



City of St. Helena
Special Closed Session Meeting
Tuesday, November 29, 2016 @ 5:00 PM
Special City Council Meeting
Tuesday, November 29, 2016 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "public comment" portion of the agenda may do so, but please observe the time limit of three minutes.

Page

1. CLOSED SESSION:
 - 1.1. PUBLIC COMMENTS PERTAINING TO THE CLOSED SESSION
 - 1.2. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One case: Receipt of communication dated November 7, 2016 from San Francisco Bay Regional Water Quality Control Board re: "St. Helena Wastewater Treatment and Reclamation Plant – (1) Notice of Violation (2) Comments on the Draft Feasibility Study for Wastewater Treatment Plant Improvements, (3) Requirement for Report of Waste Discharge for Land Application of Treated Wastewater", including requirement for technical information pursuant to Water Code section 13267.
[Item 1.2](#)
2. CALL TO ORDER
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
Mayor: Alan Galbraith
Vice Mayor: Peter White
City Council: Sharon Crull
Paul Dohring
Greg Pitts
5. PUBLIC COMMENT:
Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Forum. Each person's comments shall be limited to 3 minutes. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Councilmembers for clarifications may be posed and answered, and Councilmembers may make requests that items be placed on future agendas, but in accordance with state law, no substantive discussion or action may take place unless and until the matter properly appears on the agenda.
6. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:
 - 6.1. Closed Session - announce actions taken if any from November 10,

2016 and November 29, 2016 - City Attorney Thomas B. Brown

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

- 7.1. Oath of Office: Police Dispatcher Alicia Marciano
- 7.2. Oath of Office: Police Officer Jovi Oam
- 7.3. Oath of Office: Police Officer Melissa Brown
- 7.4. Oath of Office: Lieutenant Christopher Hartley

8. STAFF BRIEFING

- 8.1. None

9. CONSENT ITEMS

- 9.1. Consideration and proposed approval of minutes from: 17 - 36
 - 1. Regular meeting minutes October 11, 2016
 - 2. Special Joint City Council and Planning Commission Workshop meeting minutes October 22, 2016
 - 3. Regular meeting minutes of October 25, 2016

[9.1](#)

- 9.2. Second reading and proposed adoption of an Ordinance to amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and 17.112.140 Water Efficient Landscaping 37 - 145

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer

Jennifer Tuell, Water Conservation Coordinator

Recommendation: Adopt

[Item 9.2](#)

- 9.3. Consideration and proposed adoption of a resolution authorizing the City Manager to approve the display of flags, décor and wreaths on St Helena's historic electroliers 147 - 152

CEQA Determination: The project is categorically exempt from the California Environmental Quality Act, pursuant to CEQA guidelines section 15301, Existing Facilities Class I which exempts minor alteration of existing facilities involving negligible or no expansion of use.

Prepared By: Christina Cook, Public Works Administration

Jennifer Tuell, Water Conservation Coordinator

Steven Palmer, PE, Public Works Director/City Engineer

Recommendation: Adopt

[Item 9.3](#)

- 9.4. Consideration and proposed approval of a resolution approving a contract amendment for \$5,000 with ECS Imaging, Inc for additional professional services related to the implementation and file plan set-up of Laserfiche (electronic document imaging software) not to exceed \$29,313.20 153 - 168
- CEQA Determination: Not a CEQA project
Prepared By: Cindy Black, City Clerk
Recommendation: Adopt
[Item 9.4](#)
- 9.5. Second reading and proposed adoption of an Ordinance to amend Section 8.24.010 C. 2. of the St Helena Municipal Code (Noise Ordinance), to allow construction activities on Sundays and certain Holidays for owner-built, “self-help” affordable housing projects only 169 - 179
- CEQA Determination: This project is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) under the “General Rule” given that City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3)
Prepared By: Noah Housh, Planning and Community Improvement Director
Recommendation: Adopt
[Item 9.5](#)
- 9.6. Consideration and proposed approval of a resolution setting a hearing to approve the annexation of territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 130 (1400 El Bonita Avenue, St Helena, CA. APN. 009-432-026) 181 - 188
- CEQA Determination: Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061, No Possibility of Significant Effect on the Environment
Prepared By: Christina Cook, Public Works Administrative Assistant
Steven Palmer, PE, Director of Public Works/City Engineer
Recommendation: Adopt
[Item 9.6](#)
- 9.7. Consideration of a resolution approving a contract extension/Consultant Services Agreement with M-Group to provide professional planning services for an additional amount of \$75,000, and for a total contract amount not to exceed \$100,000. 189 - 206
- CEQA Determination: Not a CEQA project
Prepared By: Noah Housh, Planning and Community Improvement Director
Recommendation: Adopt
[Item 9.7](#)

- 9.8. Consideration and proposed approval of a resolution disbanding the Multi Cultural Committee 207 - 210
- CEQA Determination: Not a CEQA project
Prepared By: Cindy Black, City Clerk
Recommendation: Adopt
[Item 9.8](#)
- 9.9. Consideration and proposed adoption of a Resolution Authorizing the City Manager to Execute Grant Amendment No. 2 for the Pope Street Bicycle Lane Project, CIP R-30, to increase Transportation Fund for Clean Air (TFCA) Grant Award by \$17,000 for a Total Grant Award Not to Exceed \$57,000; and authorize the corresponding budget adjustments 211 - 215
- CEQA Determination: Categorically Exempt, Section 15304, Minor Alterations to Land
Prepared By: Tobias Barr, Public Works Project Manager
Steven Palmer, PE, Director of Public Works/City Engineer
Recommendation: Adopt
[Item 9.9](#)
- 9.10. Consideration and proposed approval of a resolution approving a joint use agreement amendment with St. Helena Unified School District for the use of Vintage Hall Board Room through February 2017 for a total cost not to exceed \$3,334 217 - 229
- CEQA Determination: Not a CEQA project
Prepared By: Cindy Black, City Clerk
Recommendation: Adopt
[Item 9.10](#)
- 9.11. Consideration and proposed approval of resolution implementing new water leak adjustment policy effective January 9, 2017 and rescind all other water or wastewater leak adjustment policies 231 - 236
- CEQA Determination: Not a CEQA project
Prepared By: Tracey Perkosky, Grants & Finance Manager
Recommendation: Adopt
[Item 9.11](#)
10. PUBLIC HEARING
- 10.1. Consideration and proposed adoption of a resolution accepting the 2016 Water and Wastewater Rate Study and adoption of new water and wastewater rates 237 - 439
- CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.
Prepared By: Jennifer Tuell, Water Conservation Coordinator

Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

[Item 10.1](#)

[Presentation](#)

- 10.2. Triannual California Building Standards Code Adoption Modifying Chapter 15 of the St Helena Municipal Code and Update of Building Permit and Code Enforcement Process Improvements: 441 - 525
- a. Consideration and proposed approval of a resolution to double the Building Permit fee when the permit is filed as a result of Code Enforcement action; and
 - b. Introduce and hold first reading of the of Ordinance titled "Amendments to St. Helena Municipal Code Title 15 Buildings and Construction, Adopt and Amend in full the 2016 California Building Standards Code, Title 24

CEQA Determination: Categorical Exemption: It has been determined that the project is exempt for the requirements of the California Environmental Quality Act (CEQA) under Section 15061 (b) (3) the 'General Rule' in that it can be seen with certainty that there is no possibility the proposed action may have a significant impact on the environment and therefor CEQA is not applicable.

Prepared By: Noah Housh, Planning, Building and Community Improvement Director

Darrell Mayes, Chief Building Official

Recommendation: a. Adopt; and

b. Introduce by title only and waive further reading

[Item 10.2](#)

- 10.3. Consideration and proposed approval of a resolution approving the Annexation of Territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. No. 129 (1357 El Bonita Avenue, St Helena, CA. APN. 009-431-003) 527 - 532

CEQA Determination: Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061(b)(3), No Possibility of Significant Effect on the Environment

Prepared By: Christina Cook, Administrative Assistant

Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

[Item 10.3](#)

- 10.4. Appeal of the Planning Commission decision to approve five (5) new signs on the Davies Vineyards Winery property located at 1210 Grayson Avenue in the SC: Service Commercial district 533 - 559

CEQA Determination: Categorically Exempt pursuant to Section 15311 of the CEQA Guidelines

Prepared By: Aaron Hecock, Senior Planner

Reviewed By: Noah Housh, Planning and Community Improvement Director

Recommendation: Deny the appeal

[Item 10.4](#)

11. NEW BUSINESS

- 11.1. Consideration and proposed approval of a resolution adopting the Davies Winery Noise Attenuation Plan 561 - 598

CEQA Determination: Previously Adopted Mitigated Negative Declaration

Prepared By: Noah Housh, Planning and Community Improvement Director

Recommendation: Adopt

[Item 11.1](#)

[Item 11.1 Public Comments](#)

[Responses to Davies Attenuation Plan](#)

12. ADJOURNMENT

The next Regular City Council meeting is scheduled for December 13, 2016, at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street.

This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on November 23, 2016.



Cindy Black, City Clerk

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

13. CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

14. SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at <https://sthelena.civicweb.net> and will be available for public review at the respective meeting.



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

November 7, 2016

File Nos. CW-258384 and CW-258386¹

City of St. Helena
Attn.: Steven Palmer, spalmer@cityofsthehena.org
1480 Main Street
St. Helena, CA 94574

**Subject: St. Helena Wastewater Treatment and Reclamation Plant – (1) Notice of Violation
(2) Comments on the Draft Feasibility Study for Wastewater Treatment Plant
Improvements, and (3) Requirement for Report of Waste Discharge for Land
Application of Treated Wastewater**

Dear Mr. Palmer:

This letter provides notice that the City of St. Helena (City) is in violation of its Water Reclamation Requirements (Order No. 87-090) (WRR). It requires the City to submit an updated Report of Waste Discharge (ROWD) to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) for the City's discharges of treated wastewater to land, and also provides comments on the City's August 2016 *Draft Feasibility Study for Wastewater Treatment Plant Improvements* (Draft Feasibility Study), required by Cease and Desist Order No. R2-2016-0004 (CDO).

The City has violated the WRR by applying reclaimed wastewater to its land application area at greater than agronomic rates, and by not notifying the Regional Water Board of these violations and not submitting a proposed corrective action plan, as required by the WRR Self-Monitoring Program (section V.2.a). This may have resulted in adverse water quality impacts, including elevated groundwater nutrient concentrations and elevated groundwater levels. This letter's requirement that the City submit an updated ROWD is intended to set forth a process by which the City will provide information to clarify its current practices and revise those practices as necessary, including practices to correct violations. The ROWD shall identify discharge management practices consistent with appropriate protection of groundwater and provide the information necessary to update the WRR.

The Draft Feasibility Study screens various options the City considered to improve its treatment plant and evaluates two in detail. The CDO requires the City to submit a Final Feasibility Study addressing the Water Board's comments on the Draft Feasibility Study by December 1, 2016. This letter provides the comments to be addressed. The Regional Water Board plans to draft a new discharge permit that

¹ Case information is stored electronically in the Water Board's California Integrated Water Quality System database, and its Electronic Content Management electronic files.

will cover both land discharges and discharges to the Napa River. The information requested in this letter will facilitate this effort.

Background

The City's wastewater treatment plant treats about 500,000 gallons per day of domestic wastewater by flow through a series of facultative and aerobic treatment ponds designed and constructed as an Advanced Integrated Pond System (AIPS ponds). Treatment by the AIPS ponds is followed by disinfection with chlorine and dechlorination with ascorbic acid or by natural decomposition. During dry weather, the City's WRR allows the discharge of treated wastewater to land by sprinkler discharges within an 88-acre land application area adjacent to the treatment plant. During the wet weather season, when influent flows exceed the capacity of the treatment plant storage and land application discharge systems, and ambient river flow affords adequate dilution, the City's NPDES permit (currently Water Board Order No. R2-2016-0003) allows treated wastewater to be discharged to the Napa River.

From December 2010 through March 2015, there were 24 NPDES permit effluent limit violations for total coliform, copper, cyanide, and residual chlorine, and 27 WRR effluent limit violations for biochemical oxygen demand (BOD). These violations are listed in Table F-4 of the NPDES permit. The permit contains stricter BOD and total suspended solids (TSS) limits for Napa River discharges than in the past. The existing treatment plant cannot meet the stricter limits, even under optimal conditions. Therefore, the CDO requires the City to upgrade its treatment plant to provide more effective and reliable treatment to meet the stricter BOD and TSS limits.

While the CDO addresses concerns related to river discharges, it does not directly address concerns related to potential adverse impacts to groundwater resulting from land application practices, such as discharges in excess of hydraulic capacity, discharges while soils are saturated, discharges to only a limited portion of the entire land application area, and discharges without a vegetative crop. Of particular concern is the potential for excessive nitrogen loading to groundwater from these types of practices. The Regional Water Board intends to address these concerns by issuing revised discharge requirements that reflect the City's implementation of improved treatment and discharge management practices to ensure appropriate groundwater quality protection.

Comments on Draft Feasibility Study

The Draft Feasibility Study analyzes and screens thirteen options described in the City's March 2015 *Wastewater Facilities Evaluation Update* based on feasibility to meet BOD and TSS effluent limits. The two options that the Study considered in detail were to construct either: (1) a trickling filter or (2) a treatment wetland between the existing AIPS ponds and the disinfection units. Both options assume that current solids management practices will continue and no upgrades to the disinfection system will be necessary. The City chose the trickling filter as the preferred option based primarily on cost and ease of operation.

CDO Table 3, Task b, requires the City to submit a Final Feasibility Study that addresses any Executive Officer comments on the Draft Feasibility Study and identifies a preferred option. Thus, the Final Feasibility Study must address the following comments:

1. **Analyze current solids management practices, any changes needed, and solids management practices needed for each treatment option studied.** The current treatment system is unusual because it has no clarifiers to remove solids. Solids are ground at the

headworks and heavy solids settle out in the first two AIPS ponds (Ponds 1A and 1B). This contrasts with most San Francisco Bay Region treatment plants, which continuously remove solids as part of their normal operations. The management practice of allowing solids to remain in the AIPS Ponds for an extended time has caused serious difficulties with plant operation and permit compliance. Excessive solids accumulation reduces the treatment effectiveness of the AIPS ponds over time and is believed to be the primary cause of the BOD and TSS violations described in the CDO.

Management practices used to separate, store, treat, and ultimately dispose of solid materials removed from the liquid wastewater stream are an integral component of the wastewater treatment process. The Final Feasibility Study needs to thoroughly evaluate solids management practices and costs for each treatment option studied. The evaluation should include equipment, operations, final means of disposal, costs, benefits, uncertainties if any, and implementation schedules. Potential costs include the capital and operating costs of equipment, such as clarifiers, digesters, and dewatering devices; costs of solids final disposal operations; and costs of additional personnel, if needed.

2. **Analyze potential demand for recycled water and select a preferred option that meets that demand.** At a minimum, the Final Feasibility Study must fully analyze the City's water recycling potential, including a demand assessment, and identify a preferred option consistent with the predicted demand. The Draft Feasibility Study bases its conclusion that there is limited water recycling potential at City parks and local vineyards on plant operators' assumptions that there is little current demand for recycled water at adjacent vineyards. An adequate demand assessment should reflect communications with prospective users, including local grape growers. Installation of tertiary treatment processes would provide high quality water for agriculture or landscaping, and would likely increase demand. Much of the Town of Yountville's recycled water distribution system came about because of local demand.
3. **Analyze current disinfection system equipment and operation, and include any necessary upgrades in the preferred option.** The City has not consistently met its total coliform limits. Accordingly, the Final Feasibility Study must evaluate the need for disinfection system upgrades and select a disinfection system appropriate for each treatment option evaluated, including the preferred option.
4. **Include the potential benefits and constraints of constructed wetlands in the wetlands option evaluation.** The Draft Feasibility Study identified the trickling filter option as the preferred option (versus the constructed wetlands option) primarily because the construction costs of the trickling filter would be lower. However, the analysis did not include variations, such as leaving Pond 4 intact and constructing a wetland system entirely within the land application area, or a combination of wetlands and trickling filter, and did not address ancillary benefits of constructed wetlands, such as recreation, education, and habitat. Both the trickling filter and wetlands options would treat wastewater to levels that will meet effluent limits; however, the constructed wetlands could also convert low-grade habitat (land application area fields) to high-grade habitat (wetlands adjacent to a major river) that could potentially benefit the community as a park or wildlife refuge. Other San Francisco Bay Region communities (e.g., Petaluma and Martinez) use constructed wetlands as parks for the benefit of wildlife and the community. However, constructed wetlands could also occupy area needed for land

application, constraining the volume of treated wastewater that could be applied. The Final Feasibility Study must consider such benefits and constraints.

5. **Describe the City's outreach efforts and public participation in selecting a preferred option.** The Final Feasibility Study must describe the City's outreach efforts and public participation in identifying a preferred option. We believe the public must be involved in the decision-making process, and we recommend that the City reach out to its community before making its final decision.

We recognize that the level of detail this letter requires will render compliance with the CDO December 1, 2016, deadline for submitting the Final Feasibility Study difficult. While only the Regional Water Board can change a Board Order deadline, we intend to use our enforcement discretion to withhold enforcement of this deadline as long as we receive a complete and thorough report that adequately incorporates our feedback as set forth above by **March 1, 2017**.

Requirement for Report of Waste Discharge

The City is required to submit to the Water Board a technical report in the form of a ROWD describing the City's proposed program for managed discharges of treated wastewater to land, consistent with adequate groundwater protection. This report shall completely describe the wastewater treatment and discharge infrastructure and operational methods for controlling the discharges to land. This will include the current infrastructure and operational methods and any changes planned for the near future. For any planned changes, the report shall include a time schedule of dates when the actions involved will be initiated and completed.

The Draft Feasibility Study proposes changes that could potentially affect groundwater quality through the discharge of treated wastewater to land and thus groundwater, particularly from excessive nutrient loading. This is a particular concern for the constructed wetland option because it would reduce the land application area available for discharge and require higher application rates. The ROWD must fully analyze the potential effects to groundwater from the discharges to land. Therefore, the ROWD must include the following information to address concerns about groundwater quality:

1. **Water balance evaluation for the proposed discharge practices.** The ROWD must include a tabulated accounting of planned water management at the irrigation field, including wastewater applied, rainwater fallen, water evaporated, water taken up by vegetation, and water infiltrated into the soil, and ultimately characterizing wastewater transported to groundwater. The water balance evaluation must use monthly or daily values representative of planned water management practices. The evaluation must include two versions, one using a normal rainfall record, and one using a rainfall record equivalent to a 10-year return period wet weather season.
2. **Evaluation of groundwater movement and fate.** The ROWD must include an evaluation of groundwater beneath and downstream of the irrigation field to illustrate how the groundwater is affected by the discharges, and how groundwater migration to adjacent properties and to the Napa River occurs. This evaluation must include contributions of wastewater to groundwater determined from the discharge practices water balance evaluation discussed in item 1 above. The evaluation must also estimate the direction, speed, and volumetric flow of groundwater flow beneath and downgradient of the discharge area, and characterize how the discharges affect groundwater flow and levels. If the study determines that the discharge will eventually

emerge from the groundwater to the Napa River as base flow, it must predict the residence time in the groundwater.

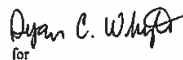
3. **Nutrient balance evaluation of nitrogen discharges to the land application area.** The ROWD must provide a full analysis of the potential effects to groundwater and surface water from land application to irrigation fields and any other land disposal proposed as part of each treatment option. This analysis must consider the nitrogen quality of the final effluent, the nitrogen loading to the land, the nutrient uptake capacity of the vegetation and soils in the land application area, changes in groundwater levels, and the potential to degrade groundwater and surface water quality. The evaluation must also consider the potential groundwater quality effects of distributed discharges of recycled water for irrigation of local vineyards (versus continual discharges only to the land application area fields).
4. **Groundwater monitoring plan.** The ROWD must propose a groundwater monitoring plan that will allow the City to characterize groundwater depth, quality, and movement, and any potential changes that may occur as a result of the land discharge practices. The plan must propose a system of properly constructed groundwater monitoring wells at locations both upgradient and downgradient of, and perhaps within, the land application area, with screening depths appropriate for groundwater sampling and analysis based on the local ambient groundwater characteristics.

The ROWD shall be submitted to the Regional Water Board no later than **March 1, 2017**.

This requirement for technical information (to be submitted through a ROWD) is made pursuant to Water Code section 13267, which allows the Regional Water Board to require technical or monitoring program reports from anyone who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. Preparing a ROWD will primarily involve compiling and evaluating existing information; this burden bears a reasonable relationship to the water quality concerns to be addressed because the information is needed to develop appropriate control measures that will protect groundwater quality. The attachment provides additional information about Water Code section 13267 requirements. Any extension in the above deadline must be confirmed in writing by Regional Water Board staff.

Please contact Vincent Christian at (510) 622-2336 or by email to vchristian@waterboards.ca.gov if you have any questions.

Sincerely,


for

Bruce H. Wolfe
Executive Officer

Attachment: Fact Sheet regarding Water Code section 13267

cc: Dellavalle Laboratory, Inc.
Attention: Mr. Danyal Kasapligil

1910 W. McKinley Ave, Suite 110
Fresno, CA 93728

Downey Brand LLP
Attention: Ms. Melissa A. Thorne
621 Capitol Mall, 18th Floor, Sacramento, CA 95814

Cris Carrigan, SWRCB Office of Enforcement
(Cris.Carrigan@waterboards.ca.gov)

Bean Family Vineyards, LLC
Attention: Mr. James Bean
420 Palm Street, Palo Alto, CA 94301

Jack Neal & Son Vineyard Management
Attention: Mr. Mark Neal
360 La Fata Street,
St. Helena, CA 94574

San Francisco Bay Regional Water Quality Control Board

**Fact Sheet – Requirements for Submitting Technical Reports
Under Section 13267 of the California Water Code**

What does it mean when the Regional Water Board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

The requirement for a technical report is a tool the Regional Water Board uses to investigate water quality issues or problems. The information provided can be used by the Regional Water Board to clarify whether a given party has responsibility.

Are there limits to what the Regional Water Board can ask for?

Yes. The information required must relate to an actual or suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The Regional Water Board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

Are there penalties if I don't comply?

Depending on the situation, the Regional Water Board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the Regional Water Board staff will not change the requirement and/or date to comply?

You may ask that the Regional Water Board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the Regional Water Board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

If I have more questions, whom do I ask?

Requirements for technical reports include the name, telephone number, and email address of the Regional Water Board staff contact.

Revised January 2014

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov.

**Minutes
St. Helena City Council
October 11, 2016**

**6:00 P.M. REGULAR MEETING
465 MAIN STREET, ST. HELENA
VINTAGE HALL BOARD ROOM – SECOND FLOOR**

A complete video recording of this meeting, except for closed session, can be found at www.cityofstheleena.org or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

Present: Councilmembers Crull, Dohring, Pitts, White, Mayor Galbraith
Absent: None

4. PUBLIC FORUM:

Mayor Galbraith called for public forum.

Lois Battuello addressed the City Council.

Mayor Galbraith closed public forum.

5. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:

City Manager Jennifer Phillips reported on the upcoming Measure D educational workshop and the City Hall and Adams Street RFP Workshop.

Finance Director April Mitts reported that the recent training academy held by the Government Finance Officers Association (GFOA) in Chicago was a success.

City Clerk Cindy Black announced that City staff will begin using the new agenda management system from iCompass and the format will be presented slightly different.

Planning and Community Improvement Director announced the City Hall and Adams Street RFP's are now available for review on the City's website.

Councilmember Pitts attended the recent LAFCO meeting. A topic of discussion was the sphere of influence review process. He reported that it is being delayed an additional 30-45 days for additional information.

Councilmember Crull announced that a Medication, Sharps and controlled substances drop off drive will take place at the St. Helena Police Department on October 22, 2016 from 10:00 am – 2:00 pm.

Mayor Galbraith and Vice Mayor White reported on their recent attendance at the League of California Cities Annual Conference in Long Beach.

6. PRESENTATIONS AND PUBLIC RECOGNITIONS

- 6.1. Proclamation National Friends of Libraries Week October 16-22, 2016 was presented to Executive Director of the Friends & Foundation Maria Stel, Library Director Chris Kreiden and Volunteer Coordinator & Librarian Mari Martinez Serrano

7. STAFF BRIEFING

- 7.1. None

8. CONSENT ITEMS

Members of the Council or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

- 8.1. Consideration and proposed approval of Regular Meeting Minutes of September 27, 2016

CEQA Determination: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Recommendation: Approve

Item 8.2 was pulled from Consent.

- 8.2. ~~Consideration and proposed adoption of a resolution approving a Professional Services Agreement with Coastland Civil Engineering, Inc. for Development Review and Plan Check Services in an amount not to exceed \$141,100 for services through June 30, 2018~~

~~CEQA Determination: Not a CEQA project~~

~~Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer~~

~~Recommendation: Adopt~~

- 8.3. Consideration and proposed approval of resolution 2016-133 authorizing the City of St. Helena Fire Department use a portion of the Wastewater Treatment Facilities (WWTP) property for use as a training facility for a fair market fee of \$800 per month totaling \$9,600 per year. Fee is to be transferred annually from the Fire Department budget to the Wastewater Enterprise Revenue Fund #571-3470-0000 "Other Revenues."

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 1 Categorical Exemption under Section 15301

Prepared By: April Mitts, Finance Director

Steve Palmer, Public Works Director
John Sorenson, Fire Chief
Recommendation: Adopt

- 8.4. Consideration and proposed approval of resolution 2016-134 authorizing a budget increase of \$1,232 to #289-4728-2245 for FY 2016/17 for the Afterschool Enrichment Program. The \$1,232 represents funds which were not spent in FY 2015/16 for the Afterschool Enrichment Program and will increase the FY 16/17 Afterschool Enrichment Program budget from \$12,000 to \$13,232

CEQA Determination: Not a CEQA project
Prepared By: Haidi Arias, Recreation Director
April Mitts, Finance Director
Recommendation: Adopt

- 8.5. Consideration and proposed approval of Resolution 2016-135 Approving Amendment No. 2 to the Employment Agreement with John Sorensen to re-established a specified hourly rate of \$74.51 for the Chief's overhead assignments outside of the City of St. Helena jurisdiction billed to the State of California or the Department of Emergency Services (OES)

CEQA Determination: Not a CEQA project
Prepared By: Kathy Robinson, Human Resources & IT Director
Recommendation: Approve

- 8.6. Consideration and proposed approval of resolutions supporting the League of California Cities (LOCC) Board of Directors decision at its meeting on June 24-25 that carefully reviewed ballot measures affecting California cities expected to be on the November 2016 statewide ballot:

a. Resolution 2016-136 Opposing Proposition 53 Revenue Bonds: Statewide Voter Approval – Constitutional Amendment

b. Resolution 2016-137 Supporting Proposition 54 California Legislature Transparency Act of 2016

CEQA Determination: Not a CEQA project
Prepared By: Cindy Black, City Clerk
Recommendation: Adopt

- 8.7. Consideration and proposed approval of resolution 2016-138 authorizing the City Manager to Execute Amendment Number 1 to the Memorandum of Understanding (MOU) Between the Napa Valley Transportation Authority (NVTa) and the City of St. Helena for Fixed Route and On-Demand Shuttle Service through the St. Helena VINE Shuttle

CEQA Determination: Not a CEQA project

Prepared By: Tracey Perkosky, Grants and Finance Manager
Recommendation: Approve

- 8.8. Consideration and proposed approval of a resolution 2016-142 to approve Fiscal Year 2015-2016 budget expense increase in the amount of \$107,278 to fund 743 and a budget expense decrease to fund 741 in the amount of \$107,278 for funds received from the Capital Projects for Transportation Development Act, Article 3 (TDA-3) Grant Funded Items for the Mitchell Drive Sidewalk Project

CEQA Determination: Not a CEQA project
Prepared By: Tracey Perkosky, Grants & Finance Manager
Recommendation: Adopt

Vice Mayor White moved to approve Consent items 8.1, 8.3 through 8.8. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers White, Crull, Dohring, Pitts and Mayor Galbraith
NOES: None
ABSENT: None

- 8.2. Consideration and proposed adoption of resolution 2016-139 approving a Professional Services Agreement with Coastland Civil Engineering, Inc. for Development Review and Plan Check Services in an amount not to exceed \$141,100 for services through June 30, 2018

CEQA Determination: Not a CEQA project
Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer
Recommendation: Adopt

Director of Public Works Steven Palmer reported on this item.

Mayor Galbraith called for public comment.

Bobbi Monnette addressed the City Council.

Mayor Galbraith closed public comment.

Councilmember Pitts moved to approve Consent item 8.2. The motion was seconded by Councilmember Dohring and on roll call carried by the following vote:

AYES: Councilmembers Pitts, Dohring, White, Crull and Mayor Galbraith
NOES: None
ABSENT: None

9. PUBLIC HEARINGS

- 9.1. Resolution 2016-140 denying Appeal of the Planning Commission Decision to Deny a Short-term Rental Permit Renewal to Steve and Brenda Podesta of 1243 Stockton Street

CEQA Determination: Exempt pursuant to Section 15061(B)3

Prepared By: Aaron Hecock, Senior Planner

Reviewed by: Noah Housh, Planning and Community Improvement Director

Recommendation: Grant or deny the applicant's appeal

Planning and Community Improvement Director Noah Housh reported on this item.

Mayor Galbraith opened the public hearing.

Steve Podesta, Jake Podesta, Mary Kashani, Tona Kovacevic, Maryann Brooks, Jony McQuiddy, Amir Kashani, citizen and John Morgan addressed the City Council.

Mayor Galbraith closed the public hearing.

Councilmember Dohring moved to deny the applicant's appeal of the Planning Commission's decision to deny their request for a short-term permit renewal to Steve and Brenda Podesta of 1243 Stockton Street. The motion was seconded by Vice Mayor White and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White and Mayor Galbraith

NOES: Councilmembers Crull and Pitts

ABSENT: None

Mayor Galbraith called for a break at 7:44 pm.

Mayor Galbraith reconvened the meeting at 7:52 pm.

- 9.2. Introduce by title only, and waive First Reading of an Ordinance to Amend Chapter 13.32 Stormwater and Runoff Pollution Control of the St Helena Municipal Code to fulfill provisions E.6.A of the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, NPDES General permit No. CAS000004

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 7 Categorical Exemption under Section 15307 as an action taken for protection of natural resources. In addition, this action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no

environmental impacts will result from this action; and Section 15308 as it is an action taken to protect the environment.

Prepared By: Tobias Barr, Public Works Project Manager
Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Introduce by title only and waive further reading

Public Works Project Manager Tobias Barr reported on this item.

Mayor Galbraith opened the public hearing.

No public comment was received.

Mayor Galbraith closed the public hearing.

Vice Mayor White moved to approve Consent as presented. The motion was seconded by Councilmember Dohring and on roll call carried by the following vote:

AYES: Councilmembers White, Dohring, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

10. NEW BUSINESS

- 10.1. Request for Design Review and Building Permit Fee Waiver from Sun and Stars Montessori School totaling approximately \$3,162.32 and an Expedited Development Review Process approving Resolution 2016-141

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from the action.

Prepared By: Noah Housh, Planning and Community Improvement Director

Recommendation: Provide direction

Planning and Community Improvement Director Noah Housh reported on this item.

Mayor Galbraith called for public comment.

Tammy Harvison and a citizen addressed the City Council.

Mayor Galbraith closed public comment.

Councilmember Pitts moved to waive the permitting costs for their shade structure totaling approximately \$3,162.32 and to expedite the Design Review and building permit review processes. The motion was seconded by Vice Mayor White and on roll call carried by the following vote:

AYES: Councilmembers Pitts, White, Dohring, Crull and Mayor Galbraith
NOES: None
ABSENT: None

- 10.2. Consideration and Proposed Adoption of Resolution Authorizing the City Manager to opt into Pacific Gas & Electric's LED Street Lighting Program, Replacing Pacific Gas & Electric Owned High Pressure Sodium Vapor Streetlights with LED Streetlights

CEQA Determination: Categorically Except, Section 15301, Existing Facilities

Prepared By: Tobias Barr, Public Works Project Manager
Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

Public Works Project Manager Tobias Barr reported on this item.

Mayor Galbraith called for public comment.

Bobbie Monnette and Geoff Ellsworth addressed the City Council.

Mayor Galbraith closed public comment.

Vice Mayor White moved to opt into Pacific Gas & Electric's LED Street Lighting Program, Replacing Pacific Gas & Electric Owned High Pressure Sodium Vapor Streetlights with LED Streetlights. The motion was seconded by Mayor Galbraith and on roll call carried by the following vote:

AYES: Councilmembers Dohring White and Mayor Galbraith
NOES: Councilmembers Dohring, Pitts and Crull
ABSENT: None

The motion failed due to lack of votes.

It was the consensus of the City Council to bring this item back to be heard with additional information and a PG&E representative present at the October 25, 2016 City Council meeting.

- 10.3. Council consideration of the status of the Multi Cultural Committee

CEQA Determination: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Recommendation: Provide direction

City Clerk Cindy Black reported on this item.

Mayor Galbraith called for public comment.

Multi Cultural Committee Chair Janis Gay addressed the City Council.

Mayor Galbraith closed public comment.

The City Council acknowledged the positive contributions made by the committee to the community since it was formed. The City Council also recognized the committee has several vacant positions which inhibits the efforts to hold productive meetings under the guidelines of the Brown Act. The Council directed staff to return with a resolution disbanding the committee so that the members are untethered from the City Council and then can meet as a community group if they choose.

10.4. Report to City Council on Sales Tax Trends

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation: Receive and file

Finance Director April Mitts reported on this item.

Mayor Galbraith called for public comment.

Chamber President Pam Simpson addressed the City Council.

Mayor Galbraith closed public comment.

ADJOURNMENT

Mayor Galbraith adjourned the meeting at 9:33 p.m.

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Minutes
Joint St. Helena City Council and Planning Commission Special Workshop Meeting
October 22, 2016
10:00 AM
St. Helena Fire House
1500 Main Street, St. Helena

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Councilmembers Crull, Dohring, White and Mayor Galbraith
Commissioners Koberstein, Monnette, Parker and Chair Kistner

Absent: Councilmember Pitts and Commissioner Sweeney

3. Town Hall Meeting conducted by City staff to receive public input on four proposals received in response to the City's Request for Proposals for the development of the Adams Street and City Hall properties. Each RFP Respondent will make a 20 minute presentation and will respond to community questions. At the conclusion of the presentations, the community is encouraged to provide feedback regarding the four proposals.

Although this is a Town Hall style meeting intended to promote public input, the meeting has been noticed as a Special Meeting of the City Council and Planning Commission in order to allow them to attend. However, it is the intention of staff that these decision makers will use this as an opportunity to hear the public's input on the proposals and will not participate in the discussion.

No decisions will be made and no formal actions will be taken at this meeting.
CEQA Determination: This is a workshop intended for the presentation of concepts only and CEQA review is premature at this time.

HRV Hotel Partners provided a presentation in response to the RFP for City Hall, 1480 Main Street property.

Bald Mountain Development & Alcion Ventures, HRV Hotel Partners and HMS Development Partners, LLC provided separate presentations in response to the RFP for Adams Street property.

The public in attendance addressed each presenter regarding the presentations.

11. ADJOURNMENT

The meeting adjourned at 1:15 p.m.

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

**Minutes
St. Helena City Council
October 25, 2016**

**6:00 P.M. REGULAR MEETING
465 MAIN STREET, ST. HELENA
VINTAGE HALL BOARD ROOM – SECOND FLOOR**

A complete video recording of this meeting, except for closed session, can be found at www.cityofstheleena.org or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Councilmembers Crull, Dohring, Pitts, White, Mayor Galbraith

Absent: None

4. PUBLIC FORUM:

No public comment was received.

5. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:

City Manager Jennifer Phillips noted that the November 8th and 22nd City Council meetings will be cancelled, but there will be a special November 29th City Council meeting. Also, the wine train item will be brought before the City Council in January or February.

Vice Mayor White announced that the Watershed Information & Conservation Council (WICC) will be holding a meeting to discuss the Sustainable Ground Water Act on November 2, 2016 from 3-6 pm at the Napa County Office of Education.

Mayor Galbraith acknowledged City staff for the recent successful Harvest Festival.

6. PRESENTATIONS AND PUBLIC RECOGNITIONS

6.1. Proclamation - Recognizing October as Breast Cancer Awareness Month was presented to City of St. Helena

7. STAFF BRIEFING

7.1. Council, Commission and Committees Agenda format and navigating the City website by Cindy Black, City Clerk

City Clerk Cindy Black presented information on the new agenda management system and navigating to the various new information on the City's website.

8. CONSENT ITEMS

Members of the Council or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

8.1. Consideration and proposed approval of minutes from:

1. Special Measure D Workshop minutes October 1, 2016
2. Special Measure D Workshop minutes October 12, 2016
3. Special Measure D Workshop minutes October 13, 2016

CEQA Determination: Not a CEQA project
Prepared By: Cindy Black, City Clerk
Recommendation: Approve

8.2. Consideration and proposed approval of a resolution 2016-143 authorizing the transfer of ownership of the Fire Department's 1941 White Van Pelt Fire Engine to the St. Helena Volunteer Fire Department's Association

CEQA Determination: Not a CEQA project
Prepared By: Allison Mattioli, Management Analyst
John Sorensen, Fire Chief
Recommendation: Approve

8.3. Consideration and proposed approval of a resolution 2016-144 reappointing Brian Cramer to the Napa County Mosquito Abatement District for a 4 year term expiring December 31, 2021

CEQA Determination: Not a CEQA project
Prepared By: Cindy Black, City Clerk
Recommendation: Adopt

8.4. Consideration and proposed approval of resolutions:

- a. Resolution 2016-145 authorizing the City Manager to accept \$3,666.25 in grant funds from the Bulletproof Vest Partnership Program and approving necessary budget adjustments to revenues and expenses of \$3,666.25

b. Resolution 2016-146 authorizing an expense budget adjustment of \$6,334 in the Asset Forfeiture Fund. Asset Forfeiture Funds will be used for the required 50% cash match of \$3,666.25 and supplemental expenditures of \$2,667.75, totaling \$6,334

CEQA Determination: Not a CEQA project
Prepared By: Tracey Perkosky, Grants & Finance Manager
Recommendation: Adopt

8.5. Consideration and proposed approval of a resolution 2016-147 to duly adopt the amended pay schedules for FY 2014-2015 and FY 2016-2017 to include the Public Works Supervisor – Parks & Government Buildings Position

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Manager
Recommendation: Adopt

8.6. Consideration and proposed approval of a resolution 2016-148 setting a hearing to approve the annexation of territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 129 (1357 El Bonita Avenue, St Helena, CA. APN. 009-431-003)

CEQA Determination: Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061, No Possibility of Significant Effect on the Environment
Prepared By: Christina Cook, Public Works Administrative Assistant
Steven Palmer, PE, Director of Public Works/City Engineer
Recommendation: Adopt

8.7. Consideration and proposed approval of resolutions to correct an administrative error related to sewer annexation:

- a. Resolution 2016-149 rescinding Resolution No. 2015-78 to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001 adopted on June 14, 2016
- b. Resolution 2016-150 to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001

CEQA Determination: Not a CEQA project.
Prepared By: Christina Cook, Public Works Administrative Assistant
Steven Palmer, PE, Director of Public Works/City Engineer
Recommendation: Adopt

8.8. Second Reading and proposed Adoption of Ordinance 2016-12 to Amend Chapter 13.32 Stormwater and Runoff Pollution Control of the St Helena Municipal Code to fulfill provisions E.6.A of the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, NPDES General permit No. CAS000004

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 7 Categorical Exemption under Section 15307 as an action taken for protection of natural resources. In addition, this action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15308 as it is an action taken to protect the environment

Prepared By: Tobias Barr, Public Works Project Manager

Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Hold second reading, adopt by title only and waive further reading

Item 8.9 was pulled from Consent.

