Equip/Supplies	7,000	1,286.60	18%	5,713.40	82%
	Concord Trailer World	5,000	124.68	2%	4,875.32	98%
	Contra Costa Tractor	5,000	687.02	14%	4,312.98	86%
	Site One Landscape repairs to existing irrg controler equip		538		(583.00)	
	Spraytec - pump repairs/maintenance	-				
	US Bank (Calcard)	2,000	312.45	15%	1,687.55	85%
		19,000	2,948.75	15%	16,051.25	85%
7419	<u>Other Professional Services</u>					
	CCC Fire Protection - Operation Permit	600	0	0%	600.00	100%
	Advertising for TEMP labor/Live Scans	-				
	CalPERS GASB 68 Actuary (share)	260	0	0%	260.00	100%
	EBRCSA-Radio Mtn PW radio's	1,500	0	0%	1,500.00	100%
	Environtech Enterprises (non-native invasive weed abatement)	-				
	Martell Water Systems (Well pump repairs)	-				
	NBS Admin Fees+Del letters	4,200	2,009.33	48%	2,190.67	52%
	PMT Pest Control - Rodent Control	-				
	Rock & Waterfall Water Feature \$650x12 (maintenance)					
	Rock & Waterfall -Water Feature Extra + repair contingency	-				
	Spraytec - maint- waste water treatment	-				
	Waraner Bros Svc 1 x per yr+2 x trails	-				
	Waraner Brothers -Tree trimming	-				
	Misc. Services (Calcard, etc.)	-				
		6,560	2,009.33	31%	4,550.67	69%

7445	Weed Abatement Services						
	Environtech Enterprises (non-native invasive weed abatement - Oakhurst Mitigation EIR)	62,000	11,872.60	19%	50,127.40	81%	
	Waraner Bros Svc 1 x per yr+2 x trails (Fire Protection)	60,000	0	0%	60,000.00	100%	
		122,000	11,872.60	10%	110,127.40	90%	
		-					
7520	Project/Program costs						
	Upgrade irrigation controllers (annual until all complete)	20,000	0	0%	20,000.00	100%	Annual ongoing project cost
	Sub Division/City Entry Signs (contingency)	2,000	0	0%	2,000.00	100%	Moved from 7419 for FY 2017
	Adopt-a-Trail Expense - 4003						program suspended by TLC
	Waraner Bros. - Extra Open Space Fire Prevention	-					target every 5-7 years as needed last done in 2014
	LMD2015-1 - Downtown Planters (\$35,000 increased to \$300,000)	300,000	19,843.00	6.6%	280,157.00	93.40%	original \$35,000 increased to \$300,000 by City Council with project scope expanded, replace/enlarge boxes, replace trees, install irrigation and electrical
	LMD2015-2 - Jeffrey Ranch Relandscaping	6,000	775.00	13%	5,225.00	87%	
	LMD2015-3 -Keller Ridge Tree replanting	-					Completed - 6/30/2017
	LMD2015-4 bridge renovation project (trails)	-					Completed - 3/1/16
	LMD2016-1 - Entry Ways Re-Landscaping Project	-					Project Cancelled
	LMD2016-2 - Lower Easley trail repaving	-					Completed 10/6/15
	LMD2016-3 - Mt. Diablo elem Hillside trail repaving	-					Completed 10/7/15
	LMD 2018-1 - Removal of 18 Eucalyptus trees in Open Space	185,000	0	0%	185,000.00	100%	need minamum three quotes only have two
	LMD 2018-2 Urgency Cardient Trail repairs Westwood segment (removal three sections old asphalt, tree root pruning, asphalt replacement, crack sealing)	20,000	450.00	2%	19,950.00	98%	apshalt condition deteriorated on trail with uplifting from tree roots - urgency item authroised by City Manger due to safety concerns of trip and fall
		533,000	21,068.00	4%	511,932.00	96%	