~~8.9. Update of Pacific Gas & Electric's LED Street Lighting Program, Replacing Pacific Gas & Electric Owned High Pressure Sodium Vapor Streetlights with LED Streetlights~~

~~CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 1 Categorical Exemption under Section 15301~~

~~Prepared By: Tobias Barr, Public Works Project Manager~~

~~Steven Palmer, PE, Director of Public Works/City Engineer~~

~~Recommendation: Information only~~

8.10. Consideration and Proposed Adoption of a Resolution 2016-151 Finding an Exemption from CEQA for the 2016 Pavement Overlay Project; Approving and Adopting the Project Manual; and Authorizing the Bid Request for 2016 Pavement Overlay Project

CEQA Determination: Categorically Exempt Section 15301, Existing Facilities Class I

Prepared By: Erica Smithies, PE, Assistant Director of Public Works

Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

Councilmember Dohring moved to approve Consent items 8.1 – 8.8 and 8.10. The motion was seconded by Vice Mayor White and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

8.9. Update of Pacific Gas & Electric's LED Street Lighting Program, Replacing Pacific Gas & Electric Owned High Pressure Sodium Vapor Streetlights with LED Streetlights

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 1 Categorical Exemption under Section 15301

Prepared By: Tobias Barr, Public Works Project Manager
Steven Palmer, PE, Director of Public Works/City Engineer
Recommendation: Information only

Mayor Galbraith called for public comment.

Geoff Ellsworth and Bobbi Monnette addressed the City Council.

Mayor Galbraith closed public comment.

City Manager Jennifer Phillips noted this item is informational only, no action and the item will be brought back for Council consideration at a date uncertain.

9. PUBLIC HEARING

9.1. Introduce the first reading and read by title only, an Ordinance to Amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and 17.112.140 Water Efficient Landscaping

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer
Jennifer Tuell, Water Conservation Coordinator
Recommendation: Conduct first reading, introduce by title only and waive further reading

Water Conservation Coordinator Jennifer Tuell reported on this item.

Mayor Galbraith opened the public hearing.

Bobbie Monnette addressed the City Council.

Mayor Galbraith closed the public hearing.

Councilmember Crull moved to hold first reading and read by title only, an Ordinance to Amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use

Guidelines, 13.20 Sewer Service System, and 17.112.140 Water Efficient Landscaping and amend the ordinance to add a "and" instead of a "/" between mobile home and manufactured homes, and change the payment period from a 21 to 30 day period. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers White, Crull, Dohring, Pitts and Mayor Galbraith
NOES: None
ABSENT: None

9.2. Consideration and proposed approval of a resolution 2016-152 to increase the Short-term Rental Permit Application and Renewal Fee from \$1,075 to \$2,250 to cover staff review costs

CEQA Determination: Not a CEQA project
Prepared By: Aaron Hecock, Senior Planner
Reviewed By: Noah Housh, Planning and Community Improvement Director
Recommendation: Adopt

City Manager Jennifer Phillips reported on this item.

No public comment was received.

Councilmember Crull moved to adopt resolution 2016-152 to increase the Short-term Rental Permit Application and Renewal Fee from \$1,075 to \$2,250 to cover staff review costs. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers Crull, Pitts, White, Dohring and Mayor Galbraith
NOES: None
ABSENT: None

9.3. Introduce the first reading by title only, an Ordinance to Amend Section 8.24.010 C. 2. of the St Helena Municipal Code (Noise Ordinance), to allow construction activities on Sundays and Holidays for owner-built, "self-help" affordable housing projects only

CEQA Determination: This project is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) under the "General Rule" given that City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3)

Prepared By: Noah Housh, Planning and Community Improvement Director
Recommendation: Conduct first reading, introduce by title only and waive further reading

City Manager Jennifer Phillips reported on this item.

Mayor Galbraith opened the public hearing.

Our Town St. Helena representative addressed the City Council and introduced families currently participating in the Self Help program. Vicky Bradshaw, Libby Schaefer, Our Town St. Helena Boardmember Steve Golfarb, Geoff Ellsworth, family member constructing a Self Help home, Elizabeth Gills, Barry Berkowitz, Paul Skinner and Our Town St. Helena Boardmember John Sales addressed the City Council.

Mayor Galbraith closed the public hearing.

Councilmember Crull moved to hold first reading, introduce by title only and waive further reading of an Ordinance to Amend Section 8.24.010 C. 2. of the St Helena Municipal Code (Noise Ordinance), to allow construction activities on Sundays and Holidays for owner-built, "self-help" affordable housing projects only and amend the ordinance with holiday exceptions for no construction on the following holidays: Thanksgiving, the day after Thanksgiving, Christmas eve, Christmas day, New Year's day and 4th of July. The motion was seconded by Councilmember Dohring and on roll call carried by the following vote:

AYES: Councilmembers Crull, Dohring and Pitts
NOES: Councilmember White and Mayor Galbraith
ABSENT: None

10. NEW BUSINESS

10.1. Consider request from Calistoga Affordable Housing for an additional \$140,000 from the Affordable Housing Trust Fund and authorization to begin drawdown or previous funds committed for permitting costs and fees resolution 2016-153

CEQA Determination: This item is exempt from CEQA pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the "General Rule" Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment.

Prepared By: Jennifer Phillips, City Manager
Recommendation: Approve

City Manager Jennifer Phillips reported on this item.

Mayor Galbraith opened public comment.

Calistoga Affordable Housing representative Larry Kromann and Geoff Ellsworth addressed the City Council.

Mayor Galbraith closed public comment.

The City Council directed City Manager Jennifer Phillips to provide a letter on behalf of the City Council to Calistoga Affordable Housing committing funds in the amount of \$640,000 to the project and pending final loan documentation.

Vice Mayor White moved to adopt resolution 2016-153 approving the request from Calistoga Affordable Housing for an additional \$140,000 from the Affordable Housing Trust Fund and authorization to begin drawdown on previous funds committed for permitting costs and fees with the following amendments:

RECITALS

- L. The County of Napa has expressed interest in providing matching funds in the amount of \$650,000; and

RESOLUTION

1. Approve CAH's loan request for an additional loan in the amount of \$140,000 to assist with construction costs. Source of funds for CAH is from the Affordable Housing Trust Fund and will total \$640,000 which consists of the additional \$140,000 as previously stated, \$158,500 in fee contributions as outlined in Resolutions 2012-87 and 2013-49, and a \$341,500 housing loan agreement as outlined in Resolution 2014-101, subject to a status report to the City Council within 60 days.
2. Authorize the release of previously authorized funds in the amount of \$158,500 from the Affordable Housing Trust Fund to the General Fund to cover fees directly associated with this project.
3. Release of funds is contingent upon County matching grant, construction loan of \$1.4 million and fully capitalized project.

The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers White, Crull, Dohring, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

10.2. Provide Direction on Potential Leak Adjustment Policy for Water Customers

CEQA Determination: Not a CEQA project

Prepared By: Tracey Perkosky, Grants and Finance Manager
Jenn Weeks, Accounting Technician I
Recommendation: Provide direction

Finance Director April Mitts reported on this item.

Mayor Galbraith opened public comment.

Bobbie Monette addressed the City Council.

Mayor Galbraith closed public comment.

City Council directed staff to use scenario 2 (below) with the following changes: one leak adjustment permitted from once every 36 months to once every 5 years, bill credit percentage of 50% of excess water use, no appeal to the City Council, and irrigation leaks are permitted.

Scenario 2:

Modify the current policy so that it is similar to the policies of neighboring agencies:

- Circumstances are beyond customer control, neither negligent, willful nor neglectful;
- Adjustment policy shall not apply if under water shortage conditions as defined by ordinance or if a local natural disaster has been declared;
- Outdoor irrigation leaks are not eligible for adjustment;
- Usage must be at least 100% higher than normal use based on the same billing period during prior 3 years or available history;
- Adjustment is a bill credit based on a percentage, such as 30% or 50%;
- Credit is for one billing cycle only;
- Hardship agreements or a payment plan may be used to pay the higher bill;
- One leak adjustment every 36 months;
- The leak adjustment is for water only, not wastewater;
- Proof that the leak was repaired required;
- Low flow fixtures are installed on property or on retrofit list;
- If insurance reimbursement is received, customer must notify City so adjustment can be made;
- Leak adjustments are granted by the Finance Director or designee;
- Decisions can be appealed to the City Council; and
- Policy is for residential customers only.

10.3. Fiscal Year 2016/17 1st Quarter Finance Report

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director
Recommendation: Receive and file

Finance Director April Mitts reported on this item.

No public comment was received.

11. ADJOURNMENT

Mayor Galbraith adjourned the meeting at 8:37 p.m.

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk



Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Second reading and proposed adoption of an Ordinance to amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and 17.112.140 Water Efficient Landscaping

CEQA Status: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer
Jennifer Tuell, Water Conservation Coordinator

Approved By: Jennifer Phillips, City Manager

BACKGROUND

City Staff has been working on a rate study to update water and wastewater rates. On September 27, 2016, City Council accepted the draft rate study and authorized Staff to begin the Proposition 218 process. The City mailed the Notice of Public Hearing for Proposed Water and Wastewater Rate increases on October 4, 2016 to begin the Proposition 218 notification for utility rates.

During this process, Staff identified many municipal code changes required to clean-up the code and prepare for adoption of the updated rate study and rates. The primary purpose of these municipal code updates is to ensure consistency within the municipal code, update out-of-date references, align the municipal code with best practices on how utility rates are adopted, administrative clean-up, update titles, elimination of duplications, update flow rates for fixtures, and clarify existing water conservation measures.

DISCUSSION

The introduction and first reading of this Ordinance was heard by the City Council on October 25, 2016. At that time, Council requested the following changes from the presented information:

Item No. 9.2

1. Keep language to state that bills will be delinquent after 30 days for both water and wastewater.
2. Make the grammatical correction, instead of using mobile homes/manufactured homes the code should state mobile homes and manufactured homes.

The Ordinance is being presented to Council a second time for adoption. It will take effect and be in force on January 9, 2016.

Staff has reviewed the following municipal code sections: Chapter 13.04 Water Service System, Chapter 13.12 Water Use Efficiency and Use Guidelines, Chapter 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping. A thorough review of these chapters and sections resulted in several updates and clarifications. A redline version of the municipal code sections is attached, and the major proposed changes are as follows:

- Updated terms and titles throughout the chapters to match current City titles and staffing structure
- Removed specific fees or rates and replaced with authorization for fees and rates to be set by Council resolution. This change will align the municipal code with best practices for fee and rate adoption. If adopted, the fees removed from the municipal code will be updated by the water and wastewater rate study scheduled for November 29, 2016, or the user fee study that is currently underway.
- **13.04 Water Service System**
 - 13.04.010 Definitions
 - Added definitions for residential and non-residential, removed the definition for superintendent.
 - 13.04.020 Applicability—Shutting off water for violations
 - Updated the California Public Utilities Code section reference.
 - 13.04.030 – Application for water service
 - Sections A and D have been combined.
 - Section C requiring special pumping cost deposits for special reservoirs and pumping facilities, has been deleted. These fees will be adopted by resolution if they are part of the approved water rates.
 - 13.04.040 Water Service Connections – Costs
 - Updated Section B to meet current City permit requirements and standards.
 - Eliminated Section C; this work is currently performed by the applicant.
 - Eliminated connection charges outside the city; 13.04.050.H states that the city does not provide new connections outside the city limits.
 - 13.04.060 Meters generally

- Clarified City responsibility and owner/occupant responsibility. The owner is responsible for installing new service laterals, including trenching and backfilling. The City is responsible for providing and connecting the meter assembly.
- Revised Section C to remove the \$2.00 per meter test fee and state that the meter test fee will be established by City Council resolution. This fee is not included in the water rate study and is part of a separate user fee study.
- 13.04.080 Water Rates
 - General updates of this section to have all associated rates adopted by Council resolution
 - Eliminated language for fees associated with special reservoir and pumping facilities (Meadowood), if applicable this will be set by Council resolution.
 - Removed water rates and charges. Water rates and charges will be adopted by Council resolution.
 - Added language to clarify that no water shall be furnished to any consumer free of charge or at a reduced rate.
 - Eliminated language identifying the rate structure, and automatic rate increases, water rates and rate structure will be adopted by Council resolution.
 - Added definition of non-treated (raw) water from Lower Reservoir and applicable uses.
- 13.01.100 Rules and regulations generally
 - Deleted Section A that allowed for temporary, unmetered service. All services, even temporary connections, require metering
- 13.04.130 Enforcement—Discontinuance of service upon delinquency
 - ~~Revised language to state that bills will be delinquent after 21 days; current code states that bills are not delinquent until 30 days. The 30-day delinquency established was never updated when the City changed billing from bi-monthly to monthly. Best practice for utility billing is to utilize a 19-21 day delinquency when providing monthly billing. This Section will remain unchanged.~~
 - Added Section 13.04.150.D.5 regarding the customer's right to appeal and reference to the code section regarding appeals.
 - Added a section allowing for Hardship Agreements to allow a payment plan for customers subject to approval of the Director of Finance. It is current City practice to offer Hardship Agreements to residents and businesses for utility billing. Under the current process the Hardship Agreement creates payment plans for the balance due. All Hardship Agreements are currently submitted in writing and approved at the discretion of the Director of Finance director based on the amount owed and payment history.
- 13.04.140 When water charges become effective—Discontinuance of service at consumer's request

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- Code currently requires that the consumer request discontinuance at least two days prior to requested date of discontinuance. Revised ordinance changes this requirement to two business days and clarifies that water service will be turned off during normal business hours.
- The \$2.50 monthly charge for “Standby” is eliminated, if standby customers are charged a separate fee, it will be established by Council resolution. The draft rate study is proposing that all customers pay the applicable base fee.
- 13.04.150 Water Shortages
 - Change title from Water Shortages to Service Interruptions
- 13.04.160 Duties of superintendent, city clerk and city treasurer
 - Change title from Duties of superintendent, city clerk and city treasurer to Duties to Director of Public Works and Director of Finance.
 - Updated titles.
- 13.04.170 Disposition of moneys—Funds
 - Eliminated reference to Resolution No. 398 – Providing for the Issuance of \$650,000 Principal Amount of City of St. Helena 1958 Water Revenue Bonds. The term of these bonds has expired.
- 13.04.180 Appeals
 - Changed title from superintendent to Director of Public Works and added Director of Finance.
- 13.04.200 Private fire service—Requirements—Rates
 - Fire service rates eliminated from municipal code and will be set by Council resolution.
- 13.04.210 Public fire hydrants—Operation and maintenance—Rates.
 - Eliminated Section D which stated that the City would not charge itself for public hydrants within City limits. This section is redundant as City does not charge a monthly rate for public hydrants within City limits.
 - Eliminated rates for public fire hydrants outside city limits.
- Article 2 Water Shortage Emergencies and Drought
 - Changed title from Water Shortage Emergencies and Drought to Water Shortage Emergencies, Drought and Water Conservation.
- New Section: 13.04.221 Water Conservation
 - Added new section that is now the primary section for water conservation measures. Previously, water conservation measures were in both 13.04 Article 2 and 13.12 Water Use Efficiency and Use Guidelines. All water conservation measures are now in 13.04 Article 2. Revised to more clearly define and separate recommended and mandatory water conservation measures. Many of the state mandated conservation measures are now included as an everyday part of life, and are required all the time regardless of drought or water supply.

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- The following water conservation measures are currently mandatory per existing Chapter 13.12 Water Use Efficiency and will continue as mandatory:
 1. The application of potable water to any driveway or sidewalk is prohibited, unless conditions of public health hazard are documented.
 2. Using a hose that dispenses potable water to wash a motor vehicle is prohibited, unless the hose is fitted with a shut-off nozzle
 3. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the state's water efficient landscape ordinance.
 4. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, nonirrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.
 5. Using potable water in a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.
 6. Withdrawing water from fire hydrants, except for firefighting, firefighting training, and water system maintenance purposes, is prohibited.
 7. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.
 8. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards or the State's Model Water Efficient Landscape Ordinance, whichever is stricter in order to obtain plan approval.
 9. All new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.050. The offset must be clearly demonstrated, to the satisfaction of the director of public works.
- The following water conservation measures are currently mandatory only during a Phase 1 water emergency or State emergency are proposed to become mandatory all the time. These conservation measures are becoming standard practice and widespread throughout the State of California:
 1. The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited.
 2. No person shall use potable water to irrigate ornamental turf on public street medians.
 3. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request.

4. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.
5. The city will provide prompt notice to a customer whenever information is obtained that indicates that a leak may exist within the end-user or customer's exclusive control.

- **13.04.230 Phase I Water Regulations**

- When the state declared a drought in 2015, the City adopted the state mandated drought regulations and continued with the Phase I water emergency, even though the City's water supply was stable. Since that time the state has lifted some of the requirements, but others still remain in effect. Much of the language has been removed from this section and is now placed in 13.04.221 Water Conservation, to become everyday requirements regardless of water supply. Also included general clean-up in this section.
- Section B-3 requiring new development offset its increase in water use is redundant and has been eliminated. The requirement for new development to offset increased water use is specified in Section 13.04.221.
- The limitation on watering to two days per week will remain in Phase I.
- The limitation on use of potable water to irrigate landscaping between the hours of eight (8) a.m. and eight (8) p.m. will remain.
- Fines for water waste remain in Phase I.

- **13.04.290 Noncompliance with mandatory water conservation measures and 13.04.300 Violation hearings**

- Eliminated these two sections because current case law has shown that the City cannot charge a separate rate for excessive water consumption unless that rate is reasonably related to the cost of providing the service.

- **13.12 Water Use Efficiency and Use Guidelines**

- Changed title of this chapter from Water Use Efficiency and Use Guidelines to Water Use Efficiency and New Development, to reflect all water use efficiency guidelines related to new development. Other regulations were moved to 13.04 Article 2, allowing all water conservation measures to be in the same place. Updated flow rates to reference California Building code minimum requirements.

- **13.20 Sewer Service System**

- **13.20.010 Definitions**

- Redefined "Church" as "Religious Place/Community Center"
- Defined "Non-residential"

- Eliminated the definition for “Multifamily dwelling”
- 13.20.020 Sewer Charges
 - Sewer (Wastewater) rates will be adopted by resolution.
 - Eliminate language identifying the rate structure, and state that automatic rate increases, water rates and rate structure will be adopted by Council resolution.
 - ~~Revised language to state that bills will be delinquent after 21 days; current code states that bills are not delinquent until 30 days. The 30-day delinquency established was never updated when the City changed billing from bi-monthly to monthly. Best practice for utility billing is to utilize a 19-21 day delinquency when providing monthly billing. This Section will remain unchanged.~~
 - Added Section 13.04.150.D.5 regarding the customer’s right to appeal and reference to the code section regarding appeals.
- **17.112 General Site Design and Development Standards**
 - 17.112.140 Water efficient landscaping
 - In 2015 the State updated the Model Water Efficient Landscape Ordinance; changes to this section reflect the state mandated changes. This proposed change states that the City will follow the state’s requirements.

The ordinance is being presented to City Council for a second reading and adoption. This coincides with the date of the Public Hearing for City Council adoption of the rate study and updated rates. Typically, an ordinance goes into effect 30 days after the second reading. The timing of the effective date of this ordinance is proposed to be delayed to align with the timing of the implementation of the proposed water and wastewater rates.

Per the Proposition 218 Notice sent to customers “If adopted, the new water and wastewater rates will be effective for the February 2017 billing cycle (inclusive of service provided in January 2017) and thereafter the approved schedule of rate increases will go into effect for each November billing cycle.” If approved, the proposed changes to 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and section 17.112.140 Water Efficient Landscaping will become effective on January 9, 2017, to coincide with the effective date of the new rates, if approved.

FISCAL IMPACT

There will be no fiscal impacts with this ordinance update.

Many of these ordinance changes and updates will allow Council to update rates and fees by resolution, rather than by updating the municipal code. Staff has scheduled the proposed updates to the municipal code to become effective at the same time as the new water and wastewater rates. These municipal code changes remove reference to some

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minor fees that are not included in the rate study update. These fees will be determined by the fee study currently being worked on by City Staff and adopted by Council when the study is complete.

RECOMMENDED ACTION

It is recommended that the City Council waive further reading and adopt by title only an ordinance to amend chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and section 17.112.140 Water Efficient Landscaping.

ATTACHMENTS

1. Ordinance
2. 13.04 Water Service System - Redline
3. 13.12 Water Use Efficiency and Use Guidelines - Redline
4. 13.20 Sewer Service System - Redline
5. 17.112.140 Water Efficient Landscaping – Redline
6. Chapter 13.04, 13.12, 13.20 and Section 17.112.140 Update (no redline)

CITY OF ST. HELENA

ORDINANCE NO. 2016-

**ORDINANCE OF THE CITY OF ST. HELENA AMENDING CHAPTERS
13.04 WATER SERVICE SYSTEM, 13.12 WATER USE EFFICIENCY AND
USE GUIDELINES, 13.20 SEWER SERVICE SYSTEM, AND SECTION
17.112.140 WATER EFFICIENT LANDSCAPING OF THE ST HELENA
MUNICIPAL CODE**

The City Council of the City of St. Helena ordains as follows:

SECTION 1: The City of St. Helena has conducted a water and wastewater (sewer) rate study (Rate Study). As part of the Rate Study the following municipal code sections were evaluated closely: Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping. During this review it was determined that sections of the municipal code were inconsistent, did not align with best practices, included duplications, and needed general updating to current standards.

SECTION 2: The Public Works Department and the Finance Department conducted a thorough review of the chapters and sections listed above resulting in several updates and clarifications. Changes to the municipal code include updated terms and titles throughout the chapters to match current City titles and staffing structure, updated several sections that identified specific fees or rates to now have fees and rates adopted by Council resolution, aligning City practices for fee and rate adoption with best practices.

SECTION 3: Typically, an ordinance is adopted 30 days after the second reading. The timing of this ordinance is proposed to be extended to align with the timing of the proposed adoption of the water and wastewater rates. Per the Proposition 218 Notice sent to customers "If adopted, the new water and wastewater rates will be effective for the February 2017 billing cycle (inclusive of service provided in January 2017) and thereafter the approved schedule of rate increases will go into effect for each November billing cycle."

SECTION 4: A portion of these ordinance changes and updates will allow Council to update rates and fees by resolution, rather than by updating rates and fees by the municipal code. Staff has scheduled the proposed adoptions of the water and wastewater (sewer) rates to be effective at the same time as the updates to the municipal code. There will be a period of time that the City will have unidentified fees associated with water and wastewater (excluding water and wastewater rates), that were previously established in the municipal code, these fees will be determined by the fee study currently being evaluated by the Finance Department and adopted by Council when the study is complete.

Attachment 1

SECTION 5: Sections 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping of the St Helena Municipal Code are hereby amended to read as shown in the attached (deletions indicated by strike-through and additions indicated by underline).

SECTION 6: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7: The City Council hereby finds that the action to adopt this Ordinance to amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping of the St. Helena Municipal Code is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

SECTION 8: It is the intention of the St. Helena City Council that the text of the amended sections of Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping of the St. Helena Municipal Code, which are attached as a separate redline document, be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 9: This ordinance shall take effect January 9, 2017. A summary of this ordinance shall be published once with the names of the members of the Council voting for and against the same in the St. Helena Star, a newspaper of general circulation published in the City of St. Helena.

The foregoing ordinance was introduced at a meeting of the City Council of the City of St. Helena held on October 25, 2016, and adopted at a meeting held on November 29, 2016, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Attachment 1

Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Chapter 13.04
WATER SERVICE SYSTEM

Article 1
General Provisions

Sections:

- 13.04.010 Definitions.
- 13.04.020 Applicability—Shutting off water for violations.
- 13.04.030 Application for water service—Deposit.
- 13.04.040 Water service connections—Costs.
- 13.04.050 Water service connections—Installation generally.
- 13.04.055 Conditions when connection to public water main required.
- 13.04.060 Meters generally.
- 13.04.070 Water main extensions.
- 13.04.080 Water rates.
- 13.04.090 Right of city to contract for water.
- 13.04.100 Rules and regulations generally.
- 13.04.110 Responsibility for payment of charges.
- 13.04.120 Notices.
- 13.04.130 Enforcement—Discontinuance of service upon delinquency.
- 13.04.140 When water charges become effective—Discontinuance of service at consumer's request.
- 13.04.150 Water shortages, Service Interruptions.
- 13.04.160 Duties of superintendent, city clerk and city treasurer, director of public works and director of finance.
- 13.04.170 Disposition of moneys—Funds.
- 13.04.180 Appeals.
- 13.04.190 Pollution of city reservoirs—Wading, swimming and cutting wood.
- 13.04.200 Private fire service—Requirements—Rates.
- 13.04.221 Water Conservation
- 13.04.210 Public fire hydrants—Operation and maintenance—Rates.

Article 2
Water Shortage Emergencies and Drought

Sections:

- 13.04.220 Procedure for establishing water emergency phases.
- 13.04.230 Phase I water regulations.
- 13.04.240 Phase II water regulations.
- 13.04.250 Phase III water regulations.
- 13.04.270 Termination of water emergency phases.
- 13.04.280 Exception permits.
- 13.04.290 Reserved Noncompliance with mandatory water conservation measures.
- 13.04.300 Reserved Violation hearings.
- 13.04.310 Violation—Misdemeanor.

Article 1
General Provisions

13.04.010 Definitions.

For the purposes of this chapter and Chapters [13.08](#) (Cross-Connection Control Program) and [13.12](#) (Water Use Efficiency and Use Guidelines), the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Agricultural purpose” means the breeding, raising, pasturing, and grazing of livestock for the production of food and fiber and the planting, raising, harvesting and producing of viticultural crops, food crops, fiber crops, horticultural crops, and forestry crops.

“Customer” means the person responsible for paying each water service account on the water distribution system, both inside and outside city limits, of the water enterprise owned by the city of St. Helena.

“Department” means the municipal water department of the city.

“Director of public works” means the individual filling the position of director of public works/city engineer for the city, or his or her designee.

“New development” means any of the following construction projects that have not received a certificate of occupancy from the city or county building department prior to May 24, 2011, or that was issued a building permit and did not construct a foundation prior to May 24, 2011:

1. Any freestanding building that contains water-using fixtures;
2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases overall water usage at the water meter.

“New water connection” means a water connection for the benefit of any user or use of water, whether industrial, commercial, residential, institutional, who or which was not currently receiving water from the department at the time a water shortage phase was formally established. All new construction shall be deemed a new water connection, notwithstanding the fact that such new construction may have received all permits and consents required of it by any governmental agency, including the city, and notwithstanding the fact that the applicable fees for water connection may have been prepaid by the applicant.

“Non-residential” means properties in which the primary use is not residential. Hotel and motels are considered non-residential.

“Premises” is a lot or parcel under one ownership, except that portions thereof having well-defined boundaries such as fences or hedges which prevent the common use of the property by all occupants shall be deemed separate premises.

"Residential" means all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than a transient, nature, including but not limited to single-family residences, apartments, mobile homes, manufactured homes, duplexes, townhouses, apartment buildings and condominiums. A dwelling unit shall be defined as any structure containing sleeping, eating, cooking, and sanitation facilities.

"Safe annual yield" of the St. Helena water supply system is that quantity of water which can be reliably delivered on an annual basis through most rainfall years, including a dry year (rainfall at twenty-two (22) inches to twenty-five and nine-tenths (25.9) inches) without undue hardship on water customers through water shortage restrictions. It is recognized that the safe annual yield, as so defined, could place significant hardship on water customers in a critically dry year (rainfall at twenty-one and nine-tenths (21.9) inches or less) or in periods of two or more consecutive dry years. "Undue hardship" is defined to mean Phase II or Phase III restrictions at any time, as these phases are set forth in this amended code. The safe annual yield shall be determined pursuant to the analytical methodology used by the safe yield committee, as identified in its report dated March 17, 2011. The safe annual yield shall be re-determined any time there is a material change in the city's water supply.

~~"Superintendent" means the superintendent of the water department of the city.~~

"Supply/usage balance" is the difference between the safe annual yield and total current usage.

"Total current usage" is average usage as determined by taking total metered potable water supply entering the water system's distribution system over the last five fiscal years, divided by five. The city shall calculate the supply/usage balance as soon after the end of each fiscal year as is practicable, as well as at any time that there is a material change in potable water supply. The balance is positive when the safe annual yield exceeds total current usage. The balance is negative, or in deficit, when the safe annual yield is less than total current usage.

"Water advisory board" is the board as may be constituted in Section 13.04.230(C)(8). (Ord. 12-1 § 2; Ord. 11-7 (part); prior code § 18.1)

13.04.020 Applicability—Shutting off water for violations.

The rules and regulations set forth in this chapter and Chapters 13.08 and 13.12 for the management, control and use of the municipal water department, and penalties for the violation thereof, and rates to be charged for water or services furnished to consumers, are prescribed and established and are applicable to all consumers, whether inside or outside the city limits, in the absence of express limitations hereinafter set forth.

Every person taking water shall be considered as having expressed his or her consent to be bound by the provisions of this chapter, and whenever any one of such rules and regulations is

violated the city may shut off the water to the user with proper notice as set forth in [Section 10010 Division 5, Article 1, Chapter 1](#) of the California Public Utilities Code and the water shall not be turned on again until all unpaid rents and charges are paid and other requirements of this chapter and Chapters [13.08](#) and [13.12](#) are met. (Ord. 02-5 § 18 (part): prior code § 18.2)

13.04.030 Application for water service—Deposit.

A. To Be Signed and in Writing. Every person desiring a water supply from the department shall make written application at the office of the department. Such application shall be signed by the applicant. [The application shall contain the stipulations, terms and provisions applicable to all water accounts as defined by resolution or the code. A printed application form shall be provided by the department, when requested. Water service will be turned on by a city representative during normal working hours, defined as after 8:00 a.m. and prior to 3:30 p.m., Monday through Friday excluding legal holidays. Water service turn-on shall not be made after 3:30 p.m. or prior to 8:00 a.m., Monday through Friday, nor on Saturday, Sunday or legal holidays unless the customer agrees to pay the appropriate fee as set by resolution for such after-hours service.](#)

B. Nonowner's Deposit. Whenever an application is made for the furnishing of water to premises and the applicant is not the owner in fee of such premises, a deposit shall be made with the department at the time such application is made in the amount prescribed by resolution of the city council. Such deposit shall be held by the department as a guarantee for the payment of all water consumed, and payment of all other charges owing from the applicant to the department. Whenever any applicant removes from such premises owing nothing for water by him or her used, or any other charges of the department, or whenever the applicant shall become the owner in fee of such premises, the deposit shall be returned to the applicant making the same. Otherwise, the deposit shall be returned to the applicant less all charges owing by the applicant to the department.

~~C. Special Pumping Cost Deposit. Whenever an application is made for the furnishing of water to premises served with special reservoir and pumping facilities as defined in Section 13.04.080(B) of this code, a deposit, in addition to any other deposits required by this section, shall be made with the department at the time such application is made in the amount of fifteen dollars (\$15.00). Such deposit shall be held by the department as a guarantee for the payment of the special pumping cost charges and payment of all other charges owing from the applicant to the department. Whenever any applicant removes from such premises owing nothing for water by him or her used, or any other charges of the department the deposit shall be returned to the applicant making the same. Otherwise the deposit shall be returned to the applicant less all charges owing by the applicant to the department.~~

~~D. Form for Applications. The application for the furnishing of water to an applicant shall be made in writing and shall be in such form and shall contain such stipulations, terms and~~

~~provisions as may from time to time be fixed and provided by resolution of the city council and printed on an application form provided by the department. (Prior code § 18.3)~~

13.04.040 Water service connections— Costs.

A. Generally. When the premises to which water is to be furnished under the application made in writing has no connection already installed for use on the premises, the applicant shall pay all costs of the installation and service connection. The costs which shall be included as charges for making service installations shall be: All materials costs, including fittings, valves, pipes, meter, meter box and other costs incurred by reason of peculiarities of the installation.

~~B. Cost of Digging and Drilling. Whenever it is required that a trench be dug to install any water service, the digging and filling of the same shall be done by the department at the cost of the applicant.~~ Cost of Installation. The applicant shall be responsible for installation and cost of the water lateral both within the city right of way and on private property. All work within the city right of way shall require a city issued encroachment permit, and the work shall be performed by an appropriately licensed contractor. Installation shall be performed in accordance with all applicable city standards including but not limited to trench backfill and pavement restoration.

~~C. Cost of Replacing Pavement. Whenever the service is installed on a paved street, the applicant shall pay the cost of replacing the pavement. Such costs of digging and refilling trenches and of replacing the pavement to be in addition to all other charges provided for installation of water service.~~

~~D. Superintendent to Fix Charges. The superintendent of the water department~~ Director of Public Works to Fix Charges. The director of public works is empowered to estimate and fix the charges to be made for all service connections, subject to the approval of the city council.

~~E. When Due and Payable. All such sums herein provided for to be paid by the applicant shall be due and actually paid before any of the work is commenced and in no event shall the work of installing any water service be commenced until all sums required to be paid have been actually paid by the applicant. None of such sums so paid, nor any portion thereof, shall be refundable to the applicant.~~

~~F. Schedule of Water Connection Charges. Every person making a connection to the city water system shall, immediately prior to making such connection, pay to the city a connection charge in accordance with the following schedule:~~ as established by city council resolution.
~~In addition to the above costs, there~~

There shall also be one of the following water connection charges:

1. Standard Service Connection (Complete). Minimum charges for standard complete service connections are shown below. A "standard" complete connection is defined as

one where the service pipe is tapped into a water main of eight-inch diameter or less, where open trench excavation can be used and where the distance from the main to the meter is not over forty (40) feet. The service connection is complete in that it includes service pipe, meter box, meter and necessary fittings. Extraordinary costs, as determined by the city engineer, shall be billed and paid by the applicant.

Minimum Connection Charge

Size of Meter	Inside-City	Outside City
3/4 <u>or 5/8</u> inch meter	\$1,000.00	\$1,025.00
1 inch meter	\$1,200.00	\$1,225.00
1 1/2 inch meter	\$1,625.00	1,650.00

2. Standard Service Connection (Partial). A "standard" partial connection applies to those cases where a copper service pipe has been stubbed in during the development of the subdivision and only the setting of the meter box and meter remains to be done by the water department.

Minimum Connection Charge

Size of Meter	Inside-City	Outside City
3/4 <u>or 5/8</u> inch meter	\$150.00	\$200.00
1 inch meter	\$275.00	325.00
1 1/2 inch meter	\$550.00	650.00

(Prior code § 18.4)

13.04.050 Water service connections—Installation generally.

A. When Connection May be Made. The applicant having complied with the requirements of this chapter and Chapters [13.08](#) and [13.12](#) relating to the application for service, and having paid all charges incurred, the property described in the application shall be connected with the water mains and water furnished to the applicant.

B. Extension of Mains. No service shall be installed by the department on any private property, or extended beyond the curb of the street in which the department's mains are installed, except where the city owns or controls water pipe line rights-of-way over private property and has water mains installed therein. The applicant for water service shall, at his or her own expense, extend service lines to the nearest open and accepted public street or place where service will be installed by the department, subject to all other terms and provisions set

forth in this chapter and Chapters 13.08 and 13.12, except that the department may, at its option, allow water service connections to its water mains installed in the rights-of-way above described; provided, that the applicant at his or her own expense extends service lines to the water mains.

C. Multiple Connections Prohibited Generally. No one service connection shall supply water to more than one premises.

D. Exceptions to Multiple Connection Requirements. If under particular circumstances it be determined by the city council that it be impracticable to install one service connection for every premises and advantageous to the department to furnish water to more than one premises through one service connection, then water may be so furnished by the department. After any such installation of water service for more than one premises through one service connection, the city council may, if it determines that by reason of changed circumstances, it has become practicable to install one service connection for each of the premises, then the city council may elect to install a separate service connection and meter for each of such premises at the cost and expense of the owner of the premises, to be paid for by the owner of the premises.

E. Service to More Than One Consumer Through One Connection and Meter. Where there is more than one consumer supplied through one service connection and one meter, the department shall hold the applicant or other person agreed upon responsible for payment of all water furnished through the one service connection or one meter; provided, that where practicable to serve each consumer through a separate service connection, the city council may at its election install a separate service connection and meter for each such consumer at the cost and expense of the property owner or consumer, to be paid for by the property owner or consumer, and thereafter collected at the established meter rates for water supplied through each meter.

F. Extension Along Frontage of Premises Served. In no event shall a water service connection be installed unless a water main of adequate capacity and delivery pressure extends in a public street or public right-of-way across the entire frontage of the premises to be served; provided, however, that if, under particular circumstances, it is determined by the city council that no public purpose would be served to require the water main to extend across the entire frontage, such as, without limitation, those cases involving dead-end streets or cul-de-sacs, the council may determine a lesser distance to which it is necessary to extend the water main across the frontage to serve the public purpose.

G. Prohibitions. No service connection shall be given or made from which any consumer service line shall run lengthwise on any public street, nor shall any service connection be given or made from which two or more consumer service lines shall run lengthwise on any private road.

H. Service Outside City Limits. No water service connection or water main extension shall be made or given to premises located outside the city limits except (1) to provide private fire service in accordance with Section 13.04.200 and (2) to provide reclaimed water in accordance with city policies and procedures. (Ord. 03-5 § 1; prior code § 18.5)

13.04.055 Conditions when connection to public water main required.

A. The owner of any structure located within the city in which plumbing is to be installed shall, at the owner's sole expense, connect the plumbing of such structure directly to the proper public water main in accordance with the provisions of this chapter. The provisions of this section shall not apply to wells installed pursuant to Chapter 13.16.

B. If the closest water main is located more than one thousand (1,000) feet from the property line of a residential lot, the property owner of the residential lot may request an exception to this requirement for existing lots of record.

C. The following procedures shall be followed for the consideration of applications for exceptions to the requirements of this section:

1. Applications for exceptions shall be filed by the property owner with the public works department on forms provided by the public works department. The application shall be accompanied by materials and information outlined on the application requirements list available in the public works department.
2. The application shall be considered by the city council prior to the determination of completeness (pursuant to Section 65943 of the Government Code) of a development application for the property.
3. Applications for exceptions shall be considered during a public hearing.

D. The following criteria shall be considered by the city council in the evaluation of applications for exceptions to the requirements of this section:

1. The proximity of existing public water mains to the subject lot;
2. The ability to provide public water to the site at pressures adequate for domestic and emergency purposes by unmechanically augmented municipal systems;
3. The likelihood of adjoining lot(s) to develop, and the need for the extension of public water facilities to accommodate such development;
4. The potential environmental effects resulting from the installation of public facilities given the physical conditions and improvements present at the site including, but not limited to: slope, soil conditions, tree cover, existing features and structures, etc., which might present constraints to the extension of the public water facilities;
5. The physical conditions and improvements present at the site including, but not limited to: slope, soil conditions, tree cover, existing features and structures, etc. which might present significant ongoing costs for maintenance of the public facilities;
6. The ability to provide public water service to the frontage of adjoining lots(s);

7. The adequacy of the proposed private system to provide adequate water flow rates, pressure, and facilities to address domestic and emergency needs as determined by the director of public works and the fire chief;
8. The adequacy of the proposed private system to satisfy the requirements of the Napa County department of environmental management.

E. The city council may impose conditions or requirements upon the granting of an application for an exception to the requirements of this section. Said conditions or requirements may include, but shall not be limited to, the following:

1. The property owner requesting the exception shall design and install the public water main across the frontage of the subject property including the extension, if any, of the public facilities from their existing closest point. Appropriate dedication of right-of-way shall be made to accommodate said installation. Said design, installation and dedication shall occur prior to the occupancy of the new development and shall not be subject to reimbursement or other credit by the city of St. Helena. An agreement for reimbursement from private development may be executed.
2. A home owners association (HOA) or other entity or binding agreement, acceptable to the city attorney, shall be created and maintained in perpetuity to ensure the long-term maintenance of the common and/or private facilities (wells, water lines, pressure tanks, holding tanks, back flow prevention devices, etc.). The HOA shall maintain a sufficient fund reserve as determined by the director of public works at all times to ensure that maintenance of the private facilities will occur as necessary. Duties and obligations of the HOA shall be stipulated in covenants, codes and restrictions (CC&Rs) which shall govern the private property. The city of St. Helena shall be a party to the CC&Rs, but shall not be responsible for the enforcement of the document.
3. The property owner requesting the exception shall record a notice which shall run with the deed on the property, and all subsequent parcels resulting from a subdivision of the property, advising subsequent property owners of the lack of public facilities and of the potential for failure of the private system(s). The deed notice shall further advise successor property owners that the city of St. Helena has no obligation to provide public facilities to the property even in the event of the failure of the private system(s).
4. The property owner requesting the exception shall execute and record a hold harmless agreement with the deed of the property, and all subsequent parcels resulting from a subdivision of the property. Said agreement shall relieve the city of St. Helena of any and all liability which might arise from the use and/or failure of the private system(s). Said hold harmless agreement shall be in a form acceptable to the city attorney and shall be recorded prior to occupancy of any new development on the subject lot. (Ord. 12-1 § 3)

13.04.060 Meters generally.

A. Location, Size, Etc. A water service meter shall be installed by the department for each service connection. Water service meters shall be installed only in public streets or places. It shall be unlawful for any consumer to obstruct access to water service meters. On every meter

installation the size and exact location of the meter shall be determined by the ~~superintendent~~ subject to approval of the city council director of public works or designee.

B. To Remain City Property—Maintenance. All water meters installed by the department shall remain at all times the property of the city and shall be maintained, repaired and renewed by the department ~~when. The department will be responsible for the cost to replace and/or repair meters that are~~ rendered unserviceable through ordinary wear and tear and damage by the elements; ~~provided, that where replacements, repairs or adjustments for any meter are necessary. The property owner shall be responsible for the cost to replace and/or repair meters that are rendered unserviceable~~ as a result of the negligence of the owner ~~or, occupant of any premises, any expense caused to the department thereby shall be charged against and collected from the owner, agent, contractor or other person working on behalf of the premises owner or occupant.~~ The department shall have sole discretion in determining if a meter requires repair or replacement; and sole discretion in determining if the cause for repair or replacement is ordinary wear and tear or the result of negligence.

C. Tests. Upon the deposit of the sum ~~of two dollars (\$2.00) as established by council resolution~~ with the finance department by any consumer, the ~~superintendent~~ director of public works or designee shall test the meter at the premises of the consumer. The consumer shall be notified ~~in writing by the superintendent~~ director of public works at least twenty-four (24) hours in advance and may be represented at such test. ~~If, upon examination and test, the meter is found to over-register more than two percent, an accurate meter will be substituted for it, the fee of two dollars (\$2.00) will be refunded to the depositor and the water bill adjusted to correct the error discovered. If it be determined that the meter over-registers less than two percent, the fee of two dollars (\$2.00) will be retained by the department.~~ (Prior code § 18.6)

13.04.070 Water main extensions.

A. Application. The provisions of this section shall apply to water main extensions, both within and without the boundaries of the city, except that they shall not apply to any water main extensions within the boundaries of any subdivision.

B. Duties of Applicants—Materials—Payments. Applicants for water main extensions to service premises where such extensions are necessary, which necessity shall be at the sole and absolute discretion of the city council shall be required: (1) to pay to the department the estimated reasonable cost of the necessary facilities before construction is commenced; and (2) to transfer and convey to the city all water mains, pipes and necessary easements therefor. The size, type and quality of the materials and the location of lines shall be specified by the city council in its sole and absolute discretion. All such sums herein provided for to be paid by the applicant for water main extensions shall be due and actually paid before any of the work is commenced and in no event shall the work of installing any water service be commenced until all sums required to be paid have been actually paid by the applicant. Any excess of the amount so paid in by the applicant over the actual cost shall be refunded to the applicant, and in the

event the actual costs thereof exceed the amount actually paid by the applicant, the water service shall not be turned on until the differential is paid to the department.

C. Additional Connections. Additional water service connections to any such extended water mains shall be permitted only at the sole and absolute discretion of the department.

D. Size. All water main extensions shall be of size and shall be connected to the city water system at a point where there is an adequate water supply under proper pressure as determined by the city council.

E. Special Extension Prorate Charge—Determination, Etc. In addition to the usual costs of a water service connection as provided in Section 13.04.040, a special extension prorate charge shall be required and collected from applicants for water service in those instances where the present or past owners of the premises to be served have not participated in the cost of installing the main fronting their premises and which main was installed within a period of twenty (20) years prior to the date of granting the application for the water service connection but after the effective date of this section, September 12, 1961. The charge shall be determined by multiplying the footage of the premises lying along and which may be served directly from the main extension by one-half of the lineal per foot cost of the main extension, but not to exceed the costs of a six-inch main if installed by the department. The charge shall not be applied more than once to any premises. The charge shall be estimated and fixed by the ~~superintendent~~director of the water department public works, subject to the approval of the council and shall be payable prior to the installation of water service. Except in unusual circumstances, as determined by the city council, premises already served by the department at the date of installation of the main extension will be exempt from the payment of the special extension prorate charge.

F. Special Extension Prorate Charge—When Effective. The special extension prorate charge shall be in effect for a period of twenty (20) years from:

1. The date of execution of the main-extension agreement, if the main extension is financed by property owners; or
2. The date of official completion of the main extension, if financed by the city.

G. Special Extension Prorate Charge—Rights of Applicant Financing Main Extension. The applicant who has financed the main extension shall be entitled to the special extension prorate charges collected by the department as a part of the service connection costs. The amounts collected shall be refunded to the applicant in accordance with the terms of the main-extension agreement between the city and the applicant. The refunds shall be made within ninety (90) days following the date of collection thereof by the city. No refunds of the extension prorate charges shall be made after twenty (20) years from the date of execution of the main-extension agreement.

H. Subdivision Off-Tract Facilities. If the city council determines that there is not a sufficient off-tract water main from a point where there is an adequate water supply under proper

pressure to a point of connecting to in-tract subdivision water mains, the city shall have no obligation to make a connection or extension unless and until the applicant shall finance and make a special agreement with the city for the construction and installation of required off-tract water mains. It is found and determined that at the time no uniform rule can be laid down with respect to the sharing of the cost of such off-tract water main, but that each case must be evaluated on its own merits. Such special agreement need not provide for refunds according to subsection G of this section but may provide for refund or reimbursement to the applicant in such manner as the council determines to be in the best interests of the city. If such an off-tract water main shall be constructed, it shall be a limited purpose through line not designed or intended to serve the properties through which it passes and the city shall not be deemed to have "assumed to serve" any such area through which it passes unless and until the city council shall expressly so declare by later motion or resolution. (Prior code § 18.7)

13.04.080 Water rates.

A. ~~Charges Imposed. Owners of property shall pay the city a charge for water service on a monthly basis, as set forth in the schedule below (see Table 1). Water charges shall be used for the purpose of providing funds: (1) for the payment at or before maturity of the principal of and interest on all water revenue bonds heretofore or hereafter issued by the city for the purpose of the acquisition, construction, improvement or financing assessed upon all premises connected with the water system, the cost of improving the water system or for the purpose of acquiring, constructing or improving extensions, additions or betterments to the water system; and (2) for payment of the cost of maintenance and operation of the water system, including administrative costs, the water rates and charges hereinafter are set forth for water furnished or available to such premises by the water system.~~

B. ~~Premises served with special reservoir and pumping facilities means those premises requiring reservoir and pumping facilities to furnish water service thereto, which facilities are not for the general benefit of the city's entire water system but are for the special benefit of the premises served. Premises in the Meadowood service area shall be subject to additional water surcharges, as specified in Table 2. Premises subject to the Meadowood water surcharges are those premises served with special reservoir and pumping facilities, which facilities are not for the general benefit of the city's entire water system but are for the special benefit of the premises served.~~

C. ~~All property provided water service by the city's water system shall pay for service on a monthly basis. No water and no services or facilities of the water system shall be furnished to any consumer or to any person free of charge or in amounts less than those established by resolution of the City Council. The city shall pay for all water furnished or made available by the water system for municipal purposespurpose of the city. NoCustomers shall pay for water and no services or facilities of service on a monthly basis. In the event a customer is undercharged for water systemservice, the city shall be furnished backbill the customer -to any consumer orrecover the amounts due to any person free of charge the city.~~

D.—In any case in which the water meter is inoperative for a particular month, the person being served by such meter shall pay for the water received for that month an amount equal to the amount paid by such person for the same month of the immediately preceding year.

E.—Effective Dates for Rate Adjustment. Rates shall be effective for the billing cycle that begins after July 1, 2011.

F.—Automatic Adjustment of Water Rates. Beginning on or after January 1st of each respective year (beginning in 2013), water rates shall be increased by the higher amount of (1) the percentage increase of the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco Oakland San Jose area (Series CUURA422SAO) for the twelve (12) month period from August of the year prior to the increase to August of the year of the increase or (2) the increase (if any) to the rate charged by the city of Napa for purchased water (outside customer rates). Annual adjustments would occur each January from 2013 through 2016; provided, however, in no event shall such rates increase by more than the cost of providing water service.

Table 1
City of St. Helena Water Rates and Charges

	Current to 12/31/2014	CPI Increase= 2.6% (4)	January 2015
Monthly Fixed Service Charges	-	-	-
5/8" meter	\$ 26.14	\$ 0.68	\$ 26.82
1" meter	\$ 60.60	\$ 1.58	\$ 62.18
1 1/2" meter	\$ 117.90	\$ 3.07	\$ 120.97
2" meter	\$ 186.67	\$ 4.85	\$ 191.52
3" meter	\$ 347.22	\$ 9.03	\$ 356.25
4" meter	\$ 576.64	\$ 14.99	\$ 591.63
6" meter	\$ 1,149.62	\$ 29.89	\$ 1,179.51
8" meter	\$ 1,838.66	\$ 47.81	\$ 1,886.47
Residential Water Usage Rates (\$/HCF) (1)	-	-	-
Tier 1	\$ 4.26	\$ 0.11	\$ 4.37
Tier 2	\$ 6.40	\$ 0.17	\$ 6.57
Nonresidential Water Usage Rates (\$/HCF) (2)	-	-	-
Tier 1	\$ 4.26	\$ 0.11	\$ 4.37

Table 1
City of St. Helena Water Rates and Charges

	Current to 12/31/2014	CPI Increase= 2.6% (4)	January 2015
Tier 2	\$ 6.40	\$ 0.17	\$ 6.57
Landscape Irrigation Rate (\$/HCF) (3)	-	-	-
All Usage	\$ 4.96	\$ 0.13	\$ 5.09

Notes:

(1) Monthly residential tier allocations are as follows:

Single-family: Tier 1 = 0 – 14 HCF, Tier 2 = 15+ HCF

Multifamily: Tier 1 = 0 – 5 HCF, Tier 2 = 6+ HCF

(2) Monthly nonresidential tier allocations are as follows:

5/8" and 1" meters: Tier 1 = 0 – 36 HCF, Tier 2 = 37+ HCF

1 1/2" meters: Tier 1 = 0 – 120 HCF, Tier 2 = 121+ HCF

2" meters: Tier 1 = 0 – 192 HCF, Tier 2 = 193+ HCF

3" meters: Tier 1 = 0 – 360 HCF, Tier 2 = 361+ HCF

4" meters: Tier 1 = 0 – 600 HCF, Tier 2 = 601+ HCF

6" meters: Tier 1 = 0 – 1,250 HCF, Tier 2 = 1,251+ HCF

8" meters: Tier 1 = 0 – 1,920 HCF, Tier 2 = 1,921+ HCF

(3) Rate applies to customers meeting the following criteria:

—Service must be for landscape irrigation of public space (e.g., park, school, or residential common area).

—Customer must implement water conservation best management practices, as determined by the city.

—Customer must accept more stringent water use cutbacks during periods of water shortage, as determined by the city.

(4) Water rate increase is based on the percentage increase of the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco-Oakland-San Jose area (Series CUURA422SAO) for a twelve (12) month period from August of the year prior to the increase to August of the year of the increase. *Based on the period outlined, the current average CPI is 2.6%.

Table 2
City of St. Helena Meadowood Water Surcharges

-	-	July 2011
Monthly Meadowood Pumping Surcharges	-	-
Total Water Consumption in HCF used by all accounts served by same special reservoirs and pumping stations	-	-
0—150	\$	1.635
151—200	\$	1.310
201—250	\$	1.127
251—300	\$	0.967
301—350	\$	0.797
351—400	\$	0.725
401—450	\$	0.666
451—500	\$	0.584
501—550	\$	0.504
551—600	\$	0.452
1,201—1,250	\$	0.446
1,251—1,500	\$	0.430
1,501—1,750	\$	0.421
1,751—2,000	\$	0.391
2,001—2,250	\$	0.365
2,251—2,500	\$	0.349
2,501—2,750	\$	0.332
2,751—3,000	\$	0.323
3,001—3,250	\$	0.308
3,251—3,500	\$	0.299
3,501—3,750	\$	0.291
3,751 and above	\$	0.276
Monthly Meadowood Maintenance Surcharge		
Per Residential Unit	\$	25.19
Meadowood Complex (99 units + clubhouse)	\$	2,518.56

~~Beginning on or after January 1st of each respective year (beginning in 2013), Meadowood water surcharges shall be increased by the percentage increase of the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco Oakland San Jose area (Series CUURA422SAO) for the twelve (12) month period from August of the year prior to the increase. Annual adjustments would occur each January from 2013 through 2016; provided, however, in no event shall such rates increase by more than the cost of providing water service. Rates for future years shall be effective for the billing cycle that begins on or after January 1st of each respective year~~

BD. Non-treated (Raw) Water from Lower Reservoir. City in its discretion may provide non-treated (raw) water from its Lower Reservoir to be used for grading, dust control, street, pipeline, or similar construction activities, as well as for irrigation. Non-treated (raw) water shall only be used within the St. Helena city limits, except for users of non-treated (raw) water pursuant to agreements with the City entered into prior to November 2016. A permit fee as established by council resolution is required for all persons utilizing non-treated water (raw), unless otherwise stated under a separate water agreement. All persons utilizing non-treated water through the permit process are also required to pay the use fee as identified by council resolution.

~~(Ord. 11-4 § 2; Ord. 08-1 § 1; Ord. 05-5 § 1; Ord. 04-9 § 1; Ord. 04-1 § 1; Ord. 01-1 § 1; prior code § 18.8)~~

13.04.090 Right of city to contract for water.

Under special circumstances, the city council reserves the right and power to contract separately with any person for the sale and delivery of water within or outside the corporate limits of the city at wholesale rates to be fixed and agreed upon by resolution of the council.
(Prior code § 18.9)

13.04.100 Rules and regulations generally.

~~A. Unmetered Service. At its option, the department may furnish unmetered water service to applicants for temporary purposes at rates set forth in a schedule of rates established by resolution of the city council. Applicants for such unmetered service shall pay in advance for all costs of connecting such service and shall deposit an amount equal to the estimated maximum bills for the service to be rendered as determined by the superintendent.~~

~~B~~

A. Right of Access. Duly authorized representatives of the department shall have the right of access at all reasonable hours to any premises where water from the department's water system is used for the purpose of inspection and examination.

CB. Persons Authorized to Make Connections. No person other than the duly authorized representatives of the department shall connect the consumer's service to or disconnect the same from the water mains of the department.

DC. Shutoff Valves. Every water consumer shall install and maintain at his or her own expense a shutoff valve inside the property line at a location accessible in event of emergency.

ED. Permission to Supply Additional Premises. No person, whose premises are supplied with water shall furnish water to other premises, unless he or she shall first make application in writing to the department and secure approval in writing.

FE. Agricultural Use. Water purchased from the department pursuant to the provisions of this chapter and Chapters 13.08 and 13.12 may not be used for any agricultural purpose except in one of the following conditions:

1. The products or results of such agricultural purpose are consumed or enjoyed solely by or on the premises of the water customer;
2. The water used for an agricultural purpose is recycled from some nonagricultural use by the water customer;
3. The city council has expressly granted permission to the water customer to use water for the agricultural purpose;
4. Water serving the premises has been used for an agricultural purpose during the six months preceding August 9, 1994, in which case only that particular agricultural use may continue and may not be expanded; or
5. Parcels are less than one-half acre in size.

GF. Bills for Charges. All bills for water charges will be rendered by the city monthly. All bills shall become due and payable upon presentation and shall be paid at the office of the [finance](#) department.

HG. Supplemental Rules. The city council may, by resolution, provide such supplementary rules and regulations as it deems necessary or advisable to accomplish the interest and purposes of this chapter and Chapters 13.08 and 13.12.

IH. Previous Agreements. None of the provisions of this chapter and Chapters 13.08 and 13.12 shall apply to or in any manner affect any agreement for furnishing water, for extension of water mains or installation or maintenance of water service made before June 10, 1952, and to which the city is a party, but as to such agreements, the provisions and requirements of ordinances and resolutions in force at date of such agreement shall apply and any and all such agreements so made are ratified and confirmed. (Amended by city 4/17/13; Ord. 02-5 § 18 (part): prior code § 18.10)

13.04.110 Responsibility for payment of charges.

All water charges shall be billed to the person making application for water service per Section 13.04.030 of this chapter, unless requested by the owner to be billed differently.

~~All~~Where allowed by law, all water charges shall be the responsibility of the owner of the

premises upon which the charges fixed are levied and assessed or his or her successor in interest. (Prior code § 18.11)

13.04.120 Notices.

A. Notices from the city to any consumer will be given in writing, either delivered to the consumer or mailed or emailed to his or her last known address or contact, except that where conditions warrant or in any emergency the city may give verbal notice by telephone or in person.

B. Notices from a consumer to the city may be given by the consumer or his or her authorized representative verbally or in writing at the office of the finance department ~~or~~ to the city clerk, or ~~may be sent by mail~~ to the ~~superintendent's~~ director of public works office. (Prior code § 18.12)

13.04.130 Enforcement—Discontinuance of service upon delinquency.

A. Discontinuance of Service to Abate Dangerous Conditions, Waste, etc. The city may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is found by the ~~superintendent~~ director of public works or designee to be dangerous or unsafe or where the use of water on such premises is found by the ~~superintendent~~ director of public works or designee to be detrimental or injurious to the water service furnished by the city to other consumers, or where the ~~superintendent~~ director of public works or designee finds that negligent or wasteful use of water exists on any premises which affects the city's water service. The city shall have the right to refuse or discontinue water service to any premises if necessary to protect itself against fraud or abuse.

B. Enforcement by ~~Superintendent. The superintendent~~ Director of Public Works. The director of public works is charged with the enforcement of all the provisions of this chapter and Chapters 13.08 and 13.12.

C. Discontinuance for Certain Violations. In the event of violation, other than nonpayment of water service charges, of any terms of this chapter and Chapters 13.08 and 13.12, the ~~superintendent~~ director of public works may disconnect any premises from the water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which, upon the failure of such person to prevent or rectify the violation, the ~~superintendent~~ director of public works will exercise his or her authority to disconnect the premises from the water system; provided, that such time shall not be less than five days after the deposit of such notice in the United States Post Office at St. Helena, Napa County, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the ~~superintendent~~ director of public works may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the

reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

D. Failure to Pay Bill. Bills are due and payable upon presentation and delinquent after thirty (30) days. Upon failure of any consumer billed or the owner of any premises to pay any water service charge prior to the delinquency, the following action or actions shall be taken by the city to enforce such payment after such bill becomes delinquent:

1. Impose a penalty for delinquency of ten percent (10%) of the amount then delinquent;
 2. Assess interest in the amount of one percent per month or fraction thereof on the amount delinquent from the date on which the bill remittance first became delinquent until paid;
 3. Disconnect the premises from the water system for nonpayment of water bills with proper notice as set forth in Division 5, Chapter 1, [Article 1](#) of the California Public Utilities Code;
 4. Cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the cost of such action including reasonable attorney fees incurred in an amount fixed by the court.
- [E5. Any person wishing to appeal penalties and interest imposed in this section shall adhere to provisions in accordance with Section 13.04.180 Appeals.](#)

[E. Hardship Agreements. City finance department may in its discretion offer hardship agreements which create payment plans for delinquent bills. All requests for hardship agreements and payment plans must be submitted in writing. Hardship agreements are approved at the discretion of the finance director based on amount owed and payment history.](#)

[F. Reconnection Fee. Whenever any premises have been disconnected from the water system for any violation of this chapter or Chapters 13.08 and 13.12, such premises shall not be reconnected to the water system until all delinquent \[fees\]\(#\), charges, penalties and interest have been paid, together with a reconnection charge as may be set by resolution of the city council.](#)

[FG. Lien for Delinquencies. In addition and as an alternative to any other remedy for enforcement and collection, all delinquent water service charges, including late charges and interest for nonresidential properties, shall become a lien upon the nonresidential real property upon which water is furnished prior to all other liens, encumbrances or exemptions, other than state and county taxes, and shall have the force and effect of a tax lien. The lien shall continue until it is paid together with the penalties and interest set forth in this section. The lien shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All acts applicable to levy, collection and enforcement of municipal taxes apply to this lien. \(Ord. 02-5 § 18 \(part\); prior code § 18.13\)](#)

13.04.140 When water charges become effective—Discontinuance of service at consumer's request.

A. Water charges shall become effective against all premises immediately upon connection to the water system.

B. Any consumer may have his or her water service discontinued by giving notice requesting discontinuance at least two (2) business days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in such notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two (2) business days after the city has knowledge that the consumer has vacated the premises or otherwise discontinued water service. The city shall ~~make~~set a charge ~~of one dollar (\$1.00)~~per council resolution for restoring water service to any consumer whose water service has been discontinued at his or her request. Water service will be turned off by a city representative during normal working hours, defined as after 8:00 a.m. and prior to 3:30 p.m., Monday through Friday excluding legal holidays. Water service turn-off shall not be made after 3:30 p.m. or prior to 8:00 a.m., Monday through Friday, nor on Saturday, Sunday or legal holidays unless the customer agrees to pay the appropriate fee as set by resolution for such after-hours service.

C. If the discontinuance of a water service under subsection B of this section continues more than thirty (30) days, the consumer may request that the water service be placed on a standby basis. While on a standby basis, the water service rates ~~during each bimonthly billing period for which no water is utilized shall be two dollars fifty cents (\$2.50) per month inside the city limits and six dollars seventy five cents (\$6.75) per month outside the city limits established by council resolution will apply. In order to reestablish water service, the customer will be responsible for the fee associated with restoring water service and must pay any delinquent charges for which the customer is legally liable before service will be reconnected.~~ (Prior code § 18.14)

13.04.150 ~~Water shortages~~Service Interruptions.

A. Temporary Suspension of Service. The city will exercise reasonable diligence to provide continuous and adequate water service to consumers and to avoid any shortage or interruption of delivery of water, but cannot guarantee complete freedom from interruption. The city shall have the right to suspend water service temporarily to make necessary repairs or improvements to the water system. In each case of temporary suspension of service, the city will notify the consumers affected as soon as circumstances permit and will prosecute the work of repair or improvement with due diligence and with the least possible inconvenience to consumers.

B. Apportionment Among Consumers. During any period of threatened or actual water shortage the city shall have the right to apportion its available water supply among consumers in such manner as appears most suitable under the circumstances then prevailing and with due regard to public health and safety.

C. City's Responsibility. The city shall not be liable for interruption, shortage or insufficiency of water supply or water pressure or any loss or damage occasioned thereby. (Prior code § 18.15)

13.04.160 Duties of ~~superintendent, city clerk and city treasurer~~ director of public works and director of finance.

It shall be the duty of the ~~superintendent~~ director of public works to supervise all connections to the water system, to fix all connection charges and to enforce all provisions of this chapter. It shall be the duty of the ~~city clerk~~ director of finance to collect all water bills and charges and all connection and other fees herein provided for, and to deposit the same with the ~~city treasurer~~. ~~The city clerk and the city treasurer~~ appropriate account. The director of finance shall keep an accurate accounting and records showing the source, amount and disposition of all monies received by them hereunder. The city will carry fidelity insurance with respect to all city officers and employees who respectively receive, collect or have in their care or custody any moneys referred to in this section, such insurance to be in an amount at least equal in the aggregate to the maximum amount of such moneys at any one time in the care or custody of all such officers or employees. (Prior code § 18.16)

13.04.170 Disposition of moneys—Funds.

All moneys received by the city under this chapter, excepting only all connection charges and portions of water bills refundable to consumers in respect of water main extensions pursuant to Section 13.04.070, shall be deposited by the ~~city treasurer on or before the fifth business day of~~ director of finance in a timely manner each month in the manner and for the purposes provided and with the fiscal agent designated ~~in or pursuant to that certain resolution and/or adopted by the city council on July 22, 1958, entitled:~~ as best practices.

RESOLUTION NO. 398

~~Providing for the Issuance of \$650,000 Principal Amount of "City Of St. Helena 1958 Water Revenue Bonds"; Prescribing The Terms, Conditions, Date And Form Of Said Bonds And Of The Coupons To Be Attached Thereto; Fixing The Maximum Rate Of Interest On Said Bonds And Prescribing The Maturities Thereof; Authorizing The Execution Of Said Bonds And Coupons; Providing For The Security Of Said Bonds; And Appointing A Fiscal Agent Therefore.~~

All connection charges collected by the city under this chapter and Chapters 13.08 and 13.12 shall be deposited in a separate fund account entitled "water connection fund", which is created and shall be applied in the manner and for the purposes provided for in this chapter and Chapters 13.08 and 13.12.

All portions of water bills refundable to consumers in respect of water main extensions pursuant to Section 13.04.070 shall be deposited in a separate fund account entitled "water main extension refund fund," which is created and shall be applied in the manner and for the purposes provided for in Section 13.04.070.

(Prior code § 18.17)

13.04.180 Appeals.

A. Procedure Generally. Any person who shall have a right to appeal as provided in any section of this chapter or Chapters 13.08 and 13.12 or who shall be dissatisfied with any determination hereafter made by the ~~superintendent~~director of public works or director of finance may, at any time within thirty (30) days after such determination, appeal to the city council by giving written notice to the ~~superintendent~~director of public works and to the city clerk, setting forth the determination with which such person is dissatisfied. The city council may, at any time, upon its own motion, appeal from any determination made by the ~~superintendent~~director of public works hereunder. In the event of any such appeal, the ~~superintendent~~director of public works shall transmit to the city council a report upon the matter appealed. The city council shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing to all persons affected by such appeal, of the time and place fixed by the city council for hearing such appeal. The city council shall direct the city clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the city council.

B. Refunds. Pending decisions upon any appeal relative to the amount of any charge under this chapter or Chapters 13.08 and 13.12, the person making such appeal shall pay such charge. After the appeal is heard, the city council shall order refunded to the person making such appeal such amount, if any, as the city council shall determine should be refunded. (Prior code § 18.18)

13.04.190 Pollution of city reservoirs—Wading, swimming and cutting wood.

No person shall wade or bathe in or otherwise pollute the waters of the reservoirs supplying drinking water to the inhabitants of the city or the watercourses supplying such reservoirs. No person shall cut wood or shrubbery on the property on which such reservoirs are situated and which property is now or hereafter owned and used by the city for the purpose of its municipal water supply. No person shall fish in the reservoirs or picnic on such property, without a permit to do so, issued and conditioned as prescribed by the city manager or his or her designee. (Prior code § 18.19)

13.04.200 Private fire service—Requirements—Rates.

The department may install a private fire service; provided that the applicant complies with the general requirements governing water services set forth in this chapter or Chapters 13.08 and 13.12, together with the following special requirements:

A. The applicant shall enter into a private fire service agreement with the department, the terms of which shall be satisfactory to the department.

B. The services shall be satisfactory to the head of the public agency responsible for fire protection on the premises involved and to the Pacific Fire Rating Bureau. Each private fire service shall have installed therein a detector check valve of pattern and design approved by

the superintendent, director of public works. A “detector check valve” is defined as a spring-loaded or weight-loaded swing check valve equipped with a metered bypass.

C. The private fire service shall be used only for fighting fires and testing the fire protection system. The charge for the service shall be on a flat basis as provided below set by council resolution. The charge shall include the cost of water used to fight fires and for authorized testing of the fire protection system. Any other use of water from the private fire service shall constitute a breach of the private fire service agreement.

D. ~~The rates for inside the city limits shall be as follows:~~

4-inch line and smaller	\$ 4.00 per month
6-inch line	6.00 per month
8-inch line	8.00 per month
10-inch line	10.00 per month
12-inch line	12.00 per month

E. ~~The rates for outside the city limits shall be as follows:~~

4-inch line and smaller	\$ 8.00 per month
6-inch line	12.00 per month
8-inch line	16.00 per month
10-inch line	20.00 per month
12-inch line	24.00 per month

~~(Prior code § 18.21)~~

13.04.210 Public fire hydrants—Operation and maintenance—Rates.

The department shall install, relocate or remove a public fire hydrant when the following requirements are met:

A. A written request has been submitted to the department by the public agency responsible for fire protection setting forth the location and type of hydrant.

B. The estimated charges for the installation, relocation or removal as determined by the superintendent, director of public works have been paid by such public agency or by a duly authorized private person.

C. Public fire hydrants shall belong to the city and be maintained by the water department. Public fire hydrants shall be operated only by authorized firefighting personnel, department personnel and such other persons as are granted specific permission to do so by the superintendent, director of public works. Public fire hydrants shall be used only for fire

Attachment 2

suppression, testing of the fire protection system, fire drills and flushing and cleaning of mains, except where specific permission to use the hydrants for other purposes has been granted by the ~~superintendent~~director of public works.

~~D. No monthly rate for such public hydrants within the city limits shall be charged to the city in addition to the flat monthly charge provided for in Section 13.04.080.~~

~~E. In territory outside the city limits there shall be a charge for water service to public fire hydrants to be paid by the public agency responsible for fire protection in the area on the following basis:~~

Hydrants:	\$3.50 per month.					
	3 1/2-	2 1/2-	2 1/2-	2 1/2-	2 1/2-	1 1/2-
Wharf	4-Inch	Inch	3-Inch	Inch	2-Inch	Inch
Valves:	Riser	Riser	Riser	Riser	Riser	Riser
2 1/2-	\$3.00	\$2.50	\$2.00	\$1.50	\$1.00	\$0.50
inch						
outlet:						
2-inch	2.50	2.00	1.50	1.00	0.50	0.50
outlet:						
1 1/2-	2.00	1.50	1.00	0.50	0.50	0.50
inch						
outlet:						
(Prior code § 18.22)						

Article 2

Water Shortage Emergencies ~~and~~, Drought and Water Conservation**13.04.220 Procedure for establishing water emergency phases.**

At any time that the city council finds and determines that a water shortage emergency condition exists within the criteria of Sections 13.04.230 through 13.04.250, and that it is necessary to limit usage by the customers of the municipal water department, the city council shall adopt a resolution setting forth the applicable phase. As soon as is practicable after adoption of such resolution, the city clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the city, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further declare that violations of such limitations are punishable in accordance with the provisions of Sections ~~13.04.230 13.04.290 and~~ 13.04.310. The establishment of a particular phase shall be completed and effective ~~at midnight of as described in the~~ day on which resolution adopting the newspaper containing such notice is distributed water shortage phase.

Whenever the cumulative rainfall for the current water year (beginning November 1st) is less than the median amount for the same time period, the director of public works or designee shall report at least monthly to the city council and recommend whether the city should enter into a water shortage phase, and if so, which phase is recommended.

At any time the state of California may require the city to conform with emergency drought regulations. Notwithstanding any other provisions of this article, the city council may, at the recommendation of the director of public works, activate a water shortage phase as a means of compliance with emergency drought regulations adopted by the state. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.23)

13.04.221 Water Conservation

St. Helena has limited water resources and has adopted both required and encouraged conservations measures. All customers shall comply with all mandatory water use efficiency requirements within this chapter for water conservation. Any customer who fails to comply with the mandatory water conservation measures shall immediately stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions as directed by the City to bring about full compliance.

A. All persons are encouraged to use the following water use efficiency guidelines to minimize water waste:

1. Establish procedures in the home and business to recycle water;

2. Install water-saving devices in existing facilities including low flow showerheads, faucet aerators, ULF (ultra low flush) toilets, and WaterSense certified (or successor certification) appliances;
3. Refrain from additional irrigation and unnecessary use of water, such as car washing, when the temperature exceeds ninety (90) degrees Fahrenheit
4. Limit the expansion or installation of new water-using appliances, plumbing or improvements, such as lawns, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units. In the event that a new water-using appliance is necessary, installation of water efficient devices are encouraged; and
5. All schools, social and professional groups, churches, etc., should discuss water conservation as a regular agenda item and forward worthwhile suggestions to the department for consideration and implementation.
6. Limit irrigation of potable water to landscaping between the hours of eight (8) a.m. and eight (8) p.m.
7. All sites with irrigated landscapes or gardens are encouraged to establish the following irrigation practices:
 - A. Turn off irrigation systems during the off-peak season (November-April) as defined in Section 13.04.080
 - B. Reduce the amount of time for all outdoor irrigation. (Ord. 15-5 § 1 (part); Ord. 14-11 § 3 (Exh. A); Ord. 14-9 § 5 (Exh. A); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.23.1)

B. Mandatory Conservation Measures: The following water conservation prohibitions and limitations are required by all persons.

1. The application of potable water to any driveway or sidewalk is prohibited, unless the person proposing such application of potable water documents to the director of public work's satisfaction that application is necessary to abate a condition constituting a public health hazard.
2. Using a hose that dispenses potable water to wash a motor vehicle is prohibited, unless the hose is fitted with a shut-off nozzle
3. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the state's water efficient landscape ordinance.
4. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, nonirrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.

5. Using potable water in a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.
6. Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes, is prohibited.
7. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.
8. The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited.
9. No person shall use potable water to irrigate ornamental turf on public street medians.
10. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request.
11. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.
12. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards or the State's Model Water Efficient Landscape Ordinance, which ever is stricter in order to obtain plan approval.
13. Any new water connection for new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.050. The offset must be clearly demonstrated, to the satisfaction of the director of public works.

Prior code 13.12.030

13.04.230 Phase I water regulations.

- A. The criteria for establishing Phase I shall be any or all of the following:
 1. The supply/usage balance, as calculated at the beginning of the fiscal year, is in deficit;
 2. The volume of water to be delivered by the city of Napa in any fiscal year will not exceed four hundred (400) AF;

3. The volume of water anticipated to be available prior to the next November 1st, as determined by the director of public works, is not sufficient to meet projected demand through November 1st without demand reduction measures being implemented; or
4. Conditions requiring the establishment of a Phase II water emergency, as determined by the director of public works, appear to be imminent.

B. During the Phase I water emergency, the following mandatory conservation measures by customers of the department shall be enforced by the department and publicized by the city:

1. ~~1.~~ All customers must be in compliance with all water ~~use efficiency conservation~~ requirements of Chapter ~~13.12-04.221, paragraph B~~ (Water ~~Use Efficiency and Use Guidelines~~). If a customer is found to be out of compliance with any part of Chapter ~~13.12-04.221 or~~ provisions of these water shortage emergency requirements, the customer must immediately ~~install~~ stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions to bring about full compliance.
2. ~~2.~~ All customers are prohibited from expanding or installing ~~new water-using appliances, plumbing or improvements, such as lawns, gardens, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units where the installation may result in an or~~ appliances that will increase in the overall water use of the property. Replacement of existing appliances, landscaping, plumbing, or improvements shall be allowed only if the change can be documented to the satisfaction of the director of public works to result in more efficient water using fixtures or systems.
3. ~~3.~~
 - ~~Any new water connection for new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.050. The offset must be clearly demonstrated, to the satisfaction of the director of public works.~~
 - ~~4. The application of potable water to any driveway or sidewalk is prohibited, unless conditions of public health hazard are documented.~~
 - ~~5. Using a hose that dispenses potable water to wash a motor vehicle is prohibited, unless the hose is fitted with a shut-off nozzle.~~
 - ~~6. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the water efficient landscape ordinance.~~
3. ~~7.~~ Customers shall cease the operation of air-cooling outdoor misting systems using treated water supplied by the city, unless on a timer.
- ~~8. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, nonirrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.~~
- ~~9. Using potable water in a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.~~
- ~~10. Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes, is prohibited.~~

- ~~11. Use of water for cleaning streets during or following construction activities; flushing storm drains; and flow testing for fire sprinkler design is prohibited, except as approved by city director of public works.~~
- ~~12. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.~~
- ~~13. The application of potable water to outdoor landscapes during and up to forty eight (48) hours after measurable rainfall is prohibited.~~
4. ~~14.~~ Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than two days a week. The director of public works shall specify the two days per week in accordance with the needs of any geographical area within the city.
5. ~~15.~~ No person shall use potable water to irrigate landscaping between the hours of eight a.m. and eight p.m.
- ~~16. No person shall use potable water to irrigate ornamental turf on public street medians.~~
- ~~17. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request.~~
- ~~18. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.~~
6. ~~19.~~ Irrigation with potable water of landscapes outside of newly constructed homes and buildings shall be in a manner consistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. If irrigation systems are installed as a part of new development, they shall be drip or microspray irrigation systems or a system determined by the director of public works or designee to be more efficient.
7. ~~20.~~ Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption.
8. All new or replacement industrial and commercial clothes washers shall be high efficiency as defined by the U.S. Environmental Protection Agency. All new or expanded car washing facilities shall include water-saving methods. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.42)
9. In accordance with Section 864 of Title 23 of the California Code of Regulations or any successor regulation, the taking of any action prohibited in this subsection B, in addition to any other applicable civil or criminal penalties (including the penalties set forth in Sections ~~13.04.230~~~~13.04.290~~ and ~~13.04.310~~), is an infraction, punishable by a fine of up to five hundred dollars (\$500.00) for each day in which the violation occurs.