Agenda Date: 2/12/18

Agenda Item: 4e

2/9/2018 4:28:04 PM

City of Clayton

Budget-to-Actual
 FY 17-18 Year to Date
 July 1 , 2017 - February 9, 2018

		Actual	Budget	Adjusted Budget	Variance (\$)	Variance (%)
210 - Landscape Maintenance CFD						
Revenues						
210-4604-00	LMD Special Parcel Tax	\$686,116.37	\$1,089,277.00	\$1,089,277.00	(\$403,160.63)	62.99%
210-5601-00	Interest	\$7,728.73	\$12,000.00	\$12,000.00	(\$4,271.27)	64.41%
Totals for Department(s) 0		\$693,845.10	\$1,101,277.00	\$1,101,277.00	(\$407,431.90)	63.00%
Total Revenues		\$693,845.10	\$1,101,277.00	\$1,101,277.00	(\$407,431.90)	63.00%
Expenses						
210-7111-00	Regular Salaries	\$97,843.85	\$202,000.00	\$202,000.00	\$104,156.15	48.44%
210-7112-00	Temporary Salaries	\$57,153.27	\$149,000.00	\$149,000.00	\$91,846.73	38.36%
210-7113-00	Overtime	\$475.62	\$1,000.00	\$1,000.00	\$524.38	47.56%
210-7218-00	Long/Short Term Disability Insu	\$943.35	\$3,500.00	\$3,500.00	\$2,556.65	26.95%
210-7220-00	PERS Retirement	\$9,961.84	\$23,300.00	\$23,300.00	\$13,338.16	42.75%
210-7221-00	PERS Retirement - Unfunded Li:	\$12,617.95	\$24,300.00	\$24,300.00	\$11,682.05	51.93%
210-7231-00	Workers' Compensation	\$12,175.09	\$12,700.00	\$12,700.00	\$524.91	95.87%
210-7232-00	Unemployment Compensation	\$1,927.39	\$5,000.00	\$5,000.00	\$3,072.61	38.55%
210-7233-00	FICA Taxes	\$3,063.56	\$10,500.00	\$10,500.00	\$7,436.44	29.18%
210-7246-00	Benefit Insurance	\$17,074.59	\$44,700.00	\$44,700.00	\$27,625.41	38.20%
210-7301-00	Recruitment/Pre-employment	\$223.31	\$1,000.00	\$1,000.00	\$776.69	22.33%
210-7311-00	General Supplies	\$11,783.85	\$50,100.00	\$50,100.00	\$38,316.15	23.52%
210-7316-00	Landscape Replacement	\$600.00	\$40,000.00	\$40,000.00	\$39,400.00	1.50%
210-7335-00	Gas & Electricity	\$15,933.61	\$30,000.00	\$30,000.00	\$14,066.39	53.11%
210-7338-00	Water Services	\$89,214.82	\$130,000.00	\$130,000.00	\$40,785.18	68.63%
210-7341-00	Buildings/Grounds Maintenance	\$5,110.25	\$20,000.00	\$20,000.00	\$14,889.75	25.55%
210-7342-00	Machinery/Equipment Maintena	\$2,948.80	\$19,000.00	\$19,000.00	\$16,051.20	15.52%
210-7343-00	Vehicle Maintenance	\$8,050.31	\$18,000.00	\$18,000.00	\$9,949.69	44.72%
210-7344-00	Vehicle Gas, Oil, and Supplies	\$6,209.75	\$13,000.00	\$13,000.00	\$6,790.25	47.77%
210-7381-00	Property Tax Admin. Costs	\$2,353.05	\$4,000.00	\$4,000.00	\$1,646.95	58.83%
210-7411-00	Legal Services Retainer	\$0.00	\$2,000.00	\$2,000.00	\$2,000.00	0.00%
210-7419-00	Other Professional Services	\$3,027.69	\$6,560.00	\$6,560.00	\$3,532.31	46.15%
210-7429-00	Animal/Pest Control Services	\$175.00	\$5,000.00	\$5,000.00	\$4,825.00	3.50%
210-7440-00	Tree Trimming Services	\$26,550.00	\$25,000.00	\$25,000.00	(\$1,550.00)	106.20%
210-7445-00	Weed Abatement Services	\$11,872.60	\$122,000.00	\$122,000.00	\$110,127.40	9.73%
210-7486-00	CERF Charges/Depreciation	\$14,500.00	\$14,500.00	\$14,500.00	\$0.00	100.00%
210-7520-00	Project Expenses	\$1,549.13	\$483,000.00	\$483,000.00	\$481,450.87	0.32%
210-7615-00	CCC Property Tax	\$2,790.68	\$2,800.00	\$2,800.00	\$9.32	99.67%
210-8101-00	Transfer To General Fund	\$36,095.00	\$36,095.00	\$36,095.00	\$0.00	100.00%
210-8113-00	Transfer to Stormwater Fund	\$1,008.00	\$1,008.00	\$1,008.00	\$0.00	100.00%
Totals for Department(s) 0		\$453,232.36	\$1,499,063.00	\$1,499,063.00	\$1,045,830.64	30.23%
Total Expenses		\$453,232.36	\$1,499,063.00	\$1,499,063.00	\$1,045,830.64	30.23%
BEGINNING FUND BALANCE		\$1,096,082.78	\$0.00	\$0.00	\$1,096,082.78	0.00%
NET SURPLUS/(DEFICIT)		\$240,612.74	\$0.00	\$0.00	\$240,612.74	0.00%
ENDING FUND BALANCE		\$1,336,695.52	\$0.00	\$0.00	\$1,336,695.52	0.00%