- C. During the Phase I water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers that one or more of the criteria for Phase I has been met, and shall identify and explain in sufficient detail each criterion that forms a basis for establishing a Phase I water emergency.
 2. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase II water emergency if a Phase II water emergency appears to be imminent.
 3. The city shall advise customers of the Phase I water shortage and of restrictions and opportunities for exception permits that are available under Section 13.04.280 if a Phase II water emergency appears to be imminent.
 4. Any applicant for, or holder of, a building permit for construction that may be affected by the existence of this or future water emergency phases shall be informed of the impact of such phases, but lack of such notice shall not permit a new water connection that is otherwise prohibited.
 5. The city shall not issue permits for construction of any new swimming pool unless the pool is to be supplied with water other than treated water supplied by the city. Customers are encouraged to fill existing pools from water other than treated water.
 6. ~~If a Phase II water emergency appears to be imminent, the~~ city shall make plans for implementation of a water shortage disaster plan, which shall include provisions for:
 - a. Emergency water stations;
 - b. Acquisition of private property under the right of eminent domain, with immediate possession to alleviate the emergency; and
 - c. Application for relief assistance from county, state, and federal sources.
 7. The city council shall give notice to any customer that has a terminable contract with the department (whereby the department is the supplier) that such contract will be terminated upon implementation of Phase III by the city council.
 8. If the declaration of a Phase II emergency appears reasonably imminent, the city council shall cause a water advisory board to be formed consisting of one city council member, one planning commissioner, one winery customer, and two public members, one of whom shall be solely a residential customer. The director of public works shall be an ex officio member of this board. Unless the city council otherwise directs, the board will disband when the water emergency is no longer in effect. The water advisory board shall have access to all records in the possession of the water enterprise necessary in its judgment to perform its duties, including customer records. The board shall maintain the confidentiality of individual customer records unless the board determines by resolution that release of such information is necessary in the pursuit of its duties.
- D. In addition to the mandatory measures defined in subsection ~~6B~~ of this section, customers of the department and members of the community are encouraged to do the following:
1. Reduce all indoor water use to not more than an average of seventy-five (75) gallons per person per day within the residence, including single-family residences, apartments, condominiums, townhomes, ~~and mobile~~ homes and manufactured homes.
 2. Reduce indoor water use in the work places and commercial establishments by a minimum of ten percent (10%) from customary consumption.

3. Eliminate or defer all nonessential water use such as topping off swimming pools.
4. All schools, social and professional groups, churches, etc., are encouraged to discuss water conservation as a regular agenda item and to forward worthwhile suggestions to the department for consideration.
- ~~5. All sites with irrigated landscapes or gardens are encouraged to establish the following irrigation practices:~~
 - ~~a. Turn off irrigation systems during the nonirrigation season.~~
 - ~~b. Encourage customers to invest in SMART controllers or equivalent water saving devices to control the operation of outdoor sprinkler systems. (Ord. 15-5 § 1 (part); Ord. 14-11 § 3 (Exh. A); Ord. 14-9 § 5 (Exh. A); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.23.1)~~

13.04.240 Phase II water regulations.

- A. The criteria for establishing Phase II shall be:
 1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase I reductions being implemented; or
 2. Conditions requiring the establishment of a Phase III water emergency appear imminent.
 3. In assessing the need to impose Phase II restrictions due weight shall be accorded to the trigger system developed by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.
- B. All mandatory and voluntary measures established by [Section 13.04.221, Water Conservation, and](#) Phase I, Section 13.04.230(B), (C) and (D) shall be included in Phase II and publicized by the city except insofar as they are inconsistent with subsections C and D of this section.
- C. The following mandatory conservation measures by customers of the department shall be enforced by the department:
 - ~~1. The mandatory conservation measures in Section 13.04.230(B) shall be enforced by the city, except insofar as they are inconsistent with this subsection C.~~
 2. Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be ten percent (10%) less than the average use during the four winter months of the preceding nonshortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than sixty (60) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. Commercial, industrial, and institutional customers with irrigation and domestic use

provided by the same water meter may receive an additional landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

32. Residential users in the single-family residential, multifamily residential, ~~and~~ mobile home ~~and~~ manufactured homes customer classes will receive an allocation per billing period which will be limited to sixty-five (65) gallons per person per day. Single-family residences will receive an additional twenty-five hundred (2,500) gallons per month from April through October for landscape irrigation. Multifamily residential, ~~and~~ mobile home ~~and~~ manufactured homes customers may receive a landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

43. For a lawn, landscaping, vineyard or field watered or irrigated through a meter dedicated to that use, usage shall be limited to sixty percent (60%) of current reference evapotranspiration as ~~measured at California Irrigation Management Information Systems (CIMIS) Station No. 77 (in Oakville) established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations.~~

54. No new water connections shall be permitted during a Phase II water emergency.

- D. During the Phase II water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase III water emergency.
 2. The department of public works shall make available, or arrange to have delivered, nonpotable water from either lower reservoir or, if permitted and available, tertiary treated wastewater to city-owned properties for irrigation purposes.
 3. Nothing herein shall restrict the authority of the director of public works from imposing more severe usage restrictions on each class of water customer if circumstances so warrant. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part))

13.04.250 Phase III water regulations.

- A. The criteria for establishing Phase III shall be:
1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase II reductions being implemented.
 2. In assessing the need to impose Phase III restrictions due weight shall be accorded the trigger system developed and defined by the safe yield committee for use by the director

of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.

B. All mandatory and voluntary measures established by [Section 13.04.221, Water Conservation, and](#) Phases I and II, Sections [13.04.230\(B\), \(C\) and \(D\)](#) and [13.04.240\(B\), \(C\) and \(D\)](#), shall be included in Phase III and publicized by the city, except insofar as they are inconsistent with subsections C and D of this section.

C. The following mandatory conservation measures by customers of the department shall be enforced by the department:

1. ~~The mandatory conservation measures in Sections [13.04.230](#) and [13.04.240](#) shall be enforced by the city, except insofar as they are inconsistent with this subsection C.~~

~~2.~~ Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be twenty percent (20%) less than the average use during the four winter months of the preceding nonshortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than fifty (50) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established nonturf plants only.

~~32.~~ Residential users in single-family residential, multifamily residential, ~~and~~ mobile home ~~and manufactured homes~~ customer classes will receive an allocation per billing period which will be limited to sixty (60) gallons per person per day. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established nonturf plants only.

~~43.~~ For a vineyard or approved field (as approved by the water advisory board) watered or irrigated through a meter dedicated to that use, the allocation shall be limited to thirty percent (30%) of current reference evapotranspiration as ~~measured at California Irrigation Management Information Systems (CIMIS) Station No. 77—Oakville, established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations.~~, and irrigation will be allowed for established nonturf plants only.

~~54.~~ All nonessential uses of water shall be prohibited. Nonessential uses shall include, but not be limited to, the following:

- a. The use of water for irrigation of turf, lawns, or [ornamental](#) landscaping;
- b. The refilling of swimming pools, hot tubs and spas, except as required by the fire chief for use as standby neighborhood fire protection. The fire chief shall ~~cause~~[maintain](#) a list of such pools to be on file at the fire department.

~~65.~~ No new water connections for new development shall be permitted.

D. During the Phase III water emergency, the following actions shall be carried out by the city:

1. The department shall terminate all nonessential contracts which are terminable. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.25)

13.04.270 Termination of water emergency phases.

Water emergency phases shall be terminated or changed to a less critical phase in the same manner as they are established in accordance with criteria set forth in the preceding sections and at the discretion of the city council. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.28)

13.04.280 Exception permits.

A. Under a Phase II or Phase III water emergency, the director of public works shall, with such conditions as seem to him or her to be reasonable, grant exception permits in addition to any basic allocation, on application of a water customer submitted under penalty of perjury, based on the conditions defined in this section. The city may provide a process for certification of efficiency, lot size, medical condition, or efficient and essential use prior to declaration of a water shortage emergency condition which could result in a customer being prequalified for exception.

1. For any customer with an allocation based on previous water use, if it can be demonstrated to the satisfaction of the director of public works that water conservation measures beyond those required in Chapter 13.12 were in place prior to the preceding nonshortage year, an additional quantity of water may be allocated to recognize the higher efficiency in place prior to the water emergency condition.
2. For single-family residential parcels exceeding seven thousand (7,000) square feet in area, the quantity of up to twenty (20) gallons per day for each one thousand (1,000) square feet that the property area exceeds seven thousand (7,000) square feet for the purpose of maintaining mature landscape or orchard plants. For purposes of this subsection, multiple parcels maintained and fully landscaped as one property may be computed as being one parcel. An exception granted based on this subsection shall allow the use of no more than an additional two hundred fifty (250) gallons per day for this purpose.
3. For medical conditions of a resident, a quantity as required to maintain health standards.
4. For any customer with an allocation based on previous winter water use, if it can be demonstrated to the satisfaction of the director of public works that efficient and essential water uses are not represented in average winter water use, an additional quantity of water may be allocated to provide for these efficient and essential needs.

B. The water advisory board shall meet at least monthly and may grant permits for uses of water or for exceptions to water conservation measures or for water connections otherwise prohibited by Sections 13.04.230, 13.04.240, and 13.04.250 if it finds and determines that such regulations would:

1. Cause an unnecessary and undue hardship to the applicant or to the public;

2. Cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public; or
 3. Promote water conservation by providing for the establishment of water efficient landscaping meeting the standards of Section 17.112.140 and such policies and regulations as have been adopted to implement the provisions of that chapter, replacing more water-intensive landscaping.
- C. The water advisory board of the city shall prescribe necessary procedures for application for and use of exception permits.
- D. Any decision of the director of public works in granting or denying exceptions may be appealed by the applicant or any other person to the water advisory board by filing a written appeal with the city clerk within ten (10) calendar days after the date of mailing of written notice to the applicant of the decision rendered. The water advisory board shall use its best efforts to hear and determine such appeal within twenty (20) days, and shall affirm, reverse, or modify the decision.
- E. Any decision of the water advisory board may be appealed by the applicant to the city council according to the provisions of Chapter 1.16. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.28.1)

~~13.04.290 Noncompliance with mandatory water conservation measures.~~

~~In addition to the provisions of Section 13.04.310, any person who fails to comply with any of the mandatory water conservation measures imposed by the implementation of this article, including the allocations assigned in Phases II and III, shall be subject to an improper water user's fee or charge as hereinafter set forth. Absence of a customer from the city, existence of an undetected leak, or other circumstance does not relieve the customer of the responsibility for ensuring that mandatory water conservation measures are observed and complied with and shall not serve as a basis for reversal of any action or the imposition of any fee or charge.~~

~~A. The following charges are not imposed as a penalty but as a charge for excessive or improper use of water. The charges are necessary in order to recover the reasonable cost of enforcement of the mandatory water provisions and in order to obtain the goals of the water conservation measures contained in this section:~~

- ~~1. First Violation. The city shall issue a written warning to the customer for the first violation.~~
- ~~2. Second Violation. The city shall issue a written notice and assess an improper water use fee of fifty cents (\$0.50) for each gallon by which the customer's usage exceeded the amount allowed per billing period. If the fee is not paid in full within fifteen (15) days of issuance of the notice, the amount will be added to the customer's water bill.~~
- ~~3. Third Violation. The city shall issue a written notice, charge an improper water use fee of one dollar (\$1.00) for each gallon by which the customer's usage exceeded the amount allowed per billing period and install a flow-restricting device on the customer's water~~

service, or otherwise restrict the flow of water through a meter, for a period of not less than seventy two (72) hours. Such flow restricting device or other means shall reduce water flow to one gallon per minute for metered services one and one-half inches or under. Similar devices or restrictions will be placed on larger meters. The fee shall be paid prior to the resumption of normal water service.

4.—Fourth Violation. The city shall issue a written notice, charge an improper water use fee of one dollar and twenty five cents (\$1.25) for each gallon by which the customer's usage exceeded the amount allowed per billing period, and install a flow restricting device on the customer's water service, or otherwise restrict the flow of water through a meter, for a period of not less than five days. Such flow restriction device or other means shall reduce water flow to one gallon per minute for the metered services one and one-half inches or under. Similar devices or restrictions will be placed on larger meters. The fee shall be paid prior to resumption of normal water service.

5.—Fifth or Subsequent Violation. The city shall issue a written notice, charge an improper water use fee of one dollar and fifty cents (\$1.50) for each gallon by which the customer's usage exceeded the amount allowed per billing period, and may either install a water-flow restricting device on the customer's water service, or otherwise restrict the flow of water through a meter, for an indefinite period or discontinue water service under the provisions of Section 13.04.130. Such flow restricting device or other means shall reduce water flow to one gallon per minute for metered services one and one-half inches or under. The fee shall be paid prior to restoration of unrestricted water service.

B.—Notification of Violation. Notification shall include a description of the facts in regard to the violation, a statement of the possible penalties for each violation and the statement of the customer's rights to hearing on the merits of the violation as stated in Section 13.04.300.

1.—Notice of violation shall be given in writing by personal delivery of the notice to the customer at the service address and by first-class mail to the billing address, excepting that notice of a first violation may be by first-class mail to the billing address only.

2.—If the customer is absent from or unavailable at the service address, the notice can be left with a responsible person at the premises.

3.—If a responsible person is not available at the service address, then the notice can be left in a conspicuous place on the premises.

4.—Failure of any notice to so state shall not constitute a defense to the validity of any written notice. A copy of all written notices of violation shall be delivered to the water advisory board. All written notices of violation shall state that a copy is being provided to the water advisory board. (Ord. 15-5-5-1 (part); Ord. 11-7 (part); Ord. 02-7A-5-1 (part); prior code § 18.29)

13.04.300 Violation hearings.

Any customer receiving a second or subsequent violation notice shall be entitled to file an appeal with the city council according to the provisions of Chapter 1.16. The following shall apply in the case of such appeal:

~~A.—All such appeals shall be automatically referred by the city council to the water advisory board (if in existence) for review and disposition. Any person dissatisfied with the disposition as determined by the water advisory board may seek review of the board's disposition by the city council by filing a petition for review with the city clerk no later than ten (10) calendar days following disposition by the board. The city council shall not entertain evidence not first presented to the water advisory board, and shall give due deference to the disposition of the board in resolving any petition seeking review of the board's disposition.~~

~~B.—An appeal shall automatically stay installation of a flow-restricting device or shutoff on the customer's water service until the decision is final. The appeal must be filed prior to installation of the restricting device or before shutoff has occurred.~~

~~C.—The customer's appeal shall not stay the imposition of a fee. If it is determined that a fee is wrongly assessed, the city will refund any fee paid by the customer. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.29.1)~~

13.04.310 Violation—Misdemeanor.

Notwithstanding any provision of this code to the contrary, the provisions of Section 377 of the California Water Code shall be applicable to any violation of this article. Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by imprisonment in the county jail and/or fined in accordance with the penalties as set forth in the provisions of Section 377 of the California Water Code. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.30)

Chapter 13.12
WATER USE EFFICIENCY AND ~~USE GUIDELINES~~ NEW DEVELOPMENT

Sections:

- 13.12.010 Purpose and scope.**
- 13.12.020 Definitions.**
- ~~13.12.030 Prohibitions and limitations.~~
- ~~13.12.040 Water use guidelines.~~
- ~~13.12.050 New development.~~
- ~~13.12.060 Residential remodeling.~~
- ~~13.12.070 Appeals.~~
- ~~13.12.080 Responsibility of customers, employers, property managers and contractors.~~
- ~~13.12.090 Civil fines authorized.~~
- ~~13.12.100 Violations—Penalties.~~
- ~~13.12.110 Remedies not exclusive.~~
- 13.12.030 New development.
- 13.12.040 Residential remodeling.
- 13.12.050 Appeals.
- 13.12.060 Responsibility of customers, employers, property managers and contractors.
- 13.12.070 Violations—Penalties.
- 13.12.080 Remedies not exclusive.

13.12.010 Purpose and scope.

This chapter adopts regulations to deal with the limited supply of water which the city council has found to exist. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.40)

13.12.020 Definitions.

The following terms are defined for the purpose of this chapter:

“Customer” means the person responsible for paying for each water service account on the water enterprise’s water distribution system, both inside and outside the city limits.

“Domestic use” means any treated water used by a person for cooking, cleaning, bathing, washing clothes, drinking and sanitation.

“Efficient” means performing or conducting effectively with a minimum of waste, expense, or water use as set forth by the U.S. Environmental Protection Agency.

“New development” means any of the following construction projects that have not received a certificate of occupancy from the city or county building department prior to September 13, 1994, or that was issued a building permit and did not construct a foundation prior to September 13, 1994:

1. Any freestanding building that contains water-using fixtures;

2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases the number of independent living units.

"Person" means any individual, firm, partnership, association, corporation, company, organization or governmental agency.

"Retrofit" means to replace all toilets, showerheads and faucet aerators in the building not complying with the flow regulations as stated in this chapter.

"Ultra-low flush (ULF) toilet" means any toilet which ~~uses no more than 1.6 gallons per flush and meets performance standards established by the American Society of Mechanical Engineers Standard A112.19.2.M.~~ meets or exceeds the current California Green Building Standards Code.

"Water" means any treated potable water that is supplied by the city's water enterprise water distribution system unless otherwise indicated. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.41)

~~13.12.030 Prohibitions and limitations.~~

~~A. No customer or person shall waste water. As used in this chapter, the term "waste" means:~~

- ~~1. Use of water for decorative fountains where the water is not recirculated and including use of fountains during Phases II through V water shortage emergencies as described in Section 13.04.220 and following;~~
- ~~2. Washing cars, boats, trailers, aircraft or other vehicles by hose without a shutoff nozzle except commercial or fleet vehicle washing facilities operated at fixed locations;~~
- ~~3. Watering lawns or gardens in a manner which results in runoff in gutter or other waterway, or excessive overspray of patio, driveway, walk or street;~~
- ~~4. Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes;~~
- ~~5. Use of water for cleaning streets during or following construction activities; flushing storm drains; and flow testing for fire sprinkler design except as approved by city director of public works;~~
- ~~6. Washing sidewalks, walkways, driveways, parking lots, and other hard surfaced areas by direct hosing when runoff directly flows into a gutter or storm drain;~~
- ~~7. Use of potable water for grading, dust control, street, pipeline or similar construction.~~

~~B. In emergency situations only, water for hauling may be supplied at a city designated location upon prior approval from the water department. Tanker trucks hauling for domestic use must be certified to carry potable water. Hauled water may be supplied to existing customers only.~~

C. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards in order to obtain plan approval.

—D. Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption.

—E. All new or replacement industrial and commercial clothes washers shall be high efficiency as defined by the U.S. Environmental Protection Agency. All new or expanded car washing facilities shall include water-saving methods. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.42)

13.12.040 Water use guidelines.

All persons are encouraged to use the following water use efficiency guidelines:

A. Establish procedures in the home and business to recycle water where possible;

B. Install water saving devices in existing facilities including low flow showerheads, faucet aerators, ULF toilets, and appliances;

—C. Refrain from additional irrigation and unnecessary use of water, such as car washing, when the temperature exceeds ninety (90) degrees Fahrenheit;

D. All customers are encouraged to limit the expansion or installation of new water-using appliances, plumbing or improvements, such as lawns, landscaping, pools, sprinkler irrigation systems, wash down equipment, larger washing machines or garbage disposal units. In the event that a new water-using appliance is necessary, installation of water efficient automatic dishwashers and clothes washers is encouraged;

E. All persons are encouraged to place an increased emphasis on fire protection;

F. All schools, social and professional groups, churches, etc., are encouraged to discuss water conservation as a regular agenda item and to forward worthwhile suggestions to the department for consideration and implementation;

G. All public facilities are encouraged to establish the following water program: hand watering for all plants and shrubs, shutoff nozzle on hoses used for hand watering, maintenance watering of lawns and fields a maximum of forty (40) minutes per week, night watering of fields and lawns between seven p.m. and eight a.m.;

H. Restaurants shall be encouraged to supply water to patrons only upon request. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.43)

13.12.050 13.12.030 New development.

- A. All new development shall apply the following water use efficiency measures, as applicable:
1. Installation of ultra-low flush (ULF) toilets, low flow showerheads and faucet aerators;
 2. Installation of water efficient hot water instantaneous dispensing systems;
 3. Installation of swimming pool covers.

Except as allowed in subsections B ~~and C~~ in this section, new development shall completely offset its water requirement by installing city-approved ULF toilets and associated water-efficient hardware in a sufficient number of existing homes or nonresidential properties having toilets that use ~~greater than 1.6 gallons per flush~~ 1.6 gallons per flush or greater. The required retrofits shall be calculated as specified in the City's Water Neutrality Policy as adopted by council resolution and approved by the director of public works/city engineer.

B. If the city council determines that ~~actual~~ retrofitting of existing residential or nonresidential buildings is impractical or constitutes an unusual hardship on an applicant, it may authorize the payment to the city of an in-lieu retrofit fee ~~equivalent to in lieu of complying with the requirements of subsection A of this section~~ equivalent to in lieu of complying with the requirements of subsection A of this section. The in lieu fee shall be the equivalent of the cost of retrofitting a sufficient number of existing homes with the ULF toilets and other required water-saving devices as described in subsection ~~EA~~ EA of this section. The in-lieu fee shall also include the cost of staff time to accomplish the required retrofitting using the fees collected. The in-lieu fee ~~may will~~ be established by resolution. The public works department is authorized to require retrofitting and not accept in-lieu retrofit fee, regardless of hardship, if it appears likely that existing home retrofitting prior to the expected occupancy by the new development can be completed. In the event that an in-lieu fee is accepted, the city will administer a rebate program to retrofit existing homes using the fees collected or may use the fees for another water use efficiency purpose as approved by the council. In-lieu fees must be paid upon issuance of a building permit.

~~C. In place of or in combination with retrofitting and/or payment of an in-lieu retrofit fee as allowed in subsections A and B of this section, an An~~ applicant may petition the city council to allow an alternative innovative method of mitigating water use for new development.

~~DC.~~ All ~~structures~~ new development that ~~are is~~ retrofitted with toilets shall also be retrofitted with the following water-saving devices, that meet or exceed the current California Green Building Standards Code or successor regulations as applicable: showerheads ~~emitting no more than 2.5 gallons per minute~~, interior faucet aerators ~~that emit no more than 2.2 gallons per minute~~, urinals . Existing fixtures that use no more than 1.0 gallon per flush.

~~E. If a developer of residential units elects to retrofit existing residential units, the number (rounded to currently meet the next unit) a developer will be California Green Building Standards Code or successor regulations are not required to retrofit per single family unit is as follows: be replaced.~~

1. Single-family detached	5.0 per unit
2. Condominium/townhouse/duplex	4.0 per unit
3. Apartment (three units or more)	3.5 per unit
4. Mobilehome	3.5 per unit
5. Guest homes/second dwelling unit	3.5 per unit

F

D. The developer shall be responsible for identifying residential or nonresidential properties eligible for retrofitting and verify to the department of public works that the required number of retrofits have been completed prior to the issuance of a certificate of occupancy. If the certificate of occupancy has been issued without completion of the retrofit requirement, in-lieu fees will be retained by the city. In-lieu fees will be maintained in a separate account and administered by the director of public works for water use efficiency program elements.

GE. Nonresidential projects will have their water demand evaluated during the project review or use permit review stage by the director of public works. They will be required to mitigate their water demand through off-site retrofitting according to a schedule of water use factors.

HF. All new development shall use toilets ~~and~~, associated flush-o-meter valves ~~and urinals~~, if any, ~~which use no more than 1.6 gallons per flush and which meet performance standards established by the American Society of Mechanical Engineers Standard A112.19.2.M. and urinals and associated flush-o-meter valves, if any, which use no more than 1.0 gallon per flush and which also meet the above performance standards~~ or exceed current California Green Building Standards Code or successor regulations.

IG. In the city, building permits, certificates of occupancy and/or water connections can be withheld pending compliance with these regulations. In the county, water service from the city of St. Helena water enterprise shall require a water agreement limiting water use and can be withheld pending compliance. (Ord. 04-2 (part); Ord. 02-5 § 18 (part); Ord. 01-11 § 2 (part); prior code § 18.44)

13.12.060040 Residential remodeling.

Residential remodeling will trigger a retrofit of the remodeled residence only if the remodeling involves work that would increase water use (determined by the director of public works), such as adding or remodeling a bathroom, adding a bedroom, granny unit, hot tub, spa, pool, or laundry. Remodeling that does not increase water use, such as reroofing, adding a family room, or increasing the size of a room would not trigger a retrofit unless the remodel exceeds twenty-five percent (25%) of the total valuation of the building as determined by the building official. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.45)

13.12.070050 Appeals.

Exceptions to the above allocations and prohibitions may be made for the protection of public health or safety or undue hardship. Any exceptions are subject to the following requirements and procedures:

- A. Any person who wishes to make an appeal shall do so in writing by using the form provided by the water department.
- B. The appeal shall be reviewed by the director of public works or his or her designee or designees.
- C. It must be shown that there are no alternatives to the use of city water and that all appropriate conservation measures are being used.
- D. Verification may be required of any condition/situation listed on the application for exception.
- E. The decision of the director of public works may be appealed to the city council within ten (10) days.
- F. The decision of the city council will be final.
(Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.46)

13.12.080060 Responsibility of customers, employers, property managers and contractors.

- A. Every customer who has requested city water service is responsible for civil penalties for water waste whether or not the acts of water waste are committed by that person or third parties. The civil penalty may be reduced or discharged if the water waste was beyond the control of the customer and if all reasonable means had been previously taken to prevent water waste. All reasonable means includes, but is not limited to, securing hose bibs, written warnings to tenants or other water users, and amendments to rental agreements where permitted by the lease.
- B. Every employer is responsible for civil penalties for acts of water waste committed by employees if the employer shows gross negligence.
- C. Every property manager is responsible for civil penalties for acts of water waste resulting from irrigation prohibited by this chapter if the property manager shows gross negligence.
- D. Every licensed contractor or development owner is liable for acts of water waste committed on the job site. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.47)

13.12.090 Civil fines authorized.

~~A. Acts of water waste and other acts prohibited by this chapter are subject to civil fines as prescribed in this section. Any person receiving an administrative citation may appeal it within ten (10) business days from the date the citation was issued. The notice of appeal for administrative citations must be made in writing and filed in the public works department.~~

~~B. Civil fines are payable at City Hall. Fines must be paid within ten (10) business days. If an appeal is filed, the bail for the fine must be paid within the ten (10) days.~~

~~C. The finance department is authorized to collect all unpaid civil fines. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.48)~~

13.12.100070 Violations—Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 04-2 (part); Ord. 02-5 § 18 (part); Ord. 01-11 § 2 (part); prior code § 18.50)

13.12.110 Remedies not exclusive.

Remedies herein are not exclusive. In addition to the remedies set forth in this chapter, the remedies established by Section 18.04.130 are also available to the city. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.51)

Chapter 13.20
SEWER SERVICE SYSTEM

Sections:

- 13.20.010 Definitions.**
- 13.20.020 Sewer charges.**
- 13.20.030 Use of funds.**
- 13.20.040 Annexation to Municipal Sewer District No. 1.**
- 13.20.050 Special extension prorate charge.**
- 13.20.060 Connection to sewer main of adequate capacity.**
- 13.20.070 Compulsory connection.**
- 13.20.080 Details and specifications adopted by resolution.**

13.20.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Car wash” means a business whose principal activity involves motor vehicle washing, including automatic and self-service washing.

“~~Church~~ Religious Place/Community Center” means establishments of religious organizations operated for worship, religious training or study. Other establishments maintained by religious organizations, such as educational institutions, hospitals, social services, and secondhand stores are classified according to their primary activity.

“Garage and repair shop facilities” means any garage/repair facility that performs minor or major repairs on automobiles, recreational vehicles, motorcycles, and/or boats. These establishments may be combined with automotive dealers or gasoline service stations. Gasoline stations and gasoline stations combined with other activities, such as convenience stores, are considered general commercial unless there is on-site food preparation; then it is classified as mixed retail with food.

“General commercial and office” means all businesses, offices, and similar users not otherwise included in another user category.

“Grocery” means all businesses whose principal activity involves retail sale of groceries and which have on-site preparation of fresh fruits and vegetables; fresh and prepared meats, fish, and/or poultry; baked goods; and similar items.

“Hotel/motel with food” means a full service facility having rooms, restaurant(s), and/or a bar serving food attached to the same water meter. Also included in this category are bed and breakfasts serving food prepared on site, and any visitor-serving structure, which contains facilities for cooking and eating.

"Hotel/motel without food" means all living units of a transient nature, including hotel and motel rental room units, which do not contain any kitchen facilities, and bed and breakfast units that only serve continental breakfasts where baked goods and similar items are prepared off site. Excluded from this category are full service hotels.

"Laundromat/laundry" means all self-service clothes washing establishments or an establishment which is primarily engaged in supplying residences and/or businesses with laundered shirts, pants, household linens, and similar items on an over-the-counter basis. This does not include commercial or industrial laundries. Dry cleaners without on-site cleaning facilities are general commercial.

"Mixed retail with food" means all establishments where more than one retail business is attached to a water meter and the primary water use on that meter is from a business or businesses as defined in the restaurant category.

~~"Multifamily dwelling" means a two-family, three-family, or multifamily structure as defined in Section 17.04.160.~~

"Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Residential" refers to all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than a transient nature, including but not limited to single-family residences, apartments, ~~mobilehomes~~ mobile homes, manufactured homes, duplexes, townhouses, apartment buildings and condominiums. A dwelling unit shall be defined as any structure containing sleeping, eating, cooking, and sanitation facilities.

"Non-residential properties" means, for the purposes of the wastewater service system and wastewater rates, all properties in which the primary purpose is not residential. Hotels and motels are considered non-residential.

"Restaurant" means all establishments whose principal activity involves on-premises preparation of meals and food, including fast food restaurants, coffee shops, cafes, juice bars, delicatessens, and bakeries. Excluded from this category are establishments serving food prepared off site (general commercial category), bars without on-site food preparation (general commercial category), restaurants on the same water meter as a hotel/motel (hotel/motel with restaurant category), and restaurants that are on the same water meter as other general commercial users (mixed retail with food category).

"Sanitation facilities and sewage facilities" means all devices and structures for collecting, pumping, treating and disposing of sewage.

"School" means an educational facility in which instruction takes place, including public, private and religious schools and colleges.

"Sewage" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present, may also be called wastewater

"Sewer" means a pipe or conduit for carrying sewage.

~~"Special user" means any establishment which cannot be classified in any other category. (Ord. 00-6 § 1; prior code § 12.1)~~

13.20.020 Sewer charges.

A. Charges Imposed. Owners of property shall pay to the city a charge based on user categories for the connection of the property to the public sewage system in the amounts set forth in Table 3 by council resolution for every month or any fraction thereof. Properties which are susceptible to classification under two or more user categories shall be subject to charges which allow for a reasonable usage allocation as determined by the public works director. Customers shall not be charged a sewer charge based on water used for landscape purposes when the water is metered through a dedicated landscape meter of the higher classification.

~~B. Automatic Adjustment of Sewer Rates. Beginning on or after January 1st of each respective year (beginning in 2013), sewer rates shall be indexed by the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco Oakland San Jose area (Series CUURA422SAO) for the time period from August to August each year. Annual adjustments would occur each January from 2013 through 2016; provided, however, in no event shall such rates increase by more than the cost of providing wastewater service.~~

~~C. Single Family Residential Users. Each single family residential user shall pay a monthly sewer charge as provided in the chart below. In addition to the monthly sewer charge, single family residential users shall pay a monthly usage charge based on the average winter water use, determined as the average monthly usage from billing cycles with read dates from January through March in one hundred (100) cubic feet units (HCFWWU). Months of zero usage are to be excluded from the averaging. The usage charge is to be adjusted annually, in April, based on the newest winter average. Where the winter average does not reasonably reflect an estimate of wastewater flow for a customer, the director of public works shall determine an appropriate usage to use for billing purposes.~~

~~D. Multifamily Residential and Commercial Users. Each multifamily residential and commercial user shall pay a monthly sewer charge based on size of water meter as provided in Table 3— City of St. Helena Wastewater Rates. In addition to the monthly sewer charge, multifamily residential and commercial users shall pay a variable monthly commodity charge based on the sewage strength of each user category per one hundred (100) cubic feet of water used (HCFWWU) as listed:~~

Table 3
City of St. Helena Wastewater Rates

	Current to 12/31/14	CPI Increase = 2.6% (2)	January 2015
Single-Family Residential	-	-	-
Monthly Service Charge	\$ 44.98	\$ 1.17	\$ 46.15
Usage Rate (\$/HCF of winter water use) (1)	\$ 3.74	\$ 0.10	\$ 3.84
Multifamily and Nonresidential	-	-	-
Monthly Service Charge	-	-	-
5/8" meter	\$ 40.01	\$ 1.04	\$ 41.05
1" meter	\$ 97.29	\$ 2.53	\$ 99.82
1 1/2" meter	\$ 192.77	\$ 5.01	\$ 197.78
2" meter	\$ 307.34	\$ 7.99	\$ 315.33
3" meter	\$ 574.67	\$ 14.94	\$ 589.61
4" meter	\$ 956.57	\$ 24.87	\$ 981.44
6" meter	\$ 1,911.32	\$ 49.69	\$ 1,961.01
Usage Rate (\$/HCF of water usage)	-	-	-
Multifamily Residential	\$ 3.74	\$ 0.10	\$ 3.84
Car Wash	\$ 2.71	\$ 0.07	\$ 2.78
Schools	\$ 3.01	\$ 0.08	\$ 3.09
Laundry/Laundromat	\$ 3.18	\$ 0.08	\$ 3.26
Churches	\$ 3.46	\$ 0.09	\$ 3.55
City Buildings	\$ 3.46	\$ 0.09	\$ 3.55
Commercial—General	\$ 3.46	\$ 0.09	\$ 3.55
Winery—Sutter Home	\$ 4.05	\$ 0.11	\$ 4.16
Motels w/o Food	\$ 4.13	\$ 0.11	\$ 4.24
Service Station/Auto Repair	\$ 4.46	\$ 0.12	\$ 4.58
Mixed Retail w/Food	\$ 6.45	\$ 0.17	\$ 6.62
Motels w/Food	\$ 8.31	\$ 0.22	\$ 8.53
Restaurant	\$ 11.09	\$ 0.29	\$ 11.38
Grocery	\$ 11.28	\$ 0.29	\$ 11.57

Table 3
City of St. Helena Wastewater Rates

	Current to 12/31/14	CPI Increase = 2.6% (2)	January 2015
Mortuary	\$ 11.28	\$ 0.29	\$ 11.57
Winery—Merryvale	\$ 19.89	\$ 0.52	\$ 20.41
Winery—Spottswoode	\$ 19.89	\$ 0.52	\$ 20.41

Notes:

(1) Single-family usage charge based on average winter water use, determined as average monthly usage for billing cycles with read dates from January through March. Months with zero usage are to be excluded from the averaging. Usage charges to be adjusted annually in April, based on the newest winter average.

(2) Wastewater rate increase is based on the percentage increase of the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco-Oakland-San Jose area (Series CUURA422SAO) for a twelve (12) month period from August of the year prior to the increase to August of the year of the increase. *Based on the period outlined, the current average CPI is 2.6%.

E.—Special Users. Each special user shall pay a monthly sewer charge based upon the size of its water meter and volume and type of sewage discharged and the costs of operating the public sewer system as follows:

$$\text{Total charge per period} = A(V) + B(\text{BOD}) + C(\text{SS}) + D$$

Where:

V is volume of water in millions of gallons

BOD is biochemical oxygen demand in pounds

SS is total suspended solids in pounds

A is allocated cost for each million gallons of flow

B is allocated cost per pound for biochemical oxygen demand

C is allocated cost per pound of total suspended solids

D is charge for water meter size contained in subsection C of this section

The values for A, B, and C are set forth in Table 4 below:

Table 4
City of St. Helena Wastewater Special User Rate Factors

-	- July 2011
Special Users (factors for formula in Section 13.20.020(E))	
A (per million gallons of flow)	\$ 2,107.21
B (per pound of BOD)	\$ 1.02
C (per pound of SS)	\$ 1.17

Values for V, BOD and SS will be determined at the entry point to the public sewage system, utilizing sampling, analysis, and flow measurement procedures established by the public works director for determining the respective characteristics of the discharge. Should the public works director determine a special user's water meter is oversized for production, fire flow, or other such purposes where the water as registered by the water meter is not returning to the municipal sewer system, the public works director may make an adjustment to the size of meter for billing purposes based on estimated flow.

Values for A, B, and C will be allocated unit costs of operations, maintenance, administration and depreciation, determined in accordance with the Revenue Guidelines for Wastewater Agencies (State Water Resources Control Board: April 1983), including any amendments or revisions, and based on respective actual costs of the preceding fiscal year. Rates for special users shall be computed by the director of public works annually.

F. Effective Dates for Rate Adjustments. Rates for fiscal year 2011 shall be effective for the billing cycle that begins after July 1, 2011. Rates for future years shall be effective for the billing cycle that begins on or after January 1st of each respective year.

BG. Collection and Billing Generally.

1. Sewer charges to occupants of property not billed for water service by the municipal water department shall be billed directly for such sewer charges.
2. All other sewer charges shall be collected from the occupants with the charges for water of the municipal water department of the city and shall be billed upon the same bill. ~~The collection officer or collection agency of the city shall not accept payment of such combined bills unless the total amount of charges for water and sewer is paid in full.~~

CH. Failure to Pay Bill. Bills are due and payable upon presentation and delinquent after thirty (30) days. Upon failure of any consumer billed or the owner of any premises to pay a sewer charge prior to the delinquency, the following action or actions shall be taken by the city to enforce such payment after such bill becomes delinquent:

1. Impose a penalty for delinquency of ten percent (10%) of the amount then delinquent;
2. Assess interest in the amount of one percent per month or fraction thereof on the amount delinquent from the date on which the bill first became delinquent until paid;

3. At the city's election, cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the cost of such action, including reasonable attorney fees incurred in an amount fixed by the court.

4. Any person wishing to appeal penalties and interest imposed in this section shall adhere to provisions in accordance with Section 13.04.180 Appeals.

Df. Delinquencies. In addition and as an alternative to any other remedy for the enforcement and collection of sewer charges, all delinquent sewer charges shall become a lien upon the real property upon which sewage is furnished or supplied, prior to all other liens, encumbrances or exemptions, other than state and county taxes, and shall have the force and effect of a tax lien, and shall be enforced as follows: on or about September 1st of each year the city clerk shall note the amount of all delinquent sewer charges upon the assessment of such real property as shown upon the assessment roll of the city for the current fiscal year, and shall add the amount of such delinquent sewer charges to the tax assessed against such real property and the amount shall be collected with such taxes in the same manner and at the same time as city taxes, and if not so paid, the same penalties shall be added as are now, or may thereafter be added to delinquent taxes, and thereafter the real property upon which it is a lien, shall be sold and be subject to redemption in the same manner as real property is now, or may hereafter be sold for delinquent taxes. (Ord. 11-4 § 3; Ord. 08-1 § 1; Ord. 04-9 § 2; Ord. 00-6 § 2; prior code § 12.3)

E. Hardship Agreements. City finance department may in its discretion offer hardship agreements which create payment plans for delinquent bills. Such agreements are available at the finance department. All requests for hardship agreements and payment plans must be submitted in writing. Hardship agreements may be approved at the discretion of the finance director based on amount owed and payment history

13.20.030 Use of funds.

A. Revenues derived under the provisions of this chapter, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary or sewage facilities and to repay federal or state loans or advances made to the city for the construction or reconstruction of sanitary or sewage facilities; provided, however, such revenues shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

B. There is established and created a fund of the city entitled "sewerwastewater fund" and all revenues derived under this chapter shall be deposited in such fund, subject to withdrawal as allowed by the provisions hereof. (Prior code § 12.4)

13.20.040 Annexation to Municipal Sewer District No. 1.

A. The owner(s) of any property to be annexed to the St. Helena Municipal Sewer District No. 1 shall pay to the city at the time of initiating the annexation proceedings a filing fee in an amount set by resolution, the amount of the fee that the city is required to pay to the State Board of Equalization to file statements pursuant to Government Code Section 54900 and following, and the amount of the fee that the city is required to pay to the Napa County assessor's office for mapping services.