Agenda Date: 2/12/18

Agenda Item: 4f

Memo

To: Trail and Landscape Committee
From: Maintenance Supervisor
Date: February 12, 2018
Re: Landscape Maintenance District Project Updates

The following is the status of Landscape District approve projects

- The downtown Planter Boxes are still under plan and documentation review by the City Engineer. The City Engineer is targeting sometime in the summer to fall to put the job out to bid and award contract.
- The Clayton Green Subdivision median island replanting (Jeffery Ranch Court and Caulfield Court) are anticipated to be completed in the next two weeks with the plants on order from the nursery.
- Staff continues to try and receive one more quote for the removal of 13 Eucalyptus around the City located within the City Landscape District. Once a third quote is received staff will forward award of contract to the Clayton City Council within a month. It is hoped that a quote will come in by the end of February which will allow the contract to be placed on the City Council agenda in March.
- The City Engineer engaged our existing paving repair contractor who was doing work on Pine Hollow Road to address and urgent trail deterioration section of the Cardinet trail in the Westwood area, which came to the City's attention. Tree roots had lifted the trail sections in Westwood area, and the Nov/Dec rains caused the asphalt section to pop off. The contractor removed the old uplifted pavement and Warner tree conducted tree root pruning, then the paving contractor repaved the trail. This work was added to the projects section of the LMD budget.



8. ACTION ITEMS

- (a) Presentation and acceptance of the FY 2016-17 Annual Citizens' Oversight Committee Report by the Trails and Landscaping Committee (TLC) for Measure B, Citywide Landscape Maintenance District; and discussion and clarification of the TLC's role as an "oversight" body for the Landscape Maintenance District.
(TLC Chair Howard Kaplan)

1. TLC Committee Member Carin Kaplan advised the TLC Committee is seeking approval of its Annual Citizens Oversight Committee Report, and the Report is in the Agenda Packet.

Mayor Haydon opened the item for public comment; no comments were offered.

Councilmember Pierce complimented the Trails and Landscaping Committee on its report and staff on its accomplishments by maximizing the limited funds available, especially during the recent drought as there was a larger reduction impact on non-residential water usage.

Mayor Haydon noted there is still quite a bit of landscaping that required maintenance during the drought which required priority setting and a lot of work by the Maintenance Department.

It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to accept the Trails and Landscaping Committee's Annual Report for FY 2016-17. (Passed; 5-0 vote).

2. Assistant to the City Manager Laura Hoffmeister advised she did not have anything else to add other than what is in the staff report but did note the Resolution approved by the City Council is attached outlining the responsibilities and objectives of TLC when it was formed. Also included were documents where staff researched other communities having "oversight" advisory committees which distinguished what they are allowed to do and not do in oversight capacity. Clayton's Resolution indicates what can be done by the Oversight Advisory Committee.

TLC Committee Member Kaplan advised it seemed there was some misunderstanding about what the committee was trying to address in its position and if the use of funds were appropriate. Mrs. Kaplan read the following comments from Chair Howard Kaplan as he was unable to attend this evening:

"The Clayton Landscape Maintenance District supporting Measure H approved by voters collects taxes to provide for maintenance of landscaped road medians, trails and open space. The Measure stipulates the oversight by Citizens Committee known as the Trails and Landscaping Committee, upon review of the language in the measure and passed Resolutions of City Council, there is not a clear meaning regarding the extent of oversight necessary to fulfill the intent of the voters. The dictionary definition of oversight is "supervision or watchful care". Narrow interpretation of oversight is the TLC is to opine whether the funds are used solely LMD purposes. A broader interpretation would include TLC participation in defining a project scope of work by working with staff to help prioritize allocations of limited funds and supporting staff on use of funds in a way that maximizes utility and enjoyment by the citizens of Clayton. The narrow definition seems to be only an audit function while the broader definition seems to capture a real role in the funds allocation process intended by a citizens' oversight committee. The real question here is what voters expected when voting for the Measure and what were citizens expecting in oversight. The Committee

is asking the City Council to clarify this misunderstanding of what voters intended and expect from the TLC.”