B. All applications for annexations shall be approved by the city council pursuant to the requirements of state law. (Ord. 00-9: prior code § 12.5)

13.20.050 Special extension prorate charge.

A. In addition to the usual costs of a sewer service connection as provided in this chapter, a special extension prorate charge shall be required and collected from applicants for sewer service and those property owners compelled to connect pursuant to Section 13.20.070 in those instances where the present or past owners of the premises to be served have not participated in the cost of installing the main fronting their premises and which main was installed within a period of ten (10) years prior to the date of granting the application for the sewer service connection or compelling connection under Section 13.20.070 of this chapter, but after the effective date of this section. The charge shall be determined by multiplying the footage of the premises lying along and which may be served directly from the main extension by one-half of the lineal per-foot cost of the main extension, but not to exceed the cost of an eight-inch main if installed by the department. The charge shall not be applied more than once to any premises. The charge shall be estimated and fixed by the director of public works subject to the approval of the city council and shall be payable prior to the installation of sewer service. The charge against each premises shall be reduced by ten percent (10%) of the total charge fixed for each full calendar year that passes after the effective date specified in subsection C of this section in which the subject premises have not obtained approval of an application for sewer connection nor qualified for compulsory connection to the city sewer under Section 13.20.070 of this chapter.

B. Exemptions. Except in unusual circumstances as determined by the city council, premises already served by the department at the date of installation of the main extension will be exempt from the payment of the special extension prorate charge.

C. When Effective. The special extension prorate charge shall be in effect for a period of twenty (20) years from:

1. The date of execution of the main-extension agreement, if the main extension is financed by property owners; or
2. The date of official completion of the main extension, if financed by the city.

D. Rights of Applicant Financing Main Extension. The applicant who has financed the main extension shall be entitled to the special extension prorate charges collected by the department

as a part of the service connection costs. The amounts collected shall be refunded to the applicant in accordance with the terms of the main-extension agreement between the city and the applicant. The refunds shall be made within ninety (90) days following the date of collection thereof by the city. No refunds of the extension prorate charges shall be made after ten (10) years from the date of execution of the main-extension agreement.

E. **Effective Date.** All provisions of this section as effective prior to the effective date of the amending ordinance codified in this section shall remain in effect unmodified with respect to all sewer main extensions installed and main-extension agreements executed prior to the effective date of such amending ordinance.

F. **Public Hearing.** A public hearing shall be held by the city council prior to fixing and approving the special extension prorate charge in the manner described in subsection A of this section and prior to executing any sewer main extension refund agreement. Written notice of such hearings and of the charges estimated and fixed by the director of public works shall be mailed by certified mail to all owners of all properties upon which the charges are or could be prorated at least thirty (30) days prior to such hearings. The written notice shall be mailed to the property owners as determined by the latest county assessor's records at the property owner's address shown on the latest county assessor's records, and if any owner's address is different than the address of the property to which charges are or could be prorated, a further copy shall be mailed to the owner at such address of the property subject to the proration charges. The director of public works shall maintain his or her papers and calculations supporting his or her estimation and fixing of charges in a file available for public inspection in the city offices during the city's regular business hours from the time of mailing such public hearing notices until conclusion of the public hearings. (Prior code § 12.6)

13.20.060 Connection to sewer main of adequate capacity.

In no event shall a sewer service connection be installed unless a sewer main of adequate capacity extends in a public street or public right-of-way across the entire frontage of the premises to be served; provided, however, that if, under particular circumstances, it is determined by the city council that no public purpose would be served to require the sewer main to extend across the entire frontage, such as, without limitation, those cases involving dead-end streets or cul-de-sacs, the council may determine a lesser distance to which it is necessary to extend the sewer main across the frontage to serve the public purpose. (Prior code § 12.7)

13.20.070 Compulsory connection.

When the city's public sewer is available, every building or other permanent structure which has plumbing fixtures shall connect to the city's public sewer at the time of the occurrence of any one or more of the following events:

- A. Approval by the city of any use permit or variance applied for by or with the consent of the owner of the parcel on which the building or structure is located;
- B. Approval by the city for recordation of any final parcel map, subdivision map or lot line adjustment effecting any portion of the parcel upon which said building or structure is located, in which case the prorated charge under Section 13.20.050 of this chapter shall be paid for the entire parcel as constituted prior to recordation of any such parcel or subdivision map or documents effecting the lot adjustment;
- C. Issuance of a building permit or permits for any parcel on which the building or improvements are located for improvements totaling more than twenty thousand dollars (\$20,000.00) in value within any continuous sixty (60) month period or for improvements which comprise replacement, relocation, or substantial reconstruction of an existing discrete sewage disposal system serving the parcel;
- D. Determination by the city's health officer or city engineer that the existing discrete sewage disposal system serving a parcel on which the building or structure is located, or the nonexistence of such a discrete disposal system, constitutes a public health hazard. (Prior code § 12.8)

13.20.080 Details and specifications adopted by resolution.

Standard sewer construction details and specifications shall be adopted by resolution by the city council and made a part of this chapter by reference. (Prior code § 12.18)

Chapter 17.112
GENERAL SITE DESIGN AND DEVELOPMENT STANDARDS*

17.112.140 Water efficient landscaping.

A. Purpose. [The city adheres to the state of California's Model Water Efficient Landscape Ordinance \(MWELO\) or successor regulations.](#) The purpose of this section is to establish minimum standards for the provision, installation and maintenance of landscape areas by the following means:

1. Water conservation through xeriscape principles: promote the conservation of potable and nonpotable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of site-specific plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.
2. Aesthetics: improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
3. Environmental quality: improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air and water quality through such natural processes as photosynthesis and mineral uptake;
 - b. Maintaining permeable land areas essential to surface water management and aquifer recharge;
 - c. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capabilities of trees and other vegetation;
 - d. Promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas;
 - e. Reducing the temperature of the microclimate through the process of evapotranspiration;
 - f. Encouraging the conservation of limited fresh resources through the use of site-specific plants and various planting and maintenance techniques.
4. Land values: maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
5. Human values: provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce heat and glare, and to break up the monotony and soften the harsher aspects of urban development.
6. Preservation of vegetation: preserve existing natural vegetation and the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.
7. Improved design: promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, encouraging water and energy conservation.

8. Improved administration and enforcement: establish procedures and standards for the administration and enforcement of this section.

B. Xeriscape Principles. It is the intent of this section to assist the city in achieving water conservation through proper plant selection, installation, and maintenance practices. The following xeriscape principles service as the primary means of achieving water conservation:

1. Design of the landscape by dividing it into high-, moderate- and low-water use zones and by taking advantage of microclimates caused by the different conditions of sun, slope, moisture and air movement (hydrozones);
2. Efficient irrigation systems;
3. The use of soil amendments to improve the water-holding capacity of the soil;
4. Limiting turf to locations where it provides functional benefits;
5. The use of mulches, where appropriate;
6. Selection of appropriate plants;
7. Maintaining the landscape appropriately (monitor the irrigation system and water according to needs).

C. Applicability of Section. ~~The requirements of this section shall apply to all new and replacement landscaping for public agency projects, new and replacement landscaping in nonresidential and multifamily residential projects, and new landscaping on single family lots within subdivisions when the final map is recorded after January 1, 1993. Replacement landscaping on single family lots which existed prior to January 1, 1993, shall not be required to comply with the requirements of this section but are encouraged to comply on a voluntary basis.~~ The requirements of this section shall apply to all projects that fall under the State MWELo guidelines.

D. Landscape Documentation Package. For any project subject to this section, a landscape documentation package shall be submitted to, reviewed by, and approved by the planning department prior to the issuance of any building permit or the replacement of landscaping. The landscape documentation package shall include ~~the following information:~~ all required information as established in the State MWELo guidelines or successor regulations.

- ~~1. Water conservation concept statement;~~
- ~~2. Required calculations;~~
- ~~3. Landscape design plan;~~
- ~~4. Irrigation design plan;~~
- ~~5. Irrigation schedules;~~
- ~~6. Grading design plan;~~
- ~~7. Soil analysis;~~
- ~~8. Certificate of substantial completion;~~
- ~~9. Landscape irrigation audit schedules.~~

E. Amendment of Approved Plan. Any significant change of plant material or design from that contained in an approved landscaping plan shall require the approval of a revised landscaping plan reviewed in the same manner as the original plan.

Attachment 5

F. Regulations and Procedures. The city council is authorized and directed to adopt by resolution regulations and procedures for the implementation of this section and a schedule of fees. (Ord. 05-4 § 1 (part))

**Chapter 13.04
WATER SERVICE SYSTEM**

**Article 1
General Provisions**

Sections:

- 13.04.010 Definitions.**
- 13.04.020 Applicability—Shutting off water for violations.**
- 13.04.030 Application for water service—Deposit.**
- 13.04.040 Water service connections—Costs.**
- 13.04.050 Water service connections—Installation generally.**
- 13.04.055 Conditions when connection to public water main required.**
- 13.04.060 Meters generally.**
- 13.04.070 Water main extensions.**
- 13.04.080 Water rates.**
- 13.04.090 Right of city to contract for water.**
- 13.04.100 Rules and regulations generally.**
- 13.04.110 Responsibility for payment of charges.**
- 13.04.120 Notices.**
- 13.04.130 Enforcement—Discontinuance of service upon delinquency.**
- 13.04.140 When water charges become effective—Discontinuance of service at consumer's request.**
- 13.04.150 Service Interruptions.**
- 13.04.160 Duties of director of public works and director of finance.**
- 13.04.170 Disposition of moneys—Funds.**
- 13.04.180 Appeals.**
- 13.04.190 Pollution of city reservoirs—Wading, swimming and cutting wood.**
- 13.04.200 Private fire service—Requirements—Rates.**
- 13.04.221 Water Conservation**
- 13.04.210 Public fire hydrants—Operation and maintenance—Rates.**

**Article 2
Water Shortage Emergencies and Drought**

Sections:

- 13.04.220 Procedure for establishing water emergency phases.**
- 13.04.230 Phase I water regulations.**
- 13.04.240 Phase II water regulations.**
- 13.04.250 Phase III water regulations.**
- 13.04.270 Termination of water emergency phases.**
- 13.04.280 Exception permits.**
- 13.04.290 Reserved**
- 13.04.300 Reserved**
- 13.04.310 Violation—Misdemeanor.**

Article 1
General Provisions

13.04.010 Definitions.

For the purposes of this chapter and Chapters 13.08 (Cross-Connection Control Program) and 13.12 (Water Use Efficiency and Use Guidelines), the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Agricultural purpose” means the breeding, raising, pasturing, and grazing of livestock for the production of food and fiber and the planting, raising, harvesting and producing of viticultural crops, food crops, fiber crops, horticultural crops, and forestry crops.

“Customer” means the person responsible for paying each water service account on the water distribution system, both inside and outside city limits, of the water enterprise owned by the city of St. Helena.

“Department” means the municipal water department of the city.

“Director of public works” means the individual filling the position of director of public works/city engineer for the city, or his or her designee.

“New development” means any of the following construction projects that have not received a certificate of occupancy from the city or county building department prior to May 24, 2011, or that was issued a building permit and did not construct a foundation prior to May 24, 2011:

1. Any freestanding building that contains water-using fixtures;
2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases overall water usage at the water meter.

“New water connection” means a water connection for the benefit of any user or use of water, whether industrial, commercial, residential, institutional, who or which was not currently receiving water from the department at the time a water shortage phase was formally established. All new construction shall be deemed a new water connection, notwithstanding the fact that such new construction may have received all permits and consents required of it by any governmental agency, including the city, and notwithstanding the fact that the applicable fees for water connection may have been prepaid by the applicant.

“Non-residential” means properties in which the primary use is not residential Hotel and motels are considered non-residential.

“Premises” is a lot or parcel under one ownership, except that portions thereof having well-defined boundaries such as fences or hedges which prevent the common use of the property by all occupants shall be deemed separate premises.

“Residential” means all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than a transient, nature, including but not limited to single-family residences, apartments, mobile homes, manufactured homes, duplexes, townhouses, apartment buildings and condominiums. A dwelling unit shall be defined as any structure containing sleeping, eating, cooking, and sanitation facilities.

“Safe annual yield” of the St. Helena water supply system is that quantity of water which can be reliably delivered on an annual basis through most rainfall years, including a dry year (rainfall at twenty-two (22) inches to twenty-five and nine-tenths (25.9) inches) without undue hardship on water customers through water shortage restrictions. It is recognized that the safe annual yield, as so defined, could place significant hardship on water customers in a critically dry year (rainfall at twenty-one and nine-tenths (21.9) inches or less) or in periods of two or more consecutive dry years. “Undue hardship” is defined to mean Phase II or Phase III restrictions at any time, as these phases are set forth in this amended code. The safe annual yield shall be determined pursuant to the analytical methodology used by the safe yield committee, as identified in its report dated March 17, 2011. The safe annual yield shall be re-determined any time there is a material change in the city’s water supply.

“Supply/usage balance” is the difference between the safe annual yield and total current usage.

“Total current usage” is average usage as determined by taking total metered potable water supply entering the water system’s distribution system over the last five fiscal years, divided by five. The city shall calculate the supply/usage balance as soon after the end of each fiscal year as is practicable, as well as at any time that there is a material change in potable water supply. The balance is positive when the safe annual yield exceeds total current usage. The balance is negative, or in deficit, when the safe annual yield is less than total current usage.

“Water advisory board” is the board as may be constituted in Section 13.04.230(C)(8). (Ord. 12-1 § 2; Ord. 11-7 (part): prior code § 18.1)

13.04.020 Applicability—Shutting off water for violations.

The rules and regulations set forth in this chapter and Chapters 13.08 and 13.12 for the management, control and use of the municipal water department, and penalties for the violation thereof, and rates to be charged for water or services furnished to consumers, are prescribed and established and are applicable to all consumers, whether inside or outside the city limits, in the absence of express limitations hereinafter set forth.

Every person taking water shall be considered as having expressed his or her consent to be bound by the provisions of this chapter, and whenever any one of such rules and regulations is violated the city may shut off the water to the user with proper notice as set forth in Division 5, Article 1, Chapter 1 of the California Public Utilities Code and the water shall not be turned on

again until all unpaid rents and charges are paid and other requirements of this chapter and Chapters 13.08 and 13.12 are met. (Ord. 02-5 § 18 (part); prior code § 18.2)

13.04.030 Application for water service—Deposit.

A. To Be Signed and in Writing. Every person desiring a water supply from the department shall make written application at the office of the department. Such application shall be signed by the applicant. The application shall contain the stipulations, terms and provisions applicable to all water accounts as defined by resolution or the code. A printed application form shall be provided by the department, when requested. Water service will be turned on by a city representative during normal working hours, defined as after 8:00 a.m. and prior to 3:30 p.m., Monday through Friday excluding legal holidays. Water service turn-on shall not be made after 3:30 p.m. or prior to 8:00 a.m., Monday through Friday, nor on Saturday, Sunday or legal holidays unless the customer agrees to pay the appropriate fee as set by resolution for such after-hours service.

B. Nonowner's Deposit. Whenever an application is made for the furnishing of water to premises and the applicant is not the owner in fee of such premises, a deposit shall be made with the department at the time such application is made in the amount prescribed by resolution of the city council. Such deposit shall be held by the department as a guarantee for the payment of all water consumed, and payment of all other charges owing from the applicant to the department. Whenever any applicant removes from such premises owing nothing for water by him or her used, or any other charges of the department, or whenever the applicant shall become the owner in fee of such premises, the deposit shall be returned to the applicant making the same. Otherwise, the deposit shall be returned to the applicant less all charges owing by the applicant to the department.

13.04.040 Water service connections—Costs.

A. Generally. When the premises to which water is to be furnished under the application made in writing has no connection already installed for use on the premises, the applicant shall pay all costs of the installation and service connection. The costs which shall be included as charges for making service installations shall be: All materials costs, including fittings, valves, pipes, meter, meter box and other costs incurred by reason of peculiarities of the installation.

B. Cost of Installation. The applicant shall be responsible for installation and cost of the water lateral both within the city right of way and on private property. All work within the city right of way shall require a city issued encroachment permit, and the work shall be performed by an appropriately licensed contractor. Installation shall be performed in accordance with all applicable city standards including but not limited to trench backfill and pavement restoration. Director of Public Works to Fix Charges. The director of public works is empowered to estimate and fix the charges to be made for all service connections, subject to the approval of the city council.

D. When Due and Payable. All such sums herein provided for to be paid by the applicant shall be due and actually paid before any of the work is commenced and in no event shall the work of installing any water service be commenced until all sums required to be paid have been actually paid by the applicant. None of such sums so paid, nor any portion thereof, shall be refundable to the applicant.

E. Schedule of Water Connection Charges. Every person making a connection to the city water system shall, immediately prior to making such connection, pay to the city a connection charge in as established by city council resolution.

There shall also be one of the following water connection charges:

1. Standard Service Connection (Complete). Minimum charges for standard complete service connections are shown below. A "standard" complete connection is defined as one where the service pipe is tapped into a water main of eight-inch diameter or less, where open trench excavation can be used and where the distance from the main to the meter is not over forty (40) feet. The service connection is complete in that it includes service pipe, meter box, meter and necessary fittings. Extraordinary costs, as determined by the city engineer, shall be billed and paid by the applicant.

Minimum Connection Charge

Size of Meter

3/4 or 5/8 inch meter	\$1,000.00
1 inch meter	\$1,200.00
1 1/2 inch meter	\$1,625.00

2. Standard Service Connection (Partial). A "standard" partial connection applies to those cases where a copper service pipe has been stubbed in during the development of the subdivision and only the setting of the meter box and meter remains to be done by the water department.

Minimum Connection Charge

Size of Meter

3/4 or 5/8 inch meter	\$150.00
1 inch meter	\$275.00
1 1/2 inch meter	\$550.00

(Prior code § 18.4)

13.04.050 Water service connections—Installation generally.

A. When Connection May be Made. The applicant having complied with the requirements of this chapter and Chapters 13.08 and 13.12 relating to the application for service, and having paid all charges incurred, the property described in the application shall be connected with the water mains and water furnished to the applicant.

B. Extension of Mains. No service shall be installed by the department on any private property, or extended beyond the curb of the street in which the department's mains are installed, except where the city owns or controls water pipe line rights-of-way over private property and has water mains installed therein. The applicant for water service shall, at his or her own expense, extend service lines to the nearest open and accepted public street or place where service will be installed by the department, subject to all other terms and provisions set forth in this chapter and Chapters 13.08 and 13.12, except that the department may, at its option, allow water service connections to its water mains installed in the rights-of-way above described; provided, that the applicant at his or her own expense extends service lines to the water mains.

C. Multiple Connections Prohibited Generally. No one service connection shall supply water to more than one premises.

D. Exceptions to Multiple Connection Requirements. If under particular circumstances it be determined by the city council that it be impracticable to install one service connection for every premises and advantageous to the department to furnish water to more than one premises through one service connection, then water may be so furnished by the department. After any such installation of water service for more than one premises through one service connection, the city council may, if it determines that by reason of changed circumstances, it has become practicable to install one service connection for each of the premises, then the city council may elect to install a separate service connection and meter for each of such premises at the cost and expense of the owner of the premises, to be paid for by the owner of the premises.

E. Service to More Than One Consumer Through One Connection and Meter. Where there is more than one consumer supplied through one service connection and one meter, the department shall hold the applicant or other person agreed upon responsible for payment of all water furnished through the one service connection or one meter; provided, that where practicable to serve each consumer through a separate service connection, the city council may at its election install a separate service connection and meter for each such consumer at the cost and expense of the property owner or consumer, to be paid for by the property owner or consumer, and thereafter collected at the established meter rates for water supplied through each meter.

F. **Extension Along Frontage of Premises Served.** In no event shall a water service connection be installed unless a water main of adequate capacity and delivery pressure extends in a public street or public right-of-way across the entire frontage of the premises to be served; provided, however, that if, under particular circumstances, it is determined by the city council that no public purpose would be served to require the water main to extend across the entire frontage, such as, without limitation, those cases involving dead-end streets or cul-de-sacs, the council may determine a lesser distance to which it is necessary to extend the water main across the frontage to serve the public purpose.

G. **Prohibitions.** No service connection shall be given or made from which any consumer service line shall run lengthwise on any public street, nor shall any service connection be given or made from which two or more consumer service lines shall run lengthwise on any private road.

H. **Service Outside City Limits.** No water service connection or water main extension shall be made or given to premises located outside the city limits except (1) to provide private fire service in accordance with Section 13.04.200 and (2) to provide reclaimed water in accordance with city policies and procedures. (Ord. 03-5 § 1; prior code § 18.5)

13.04.055 Conditions when connection to public water main required.

A. The owner of any structure located within the city in which plumbing is to be installed shall, at the owner's sole expense, connect the plumbing of such structure directly to the proper public water main in accordance with the provisions of this chapter. The provisions of this section shall not apply to wells installed pursuant to Chapter 13.16.

B. If the closest water main is located more than one thousand (1,000) feet from the property line of a residential lot, the property owner of the residential lot may request an exception to this requirement for existing lots of record.

C. The following procedures shall be followed for the consideration of applications for exceptions to the requirements of this section:

1. Applications for exceptions shall be filed by the property owner with the public works department on forms provided by the public works department. The application shall be accompanied by materials and information outlined on the application requirements list available in the public works department.
2. The application shall be considered by the city council prior to the determination of completeness (pursuant to Section 65943 of the Government Code) of a development application for the property.
3. Applications for exceptions shall be considered during a public hearing.

D. The following criteria shall be considered by the city council in the evaluation of applications for exceptions to the requirements of this section:

1. The proximity of existing public water mains to the subject lot;

2. The ability to provide public water to the site at pressures adequate for domestic and emergency purposes by unmechanically augmented municipal systems;
3. The likelihood of adjoining lot(s) to develop, and the need for the extension of public water facilities to accommodate such development;
4. The potential environmental effects resulting from the installation of public facilities given the physical conditions and improvements present at the site including, but not limited to: slope, soil conditions, tree cover, existing features and structures, etc., which might present constraints to the extension of the public water facilities;
5. The physical conditions and improvements present at the site including, but not limited to: slope, soil conditions, tree cover, existing features and structures, etc. which might present significant ongoing costs for maintenance of the public facilities;
6. The ability to provide public water service to the frontage of adjoining lots(s);
7. The adequacy of the proposed private system to provide adequate water flow rates, pressure, and facilities to address domestic and emergency needs as determined by the director of public works and the fire chief;
8. The adequacy of the proposed private system to satisfy the requirements of the Napa County department of environmental management.

E. The city council may impose conditions or requirements upon the granting of an application for an exception to the requirements of this section. Said conditions or requirements may include, but shall not be limited to, the following:

1. The property owner requesting the exception shall design and install the public water main across the frontage of the subject property including the extension, if any, of the public facilities from their existing closest point. Appropriate dedication of right-of-way shall be made to accommodate said installation. Said design, installation and dedication shall occur prior to the occupancy of the new development and shall not be subject to reimbursement or other credit by the city of St. Helena. An agreement for reimbursement from private development may be executed.
2. A home owners association (HOA) or other entity or binding agreement, acceptable to the city attorney, shall be created and maintained in perpetuity to ensure the long-term maintenance of the common and/or private facilities (wells, water lines, pressure tanks, holding tanks, back flow prevention devices, etc.). The HOA shall maintain a sufficient fund reserve as determined by the director of public works at all times to ensure that maintenance of the private facilities will occur as necessary. Duties and obligations of the HOA shall be stipulated in covenants, codes and restrictions (CC&Rs) which shall govern the private property. The city of St. Helena shall be a party to the CC&Rs, but shall not be responsible for the enforcement of the document.
3. The property owner requesting the exception shall record a notice which shall run with the deed on the property, and all subsequent parcels resulting from a subdivision of the property, advising subsequent property owners of the lack of public facilities and of the potential for failure of the private system(s). The deed notice shall further advise successor property owners that the city of St. Helena has no obligation to provide public facilities to the property even in the event of the failure of the private system(s).

4. The property owner requesting the exception shall execute and record a hold harmless agreement with the deed of the property, and all subsequent parcels resulting from a subdivision of the property. Said agreement shall relieve the city of St. Helena of any and all liability which might arise from the use and/or failure of the private system(s). Said hold harmless agreement shall be in a form acceptable to the city attorney and shall be recorded prior to occupancy of any new development on the subject lot. (Ord. 12-1 § 3)

13.04.060 Meters generally.

A. Location, Size, Etc. A water service meter shall be installed by the department for each service connection. Water service meters shall be installed only in public streets or places. It shall be unlawful for any consumer to obstruct access to water service meters. On every meter installation the size and exact location of the meter shall be determined by the director of public works or designee.

B. To Remain City Property—Maintenance. All water meters installed by the department shall remain at all times the property of the city and shall be maintained, repaired and renewed by the department. The department will be responsible for the cost to replace and/or repair meters that are rendered unserviceable through ordinary wear and tear and damage by the elements. The property owner shall be responsible for the cost to replace and/or repair meters that are rendered unserviceable as a result of the negligence of the owner, occupant, agent, contractor or other person working on behalf of the owner or occupant. The department shall have sole discretion in determining if a meter requires repair or replacement; and sole discretion in determining if the cause for repair or replacement is ordinary wear and tear or the result of negligence.

C. Tests. Upon the deposit of the sum as established by council resolution with the finance department by any consumer, the director of public works or designee shall test the meter at the premises of the consumer. The consumer shall be notified by the director of public works at least twenty-four (24) hours in advance and may be represented at such test. (Prior code § 18.6)

13.04.070 Water main extensions.

A. Application. The provisions of this section shall apply to water main extensions, both within and without the boundaries of the city, except that they shall not apply to any water main extensions within the boundaries of any subdivision.

B. Duties of Applicants—Materials—Payments. Applicants for water main extensions to service premises where such extensions are necessary, which necessity shall be at the sole and absolute discretion of the city council shall be required: (1) to pay to the department the estimated reasonable cost of the necessary facilities before construction is commenced; and (2) to transfer and convey to the city all water mains, pipes and necessary easements therefor. The

size, type and quality of the materials and the location of lines shall be specified by the city council in its sole and absolute discretion. All such sums herein provided for to be paid by the applicant for water main extensions shall be due and actually paid before any of the work is commenced and in no event shall the work of installing any water service be commenced until all sums required to be paid have been actually paid by the applicant. Any excess of the amount so paid in by the applicant over the actual cost shall be refunded to the applicant, and in the event the actual costs thereof exceed the amount actually paid by the applicant, the water service shall not be turned on until the differential is paid to the department.

C. Additional Connections. Additional water service connections to any such extended water mains shall be permitted only at the sole and absolute discretion of the department.

D. Size. All water main extensions shall be of size and shall be connected to the city water system at a point where there is an adequate water supply under proper pressure as determined by the city council.

E. Special Extension Prorate Charge—Determination, Etc. In addition to the usual costs of a water service connection as provided in Section 13.04.040, a special extension prorate charge shall be required and collected from applicants for water service in those instances where the present or past owners of the premises to be served have not participated in the cost of installing the main fronting their premises and which main was installed within a period of twenty (20) years prior to the date of granting the application for the water service connection but after the effective date of this section, September 12, 1961. The charge shall be determined by multiplying the footage of the premises lying along and which may be served directly from the main extension by one-half of the lineal per foot cost of the main extension, but not to exceed the costs of a six-inch main if installed by the department. The charge shall not be applied more than once to any premises. The charge shall be estimated and fixed by the director of public works, subject to the approval of the council and shall be payable prior to the installation of water service. Except in unusual circumstances, as determined by the city council, premises already served by the department at the date of installation of the main extension will be exempt from the payment of the special extension prorate charge.

F. Special Extension Prorate Charge—When Effective. The special extension prorate charge shall be in effect for a period of twenty (20) years from:

1. The date of execution of the main-extension agreement, if the main extension is financed by property owners; or
2. The date of official completion of the main extension, if financed by the city.

G. Special Extension Prorate Charge—Rights of Applicant Financing Main Extension. The applicant who has financed the main extension shall be entitled to the special extension prorate charges collected by the department as a part of the service connection costs. The amounts collected shall be refunded to the applicant in accordance with the terms of the main-extension agreement between the city and the applicant. The refunds shall be made within ninety (90) days following the date of collection thereof by the city. No refunds of the extension

prorate charges shall be made after twenty (20) years from the date of execution of the main-extension agreement.

H. Subdivision Off-Tract Facilities. If the city council determines that there is not a sufficient off-tract water main from a point where there is an adequate water supply under proper pressure to a point of connecting to in-tract subdivision water mains, the city shall have no obligation to make a connection or extension unless and until the applicant shall finance and make a special agreement with the city for the construction and installation of required off-tract water mains. It is found and determined that at the time no uniform rule can be laid down with respect to the sharing of the cost of such off-tract water main, but that each case must be evaluated on its own merits. Such special agreement need not provide for refunds according to subsection G of this section but may provide for refund or reimbursement to the applicant in such manner as the council determines to be in the best interests of the city. If such an off-tract water main shall be constructed, it shall be a limited purpose through line not designed or intended to serve the properties through which it passes and the city shall not be deemed to have "assumed to serve" any such area through which it passes unless and until the city council shall expressly so declare by later motion or resolution. (Prior code § 18.7)

13.04.080 Water rates.

A. Charges Imposed. No water and no services of facilities of the water system shall be furnished to any consumer or to any person free of charge or in amounts less than those established by resolution of the City Council. The city shall pay for all water furnished or made available by the water system for municipal purpose of the city. Customers shall pay for water service on a monthly basis. In the event a customer is undercharged for water service, the city shall backbill the customer to recover the amounts due to the city.

B. Non-treated (Raw) Water from Lower Reservoir. City in its discretion may provide non-treated (raw) water from its Lower Reservoir to be used for grading, dust control, street, pipeline, or similar construction activities, as well as for irrigation. Non-treated (raw) water shall only be used within the St. Helena city limits, except for users of non-treated (raw) water pursuant to agreements with the City entered into prior to November 2016. A permit fee as established by council resolution is required for all persons utilizing non-treated water (raw), unless otherwise stated under a separate water agreement. All persons utilizing non-treated water through the permit process are also required to pay the use fee as identified by council resolution.

13.04.090 Right of city to contract for water.

Under special circumstances, the city council reserves the right and power to contract separately with any person for the sale and delivery of water within or outside the corporate

limits of the city at wholesale rates to be fixed and agreed upon by resolution of the council.
(Prior code § 18.9)

13.04.100 Rules and regulations generally.

- A. **Right of Access.** Duly authorized representatives of the department shall have the right of access at all reasonable hours to any premises where water from the department's water system is used for the purpose of inspection and examination.
- B. **Persons Authorized to Make Connections.** No person other than the duly authorized representatives of the department shall connect the consumer's service to or disconnect the same from the water mains of the department.
- C. **Shutoff Valves.** Every water consumer shall install and maintain at his or her own expense a shutoff valve inside the property line at a location accessible in event of emergency.
- D. **Permission to Supply Additional Premises.** No person, whose premises are supplied with water shall furnish water to other premises, unless he or she shall first make application in writing to the department and secure approval in writing.
- E. **Agricultural Use.** Water purchased from the department pursuant to the provisions of this chapter and Chapters 13.08 and 13.12 may not be used for any agricultural purpose except in one of the following conditions:
 - 1. The products or results of such agricultural purpose are consumed or enjoyed solely by or on the premises of the water customer;
 - 2. The water used for an agricultural purpose is recycled from some nonagricultural use by the water customer;
 - 3. The city council has expressly granted permission to the water customer to use water for the agricultural purpose;
 - 4. Water serving the premises has been used for an agricultural purpose during the six months preceding August 9, 1994, in which case only that particular agricultural use may continue and may not be expanded; or
 - 5. Parcels are less than one-half acre in size.
- F. **Bills for Charges.** All bills for water charges will be rendered by the city monthly. All bills shall become due and payable upon presentation and shall be paid at the office of the finance department.
- G. **Supplemental Rules.** The city council may, by resolution, provide such supplementary rules and regulations as it deems necessary or advisable to accomplish the interest and purposes of this chapter and Chapters 13.08 and 13.12.

H. Previous Agreements. None of the provisions of this chapter and Chapters 13.08 and 13.12 shall apply to or in any manner affect any agreement for furnishing water, for extension of water mains or installation or maintenance of water service made before June 10, 1952, and to which the city is a party, but as to such agreements, the provisions and requirements of ordinances and resolutions in force at date of such agreement shall apply and any and all such agreements so made are ratified and confirmed. (Amended by city 4/17/13; Ord. 02-5 § 18 (part): prior code § 18.10)

13.04.110 Responsibility for payment of charges.

All water charges shall be billed to the person making application for water service per Section 13.04.030 of this chapter, unless requested by the owner to be billed differently. Where allowed by law, all water charges shall be the responsibility of the owner of the premises upon which the charges fixed are levied and assessed or his or her successor in interest. (Prior code § 18.11)

13.04.120 Notices.

A. Notices from the city to any consumer will be given in writing, either delivered to the consumer or mailed or emailed to his or her last known address or contact, except that where conditions warrant or in any emergency the city may give verbal notice by telephone or in person.

B. Notices from a consumer to the city may be given by the consumer or his or her authorized representative verbally or in writing at the office of the finance department, to the city clerk, or to the director of public works' office. (Prior code § 18.12)

13.04.130 Enforcement—Discontinuance of service upon delinquency.

A. Discontinuance of Service to Abate Dangerous Conditions, Waste, etc. The city may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is found by the director of public works or designee to be dangerous or unsafe or where the use of water on such premises is found by the director of public works or designee to be detrimental or injurious to the water service furnished by the city to other consumers, or where the director of public works or designee finds that negligent or wasteful use of water exists on any premises which affects the city's water service. The city shall have the right to refuse or discontinue water service to any premises if necessary to protect itself against fraud or abuse.

B. Enforcement by Director of Public Works. The director of public works is charged with the enforcement of all the provisions of this chapter and Chapters 13.08 and 13.12.

C. Discontinuance for Certain Violations. In the event of violation, other than nonpayment of water service charges, of any terms of this chapter and Chapters 13.08 and 13.12, the director

of public works may disconnect any premises from the water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which, upon the failure of such person to prevent or rectify the violation, the director of public works will exercise his or her authority to disconnect the premises from the water system; provided, that such time shall not be less than five days after the deposit of such notice in the United States Post Office at St. Helena, Napa County, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the director of public works may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

D. Failure to Pay Bill. Bills are due and payable upon presentation and delinquent after thirty (30) days. Upon failure of any consumer billed or the owner of any premises to pay any water service charge prior to the delinquency, the following action or actions shall be taken by the city to enforce such payment after such bill becomes delinquent:

1. Impose a penalty for delinquency of ten percent (10%) of the amount then delinquent;
 2. Assess interest in the amount of one percent per month or fraction thereof on the amount delinquent from the date on which the bill remittance first became delinquent until paid;
 3. Disconnect the premises from the water system for nonpayment of water bills with proper notice as set forth in Division 5, Chapter 1, Article 1 of the California Public Utilities Code;
 4. Cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the cost of such action including reasonable attorney fees incurred in an amount fixed by the court.
5. Any person wishing to appeal penalties and interest imposed in this section shall adhere to provisions in accordance with Section 13.04.180 Appeals.

E. Hardship Agreements. City finance department may in its discretion offer hardship agreements which create payment plans for delinquent bills. All requests for hardship agreements and payment plans must be submitted in writing. Hardship agreements are approved at the discretion of the finance director based on amount owed and payment history.

F. Reconnection Fee. Whenever any premises have been disconnected from the water system for any violation of this chapter or Chapters 13.08 and 13.12, such premises shall not be reconnected to the water system until all delinquent fees, charges, penalties and interest have been paid, together with a reconnection charge as may be set by resolution of the city council.

G. Lien for Delinquencies. In addition and as an alternative to any other remedy for enforcement and collection, all delinquent water service charges, including late charges and interest for nonresidential properties, shall become a lien upon the nonresidential real property upon which water is furnished prior to all other liens, encumbrances or exemptions, other than

state and county taxes, and shall have the force and effect of a tax lien. The lien shall continue until it is paid together with the penalties and interest set forth in this section. The lien shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All acts applicable to levy, collection and enforcement of municipal taxes apply to this lien. (Ord. 02-5 § 18 (part); prior code § 18.13)

13.04.140 When water charges become effective—Discontinuance of service at consumer's request.

A. Water charges shall become effective against all premises immediately upon connection to the water system.

B. Any consumer may have his or her water service discontinued by giving notice requesting discontinuance at least two (2) business days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in such notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two (2) business days after the city has knowledge that the consumer has vacated the premises or otherwise discontinued water service. The city shall set a charge per council resolution for restoring water service to any consumer whose water service has been discontinued at his or her request. Water service will be turned off by a city representative during normal working hours, defined as after 8:00 a.m. and prior to 3:30 p.m., Monday through Friday excluding legal holidays. Water service turn-off shall not be made after 3:30 p.m. or prior to 8:00 a.m., Monday through Friday, nor on Saturday, Sunday or legal holidays unless the customer agrees to pay the appropriate fee as set by resolution for such after-hours service.

C. If the discontinuance of a water service under subsection B of this section continues more than thirty (30) days, the consumer may request that the water service be placed on a standby basis. While on a standby basis, the water service rates established by council resolution will apply. In order to reestablish water service, the customer will be responsible for the fee associated with restoring water service and must pay any delinquent charges for which the customer is legally liable before service will be reconnected. (Prior code § 18.14)

13.04.150 Service Interruptions.

A. Temporary Suspension of Service. The city will exercise reasonable diligence to provide continuous and adequate water service to consumers and to avoid any shortage or interruption of delivery of water, but cannot guarantee complete freedom from interruption. The city shall have the right to suspend water service temporarily to make necessary repairs or improvements to the water system. In each case of temporary suspension of service, the city will notify the consumers affected as soon as circumstances permit and will prosecute the work of repair or improvement with due diligence and with the least possible inconvenience to consumers.

B. Apportionment Among Consumers. During any period of threatened or actual water shortage the city shall have the right to apportion its available water supply among consumers in such manner as appears most suitable under the circumstances then prevailing and with due regard to public health and safety.

C. City's Responsibility. The city shall not be liable for interruption, shortage or insufficiency of water supply or water pressure or any loss or damage occasioned thereby. (Prior code § 18.15)

13.04.160 Duties of director of public works and director of finance.

It shall be the duty of the director of public works to supervise all connections to the water system, to fix all connection charges and to enforce all provisions of this chapter. It shall be the duty of the director of finance to collect all water bills and charges and all connection and other fees herein provided for, and to deposit the same with the appropriate account. The director of finance shall keep an accurate accounting and records showing the source, amount and disposition of all monies received by them hereunder. The city will carry fidelity insurance with respect to all city officers and employees who respectively receive, collect or have in their care or custody any moneys referred to in this section, such insurance to be in an amount at least equal in the aggregate to the maximum amount of such moneys at any one time in the care or custody of all such officers or employees. (Prior code § 18.16)

13.04.170 Disposition of moneys—Funds.

All moneys received by the city under this chapter, excepting only all connection charges and portions of water bills refundable to consumers in respect of water main extensions pursuant to Section 13.04.070, shall be deposited by the director of finance in a timely manner each month in the manner and for the purposes provided and with the fiscal agent designated and/or adopted as best practices.

All connection charges collected by the city under this chapter and Chapters 13.08 and 13.12 shall be deposited in a separate account entitled "water connection fund", which is created and shall be applied in the manner and for the purposes provided for in this chapter and Chapters 13.08 and 13.12.

All portions of water bills refundable to consumers in respect of water main extensions pursuant to Section 13.04.070 shall be deposited in a separate account entitled "water main extension refund fund," which is created and shall be applied in the manner and for the purposes provided for in Section 13.04.070.

(Prior code § 18.17)

13.04.180 Appeals.

A. Procedure Generally. Any person who shall have a right to appeal as provided in any section of this chapter or Chapters 13.08 and 13.12 or who shall be dissatisfied with any determination hereafter made by the director of public works or director of finance may, at any time within thirty (30) days after such determination, appeal to the city council by giving written notice to the director of public works and to the city clerk, setting forth the determination with which such person is dissatisfied. The city council may, at any time, upon its own motion, appeal from any determination made by the director of public works hereunder. In the event of any such appeal, the director of public works shall transmit to the city council a report upon the matter appealed. The city council shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing to all persons affected by such appeal, of the time and place fixed by the city council for hearing such appeal. The city council shall direct the city clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the city council.

B. Refunds. Pending decisions upon any appeal relative to the amount of any charge under this chapter or Chapters 13.08 and 13.12, the person making such appeal shall pay such charge. After the appeal is heard, the city council shall order refunded to the person making such appeal such amount, if any, as the city council shall determine should be refunded. (Prior code § 18.18)

13.04.190 Pollution of city reservoirs—Wading, swimming and cutting wood.

No person shall wade or bathe in or otherwise pollute the waters of the reservoirs supplying drinking water to the inhabitants of the city or the watercourses supplying such reservoirs. No person shall cut wood or shrubbery on the property on which such reservoirs are situated and which property is now or hereafter owned and used by the city for the purpose of its municipal water supply. No person shall fish in the reservoirs or picnic on such property, without a permit to do so, issued and conditioned as prescribed by the city manager or his or her designee. (Prior code § 18.19)

13.04.200 Private fire service—Requirements—Rates.

The department may install a private fire service; provided that the applicant complies with the general requirements governing water services set forth in this chapter or Chapters 13.08 and 13.12, together with the following special requirements:

A. The applicant shall enter into a private fire service agreement with the department, the terms of which shall be satisfactory to the department.

B. The services shall be satisfactory to the head of the public agency responsible for fire protection on the premises involved and to the Pacific Fire Rating Bureau. Each private fire service shall have installed therein a detector check valve of pattern and design approved by the director of public works. A "detector check valve" is defined as a spring-loaded or weight-loaded swing check valve equipped with a metered bypass.

C. The private fire service shall be used only for fighting fires and testing the fire protection system. The charge for the service shall be set by council resolution. The charge shall include the cost of water used to fight fires and for authorized testing of the fire protection system. Any other use of water from the private fire service shall constitute a breach of the private fire service agreement.

D

13.04.210 Public fire hydrants—Operation and maintenance—Rates.

The department shall install, relocate or remove a public fire hydrant when the following requirements are met:

A. A written request has been submitted to the department by the public agency responsible for fire protection setting forth the location and type of hydrant.

B. The estimated charges for the installation, relocation or removal as determined by the director of public works have been paid by such public agency or by a duly authorized private person.

C. Public fire hydrants shall belong to the city and be maintained by the water department. Public fire hydrants shall be operated only by authorized firefighting personnel, department personnel and such other persons as are granted specific permission to do so by the director of public works. Public fire hydrants shall be used only for fire suppression, testing of the fire protection system, fire drills and flushing and cleaning of mains, except where specific permission to use the hydrants for other purposes has been granted by the director of public works.

Article 2

Water Shortage Emergencies, Drought and Water Conservation

13.04.220 Procedure for establishing water emergency phases.

At any time that the city council finds and determines that a water shortage emergency condition exists within the criteria of Sections 13.04.230 through 13.04.250, and that it is necessary to limit usage by the customers of the municipal water department, the city council shall adopt a resolution setting forth the applicable phase. As soon as is practicable after adoption of such resolution, the city clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the city, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further declare that violations of such limitations are punishable in accordance with the provisions of

Sections **13.04.230** 13.04.310. The establishment of a particular phase shall be completed and effective as described in the resolution adopting the water shortage phase.

Whenever the cumulative rainfall for the current water year (beginning November 1st) is less than the median amount for the same time period, the director of public works or designee shall report at least monthly to the city council and recommend whether the city should enter into a water shortage phase, and if so, which phase is recommended.

At any time the state of California may require the city to conform with emergency drought regulations. Notwithstanding any other provisions of this article, the city council may, at the recommendation of the director of public works, activate a water shortage phase as a means of compliance with emergency drought regulations adopted by the state. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.23)

13.04.221 Water Conservation

St. Helena has limited water resources and has adopted both required and encouraged conservations measures. All customers shall comply with all mandatory water use efficiency requirements within this chapter for water conservation. Any customer who fails to comply with the mandatory water conservation measures shall immediately stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions as directed by the City to bring about full compliance.

- A. All persons are encouraged to use the following water use efficiency guidelines to minimize water waste:
1. Establish procedures in the home and business to recycle water;
 2. Install water-saving devices in existing facilities including low flow showerheads, faucet aerators, ULF (ultra low flush) toilets, and WaterSense certified (or successor certification) appliances;
 3. Refrain from additional irrigation and unnecessary use of water, such as car washing, when the temperature exceeds ninety (90) degrees Fahrenheit
 4. Limit the expansion or installation of new water-using appliances, plumbing or improvements, such as lawns, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units. In the event that a new water-using appliance is necessary, installation of water efficient devices are encouraged; and
 5. All schools, social and professional groups, churches, etc., should discuss water conservation as a regular agenda item and forward worthwhile suggestions to the department for consideration and implementation.
 6. Limit irrigation of potable water to landscaping between the hours of eight (8) a.m. and eight (8) p.m.

7. All sites with irrigated landscapes or gardens are encouraged to establish the following irrigation practices:
 - A. Turn off irrigation systems during the off-peak season (November-April) as defined in Section 13.04.080
 - B. Reduce the amount of time for all outdoor irrigation. (Ord. 15-5 § 1 (part); Ord. 14-11 § 3 (Exh. A); Ord. 14-9 § 5 (Exh. A); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.23.1)
- B. Mandatory Conservation Measures: The following water conservation prohibitions and limitations are required by all persons.
 1. The application of potable water to any driveway or sidewalk is prohibited, unless the person proposing such application of potable water documents to the director of public work's satisfaction that application is necessary to abate a condition constituting a public health hazard.
 2. Using a hose that dispenses potable water to wash a motor vehicle is prohibited, unless the hose is fitted with a shut-off nozzle
 3. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the state's water efficient landscape ordinance.
 4. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, nonirrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.
 5. Using potable water in a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.
 6. Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes, is prohibited.
 7. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.
 8. The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited.
 9. No person shall use potable water to irrigate ornamental turf on public street medians.

10. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request.
11. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.
12. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards or the State's Model Water Efficient Landscape Ordinance, which ever is stricter in order to obtain plan approval.
13. Any new water connection for new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.050. The offset must be clearly demonstrated, to the satisfaction of the director of public works.

13.04.230 Phase I water regulations.

- A. The criteria for establishing Phase I shall be any or all of the following:
 1. The supply/usage balance, as calculated at the beginning of the fiscal year, is in deficit;
 2. The volume of water to be delivered by the city of Napa in any fiscal year will not exceed four hundred (400) AF;
 3. The volume of water anticipated to be available prior to the next November 1st, as determined by the director of public works, is not sufficient to meet projected demand through November 1st without demand reduction measures being implemented; or
 4. Conditions requiring the establishment of a Phase II water emergency, as determined by the director of public works, appear to be imminent.
- B. During the Phase I water emergency, the following mandatory conservation measures by customers of the department shall be enforced by the department and publicized by the city:
 1. All customers must be in compliance with all water conservation requirements of Chapter 13.04.221, paragraph B (Water Conservation). If a customer is found to be out of compliance with any part of Chapter 13.04.221 or provisions of these water shortage emergency requirements, the customer must immediately stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions to bring about full compliance.
 2. All customers are prohibited from expanding or installing landscaping or appliances that will increase the overall water use of the property. Replacement of

existing appliances, landscaping, plumbing, or improvements shall be allowed only if the change can be documented to the satisfaction of the director of public works to result in more efficient water using fixtures or systems.

3. Customers shall cease the operation of air-cooling outdoor misting systems using treated water supplied by the city, unless on a timer.
 4. Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than two days a week. The director of public works shall specify the two days per week in accordance with the needs of any geographical area within the city.
 5. No person shall use potable water to irrigate landscaping between the hours of eight a.m. and eight p.m.
 6. Irrigation with potable water of landscapes outside of newly constructed homes and buildings shall be in a manner consistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. If irrigation systems are installed as a part of new development, they shall be drip or microspray irrigation systems or a system determined by the director of public works or designee to be more efficient.
 7. Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption.
 8. All new or replacement industrial and commercial clothes washers shall be high efficiency as defined by the U.S. Environmental Protection Agency. All new or expanded car washing facilities shall include water-saving methods. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.42)
 9. In accordance with Section 864 of Title 23 of the California Code of Regulations or any successor regulation, the taking of any action prohibited in this subsection B, in addition to any other applicable civil or criminal penalties (including the penalties set forth in Sections **13.04.230** and **13.04.310**), is an infraction, punishable by a fine of up to five hundred dollars (\$500.00) for each day in which the violation occurs.
- C. During the Phase I water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers that one or more of the criteria for Phase I has been met, and shall identify and explain in sufficient detail each criterion that forms a basis for establishing a Phase I water emergency.
 2. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase II water emergency if a Phase II water emergency appears to be imminent.
 3. The city shall advise customers of the Phase I water shortage and of restrictions and opportunities for exception permits that are available under Section **13.04.280** if a Phase II water emergency appears to be imminent.

4. Any applicant for, or holder of, a building permit for construction that may be affected by the existence of this or future water emergency phases shall be informed of the impact of such phases, but lack of such notice shall not permit a new water connection that is otherwise prohibited.
5. The city shall not issue permits for construction of any new swimming pool unless the pool is to be supplied with water other than treated water supplied by the city. Customers are encouraged to fill existing pools from water other than treated water.
6. If a Phase II water emergency appears to be imminent, the city shall make plans for implementation of a water shortage disaster plan, which shall include provisions for:
 - a. Emergency water stations;
 - b. Acquisition of private property under the right of eminent domain, with immediate possession to alleviate the emergency; and
 - c. Application for relief assistance from county, state, and federal sources.
7. The city council shall give notice to any customer that has a terminable contract with the department (whereby the department is the supplier) that such contract will be terminated upon implementation of Phase III by the city council.
8. If the declaration of a Phase II emergency appears reasonably imminent, the city council shall cause a water advisory board to be formed consisting of one city council member, one planning commissioner, one winery customer, and two public members, one of whom shall be solely a residential customer. The director of public works shall be an ex officio member of this board. Unless the city council otherwise directs, the board will disband when the water emergency is no longer in effect. The water advisory board shall have access to all records in the possession of the water enterprise necessary in its judgment to perform its duties, including customer records. The board shall maintain the confidentiality of individual customer records unless the board determines by resolution that release of such information is necessary in the pursuit of its duties.

D. In addition to the mandatory measures defined in subsection B of this section, customers of the department and members of the community are encouraged to do the following:

1. Reduce all indoor water use to not more than an average of seventy-five (75) gallons per person per day within the residence, including single-family residences, apartments, condominiums, townhomes, mobile homes and manufactured homes.
2. Reduce indoor water use in the work places and commercial establishments by a minimum of ten percent (10%) from customary consumption.
3. Eliminate or defer all nonessential water use such as topping off swimming pools.
4. All schools, social and professional groups, churches, etc., are encouraged to discuss water conservation as a regular agenda item and to forward worthwhile suggestions to the department for consideration.

13.04.240 Phase II water regulations.

A. The criteria for establishing Phase II shall be:

1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through

November 1st without demand reduction measures beyond the Phase I reductions being implemented; or

2. Conditions requiring the establishment of a Phase III water emergency appear imminent.

3. In assessing the need to impose Phase II restrictions due weight shall be accorded to the trigger system developed by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time.

Details of the system can be obtained from the director of public works.

B. All mandatory and voluntary measures established by Section 13.04.221, Water Conservation, and Phase I, Section 13.04.230(B), (C) and (D) shall be included in Phase II and publicized by the city except insofar as they are inconsistent with subsections C and D of this section.

C. The following mandatory conservation measures by customers of the department shall be enforced by the department:

1. Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be ten percent (10%) less than the average use during the four winter months of the preceding nonshortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than sixty (60) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. Commercial, industrial, and institutional customers with irrigation and domestic use provided by the same water meter may receive an additional landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

2. Residential users in the single-family residential, multifamily residential, mobile home and manufactured homes customer classes will receive an allocation per billing period which will be limited to sixty-five (65) gallons per person per day. Single-family residences will receive an additional twenty-five hundred (2,500) gallons per month from April through October for landscape irrigation. Multifamily residential, mobile home and manufactured homes customers may receive a landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

3. For a lawn, landscaping, vineyard or field watered or irrigated through a meter dedicated to that use, usage shall be limited to sixty percent (60%) of current reference evapotranspiration as established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations. .
 4. No new water connections shall be permitted during a Phase II water emergency.
- D. During the Phase II water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase III water emergency.
 2. The department of public works shall make available, or arrange to have delivered, nonpotable water from either lower reservoir or, if permitted and available, tertiary treated wastewater to city-owned properties for irrigation purposes.
 3. Nothing herein shall restrict the authority of the director of public works from imposing more severe usage restrictions on each class of water customer if circumstances so warrant. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part))

13.04.250 Phase III water regulations.

- A. The criteria for establishing Phase III shall be:
1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase II reductions being implemented.
 2. In assessing the need to impose Phase III restrictions due weight shall be accorded the trigger system developed and defined by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.
- B. All mandatory and voluntary measures established by Section 13.04.221, Water Conservation, and Phases I and II, Sections 13.04.230(B), (C) and (D) and 13.04.240(B), (C) and (D), shall be included in Phase III and publicized by the city, except insofar as they are inconsistent with subsections C and D of this section.
- C. The following mandatory conservation measures by customers of the department shall be enforced by the department:
1. Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be twenty percent (20%) less than the average use during the four winter months of the preceding nonshortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than fifty (50) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase

II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established nonturf plants only.

2. Residential users in single-family residential, multifamily residential, mobile home and manufactured homes customer classes will receive an allocation per billing period which will be limited to sixty (60) gallons per person per day. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established nonturf plants only.

3. For a vineyard or approved field (as approved by the water advisory board) watered or irrigated through a meter dedicated to that use, the allocation shall be limited to thirty percent (30%) of current reference evapotranspiration as established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations., and irrigation will be allowed for established nonturf plants only.

4. All nonessential uses of water shall be prohibited. Nonessential uses shall include, but not be limited to, the following:

- a. The use of water for irrigation of turf, lawns, or ornamental landscaping;
- b. The refilling of swimming pools, hot tubs and spas, except as required by the fire chief for use as standby neighborhood fire protection. The fire chief shall maintain a list of such pools to be on file at the fire department.

5. No new water connections for new development shall be permitted.

D. During the Phase III water emergency, the following actions shall be carried out by the city:

1. The department shall terminate all nonessential contracts which are terminable. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.25)

13.04.270 Termination of water emergency phases.

Water emergency phases shall be terminated or changed to a less critical phase in the same manner as they are established in accordance with criteria set forth in the preceding sections and at the discretion of the city council. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.28)

13.04.280 Exception permits.

A. Under a Phase II or Phase III water emergency, the director of public works shall, with such conditions as seem to him or her to be reasonable, grant exception permits in addition to any basic allocation, on application of a water customer submitted under penalty of perjury, based on the conditions defined in this section. The city may provide a process for certification of efficiency, lot size, medical condition, or efficient and essential use prior to declaration of a water shortage emergency condition which could result in a customer being prequalified for exception.

1. For any customer with an allocation based on previous water use, if it can be demonstrated to the satisfaction of the director of public works that water conservation measures beyond those required in Chapter 13.12 were in place prior to the preceding

nonshortage year, an additional quantity of water may be allocated to recognize the higher efficiency in place prior to the water emergency condition.

2. For single-family residential parcels exceeding seven thousand (7,000) square feet in area, the quantity of up to twenty (20) gallons per day for each one thousand (1,000) square feet that the property area exceeds seven thousand (7,000) square feet for the purpose of maintaining mature landscape or orchard plants. For purposes of this subsection, multiple parcels maintained and fully landscaped as one property may be computed as being one parcel. An exception granted based on this subsection shall allow the use of no more than an additional two hundred fifty (250) gallons per day for this purpose.

3. For medical conditions of a resident, a quantity as required to maintain health standards.

4. For any customer with an allocation based on previous winter water use, if it can be demonstrated to the satisfaction of the director of public works that efficient and essential water uses are not represented in average winter water use, an additional quantity of water may be allocated to provide for these efficient and essential needs.

B. The water advisory board shall meet at least monthly and may grant permits for uses of water or for exceptions to water conservation measures or for water connections otherwise prohibited by Sections 13.04.230, 13.04.240, and 13.04.250 if it finds and determines that such regulations would:

1. Cause an unnecessary and undue hardship to the applicant or to the public;
2. Cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public; or
3. Promote water conservation by providing for the establishment of water efficient landscaping meeting the standards of Section 17.112.140 and such policies and regulations as have been adopted to implement the provisions of that chapter, replacing more water-intensive landscaping.

C. The water advisory board of the city shall prescribe necessary procedures for application for and use of exception permits.

D. Any decision of the director of public works in granting or denying exceptions may be appealed by the applicant or any other person to the water advisory board by filing a written appeal with the city clerk within ten (10) calendar days after the date of mailing of written notice to the applicant of the decision rendered. The water advisory board shall use its best efforts to hear and determine such appeal within twenty (20) days, and shall affirm, reverse, or modify the decision.

E. Any decision of the water advisory board may be appealed by the applicant to the city council according to the provisions of Chapter 1.16. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.28.1)

13.04.310 Violation—Misdemeanor.

Notwithstanding any provision of this code to the contrary, the provisions of Section 377 of the California Water Code shall be applicable to any violation of this article. Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by imprisonment in the county jail and/or fined in accordance with the penalties as set forth in the provisions of Section 377 of the California Water Code. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.30)

Chapter 13.12
WATER USE EFFICIENCY AND NEW DEVELOPMENT

Sections:

- 13.12.010 Purpose and scope.**
- 13.12.020 Definitions.**
- 13.12.030 New development.**
- 13.12.040 Residential remodeling.**
- 13.12.050 Appeals.**
- 13.12.060 Responsibility of customers, employers, property managers and contractors.**
- 13.12.070 Violations—Penalties.**
- 13.12.080 Remedies not exclusive.**

13.12.010 Purpose and scope.

This chapter adopts regulations to deal with the limited supply of water which the city council has found to exist. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.40)

13.12.020 Definitions.

The following terms are defined for the purpose of this chapter:

“Customer” means the person responsible for paying for each water service account on the water enterprise’s water distribution system, both inside and outside the city limits.

“Domestic use” means any treated water used by a person for cooking, cleaning, bathing, washing clothes, drinking and sanitation.

“Efficient” means performing or conducting effectively with a minimum of waste, expense, or water use as set forth by the U.S. Environmental Protection Agency.

“New development” means any of the following construction projects that have not received a certificate of occupancy from the city or county building department prior to September 13, 1994, or that was issued a building permit and did not construct a foundation prior to September 13, 1994:

1. Any freestanding building that contains water-using fixtures;
2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases the number of independent living units.

“Person” means any individual, firm, partnership, association, corporation, company, organization or governmental agency.

“Retrofit” means to replace all toilets, showerheads and faucet aerators in the building not complying with the flow regulations as stated in this chapter.

“Ultra-low flush (ULF) toilet” means any toilet which meets or exceeds the current California Green Building Standards Code.

“Water” means any potable water that is supplied by the city’s water enterprise water distribution system unless otherwise indicated. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.41)

13.12.030 New development.

- A. All new development shall apply the following water use efficiency measures, as applicable:
1. Installation of ultra-low flush (ULF) toilets, low flow showerheads and faucet aerators;
 2. Installation of water efficient hot water instantaneous dispensing systems;
 3. Installation of swimming pool covers.

Except as allowed in subsections B in this section, new development shall completely offset its water requirement by installing city-approved ULF toilets and associated water-efficient hardware in a sufficient number of existing homes or nonresidential properties having toilets that use 1.6 gallons per flush or greater. The required retrofits shall be calculated as specified in the City’s Water Neutrality Policy as adopted by council resolution and approved by the director of public works/city engineer.

B. If the city council determines that retrofitting of existing residential or nonresidential buildings is impractical or constitutes an unusual hardship on an applicant, it may authorize the payment to the city of an in-lieu retrofit fee in lieu of complying with the requirements of subsection A of this section. The in lieu fee shall be the equivalent of the cost of retrofitting a sufficient number of existing homes with the ULF toilets and other required water-saving devices as described in subsection A of this section. The in-lieu fee shall also include the cost of staff time to accomplish the required retrofitting using the fees collected. The in-lieu fee will be established by resolution. The public works department is authorized to require retrofitting and not accept in-lieu retrofit fee, regardless of hardship, if it appears likely that existing home retrofitting prior to the expected occupancy by the new development can be completed. In the event that an in-lieu fee is accepted, the city will administer a rebate program to retrofit existing homes using the fees collected or may use the fees for another water use efficiency purpose as approved by the council. In-lieu fees must be paid upon issuance of a building permit. An applicant may petition the city council to allow an alternative innovative method of mitigating water use for new development.

C. All new development that is retrofitted with toilets shall also be retrofitted with the following water-saving devices, that meet or exceed the current California Green Building Standards Code or successor regulations as applicable: showerheads, interior faucet aerators, urinals . Existing fixtures that currently meet the California Green Building Standards Code or successor regulations are not required to be replaced.

D. The developer shall be responsible for identifying residential or nonresidential properties eligible for retrofitting and verify to the department of public works that the required number of retrofits have been completed prior to the issuance of a certificate of occupancy. If the certificate of occupancy has been issued without completion of the retrofit requirement, in-lieu fees will be retained by the city. In-lieu fees will be maintained in a separate account and administered by the director of public works for water use efficiency program elements.

E. Nonresidential projects will have their water demand evaluated during the project review or use permit review stage by the director of public works. They will be required to mitigate their water demand through off-site retrofitting according to a schedule of water use factors.

F. All new development shall use toilets, associated flush-o-meter valves and urinals, if any, meet or exceed current California Green Building Standards Code or successor regulations .

G. In the city, building permits, certificates of occupancy and/or water connections can be withheld pending compliance with these regulations. In the county, water service from the city of St. Helena water enterprise shall require a water agreement limiting water use and can be withheld pending compliance. (Ord. 04-2 (part): Ord. 02-5 § 18 (part): Ord. 01-11 § 2 (part): prior code § 18.44)

13.12.040 Residential remodeling.

Residential remodeling will trigger a retrofit of the remodeled residence only if the remodeling involves work that would increase water use (determined by the director of public works), such as adding or remodeling a bathroom, adding a bedroom, granny unit, hot tub, spa, pool, or laundry. Remodeling that does not increase water use, such as reroofing, adding a family room, or increasing the size of a room would not trigger a retrofit unless the remodel exceeds twenty-five percent (25%) of the total valuation of the building as determined by the building official. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.45)

13.12.050 Appeals.

Exceptions to the above allocations and prohibitions may be made for the protection of public health or safety or undue hardship. Any exceptions are subject to the following requirements and procedures:

A. Any person who wishes to make an appeal shall do so in writing by using the form provided by the water department.

B. The appeal shall be reviewed by the director of public works or his or her designee or designees.

C. It must be shown that there are no alternatives to the use of city water and that all appropriate conservation measures are being used.

D. Verification may be required of any condition/situation listed on the application for exception.

E. The decision of the director of public works may be appealed to the city council within ten (10) days.

F. The decision of the city council will be final.
(Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.46)

13.12.060 Responsibility of customers, employers, property managers and contractors.

A. Every customer who has requested city water service is responsible for civil penalties for water waste whether or not the acts of water waste are committed by that person or third parties. The civil penalty may be reduced or discharged if the water waste was beyond the control of the customer and if all reasonable means had been previously taken to prevent water waste. All reasonable means includes, but is not limited to, securing hose bibs, written warnings to tenants or other water users, and amendments to rental agreements where permitted by the lease.

B. Every employer is responsible for civil penalties for acts of water waste committed by employees if the employer shows gross negligence.

C. Every property manager is responsible for civil penalties for acts of water waste resulting from irrigation prohibited by this chapter if the property manager shows gross negligence.

D. Every licensed contractor or development owner is liable for acts of water waste committed on the job site. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.47)

13.12.070 Violations—Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 04-2 (part): Ord. 02-5 § 18 (part): Ord. 01-11 § 2 (part): prior code § 18.50)

13.12.110 Remedies not exclusive.

Remedies herein are not exclusive. In addition to the remedies set forth in this chapter, the remedies established by Section 18.04.130 are also available to the city. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.51)

Chapter 13.20
SEWER SERVICE SYSTEM

Sections:

- 13.20.010** Definitions.
- 13.20.020** Sewer charges.
- 13.20.030** Use of funds.
- 13.20.040** Annexation to Municipal Sewer District No. 1.
- 13.20.050** Special extension prorate charge.
- 13.20.060** Connection to sewer main of adequate capacity.
- 13.20.070** Compulsory connection.
- 13.20.080** Details and specifications adopted by resolution.

13.20.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Car wash” means a business whose principal activity involves motor vehicle washing, including automatic and self-service washing.

“Religious Place/Community Center” means establishments of religious organizations operated for worship, religious training or study. Other establishments maintained by religious organizations, such as educational institutions, hospitals, social services, and secondhand stores are classified according to their primary activity.

“Garage and repair shop facilities” means any garage/repair facility that performs minor or major repairs on automobiles, recreational vehicles, motorcycles, and/or boats. These establishments may be combined with automotive dealers or gasoline service stations. Gasoline stations and gasoline stations combined with other activities, such as convenience stores, are considered general commercial unless there is on-site food preparation; then it is classified as mixed retail with food.

“General commercial and office” means all businesses, offices, and similar users not otherwise included in another user category.

“Grocery” means all businesses whose principal activity involves retail sale of groceries and which have on-site preparation of fresh fruits and vegetables; fresh and prepared meats, fish, and/or poultry; baked goods; and similar items.

“Hotel/motel with food” means a full service facility having rooms, restaurant(s), and/or a bar serving food attached to the same water meter. Also included in this category are bed and breakfasts serving food prepared on site, and any visitor-serving structure, which contains facilities for cooking and eating.

“Hotel/motel without food” means all living units of a transient nature, including hotel and motel rental room units, which do not contain any kitchen facilities, and bed and breakfast units that only serve continental breakfasts where baked goods and similar items are prepared off site. Excluded from this category are full service hotels.

“Laundromat/laundry” means all self-service clothes washing establishments or an establishment which is primarily engaged in supplying residences and/or businesses with laundered shirts, pants, household linens, and similar items on an over-the-counter basis. This does not include commercial or industrial laundries. Dry cleaners without on-site cleaning facilities are general commercial.

“Mixed retail with food” means all establishments where more than one retail business is attached to a water meter and the primary water use on that meter is from a business or businesses as defined in the restaurant category.

“Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

“Residential” refers to all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than a transient nature, including but not limited to single-family residences, apartments, mobile homes, manufactured homes, duplexes, townhouses, apartment buildings and condominiums. A dwelling unit shall be defined as any structure containing sleeping, eating, cooking, and sanitation facilities.

“Non-residential properties” means, for the purposes of the wastewater service system and wastewater rates, all properties in which the primary purpose is not residential. Hotels and motels are considered non-residential.

“Restaurant” means all establishments whose principal activity involves on-premises preparation of meals and food, including fast food restaurants, coffee shops, cafes, juice bars, delicatessens, and bakeries. Excluded from this category are establishments serving food prepared off site (general commercial category), bars without on-site food preparation (general commercial category), restaurants on the same water meter as a hotel/motel (hotel/motel with restaurant category), and restaurants that are on the same water meter as other general commercial users (mixed retail with food category).

“Sanitation facilities and sewage facilities” means all devices and structures for collecting, pumping, treating and disposing of sewage.

“School” means an educational facility in which instruction takes place, including public, private and religious schools and colleges.

"Sewage" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present, may also be called wastewater

"Sewer" means a pipe or conduit for carrying sewage.

13.20.020 Sewer charges.

A. Charges Imposed. Owners of property shall pay to the city a charge based on user categories for the connection of the property to the public sewage system in the amounts set forth by council resolution for every month or any fraction thereof. Properties which are susceptible to classification under two or more user categories shall be subject to charges of the higher classification.

B. Collection and Billing Generally.

1. Sewer charges to occupants of property not billed for water service by the municipal water department shall be billed directly for such sewer charges.
2. All other sewer charges shall be collected from the occupants with the charges for water of the municipal water department of the city and shall be billed upon the same bill.

C. Failure to Pay Bill. Bills are due and payable upon presentation and delinquent after thirty (30) days. Upon failure of any consumer billed or the owner of any premises to pay a sewer charge prior to the delinquency, the following action or actions shall be taken by the city to enforce such payment after such bill becomes delinquent:

1. Impose a penalty for delinquency of ten percent (10%) of the amount then delinquent;
2. Assess interest in the amount of one percent per month or fraction thereof on the amount delinquent from the date on which the bill first became delinquent until paid;
3. At the city's election, cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the cost of such action, including reasonable attorney fees incurred in an amount fixed by the court.
4. Any person wishing to appeal penalties and interest imposed in this section shall adhere to provisions in accordance with Section 13.04.180 Appeals.

D. Delinquencies. In addition and as an alternative to any other remedy for the enforcement and collection of sewer charges, all delinquent sewer charges shall become a lien upon the real property upon which sewage is furnished or supplied, prior to all other liens, encumbrances or exemptions, other than state and county taxes, and shall have the force and effect of a tax lien,

and shall be enforced as follows: on or about September 1st of each year the city clerk shall note the amount of all delinquent sewer charges upon the assessment of such real property as shown upon the assessment roll of the city for the current fiscal year, and shall add the amount of such delinquent sewer charges to the tax assessed against such real property and the amount shall be collected with such taxes in the same manner and at the same time as city taxes, and if not so paid, the same penalties shall be added as are now, or may thereafter be added to delinquent taxes, and thereafter the real property upon which it is a lien, shall be sold and be subject to redemption in the same manner as real property is now, or may hereafter be sold for delinquent taxes. (Ord. 11-4 § 3; Ord. 08-1 § 1; Ord. 04-9 § 2; Ord. 00-6 § 2: prior code § 12.3)

E. Hardship Agreements. City finance department may in its discretion offer hardship agreements which create payment plans for delinquent bills. Such agreements are available at the finance department. All requests for hardship agreements and payment plans must be submitted in writing. Hardship agreements may be approved at the discretion of the finance director based on amount owed and payment history

13.20.030 Use of funds.

A. Revenues derived under the provisions of this chapter, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary or sewage facilities and to repay federal or state loans or advances made to the city for the construction or reconstruction of sanitary or sewage facilities; provided, however, such revenues shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

B. There is established and created a fund of the city entitled "wastewater fund" and all revenues derived under this chapter shall be deposited in such fund, subject to withdrawal as allowed by the provisions hereof. (Prior code § 12.4)

13.20.040 Annexation to Municipal Sewer District No. 1.

A. The owner(s) of any property to be annexed to the St. Helena Municipal Sewer District No. 1 shall pay to the city at the time of initiating the annexation proceedings a filing fee in an amount set by resolution, the amount of the fee that the city is required to pay to the State Board of Equalization to file statements pursuant to Government Code Section 54900 and following, and the amount of the fee that the city is required to pay to the Napa County assessor's office for mapping services.

B. All applications for annexations shall be approved by the city council pursuant to the requirements of state law. (Ord. 00-9: prior code § 12.5)

13.20.050 Special extension prorate charge.

A. In addition to the usual costs of a sewer service connection as provided in this chapter, a special extension prorate charge shall be required and collected from applicants for sewer service and those property owners compelled to connect pursuant to Section 13.20.070 in those instances where the present or past owners of the premises to be served have not participated in the cost of installing the main fronting their premises and which main was installed within a period of ten (10) years prior to the date of granting the application for the sewer service connection or compelling connection under Section 13.20.070 of this chapter, but after the effective date of this section. The charge shall be determined by multiplying the footage of the premises lying along and which may be served directly from the main extension by one-half of the lineal per-foot cost of the main extension, but not to exceed the cost of an eight-inch main if installed by the department. The charge shall not be applied more than once to any premises. The charge shall be estimated and fixed by the director of public works subject to the approval of the city council and shall be payable prior to the installation of sewer service. The charge against each premises shall be reduced by ten percent (10%) of the total charge fixed for each full calendar year that passes after the effective date specified in subsection C of this section in which the subject premises have not obtained approval of an application for sewer connection nor qualified for compulsory connection to the city sewer under Section 13.20.070 of this chapter.

B. Exemptions. Except in unusual circumstances as determined by the city council, premises already served by the department at the date of installation of the main extension will be exempt from the payment of the special extension prorate charge.

C. When Effective. The special extension prorate charge shall be in effect for a period of twenty (20) years from:

1. The date of execution of the main-extension agreement, if the main extension is financed by property owners; or
2. The date of official completion of the main extension, if financed by the city.

D. Rights of Applicant Financing Main Extension. The applicant who has financed the main extension shall be entitled to the special extension prorate charges collected by the department as a part of the service connection costs. The amounts collected shall be refunded to the applicant in accordance with the terms of the main-extension agreement between the city and the applicant. The refunds shall be made within ninety (90) days following the date of collection thereof by the city. No refunds of the extension prorate charges shall be made after ten (10) years from the date of execution of the main-extension agreement.

E. Effective Date. All provisions of this section as effective prior to the effective date of the amending ordinance codified in this section shall remain in effect unmodified with respect to all sewer main extensions installed and main-extension agreements executed prior to the effective date of such amending ordinance.

F. **Public Hearing.** A public hearing shall be held by the city council prior to fixing and approving the special extension prorate charge in the manner described in subsection A of this section and prior to executing any sewer main extension refund agreement. Written notice of such hearings and of the charges estimated and fixed by the director of public works shall be mailed by certified mail to all owners of all properties upon which the charges are or could be prorated at least thirty (30) days prior to such hearings. The written notice shall be mailed to the property owners as determined by the latest county assessor's records at the property owner's address shown on the latest county assessor's records, and if any owner's address is different than the address of the property to which charges are or could be prorated, a further copy shall be mailed to the owner at such address of the property subject to the proration charges. The director of public works shall maintain his or her papers and calculations supporting his or her estimation and fixing of charges in a file available for public inspection in the city offices during the city's regular business hours from the time of mailing such public hearing notices until conclusion of the public hearings. (Prior code § 12.6)

13.20.060 Connection to sewer main of adequate capacity.

In no event shall a sewer service connection be installed unless a sewer main of adequate capacity extends in a public street or public right-of-way across the entire frontage of the premises to be served; provided, however, that if, under particular circumstances, it is determined by the city council that no public purpose would be served to require the sewer main to extend across the entire frontage, such as, without limitation, those cases involving dead-end streets or cul-de-sacs, the council may determine a lesser distance to which it is necessary to extend the sewer main across the frontage to serve the public purpose. (Prior code § 12.7)

13.20.070 Compulsory connection.

When the city's public sewer is available, every building or other permanent structure which has plumbing fixtures shall connect to the city's public sewer at the time of the occurrence of any one or more of the following events:

- A. Approval by the city of any use permit or variance applied for by or with the consent of the owner of the parcel on which the building or structure is located;
- B. Approval by the city for recordation of any final parcel map, subdivision map or lot line adjustment effecting any portion of the parcel upon which said building or structure is located, in which case the prorated charge under Section 13.20.050 of this chapter shall be paid for the entire parcel as constituted prior to recordation of any such parcel or subdivision map or documents effecting the lot adjustment;
- C. Issuance of a building permit or permits for any parcel on which the building or improvements are located for improvements totaling more than twenty thousand dollars (\$20,000.00) in value within any continuous sixty (60) month period or for improvements which

comprise replacement, relocation, or substantial reconstruction of an existing discrete sewage disposal system serving the parcel;

D. Determination by the city's health officer or city engineer that the existing discrete sewage disposal system serving a parcel on which the building or structure is located, or the nonexistence of such a discrete disposal system, constitutes a public health hazard. (Prior code § 12.8)

13.20.080 Details and specifications adopted by resolution.

Standard sewer construction details and specifications shall be adopted by resolution by the city council and made a part of this chapter by reference. (Prior code § 12.18)

Chapter 17.112
GENERAL SITE DESIGN AND DEVELOPMENT STANDARDS*

17.112.140 Water efficient landscaping.

A. Purpose. The city adheres to the state of California's Model Water Efficient Landscape Ordinance (MWELO) or successor regulations. The purpose of this section is to establish minimum standards for the provision, installation and maintenance of landscape areas by the following means:

1. Water conservation through xeriscape principles: promote the conservation of potable and nonpotable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of site-specific plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.
2. Aesthetics: improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
3. Environmental quality: improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air and water quality through such natural processes as photosynthesis and mineral uptake;
 - b. Maintaining permeable land areas essential to surface water management and aquifer recharge;
 - c. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capabilities of trees and other vegetation;
 - d. Promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas;
 - e. Reducing the temperature of the microclimate through the process of evapotranspiration;
 - f. Encouraging the conservation of limited fresh resources through the use of site-specific plants and various planting and maintenance techniques.
4. Land values: maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
5. Human values: provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce heat and glare, and to break up the monotony and soften the harsher aspects of urban development.
6. Preservation of vegetation: preserve existing natural vegetation and the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.
7. Improved design: promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, encouraging water and energy conservation.

8. Improved administration and enforcement: establish procedures and standards for the administration and enforcement of this section.

B. Xeriscape Principles. It is the intent of this section to assist the city in achieving water conservation through proper plant selection, installation, and maintenance practices. The following xeriscape principles service as the primary means of achieving water conservation:

1. Design of the landscape by dividing it into high-, moderate- and low-water use zones and by taking advantage of microclimates caused by the different conditions of sun, slope, moisture and air movement (hydrozones);
2. Efficient irrigation systems;
3. The use of soil amendments to improve the water-holding capacity of the soil;
4. Limiting turf to locations where it provides functional benefits;
5. The use of mulches, where appropriate;
6. Selection of appropriate plants;
7. Maintaining the landscape appropriately (monitor the irrigation system and water according to needs).

C. Applicability of Section. The requirements of this section shall apply to all projects that fall under the State MWELO guidelines.

D. Landscape Documentation Package. For any project subject to this section, a landscape documentation package shall be submitted to, reviewed by, and approved by the planning department prior to the issuance of any building permit or the replacement of landscaping. The landscape documentation package shall include all required information as established in the State MWELO guidelines or successor regulations.

E. Amendment of Approved Plan. Any significant change of plant material or design from that contained in an approved landscaping plan shall require the approval of a revised landscaping plan reviewed in the same manner as the original plan.

F. Regulations and Procedures. The city council is authorized and directed to adopt by resolution regulations and procedures for the implementation of this section and a schedule of fees. (Ord. 05-4 § 1 (part))



Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Consideration and proposed adoption of a resolution authorizing the City Manager to approve the display of flags, décor and wreaths on St. Helena's historic electroliers.