Mayor Haydon indicated the staff report presented this evening answered the questions by citing examples of how jurisdictions in neighboring communities address this same question. The City Council, when we review a project allocation of funding available, it is approved and appropriate for the betterment of Clayton. Once approved the City Council does not manage the construction or monitor the performance of that project, and relies on its staff to manage projects within the City.

Ms. Kaplan reiterated there was a lack of understanding with the Committee members when a project was brought to Committee and then to the City Council, that it was automatically approved and there was a gap in understanding in actually giving approval on the Committee level for the project to proceed. The primary project in question is the planter boxes in the downtown; with the concern if funds will be available to maintain the project once completed to the extent intended.

Councilmember Pierce advised approximately twenty (20) years ago the original intent when approving Landscape Maintenance projects was an oversight of the dollars to ensure they are being spent as directed by the Council. The TLC was also asked to look within the community for improvements that needed attention and prioritize projects. It was not the intent for the Committee to get into the design aspect, as that is not a role for the City Council, whereas that is for City staff to manage. As far as the downtown planter boxes project, an enhancement would be adding irrigation and lighting along with the appropriate size for the trees.

Vice Mayor Shuey added the intent was for the TLC to be stewards of the funds to assure citizens it would be looking at the funds and ensuring they are being spent strictly for Landscape Maintenance projects.

Councilmember Catalano also added with her experience in the Planning Commission their role is to review projects with high detail; once approved, they do not get into the professional level of detail with construction contracts.

City Manager Napper provided an example early in its formation there was an influx of monies into the District, the TLC met with staff and was asked if we should start on landscaping or trails within the community. That TLC decided most of the community uses the trails and it wanted to start priorities there. The City Council then agreed with that recommendation and for several years improvements were made to the trail system such as the asphalt surfaces. Similarly, when it comes to the landscaping, the TLC's consideration would be the priorities to improve the medians or planter boxes or subdivision entryway improvements. Mr. Napper noted initially the planter box proposed budget was \$27,000 but jumped to \$270,000 when irrigation and electrical was included for each box; when staff initially designates funds into the District Budget the preliminary expense is without any professional quotes or estimates. The former city engineer started evaluating the project with enhancements such as irrigation and lighting and the project estimate rose to \$270,000. Still, it is only a placeholder of monies; the project's actual cost could increase or decrease once the project is put to bid.

Councilmember Pierce added advice that may be requested from the TLC is do you see a need for something or do you think it is worthwhile? To go super simple with the downtown planter boxes the trees and plants would have to be hand watered, or is it advisable to add the irrigation and potential lighting as suggested by staff? Consider all the potential uses, provide an opinion, including level of the maintenance required to be included in a bid package.

Ms. Kaplan summarized the expectation of the TLC oversight committee is to receive ideas for proposed projects, offer its opinion if it is a good idea, and maintain oversight of the funds being spent only on trails and landscaping projects.

Mayor Haydon wished to provide more clarity for new members of the TLC by asking staff to prepare additional clarifying language to the original Resolution defining the level of oversight.

Councilmember Pierce suggested either a new Resolution or establish a separate document establishing guidelines as to the expectation of the TLC.

TLC Committee Member Maryann Carroll-Moser added when the TLC came across this project, there should have been more time to visualize this project rather than merely reviewing the projected cost. A little more notification with the sufficient time to review the TLC agenda materials would have been appreciated.

City Attorney Mala Subramanian clarified an amendment could be done to the original Resolution; however the creation of guidelines would be best and keep the original resolution as is.

Mayor Haydon opened the item for public comment; no comments were offered.

By general consensus, the City Council instructed staff to draft a Resolution to establish guidelines of the role and Council's expectations of the Trails and Landscaping Committee.

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