CEQA Determination: The project is categorically exempt from the California Environmental Quality Act, pursuant to CEQA guidelines section 15301, Existing Facilities Class I which exempts minor alteration of existing facilities involving negligible or no expansion of use.

Prepared By: Christina Cook, Public Works Administration
Jennifer Tuell, Water Conservation Coordinator
Steven Palmer, PE, Public Works Director/City Engineer

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The St. Helena Chamber of Commerce (Chamber) promotes several events throughout the year for which they request permission to display flags on the City's Main Street electroliers. City staff reviews these requests and permission is granted by resolution of the City Council. For example, earlier this year the City Council approved the hanging of flags for three (3) separate events including Premiere Napa Valley, Auction Napa Valley and Flavor! Napa Valley (February 9, 2016 - Resolution No. 2016-19). Additionally, the Chamber typically works with various volunteer organizations to hang wreaths and décor along main street for the holiday season.

DISCUSSION

Chamber installation of wreaths and flags has become a normal course of business for the City of St. Helena. In order to minimize the staff time associated with the installation of flags and/or wreaths on the electroliers, staff is recommending that the City Council delegate authority to the City Manager to approve the hanging of wreaths and/or flags and waiving the encroachment permit fee for the Chamber. All other standard permit conditions will be required.

The City Manager would be authorized to:

- Approve the hanging of flags or décor on the City electroliers by the Chamber for Chamber related events or activities or other City events, including holidays and events similar to historic uses (example: Premiere Napa Valley, Auction Napa Valley and Flavor! Napa Valley).
- Waive the encroachment permit fees for up to eight (8) occurrences in a twelve-month period.
- Approve the time frame that flags, décor or wreaths will be displayed.

As has occurred in the past:

- The City will store flags, wreaths and related décor at the City Manager's discretion.
- Flags, wreaths, décor and hardware will be purchased by the Chamber, and will remain property of the Chamber.
- The Chamber will be responsible for all costs to install and remove the flags, wreaths and décor, and be required to meet all permit requirements.

Additionally, the Chamber has identified and raised the funds for the purchase of new hardware, wreaths and banners. The new hardware will be custom built for St. Helena's electroliers, will not interfere with existing hardware, and will remain in place throughout the year. City staff will install the new hardware, staff is estimating installation of the hardware will take approximately 45-60 staff hours. Samples of the new flag hardware and the holiday décor are shown on Attachment 2.

Encroachment permits are required when outside groups or agencies install or remove flags or décor on City property. The cost of an encroachment permit is currently \$200 per occurrence; the City Council has historically waived this fee for the Chamber.

FISCAL IMPACT

This action will result in reduced encroachment permit fee revenue. Encroachment permit fees for the flags is currently \$200 per occurrence. If this resolution is approved, the City Manager will have the authority to waive these fees for up to eight (8) occurrences per year. The fiscal impact would be a \$1,600 annual reduction in encroachment permit fees collected. Staff will be used to install the hardware, it is estimated that the hardware installation will take 45-60 staff hours. The salary range for staff installing the hardware is \$19.95 (Maintenance Worker I) to \$42.69 (Public Works Maintenance Manager), plus overtime pay (if any) and benefits.

This action will also result in reduced City staff time to process and approve encroachment permits. City staff will no longer need to prepare and present a Staff Report to the City Council to approve the flags or waive the encroachment permit fees. The Staff time associated with drafting a staff report for an item like this typically ranges from 5-15 hours, depending on complexity of the action.

RECOMMENDED ACTION

Approve a Resolution authorizing the resolution authorizing the City Manager to approve the display of flags, wreaths and décor on St. Helena's historic electroliers.

ATTACHMENTS

1. Resolution
2. Holiday Decor

CITY OF ST. HELENA

Resolution No. 2016-

Resolution Authorizing the City Manager to approve the display of flags and wreaths on St. Helena's historic electroliers and waive the encroachment permit fee for up to eight occurrences per calendar year

RECITALS

- A. The St. Helena Chamber of Commerce (Chamber) promotes several events throughout the year. Historically, the Chamber has requested permission to display flags, décor and wreaths along Main Street on the electroliers and permission has been granted by Resolution of the City Council; and
- B. The Chamber has identified and raised the funds for the purchase of new hardware, flags and holiday décor to be hung along on Main Street. Flags, holiday décor and hardware will be purchased by the Chamber and will remain property of the Chamber; and
- C. Encroachment permits are required when outside groups or agencies install or remove flags or décor on City property. The cost of an encroachment permit is currently \$200 per occurrence; this fee has historically been waived for the Chamber; and
- D. City staff will install the hardware on the historic electroliers; and
- E. Chamber installation of wreaths and flags has become a normal course of business for the City of St. Helena. In order to minimize the staff time associated with the installation of flags and/or wreaths on the electroliers, Council has determined the best use of City resources is to delegate authority to the City Manager.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. The City Manager is authorized to:
 - a. Approve the hanging of hardware, flags, wreaths or décor on the City electroliers by the Chamber for Chamber related events or activities or for other City related events, including holidays;
 - b. Waive the encroachment permit fee for the Chamber related to the hanging of flags or décor on City electroliers for up to eight (8) occurrences per calendar year;
 - c. Approve the time frame that flags, décor or wreaths will be displayed;

d. Determine if the City will store flags, wreaths and related décor.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Holiday Décor-St Helena





Item No: 9.4

Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution approving a contract amendment for \$5,000 with ECS Imaging, Inc for additional professional services related to the implementation and file plan set-up of Laserfiche (electronic document imaging software) not to exceed \$29,313.20

CEQA Determination: Not a CEQA Project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On August 26, 2014, the City Council authorized the purchase of Laserfiche from ECS Imaging, Inc for a total amount of \$24,313.20. Laserfiche software is a solution for electronic document management which is a paperless solution and utilization improves the retention, preservation and security of important documents and records.

DISCUSSION

Additional services are required to finalize the implementation of Laserfiche. The next step in the process is building the file plan structure for each department. The file plan structure within Laserfiche is key to a successful organized environment. Without the file plan structure there would be no record organization and all department records would be comingled.

ECS and Staff have developed a project plan and timeline to address the City's needs for final implementation, which is detailed in Attachment 2. Staff projects Laserfiche to be fully functioning by the end of March 2017. Once live and functioning each department will populate Laserfiche with records.

One of the City Clerk's goals is to provide additional public access to City records. The City Clerk's office is collaborating with the Planning Department to make records more readily available for public viewing. A computer will be available at the front counter for direct public access to public records within Laserfiche. For example, once all planning

Item No: 9.4

and building records are scanned into Laserfiche they would be readily available for the public to view.

In the future, the City Clerk's office would like to budget for a Laserfiche public accessibility portal. The portal is a direct weblink from the City's website to Laserfiche. This would allow staff and the community direct website access to scanned records in Laserfiche. The total cost would be about \$31,800 and would cover the weblink, annual maintenance, hardware and professional services.

FISCAL IMPACT

On June 14, 2016, the City Council adopted Fiscal Year 2016/17 City of St. Helena Annual Budget. Mayor Galbraith also requested the City Clerk's unfunded item titled, "Meeting Manager Software (\$6,000) City Clerk Transparency web page" be considered for funding. It was the consensus of the City Council to fund this item. In the spirit of transparency and records being made more readily available to the public the City Clerk is requesting \$5,000 that was earmarked for the transparency page be used to fund the final transition of Laserfiche.

The additional \$5,000 in funding was not part of the FY 2016/17 adopted budget and would come from General Fund Reserves and placed in account 101-4200-2145.

RECOMMENDED ACTION

Adopt the resolution.

ATTACHMENTS

1. Resolution
2. Agreement between the City of St. Helena and ECS Imaging Inc.
3. Amendment #1 for ESC Imaging, Inc.
4. St. Helena Laserfiche Project Plan

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA
AUTHORIZING CONTRACT AMENDMENT FOR \$5,000 WITH ECS IMAGING, INC
FOR ADDITIONAL SERVICES FOR A TOTAL COST NOT TO EXCEED \$29,313.20**

RECITALS

- A. On August 26, 2014, the City Council authorized the purchase of Laserfiche from ECS Imaging, Inc for a total amount of \$24,313.20; and
- B. Laserfiche software is a solution for electronic document management which is a paperless solution and utilization improves the retention, preservation and security of important documents and records; and
- C. Additional services are required to finalize the implementation of Laserfiche; and
- D. ECS and Staff have developed a project plan and timeline to address the City's needs for final implementation, which is detailed in Exhibit A; and

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. The City Council authorizes the City Manager to approve the contract amendment with ECS Imaging, Inc.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016 by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

WORK PLAN FOR ST. HELENA LASERFICHE IMPLEMENTATION
11/7/2016

Helen, Kami, Norm

Included Departments: Finance, HR, PW, Building/Planning, Police, Library, Fire, Parks & Rec

Date	Activity	Responsible Party
November		
11/07	Complete the work plan	KIS/COSH
11/07 to 11/11	Confirm ECS quote for labor and test software and maintenance	KIS/COSH
11/07 to 11/11	Schedule Dept. File Plan meetings	COSH
11/14 to 11/30	Obtain funding and contract amendment	COSH
December		
12/5 to 12/09	Meet with Departments for file plans	COSH/KIS
12/12	Install test server software	ECS
January		
01/03 to 01/13	ECS configure test server software	ECS/COSH/IT
01/23 to 01/27	Initial operational testing	COSH/KIS
01/30 to 02/03	ECS making any changes necessary	ECS
February		
02/06 to 02/13	Departmental testing; Kami to collect issues request from Department testing	COSH
02/20 to 02/24	ECS to train Kami to create and profile and make additional changes to existing profiles	ECS/COSH/KIS
02/20	Deliver final changes to Kevin (perhaps Kevin does that onsite with Kami)	ECS/COSH
02/20 to 02/24	Kami to test training with Norm	KIS/COSH
02/20 to 02/24	General training all staff	KIS/COSH
March		
03/03 to 03/03	Go live in order of training	COSH
03/20 to 03/24	meet with staff to evaluate how project is going	COSH
03/31		

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT, made and entered into on September 19, 2014 by and between the City of St. Helena, located in the County of Napa, State of California (City), and ECS Imaging, Inc. (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Laserfiche Services.

B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services set forth in Exhibit A, "Scope of Services" and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to or outside of those set forth in this Agreement or Exhibit A, "Scope of Services", unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of services shall be as identified in Exhibit A, "Scope of Services".

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit A, "Scope of Services", attached hereto and made a part hereof. Total compensation shall not exceed \$24,313.20, unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the invoice shall be approved and City will use its best efforts to cause Consultant to be paid within

30 days of receipt of invoice. If any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

C. Payment to the Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

- A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
 - 1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
 - 2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
 - 3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
- B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$1,000,000 per accident for bodily injury or disease.

C. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of \$25,000 or greater must be declared to and approved by the City.

D. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

E. Waiver of Subrogation. The workers compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

F. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

G. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. Consultant shall indemnify and hold harmless City, its agents, officers, officials, employees, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor ("design professional"), the provisions of this section regarding Consultant's duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant's expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant's obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City's sole negligence or willful acts or misconduct.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner, nor to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

C. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to

City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF WORK

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment

advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 - RECORDS

A. Records of Consultant's direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant's final invoice.

B. Consultant's records and design calculations will be available for examination and audit if and as required. The cost of any reproductions shall be paid by City.

SECTION 17 - COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit A, "Scope of Services", shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 18 - NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or first class mail, addressed as follows:

To City: City Manager
1480 Main Street
St. Helena, California 94574

To Consultant: ECS Imaging, Inc.
5905 Brockton Ave., Suite C
Riverside, CA 92506

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all work in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

C. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant's possession shall be delivered to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEY FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys' fees, costs and expenses, in addition to any other relief to which it may be entitled. In addition, any legal fees, costs and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

SECTION 21 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 22 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 23 – CONTINUITY OF PERSONNEL

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff assigned to perform the services required under this Agreement, prior to any such performance.

SECTION 24 - DEFAULT

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

SECTION 25 - WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 26 - LAW TO GOVERN; VENUE

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.

SECTION 27 - SEVERABILITY

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 28 - SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:

By: Pete Herschelman
Name: Pete Herschelman
Title: Vice President

City:

By: Jennifer Phillips
Name: Jennifer Phillips
Title: City Manager

Approved as to Form:

By: Thomas B. Brown
Name: Thomas B. Brown
Title: City Attorney

EXHIBIT A - SCOPE OF SERVICES

ECS Imaging Inc.		Quote	
C2 2014 V4		Quote Type Avante	
Quote for: Name Candy Black Company City of St. Helena Phone (707) 967-2792 E-mail cndyb@sthelema.org		Date 7/15/2014 Quote Number 64632 Valid Through Terms Account Manager Pete Henschelmen Phone E-mail	
Details of Products and Services			
Software			
Part Number	Description	Unit Price	Quantity
MSE10	Laserfiche Avante Server for SQL Express with Workflow	\$ 1,500.00	1
MNF05	Laserfiche Named Full User with Snapshot and Email	\$ 500.00	20
Software Discount:		(800.00)	
Annual Maintenance			\$ 10,700.00
Part Number	Description	Unit Price	Quantity
MSE10B	Laserfiche Avante Server for SQL Express with Workflow LSAP	\$ 300.00	1
MNF05B	Laserfiche Named Full User with Snapshot and Email LSAP	\$ 100.00	20
EC510	*ECS Priority Support - 10 Hours	\$ 1,750.00	1
57160-AEPWNBD-1	fi-7160 1 Year Adv Exchange	\$ 99.00	2
Annual Maintenance Subtotal			\$ 4,248.00
Hardware			
Part Number	Description	Unit Price	Quantity
PA03670-B055	Fujitsu fi-7160, 60 ppm/120ipm, 1 Year Adv. Exch. Warranty	\$ 1,195.00	2
Hardware Discount:		(200.00)	
Hardware Subtotal			\$ 2,190.00
Professional Services			
Part Number	Description	Unit Price	Quantity
ECSCI	ECS Laserfiche Install, Configuration, and Consulting	\$ 4,000.00	1.00
ECST	ECS Laserfiche Training	\$ 1,500.00	2.00
Professional Services Subtotal			\$ 7,000.00
Tax Rate St. Helena			
Software is only available via download and not subject to CA sales tax			
Subtotal		\$	24,138.00
Tax		\$	175.20
Shipping		\$	-
Total		\$	24,313.20

Annual Priority Support Contract Includes:

- o Minimum 2 Hour Response Time - Upgraded from 24 hours with traditional LSAP support
- o Live Hours of support are 7:30am - 5:00pm PST M-F
- o Unlimited Phone and E-mail Support
- o On-site time is calculated to the nearest half hour and minimum on-site calculation is between 2-8 hours depending on the location
- o On-site time can be used for remedial training, installing updates, and consulting, in addition to support

- o no free admission to the ECS Annual Customer Conference along with free Admission to Quarterly User Groups
- o Monthly E-Newsletter
- o On-site/remote support hours included as quoted. On-site within next business day as needed. Additional hours of support purchased at a discounted hourly rate. Customers not under this plan can purchase on-site hours at \$100/hour with a 1 hour minimum for remote support, and an 8 hour minimum on-site charge in addition to travel expense

Attachment 3

 ECS Imaging Inc. Your World Class Enterprise Provider	ECS Imaging, Inc.	Phone: 951-787-8768	Quote
	5905 Brockton Ave. Suite C	Fax: 951-787-0831	
	Riverside CA. 92506	www.ecsimaging.com	

Q4 2016 V1

Quotation For

Name:
 Title: City Clerk
 Company: City of St Helena
 Address:
 Phone:
 E-mail:

Quote Info

Date: 11/8/2016
 Quote Number: 110816
 Valid Through: 12/31/2016
 Terms: net 15
 Account Manag Pete Herschelman
 Phone: 925 586 7549
 E-mail:

Description of Product and Services

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Products and Services

SKU	Description	Unit Price	Quantity	Line Total
	Professional Services Includes:	\$ 1,500.00	4	\$ 6,000.00
	Config./Config. Revise 4 full days On-Site or Remote Session Professional Services			
	Training 10 Hours On-Site or Remote Session Professional Services (from 2016 LSA			
	Training/ Config. Revise 10 Hours On Site or Remote Session Professional Services (from 2017 LSA			
	Preferred Client Discount	\$ (1,000.00)	1	\$ (1,000.00)
Subtotal				\$ 5,000.00

Special Terms

Professional Services *Not to Exceed 4 days total . Additional hours (if needed) will be invoiced separately (upon City approval) at a rate of \$187.50/ hour

1) Build Planning Profile based on specifications provided by Kiazen Infosource in a format designated by ECS, and build additional profiles if professional services hours (listed above) remain .

a. Folder Structure

b. Template(s)

c. Workflow(s)

Priority Support Services

2) Train City of St. Helena Technical Staff

a. Build Remaining City Department Profiles

3) ECS to provide additional training as priority support hours allow to resolve any issues with City built workflows

Tax Rate: No Taxes

Subtotal	\$	5,000.00
Tax	\$	-
Shipping	\$	-
Total	\$	5,000.00

WORK PLAN FOR ST. HELENA LASERFICHE IMPLEMENTATION**11/7/2016****Helen, Kami, Norm****Included Departments: Finance, HR, PW, Building/Planning, Police, Library, Fire, Parks & Rec**

Date	Activity	Responsible Party
November		
11/07	Complete the work plan	KIS/COSH
11/07 to 11/11	Confirm ECS quote for labor and test software and maintenance	KIS/COSH
11/07 to 11/11	Schedule Dept. File Plan meetings	COSH
11/14 to 11/30	Obtain funding and contract amendment	COSH
December		
12/5 to 12/09	Meet with Departments for file plans	COSH/KIS
12/12	Install test server software	ECS
January		
01/03 to 01/13	ECS configure test server software	ECS/COSH/IT
01/23 to 01/27	Initial operational testing	COSH/KIS
01/30 to 02/03	ECS making any changes necessary	ECS
February		
02/06 to 02/13	Departmental testing; Kami to collect issues request from Department testing	COSH
02/20 to 02/24	ECS to train Kami to create and profile and make additional changes to existing profiles	ECS/COSH/KIS
02/20	Deliver final changes to Kevin (perhaps Kevin does that onsite with Kami)	ECS/COSH
02/20 to 02/24	Kami to test training with Norm	KIS/COSH
02/20 to 02/24	General training all staff	KIS/COSH
March		
03/03 to 03/03	Go live in order of training	COSH
03/20 to 03/24	meet with staff to evaluate how project is going	COSH
03/31		



Item No: 9.5

Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Second reading and proposed adoption of an Ordinance to amend Section 8.24.010 C. 2. of the St Helena Municipal Code (Noise Ordinance), to allow construction activities on particular Holidays for owner-built, "self-help" affordable housing projects only

CEQA Determination: This project is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) under the "General Rule" given that City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3)

Prepared By: Noah Housh, Planning and Community Improvement Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On August 8, 2016, the Planning Director received a letter from Our Town St Helena (OTSH) requesting authorization to allow work on Sundays and Holidays for their "self-help" affordable housing project proposed at 684 McCorkle in the High Density Residential Zoning District. OTSH has identified that the construction and financing requirements of their project necessitate residents both hold full-time employment, and spend a significant number of hours building their homes. This requirement for both full employment and a contribution of approximately 35-hours per week limits the ability for (future) residents to complete their required contribution of "sweat equity", during the construction days and times currently allowed under the Noise Ordinance.

Specifically, the Noise Ordinance prohibits any construction "...which generate noise that can be heard at the property line or any parcel...", on Sundays and Holidays and provides no mechanism for an exception to this prohibition. OTSH indicates that while some work is done on weekday evenings, a majority of the work is completed on Saturdays and Sundays.

Item No: 9.5

On October 25, 2016 the City Council held the introduction and first reading of the Ordinance to amend Section 8.24.010 C. 2. of the St Helena Municipal Code (Noise Ordinance), to allow construction activities on Sundays and Holidays for owner-built, "self-help" affordable housing projects only. The following action occurred:

Councilmember Crull moved to hold first reading, introduce by title only and waive further reading of an Ordinance to Amend Section 8.24.010 C. 2. of the St Helena Municipal Code (Noise Ordinance), to allow construction activities on Sundays and Holidays for owner-built, "self-help" affordable housing projects only and amend the ordinance with holiday exceptions for no construction on the following holidays: Thanksgiving, the day after Thanksgiving, Christmas eve, Christmas day, New Year's day and 4th of July. The motion was seconded by Councilmember Dohring and on roll call carried by the following vote:

AYES: Councilmembers Crull, Dohring and Pitts

NOES: Councilmember White and Mayor Galbraith

ABSENT: None

DISCUSSION

The City of St. Helena Planning and Community Improvement Department is requesting an amendment to the current Noise Ordinance (Municipal Code Section 8.24.010) to allow exceptions to the prohibition of Sunday and Holiday construction, in response to the request from OTSH. Given the challenges of constructing affordable housing units in St Helena (and in general), the "self-help" model seems to be a beneficial mechanism to allow affordable housing units to be constructed. This assertion is supported by the general success of affordable housing developers such as Habitat for Humanity, who rely almost exclusively on "self-help" and volunteer labor to construct their projects. Further, OTSH has provided information indicating that the Rural Development Mutual Self-Help Homeownership program has built 50,000 residential units throughout the nation using this model and relies on weekend hours to facilitate the "self-help" and volunteer labor.

The necessity for full time income to purchase an affordable housing unit in St Helena, combined with the limitation on Sunday and Holiday construction severely limits options for "self-help" affordable housing projects to be successful. While Saturdays and week nights are options for constructing these units, the inability to make significant construction progress on a Sunday or holidays will significantly extend the construction time frame for these types of projects. This is a common issue for construction projects in general in that longer construction hours allow a shorter over-all construction schedule, and cities often seek to balance this with the Sunday and holiday limitation.

FISCAL IMPACT

Item No: 9.5

There are no identified fiscal impacts to the City associated with amending the Noise Ordinance to grant an exemption to the weekend and holiday construction noise prohibition, specifically for self-help affordable housing projects.

RECOMMENDED ACTION

Staff recommends the City Council:

1. Conduct second reading adopt by title only and waive further reading and find the proposal exempt from further review under CEQA Section 15061 (b) (3) the "General Rule", finding that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment; and
2. Support the request from OTSH to amend the noise Ordinance to allow self-help affordable housing projects to work on Sundays and specific holidays.

ATTACHMENTS

1. Ordinance Adopting Amendment
2. OTSH Letter Requesting Amendment
3. Redline Version of the Noise Ordinance Incorporating Exception

CITY OF ST. HELENA

ORDINANCE NO. _____

**AMENDING SECTION 8.24.010 C.2 OF THE ST. HELENA MUNICIPAL CODE TO
ALLOW SELF-HELP CONSTRUCTION ACTIVITIES FOR AFFORDABLE HOUSING
PROJECTS WITHIN THE CITY OF ST. HELENA.**

The City Council of the City of St. Helena does hereby ordain as follows:

SECTION 1. Amending Section 8.24.010 C.2. St. Helena Municipal Code Section 8.24.010 C.2 is hereby amended to read as follows:

Sundays and Holidays (Federal and Local). No construction activities allowed which generate noise that can be heard at the property line of any parcel of real property within the city limits.

Exception: This subsection shall not apply to self-help affordable housing construction activities that take place between the hours of 8 am and 5 pm on any Local or Federal Holiday (with the exception of Thanksgiving Day; the day after Thanksgiving; Christmas Eve; Christmas Day; New Year's Day and the 4th of July, which remain subject to the standard noise limitations) for residential projects containing units that the Planning Director determines will be affordable to very low, lower or moderate income households pursuant to an agreement with the City of St. Helena. All such self-help construction activities shall otherwise comply with the hourly and decibel limitations contained in subdivision C.1 and Tables 8-3 through 8-5 in the Noise section of the Public Health & Safety Element of the 1993 General Plan, respectively.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Section 8.24.010 C.2 of the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) under the "General Rule" given that City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3).

SECTION 3. Compliance with General Plan. The City Council hereby finds that the action to adopt this Ordinance to amend Section 8.24.010 C.2 of the St. Helena Municipal Code is consistent with the General Plan.

SECTION 4. Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the amended text of Section 8.24.010 C. 2 in Section 1 of this ordinance be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 6: Effective Date. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 25th day of October 2016, and was adopted at a Special meeting of the St. Helena City Council on the 29th day of November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

I, CINDY BLACK, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 25th day of October, 2016. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 29th day of November, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cindy Black, City Clerk

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney



August 8, 2016

Mr. Noah Housh
Planning Department
City of St. Helena
Sent via email

Dear Noah,

Our Town St. Helena (OTSH) is developing Brenkle Court, eight self-help houses on a lot donated by the City of St. Helena located at 684 McCorkle Street. We have received grants, loans and technical support from USDA Rural Development (RD), Rural Community Assistance Corporation (RCAC), the County of Napa and the City of St. Helena to execute this project. Out of the 48 original applicants, eight families and one alternate family have been selected to participate and OTSH is now preparing their loan applications for submittal to RD for approval.

Meanwhile, the project is winding its way through the planning process with the hopes of having full approval in Quarter Four 2016. City staff has identified two areas where our plan does not reconcile with current codes. In order to complete this project, OTSH will need to obtain variances, which require approval of the City Council:

1. Relief from the Water Neutrality Requirement
2. Ability to do construction work on Sundays

This letter will serve as our formal request to the City Council to provide the variances needed. Please note that the project meets all other building code and city regulations.

1. Water Neutrality

OTSH has applied the following water use efficiency measures outlined in 13.12.050 of the code Municipal Code:

1. Installation of ultra-low flush (ULF) toilets, low flow showerheads and faucet aerators.
2. Installation of water efficient hot water instantaneous dispensing systems
3. Adhering to the WELO landscape ordinance to minimize irrigation

8/8/16

1

Our Domestic Water Estimate, prepared by Stillwater Civil Design in Napa, illustrates an increase water use of 23,830 gallons per month or a 50% increase over baseline. To meet the retrofit requirements to gain water neutrality for an 8-unit building, OTSH would need to retrofit 24 homes (3.5 per unit x 8 units x \$550) at an estimated cost of \$13,200. Needless to say, it makes little sense for a non-profit building affordable housing to divert its funds for this purpose.

We feel that going from 22,083 gallons per month for a single house to 45,223 gallons per month for eight houses is a reasonable increase when weighed against the possibility of gaining 8 Low Income and Very Low Income homes in our town. Therefore, we ask that the City Council wave the water neutrality requirement for this project.

2. Sunday Work Hours

Planning Director Noah Housh has stated that, although the City can provide a variance for the homeowners to work later on weekdays and Saturdays, he is not aware of any way that work can be approved on Sundays. Here are our concerns:

- Integral Component of Program
 - The participants are all working families yet they commit to putting in an average of 30 hours per week after their regular jobs to build their houses
 - Although some of the work is done in the evenings, the majority of the work has been done on Saturday and Sunday
 - Cutting the weekend time by 50% will delay the progress of the build and increase the cost of the project substantially
 - The RD Mutual Self-Help Homeownership program has built 50,000 houses over the last 50 years all over the country and they have not had a problem with this issue
- This is Not New News
 - All of the printed literature on the RD Mutual Self-Help Program provided to the City states that the work will be done in the evening and on weekends
 - In the informational meeting conducted by RCAC, which representatives from both city staff and council members attended, it was clearly stated that work on Saturday and Sunday would be required

- At the required neighborhood meeting, which was also attended by a city staff member, OTSH made it clear to the neighbors that work would be required on Saturday and Sunday

- Precedent:

- For the Marietta 10-home self-help project that was completed in 1999-2000 the City of St. Helena did allow Sunday work hours for the homeowners

OTSH realizes that construction noise on Sunday could be unpleasant for the neighbors. Here is what we have committed to them:

- Communication through email of the construction schedule so they know what to expect when
- No loud music or other unnecessary noise on the construction site at any time
- Participants cars will be park at the end of the street on Antonio Castellucci's property so the street will not be crowded during work hours
- All efforts will be made not to schedule "loud" construction work on Sundays and, if it is necessary, neighbors will be notified in advance via the email distribution list
- If a neighbor is holding an event at their home that could be impacted by the work being done on Brenkle Court, OTSH will make every effort to cooperate with their timing and needs

Based on the fact the Sunday work is an integral component of the Self-Help program, that there is precedent for allowing such work in our town, and the fact that OTSH has a plan to work with the neighbors on all construction issues, we request the City Council find a way to allow Sunday work on this project.

We appreciate the support provided by the City of St Helena for the Brenkle Court project and we look forward to celebrating the project's housewarming with you in early 2018.

Sincerely,

Mary Stephenson
OTSH Board President

8/8/16

3

Chapter 8.24

NOISE*

Sections:

8.24.005 Definitions.

8.24.010 Unnecessary noises generally.

8.24.020 Exemption—Garbage and trash collection.

8.24.030 Abatement of nuisance.

8.24.040 Exemptions.

* Editor's Note: As to barking and howling dogs, see Section 6.04.050 of this code.

8.24.005 Definitions.

"Leaf blower" means a portable machine, powered by a gasoline or electric motor, used to blow, displace or vacuum leaves, dirt and debris. (Ord. 12-9 § 2)

8.24.010 Unnecessary noises generally.

A. It is unlawful for any person to cause or produce any unnecessary noise which can be heard outside of any building by attaching any noise-producing attachment to any vehicle; or blowing or ringing any horn, whistle or bell; by operating a loudspeaker, public address system or sound amplification system; or by making any other loud or unusual noise which disturbs the peace of any other persons, unless a permit to cause or produce the noise shall be first obtained from the chief of police.

B. Between the hours of ten p.m. and seven a.m. next ensuing, no commercial or other activity shall be conducted upon any privately owned real property within the city which activity creates noise which can be heard at the property line of any parcel of real property within the city, unless a permit shall first have been secured from the chief of police.

C. Notwithstanding the provisions of subsection B of this section, activities associated with commercial and residential construction projects by contracted services shall be regulated as follows:

1. Monday through Saturday. Construction activities which generate noise that can be heard at the property line of any parcel of real property within the city limits shall be limited to eight a.m. to five p.m. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to seven a.m. to six p.m. Exceptions to these time restrictions may be granted by the public works director for one of the following reasons: (a) inclement weather affecting work; (b) emergency work; or (c) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The city engineer must be notified and give approval in advance of such work.

2. Sundays and Holidays (Federal and Local). No construction activities allowed which generate noise that can be heard at the property line of any parcel of real property within the city limits.

Exception: This subsection shall not apply to self-help affordable housing construction activities that take place between the hours of 8 am and 5 pm on any Local or Federal Holiday (with the exception of Thanksgiving Day; the day after Thanksgiving; Christmas Eve; Christmas Day; New Year's Day and the 4th of July, which remain subject to the standard noise limitations) for residential projects containing units that the Planning Director determines will be affordable to very low, lower or moderate income households pursuant to an agreement with the City of St. Helena. All such self-help construction activities shall otherwise comply with the hourly and decibel limitations contained in subdivision C.1 and Tables 8-3 through 8-5 in the Noise section of the Public Health & Safety Element of the 1993 General Plan, respectively.

D. Notwithstanding the provisions of subsections B and C of this section, activities associated with landscape maintenance by contracted services which generate noise that can be heard at the property line of any parcel of real property within the city limits shall only be allowed Monday through Saturday from eight a.m. to five p.m. and are prohibited on Sundays and holidays (federal and local).

E. Leaf Blowers.

1. Effective July 1, 2013, it shall be unlawful for any person to operate any gas-powered leaf blower other than a gas-powered leaf blower that bears a manufacturer's label indicating a noise level designation not exceeding sixty-five (65) dB(A) at a distance of fifty (50) feet utilizing American National Standard Institute ("ANSI") B175.2 methodology. All such leaf blowers shall be operated with all mufflers, full extension tubes, shrouds and sound-attenuating devices supplied by the manufacturer for that leaf blower and shall be maintained in sound operating condition. This paragraph shall not apply to electric leaf blowers.

2. The operation of lawful gas-powered and electric leaf blowers on all streets and parcels within the city, except for those areas designated in subsection (E)(3) of this section, shall be allowed between nine a.m. and four p.m. Monday through Friday, between ten a.m. and three p.m. on Saturdays, and between ten a.m. and twelve p.m. on Sundays.

3. The operation of lawful gas-powered and electric leaf blowers on all parcels on Main Street between Pine Street and Grayson Avenue shall be allowed between five a.m. and three p.m. Monday through Friday, between ten a.m. and three p.m. on Saturdays, and between ten a.m. and twelve p.m. on Sundays.

4. It shall be unlawful to operate gas-powered and electric leaf blowers on federal and local holidays.

5. The operation of gas-powered and electric leaf blowers shall be exempt from the permit requirement of subsection A of this section.

F. Any person desiring to obtain a permit under this section shall file a written application stating the permit desired, the name and address of the applicant, the reason why he or she desires the same and the place where and the particular time when he or she desires to exercise the same.

G. The chief of police shall grant such permit if it reasonably appears that: (1) the activity is otherwise permitted under this code; and (2) the benefit to be derived by the applicant from conducting such activity at the time and place specified in the application outweighs the detriment to be suffered by the neighborhood, by neighboring residents, and by the city's residents generally.

H. Violation of this section shall constitute a public nuisance and an infraction. (Ord. 12-9 § 3: Ord. 02-7 § 1; prior code § 11.11)

8.24.020 Exemption—Garbage and trash collection.

The collection of garbage and trash pursuant to Chapter 8.04 of this code is expressly exempted from the provisions of Section 8.24.010. (Prior code § 11.12)

8.24.030 Abatement of nuisance.

Whenever the existence of any nuisance, as provided by Section 8.24.010, comes to the attention of the chief of police or any sworn police officer of the city, it shall be their duty to promptly notify in writing the person(s) producing or causing the nuisance and the occupant of the premises upon which such nuisance exists, specifying the measures necessary to abate such nuisance, and unless the nuisance is thereafter immediately abated, the persons so notified shall be guilty of an infraction and the chief of police or the sworn police officer shall summarily abate such nuisance. (Prior code § 11.13)

8.24.040 Exemptions.

Nothing in Sections 8.24.010 to 8.24.030 shall apply to the playing of music by a band or the blowing of a bugle or the announcing of any show, entertainment or event upon the public streets for which band music, bugle blowing or privilege of announcing the chief of police has granted a special permit specifying the time and place when and where such music may be played or such bugle be blown; nor shall apply to the blowing of any whistle or horn or the ringing of any bell or other noise necessary as a vehicular traffic warning or signal; nor to any public celebration or public function on a public holiday or other public occasions generally celebrated. (Prior code § 11.14)



Item No: 9.6

Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution setting a hearing to approve the annexation of territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 130 (1400 El Bonita Avenue, St Helena, CA. APN. 009-432-026)

CEQA Determination: Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061, No Possibility of Significant Effect on the Environment

Prepared By: Christina Cook, Public Works Administrative Assistant
Steven Palmer, PE, Director of Public Works/City Engineer

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Marissa Stein, owner of 1400 El Bonita Avenue, St Helena, CA, Napa County Assessor Parcel Number (APN) 009-432-026, has applied to be annexed into the St. Helena Municipal Sewer District No. 1 (District). A location map & description for the property is shown in Attachment 1. City Council approval of the connection is the formal administrative process to change the property's tax rate area code from septic to sanitary sewer for tax purposes.

DISCUSSION

The property is currently on a septic system. The Magnolia Oaks Subdivision recently completed construction of a public sewer main in El Bonita Avenue, which now provides this property with access to the City sewer system. The Property owner is responsible for: (1) constructing a sewer lateral from their residence to the City sewer, and (2) paying fees for annexation, connection, and sewer impact. The sewer impact fee will be paid prior to the physical hook-up and is calculated on the livable area currently on file with the Napa County Assessor's office. At the time of connection to the City sewer, the existing septic system will be destroyed in accordance with Napa County Department of Environmental Management guidelines.

This resolution ordering the public hearing is the first step of the process to annex the property into the District. The resolution requires a vote of at least two-thirds of all the members of the City Council (at least four affirmative votes) to order the public hearing. (Health & Saf. Code § 4643.)

Item No: 9.6

The next step will be to notice and hold a public hearing for objections, if any, from persons interested in the proposed annexation during a regularly scheduled City Council meeting December 13, 2016. At that time, the City Council will consider a resolution approving the property annexation (which will also require at least four affirmative votes). (Health & Safety Code § 4645-47.)

If the City Council approves the second resolution, City staff will then process the annexation with Napa County and the State Board of Equalization to change the tax rate area code for the property. Staff will work with the applicant to obtain required encroachment and building permits.

FISCAL IMPACT

The Applicant is responsible for all costs for annexation and connection. The Applicant will construct a sewer lateral from their residence to the sewer lateral in the street and connect to the City sewer; and pay annexation, connection, and impact fees.

RECOMMENDED ACTION

Staff recommends the City Council adopt a Resolution Setting a Hearing to Approve the Annexation of Territory to the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 130 (1400 El Bonita Avenue, St Helena, CA. APN. 009-432-026).

ATTACHMENTS

1. Description & Location Map
2. Resolution

Attachment 1

Written Description
for the
Annexation of the Lands of Marissa Stein
to the
St. Helena Municipal Sewer District

Napa County APN 009-432-026
1400 El Bonita Avenue, St. Helena CA 94574

The real property located in the City of St. Helena, Rancho Carne Humana, County of Napa, State of California, described as follows:

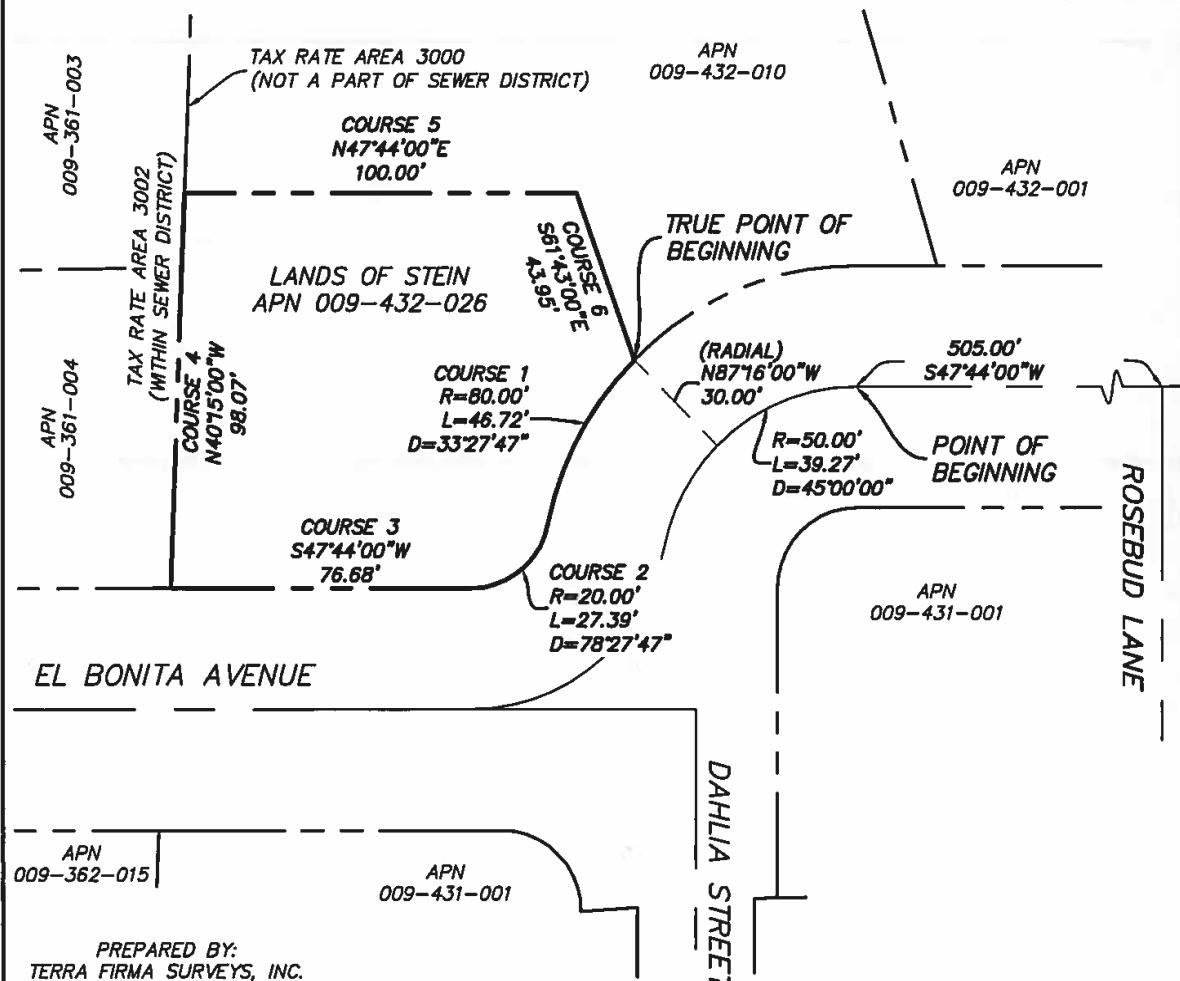
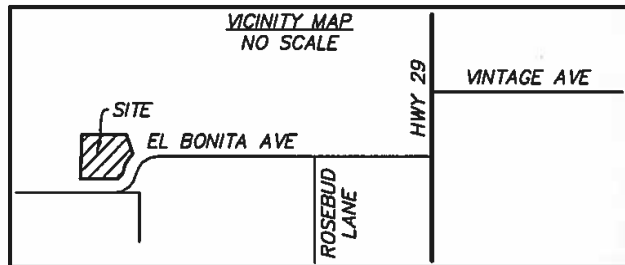
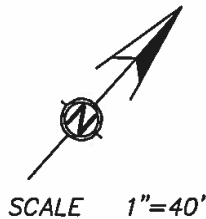
Beginning at the centerline of El Bonita Avenue at a point that bears South 47°44'00" West 505.00 feet from the centerline intersection of El Bonita Avenue with Rosebud Lane; thence southerly along said centerline being a tangent curve, concave easterly, having a radius of 50.00 feet and a central angle of 45°00'00" an arc length of 39.27 feet; thence leaving said centerline North 87°16'00" West for 30.00 feet to the northeasterly corner of Lot 1 in Block 3 as shown on the Map entitled "El Bonita Park Unit No. 1" filed September 7, 1956 in Book 6 of Maps at pages 52 and 53 in the Office of the Napa County Recorder, said corner being the TRUE POINT OF BEGINNING; thence along the perimeter of said lands of Stein the following courses:

1. southerly along a curve, concave to the east, having a radius of 80.00 feet a central angle of 33°27'47" and an arc length of 46.72 feet to which a radial line bears North 87°16'00" West;
2. thence southerly along a reverse curve, concave to the west, having a radius of 20.00 feet a central angle of 78°27'47" and an arc length of 27.39 feet;
3. thence South 47° 44' 00" West for 76.68 feet;
4. thence North 40° 15' 00" West for 98.07 feet;
5. thence North 47° 44' 00" East for 100.00 feet to the True Point of Beginning;

Containing 0.23 acre of land.

ANNEXATION
OF THE LANDS OF MARISSA STEIN
TO THE ST. HELENA MUNICIPAL SEWER DISTRICT

APN 009-432-026
 1400 EL BONITA AVE
 ST HELENA, CALIFORNIA
 RANCHO CARNE HUMANA
 NAPA COUNTY, CALIFORNIA



PREPARED BY:
 TERRA FIRMA SURVEYS, INC.
 P.O. BOX 533
 ST. HELENA CA 94574
 PHONE: (707) 963-7565

DATE: September 20, 2016
 1489_2.dwg

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**Resolution Setting a Hearing to Approve the Annexation of Territory into the St
Helena Municipal Sewer District No. 1 MSD ANNEXATION NO. 130
1400 El Bonita Avenue, St Helena, CA (APN) 009-432-026**

RECITALS

- A. The property at 1400 El Bonita Avenue, St Helena, CA, (APN) 009-432-026 will benefit from annexation into the St. Helena Municipal Sewer District No. 1; and
- B. The owner of 1400 El Bonita Avenue has requested annexation into the St. Helena Municipal Sewer District No. 1; and
- C. The legal description and boundary for the territory to be annexed is described in the attached Exhibit A – Annexation Description; and
- D. All annexation fees have been paid.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

- 1. The territory described in the attached Exhibit A – Annexation Description, commonly known as 1400 El Bonita Avenue, St Helena, CA, (APN) 009-432-026 is hereby ordered annexed; and
- 2. A hearing for objections, if any, by any person interested in the proposed annexation shall be held during the regular meeting of the City Council at 6:00 on December 13, 2016.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016 by the following vote.

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

Exhibit A

Written Description
for the
Annexation of the Lands of Marissa Stein
to the
St. Helena Municipal Sewer District

Napa County APN 009-432-026
1400 El Bonita Avenue, St. Helena CA 94574

The real property located in the City of St. Helena, Rancho Carne Humana, County of Napa, State of California, described as follows:

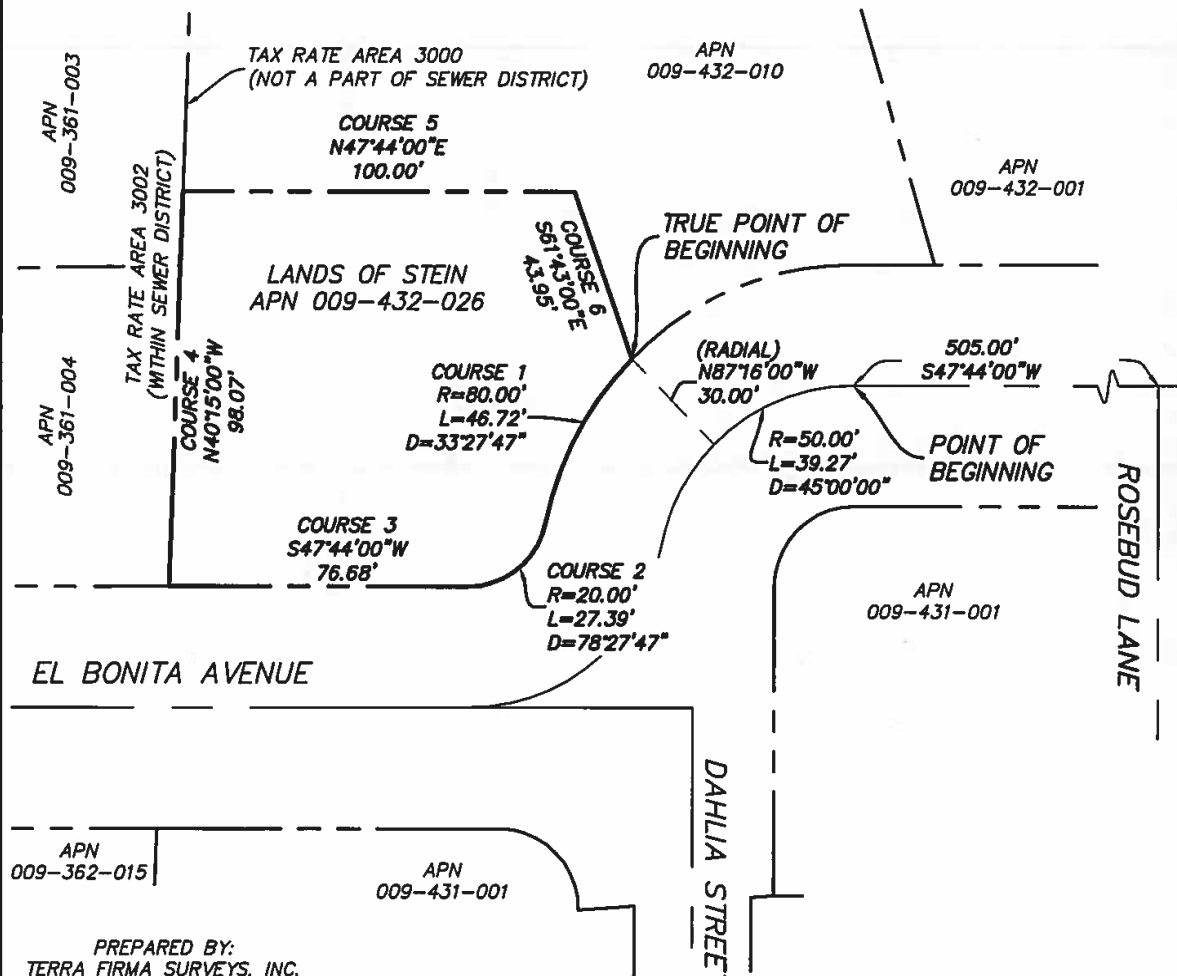
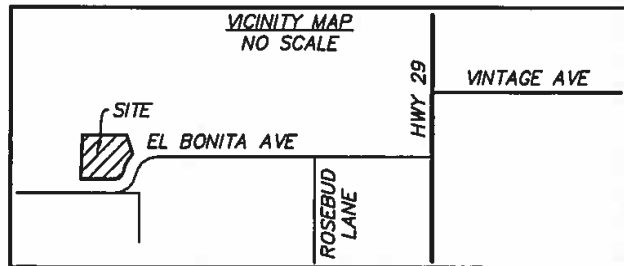
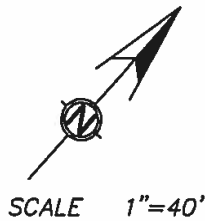
Beginning at the centerline of El Bonita Avenue at a point that bears South 47°44'00" West 505.00 feet from the centerline intersection of El Bonita Avenue with Rosebud Lane; thence southerly along said centerline being a tangent curve, concave easterly, having a radius of 50.00 feet and a central angle of 45°00'00" an arc length of 39.27 feet; thence leaving said centerline North 87°16'00" West for 30.00 feet to the northeasterly corner of Lot 1 in Block 3 as shown on the Map entitled "El Bonita Park Unit No. 1" filed September 7, 1956 in Book 6 of Maps at pages 52 and 53 in the Office of the Napa County Recorder, said corner being the TRUE POINT OF BEGINNING; thence along the perimeter of said lands of Stein the following courses:

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2. thence southerly along a reverse curve, concave to the west, having a radius of 20.00 feet a central angle of 78°27'47" and an arc length of 27.39 feet;
3. thence South 47° 44' 00" West for 76.68 feet;
4. thence North 40° 15' 00" West for 98.07 feet;
5. thence North 47° 44' 00" East for 100.00 feet to the True Point of Beginning;

Containing 0.23 acre of land.

ANNEXATION
OF THE LANDS OF MARISSA STEIN
TO THE ST. HELENA MUNICIPAL SEWER DISTRICT

APN 009-432-026
1400 EL BONITA AVE
ST HELENA, CALIFORNIA
RANCHO CARNE HUMANA
NAPA COUNTY, CALIFORNIA



PREPARED BY:
TERRA FIRMA SURVEYS, INC.
P.O. BOX 533
ST. HELENA CA 94574
PHONE: (707) 963-7565

DATE: September 20, 2016
1489_2.dwg



Item No: 9.7

Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Consideration of a resolution approving a contract extension/Consultant Services Agreement with M-Group to provide professional planning services for an additional amount of \$75,000, and for a total contract amount not to exceed \$100,000

CEQA Status: Not a CEQA project

Prepared By: Noah Housh, Planning and Community Improvement Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The City has the need for limited and "as needed" professional planning services to assist with the preparation, review and processing of specific planning projects, including the General Plan and environmental documents required under the California Environmental Quality Act (CEQA). To satisfy this need, the City entered into a contract with M-Group for an amount totaling \$25,000 in August 2016.

DISCUSSION

The ongoing services provided by M-Group continue to meet the needs of the City. The initial contract with M-Group was for a total not to exceed \$25,000. As of November 2016, the contract amount of \$25,000 is anticipated be expended to cover the contract work of Lilly Bianco. Due to the continued need for planning services (primarily related to current development and CEQA analysis) and the excellent performance by M-Group staff, the department is recommending an additional contract extension of \$75,000 to assist with the ongoing current development workload while Department staff work to finalize the Draft 2016 General Plan, the General Plan EIR and assist with other ongoing projects assigned by the City Council.

FISCAL IMPACT

Due to the nature of the work anticipated to be undertaken by M-Group, a majority of the agreement amount will be received from Planning application fees or direct pass thorough payments. Staff will include an administrative fee for pass through payments charged to the applicant based on the fully encumbered hourly rates for any administrative work to manage any pass through charges associated with planning

Item No: 9.7

services for which there is a direct payment of the M-Group fees to cover the costs of administering the contract with M-Group.

Funds for the agreement were previously budgeted and are available in the FY 16/17 adopted budget account #101-4500-2145.

RECOMMENDED ACTION

It is recommended that the City Council approve a resolution approving the agreement/contract with M-Group for an additional \$75,000, for a total contract amount not to exceed \$100,000 and authorize the City Manager to execute the agreement on behalf of the City.

ATTACHMENTS

1. Attachment A-Resolution 2016-___ Approving a Consultant Services Agreement with M-Group
2. Attachment B-Consultant Services Agreement with M-Group

CITY OF ST. HELENA

RESOLUTION No. 2016-

**RESOLUTION OF THE COUNCIL OF THE CITY OF ST. HELENA AUTHORIZING AN
AGREEMENT FOR PROFESSIONAL PLANNING SERVICES WITH M-GROUP FOR
A TOTAL NOT TO EXCEED \$100,000**

RECITALS

- A. The City desires to employ Consultant to furnish professional services on a limited and "as needed" basis in connection with the General Plan and other planning related projects;
- B. In August 2016, the City entered into an agreement with M-Group for an amount totaling \$25,000 to provide "as needed" professional planning services; and
- C. M-Group has represented that they have the required experience, expertise and qualifications to perform the required duties.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. The City Council approves the contract extension with M-Group for an additional \$75,000, for a total contract amount not to exceed \$100,000, and
- 3. The City Council directs City staff to collect an administration fee based on the fully encumbered hourly rates for any administrative work to manage pass through charges associated with planning services, for which there is a direct payment of the M-Group fees, to cover the costs of administering the contract with M-Group; and
- 2. The City Council authorizes the City Manager to execute the agreement on behalf of the City.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on August 23, 2016 by and between the City of St. Helena, located in the County of Napa, State of California (City), and M-Group (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Associate Planning Services

B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services set forth in Exhibit A, "Scope of Services" and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to or outside of those set forth in this Agreement or Exhibit A, "Scope of Services", unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of services shall be as identified in Exhibit A, "Scope of Services".

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit A, "Scope of Services", attached hereto and made a part hereof. Total compensation shall not exceed \$25,000 unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the invoice shall be approved and City will use its best efforts to cause Consultant to be paid within

30 days of receipt of invoice. If any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

C. Payment to the Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

A. **Minimum Scope of Insurance.** Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

B. **Minimum Limits of Insurance.** Consultant shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$2,000,000 per accident for bodily injury or disease.

C. Professional Liability Insurance. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least \$2,000,000 of professional liability insurance.

D. Excess Limits. If Consultant maintains higher limits than the minimums shown above, City requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

E. Primary Coverage. For any claims related to this contract the Consultants insurance coverage shall be primary insurance as respects to City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of Consultants insurance and shall not contribute with it.

F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of \$25,000 or greater must be declared to and approved by the City.

G. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

H. Waiver of Subrogation. The workers compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

I. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

J. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. Consultant shall indemnify and hold harmless City, its agents, officers, officials, employees, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor ("design professional"), the provisions of this section regarding Consultant's duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant's expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant's obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City's sole negligence or willful acts or misconduct.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner, nor to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

C. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works

of authorship, or other products developed or created by Consultant during the course of providing services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF WORK

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – RECORDS

A. Records of Consultant's direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant's final invoice.

B. Consultant's records and design calculations will be available for examination and audit if and as required. The cost of any reproductions shall be paid by City.

SECTION 17 – COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit A, "Scope of Services", shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 18 – NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or first class mail, addressed as follows:

To City: City Manager
1480 Main Street
St. Helena, California 94574

To Consultant: M-Group
Attn: Heather Hines, Principal
499 Humboldt Street
Santa Rosa, CA 95404
707-540-0723

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all work in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

C. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant's possession shall be delivered to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEY FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys' fees, costs and expenses, in addition to any other relief to which it may be entitled. In addition, any legal fees, costs and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

SECTION 21 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein

shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 22 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 23 – CONTINUITY OF PERSONNEL

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff assigned to perform the services required under this Agreement, prior to any such performance.

SECTION 24 – DEFAULT

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

SECTION 25 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 26 – LAW TO GOVERN; VENUE

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.

SECTION 27 – SEVERABILITY

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 28 – SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:
By: 
Name: HEATHER HINES
Title: PRINCIPAL

City:
By: 
Name: Jennifer Phillips
Title: City Manager

Approved as to Form:
By: 
Name: Thomas A. Brown
Title: City Attorney

August 18, 2016

Mr. Noah Housh
Planning and Community Improvement Director
City of St. Helena
1480 Main Street
St. Helena, CA 94574

RE: Staffing Assignment

Dear Noah,

Thank you for the opportunity to provide a staffing solution for the City of St. Helena. My understanding from our communication over the last few days is that the City's immediate need is for an Associate Planner to fill existing staffing demands.

As we have discussed, M-Group Associate Planner, Lilly Bianco is an ideal candidate for the assignment. Lilly has been part M-Group's North Bay team for three years and has worked on a wide range of assignments. Lilly has been essential in M-Group's expanding historic preservation and environmental review service areas, working on a number of high profile cases in these disciplines. Additionally, Lilly has assisted in counter coverage in M-Group's capacity as the in-house planning staff in Petaluma and has processed a range of development review applications. Lilly has excellent writing skills and uses her strong analytical skills to review applications for code compliance and conformance with adopted policy. As you will see from Lilly's resume she has a broad range of experience and I am confident that she will seamlessly provide the staffing support that is needed in St. Helena. Lilly is based in M-Group's Napa office.

As discussed, Lilly's primary assignment will be development review staffing to include all processing from application intake to issuance of building permit as applicable. Lilly is a strong public speaker and is available to present her projects to the Planning Commission and City Council as applicable to individual project assignments. Additionally, Lilly will be available to provide planning support as needed to cover the public counter and other customer service tasks within the department.

Lilly is available to begin staffing for St. Helena on Wednesday, August 24th and is immediately available up to 30 hours per week for the next six months to meet the staffing needs as I understand them. An hourly rate of \$100 is typical for placement of an Associate Planner. I understand that you have initial approval for a starting budget of \$25,000 which would provide staffing 30 hours per week for approximately eight weeks (through the third week of October). In that time we can enter into a budget amendment to provide funding for an additional four months or longer as needed.

Lilly will work on site with a more defined schedule of days of the weeks and office hours to be negotiated directly as will best fit the needs of the department and allow Lilly adequate time in the Napa office to coordinate on other projects that she is working on.

I have reviewed the standard Professional Services Agreement that you forwarded earlier in the day and have no objections to the terms of that agreement. I will ask my assistant to

Attachment 2
Attachment A

forward insurance certificates to you as outlined in the PSA. Please let me know if you need anything additional from me to move forward with the necessary contract.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Hines", written in a cursive style.

HEATHER HINES
Principal
hhines@m-group.us



Lilly Bianco, MHP Associate Planner + Preservation Specialist

EXPERIENCE

M-Group
Associate Planner +
Preservation Specialist
2016 – Present

M-Group
Assistant Planner +
Preservation Specialist
2013 – Present

University of Georgia
College of Environment &
Design
Research Assistant
2012 – 2013
Athens, GA

EDUCATION

**Master of Historic
Preservation**
College of Environment &
Design
University of Georgia
Athens, GA

**Bachelor of Arts International
Relations**
University of California at Davis
Davis, CA

MEMBERSHIPS

California Preservation Foundation

International Council on
Monuments and Sites (ICOMOS)

CERTIFICATIONS & ACCREDITATIONS

Qualified Architectural Historian
pursuant to Code of Federal
Regulations, 36 CFR Part 61

Lilly Bianco has a robust background in development review, historic preservation, and environmental review. She brings a broad range of expertise and is adept at working in interdisciplinary environments. Her background in historic preservation has allowed her the opportunity to contribute to the preparation of historic preservation-based community revitalization plans, policy documents and a variety of historic resource reports including historic resource evaluations, historic structure reports, and cultural landscape reports. Lilly also has contributed her expertise to environmental and development review projects of varying size and scope. Her knowledge of the built and natural environments complimented by strong analytical and communication skills ensures an effective and thorough final product.

AREAS OF EXPERTISE

**Historic Preservation
Environmental Review
Development Review
Land Use Planning
Technical Writing**

DEVELOPMENT REVIEW

SILK MILL HOTEL | CITY OF PETALUMA, CA

Processed site plan and architectural review for an adaptive re-use project to rehabilitate and re-use the National Register Listed Silk Mill as a 76 room hotel. The entitlement was further supported by a CEQA addendum to update the previously approved IS/MND prepared for an earlier iteration of the project. Key considerations were centered on balancing the requirements of historic preservation with the modern needs of a hotel.

CADER CORPORATE CENTER | CITY OF PETALUMA, CA

Performed review and facilitated processing of an application to construct approximately 280,000 square feet of light Industrial development on a formerly vacant lot in Petaluma. Identified and worked with applicant team to resolve key issues and modify project to meet the City's requirements while achieving developer's goals. Also prepared IS/MND and oversaw preparation of technical reports to comply with CEQA requirements. Development review and preparation of the environmental document were all performed and successfully completed on an abbreviated timeline.

MISCELLANEOUS ADMIN REVIEW | CITY OF PETALUMA, CA

Processed multiple administrative entitlements such as Site Plan and Architectural Review, Conditional Use Permit, Historic Design Review, Building Height Exceptions, and similar applications in Petaluma. Including completeness review, code consistency analysis, public noticing, and drafting approval letters.

Lilly Bianco, MHP Associate Planner + Preservation Specialist

Qualified Architectural Historian
on CHRIS list of qualified
professionals

Section 106 Essentials Certificate,
Awarded by The Advisory Council
on Historic Preservation (ACHP)

Successful CEQA Compliance: A 2
Day Seminar by UC Davis
Extension

PUBLICATIONS

"The Confluence of Social Equity
and Historic Preservation: A look
at Amsterdam," April 2015, M-
LAB, M-Group

"Certified Local Historic District:
What is it and why you should
consider it," August 2014, M-
LAB, M-Group

"A Very Brief Primer on Cultural
Landscapes," March 2014, M-
LAB, M-Group

ENVIRONMENTAL REVIEW

COTATI STATION APARTMENTS | CITY OF COTATI, CA

M-Group was asked to prepare an environmental document for a 155 multi-family residential development proposed for vacant lots located in the Santero Way Specific Plan Area in Cotati. Key considerations relate to land use, consistency with applicable plans, utilities, and public services.

KELLER COURT COMMONS | CITY OF PETALUMA, CA

Drafted Mitigated Negative Declaration analyzing the impacts related to the introduction of an 8 unit Housing Development located in an established neighborhood and subject to the Hillside Development Ordinance. Key Considerations involved impacts to biological resources, aesthetic impacts and geotechnical considerations.

CARMAX AUTO DEALERSHIP | CITY OF SANTA ROSA, CA

Co-authored a mitigated negative declaration for a proposed auto dealership located on "dealership row" in Santa Rosa, CA. The proposal involved a lot merger and vacation of easements. Primary considerations when drafting the report largely centered on the existence of hazardous materials and potentially contaminated areas associated with past uses. Informed review of site conditions allowed adequate evaluation and mitigation of all concerns related to re-use of the site.

RIVERFRONT DEVELOPMENT | CITY OF PETALUMA, CA

Drafted cultural resource section of DEIR for Riverfront Development, a large multi-use complex proposed for Petaluma. Reviewed project parameters and potential impacts to cultural resources. Drafted appropriate mitigation measures.

HISTORIC PRESERVATION

YORK HOUSE NATIONAL REGISTER NOMINATION | CITY OF NAPA, CA

Prepared a National Register Nomination for an 1892 Queen Anne residence in the City of Napa, constructed by prolific Napa architect, Luther Turton. Performed archival research, photographic documentation, and evaluation of significance and integrity in compliance with the requirements set forth by the NPS.

NAPA HP ORDINANCE UPDATE | CITY OF NAPA, CA

Performed targeted update to the existing Napa Ordinance in order to improve usability, efficacy and consistency with accepted standards and practice. Key considerations involved expansion of resources considered, clarification of preservation processes and authority, as well as streamlining to improve usability and ensure consistency with CLG requirements.

OLD REDWOOD HWY SECTION 106 | CITY OF COTATI, CA

Facilitated Section 106 process for Caltrans road rehabilitation project and prepared requisite Historic Property Survey Report and Historic Resource Evaluation for Cotati hexagonal town Plan. During the process oversaw preparation of the Archeological Survey Report and facilitated Tribal consultation. Coordinated and managed project on an abbreviated timeline.



Item No: 9.8

**Report to the City Council
Council Meeting of November 29, 2016**

Agenda Section: Consent

**Subject: Consideration and proposed approval of a resolution
disbanding the Multi Cultural Committee**

CEQA Determination: Not a CEQA Project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

In September 2015 and May 2016, the City Clerk conducted recruitments seeking community interest to fill expired and/or vacant Multi Cultural Committee positions. Various forms of communication were used to publicize the recruitment such as the City website, newspaper ads, circulating flyers and Enews. The recruitments failed to receive sufficient applicants to fill the vacancies. The Multi Cultural Committee is a committee of five members and currently has three members with two vacancies.

Historically over the past few years the Multi Cultural Committee has cancelled multiple meetings due to lack of business or quorum. For 2016, the committee has cancelled meetings for the months of January, February, March, May, June and July due to lack of business.

An item was agendized at the August 3, 2016 Multi Cultural Committee meeting to discuss the future of the committee. The Committee identified the lack of a full membership posed a challenge some months to obtain a quorum. Also, a discussion was had regarding the role/goals of the committee within the community. It was noted that various County wide agencies and entities now exist that provide services to St. Helena that the committee was initially formed to support.

DISCUSSION

At the October 11, 2016 City Council meeting, the City Council discussed options for keeping, suspending or disbanding the Multi Cultural Committee. Multi Cultural Committee Chair Janis Gay addressed the City Council and recommended untethering the Committee from the City Council. Janis noted the committee wishes to continue, but

Item No: 9.8

not as an official City Council Brown Act committee. After further discussion the Council directed staff to come back at a later meeting with a resolution to disband the committee.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Adopt the resolution.

ATTACHMENTS

1. Resolution

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA
AUTHORIZING THE DISBANDING OF THE MULTI CULTURAL COMMITTEE**

RECITALS

- A. The City Council established the Multi Cultural Committee on April 12, 2005; and
- B. The committee was established and appointed by the City Council to encourage the Hispanic community to become more involved in all aspects of the community; and
- C. The absence of a full committee membership and agenda activity has led to the committee cancelling all but three meetings in 2016; and
- D. The City Council adopted protocols for committees, commissions and boards by resolution 2014-45; and
- E. Resolution 2014-45 identifies any changes in the role or purpose of a committee, commission and board is to be brought before the City Council for consideration; and
- F. The City Council at the October 25, 2016 Council meeting acknowledged the benefits the committee has provided to the community in the preceding years. Council also acknowledged that various County wide agencies and entities now exist that provide services to St. Helena that the committee was initially formed to support. The Council further directed staff provide a resolution to disband and untether the committee from the City Council.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

1. The Multi Cultural Committee is disbanded.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016 by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____

Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk



Item No: 9.9

Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Consideration and proposed adoption of a Resolution Authorizing the City Manager to Execute Grant Amendment No. 2 for the Pope Street Bicycle Lane Project, CIP R-30, to increase Transportation Fund for Clean Air (TFCA) Grant Award by \$17,000 for a Total Grant Award Not to Exceed \$57,000; and authorize the corresponding budget adjustments

CEQA Determination: Categorically Exempt, Section 15304, Minor Alterations to Land

Prepared By: Tobias Barr, Public Works Project Manager 
Steven Palmer, PE, Director of Public Works/City Engineer

Approved By: Jennifer Phillips, City Manager 

BACKGROUND

The City was previously awarded a Transportation Fund for Clean Air (TFCA) Grant in 2014 in the amount of \$40,000 with a City cash match of \$3,000. The funds could be expended on both design and construction costs.

During the design phase the original design consultant could not complete the work and a new engineering firm was hired. In addition to consultant changes, the project required door-to-door communication with residents and multiple public meetings due to parking impacts related to the project. The public outreach resulted in several design iterations and construction delay until the concerns were ameliorated. Due to design delays, the City received Grant Amendment No. 1 which granted a one-year time extension to complete the project by May 2017.

With Resolution 2016-68, City Council authorized the project and approved the plans and specifications for the Pope Street Bike Lanes. Following City Council's approval of the project, Staff received bids from contractors and determined the existing project's budget would not be adequate to construct the project.

DISCUSSION

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Grant Amendment No. 2 is for an additional \$17,000 to offset construction costs based on bids. The preliminary construction cost estimate that was prepared for the original grant application was \$25,500. During design, the scope of the project was expanded to include the replacement of centerline striping and additional signage. As a result, after final design the engineers estimate increased to \$33,000. The project went out to bid and the lowest responsive bid received was \$39,051.50. The increase in costs over the engineer's estimate are attributed to the need for additional traffic control during construction on a busy street and the mobilization cost for bringing construction crews to the upper Napa Valley. The following table includes a breakdown of costs by project phase:

Project Phase	FY 16/17 Budget	Revised Budget
Design	\$ 13,000.00	\$ 13,614.00
Construction Engineering	\$ 4,500.00	\$ 4,500.00
Construction Contracts	\$ 25,500.00	\$ 39,052.00
Construction Contingency	\$ -	\$ 2,834.00
Project Total	\$ 43,000.00	\$ 60,000.00
Project Funding		
TFCA Grant	\$ 40,000.00	\$ 57,000.00
Local Funds	\$ 3,000.00	\$ 3,000.00
Project Total	\$ 43,000.00	\$ 60,000.00

Since the project is funded through the TFCA grant, staff inquired with the Napa Valley Transportation Authority (NVTa), who manages the program, to request additional funds to complete the project. NVTa has verbally approved the grant increase and is working on preparing the grant amendment for the City to sign.

Unfortunately, while the amendment is being processed the timeline on the construction bid is getting short. According to the Public Contract Code and the contract documents the contractor is required to hold his bid price until December 13, 2016, after that time the contractor is not required to honor their bid. Therefore, staff is requesting that the City Manager be granted the authority to execute the grant amendment when it is available. This will enable the amendment to be completed and the construction contract awarded while the contractor is still legally required to honor their bid.

FISCAL IMPACT

By authorizing the City Manager to execute Amendment No. 2 to the Agreement, the City will receive an additional \$17,000 in grant reimbursement therefore there will be no net impact to the General Fund or Capital Improvement Project funds. As a result of this grant amendment, an increase of \$17,000 in revenues and \$17,000 in expenses is required in the Capital Projects – Streets fund.

RECOMMENDED ACTION

Adopt the attached Resolution authorizing the City Manager to execute the grant amendment, and authorize an increase in revenue and expenditures in the amount of \$17,000 in Capital Projects – Streets Fund for Pope Street Bike Lane Project R-30.

ATTACHMENTS

1. Resolution

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Authorizing City Manager to Execute Grant
Amendment No. 2 for the Pope Street Bicycle Lane
Project, CIP R-30, to increase Transportation for Clean
Air (TFCA) Grant Award by \$17,000 for a total grant
award not to exceed \$57,000**

RECITALS

- A. On May 29, 2013, the City Council adopted Resolution 2013-34 which approved and adopted the City of St. Helena Bicycle Plan, which identifies Class II Bike Lanes along Pope Street to improve bicycle access and safety to City residents; and
- B. In March 2014, the City of St. Helena was awarded \$40,000 of Transportation for Clean Air (TFCA) grant funds for the design and installation of Pope Street Class II bike lanes; and
- C. The approved 5 Year Capital Improvement Program identifies project R-30 Pope Street Bike Lanes; and
- D. City Council approved the plans, specifications and red no-parking zones with Resolutions 2016-68 and 2016-69; and
- E. Napa Valley Transportation Authority staff has approved the grant funding increase and is drafting the amendment; and
- F. The contractor is required to honor their bid until December 13, 2016, after that time they are legally allowed to withdraw their bid.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. The City Manager is authorized to execute Amendment No. 2 to the Grant Agreement for Pope Street Class II Bike Lanes TFCA Project No. 14NAP02 to increase the grant award by \$17,000 to \$57,000.
- 2. The City budget is amended to account for the increase in revenue and expenditures in the amount of \$17,000 in Capital Projects – Streets Fund for Pope Street Bike Lane Project R-30

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____
Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk



Item No: 9.10

Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution approving a joint use agreement amendment with St. Helena Unified School District for the use of Vintage Hall Board Room through February 2017 for a total cost not to exceed \$3,334

CEQA Determination: Not a CEQA Project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On April 9, 2013, the City Council approved a three year joint use agreement with the St. Helena Unified School District for allowing use of Vintage Hall Board Room for an annual cost of \$10,000. The agreement expired on October 31, 2016.

DISCUSSION

The St. Helena Unified School District provided an agreement amendment in order to conduct a joint review of use and fees by the City and the District, and to prepare an updated agreement for SHUSD Governing Board and City Council approval. The amendment extends the agreement through February 28, 2017.

FISCAL IMPACT

St. Helena Unified School District will charge a monthly rate through February 2017. The annual cost of \$10,000 would be calculated into a monthly rate of \$834.00. The total cost from November 2016 to February 2017 will be \$3,334.

RECOMMENDED ACTION

Adopt the resolution.

ATTACHMENTS

1. St. Helena Unified School District Board of Trustees Agenda Report
2. Joint use agreement amendment

3. 2013 Staff Report and expired agreement
4. Resolution

**Agenda Item Details**

Meeting Nov 10, 2016 - REGULAR MEETING OF THE BOARD OF TRUSTEES
Category 14. BUSINESS & OPERATIONS
Subject A. CONTRACTS OVER \$25,000
Access Public
Type Action, Information
Goals Professional Excellence

Public Content

BACKGROUND

The Board is asked to approve the following contracts over \$25,000:

JOINT USE AGREEMENT - AMENDMENT	VINTAGE HALL BOARD ROOM
Agency:	City of St. Helena
Description:	Joint Use Agreement for the use of the Vintage Hall Board Room, for City Council and City Planning Commission meetings.
Amendment Requested:	Amend the current three-year agreement (November 1, 2013 - October 31, 2016) to extend the terms through February 28, 2017 (four months), to provide time for joint review by the City of St. Helena and the District. An updated agreement will be developed for approval by both the City Council and the SHUSD Governing Board.
Financial Impact:	The agreement expiring October 31, 2016 was for \$30,000, paid to the District in \$10,000 annual installments. The amount due to the District for the period of November 1, 2016 - February, 2017 will be \$3,334 (pro-rated portion of the current \$10,000 annual fee).
Revenue Account:	General Fund, Unrestricted Resource 0000, Object 8650 (Rentals/Leases)

Contracts are available for review upon request.

Submitted by: Mrs. Andi Stubbs, CBO

Approved by: Dr. Marylou Wilson

Administrative Content

Executive Content

Call on: Mrs. Andi Stubbs

- **"Is there anyone present who wishes to publically comment on this Agenda item?"**
- **"Do the Trustees have any questions about this Agenda Item?"**

"Is there a motion to approve the contacts over \$25,000, as presented?"

"Is there a second?" Motion_____ and second_____.

"All those in favor say aye. All those opposed say no."

"Motion carried."

Motion & Voting

The Board approved the contracts over 25,000, as presented.

St. Helena Unified School District
JOINT USE AGREEMENT
AMMENDMENT FORM

Agency Name: City of St. Helena

Joint Use Agreement: Vintage Hall Board Room

Agency Address:

1480 Main Street, St. Helena, CA 94574

Date November 1, 2016

TO BE COMPLETED BY REQUESTOR

SHUSD Account Code 01-0-0000-0000-8650-000-0000 Amount \$ \$10,000/year (to SHUSD)

Reason for Extension: Current three-year Joint Use Agreement for use of the Vintage Hall Board Room expired as of October 31, 2016. An extension through February 28, 2017 is requested in order to conduct a joint review of use and fees by the City and the District, and to prepare an updated agreement for SHUSD Governing Board and City Council approval.

Date(s) of Service:

Extension requested from November 1, 2016 through February 28, 2017

Requestor's Signature



Date

11/1/16

TO BE COMPLETED BY CITY OF ST. HELENA:

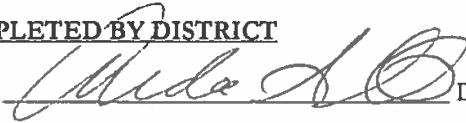
Agree to terms of amendment

Authorized Signature

Date

TO BE COMPLETED BY DISTRICT

CBO Signature



Date

10.01.2016

Board Approval Date: November 10, 2016

Copies To: - Accounts Recievable

STAFF REPORT



DATE: April 9, 2013

TO: Mayor and Council

FROM: Karen Scalabrini, Finance Director

Item No: _____

RE: Discussion/action on a three year joint use agreement between the City of St. Helena and St. Helena Unified School District for allowing use of Vintage Hall Board room.

BACKGROUND:

In October 2002, a Council subcommittee brought a recommendation to Council to enter into a long-term lease with the School District to hold Council and Planning Commission meetings at the Vintage Hall Board Room. The agreement with the School District expires October 31, 2013.

In January 2013, staff was directed to provide Council with new terms for the Vintage Hall Board room agreement and bring the item back to Council for discussion.

DISCUSSION/ANALYSIS:

St. Helena School District and City staff propose the following terms:

- Three year term with annual \$10,000 payments instead of a ten year term with \$100,000 paid in the first year.
- City may opt out with 30 day notice and receive full refund of the prorated portion of the unused lease.
- City use of the board room every Tuesday beginning at 5:00pm.

If Council agrees to have staff move forward with the lease at Vintage Hall, the City can continue holding meetings at Vintage Hall beyond October, 2013. The School was not agreeable to monthly payments due to the time involved in monthly billings and processing payments. By including a clause that reimburses the City for any unused time and giving a thirty day notice, the City is still open to finding another location in the future if needed.

The School District and staff have worked diligently to correct any issues experienced with the Vintage Hall facility.

Council requested staff look at the possibility of returning City meetings to the Carnegie Building. While the City owns the building, the City would need to wire and purchase new equipment. Below is a list of equipment the City would need to purchase:

- 4 cameras with Pan/Tilt/Zoom remote controller.
- Video switcher and DVD recorder
- Audio system up to 12 microphones
- Auto-Mixer Audio Console with Feedback Elimination system for main audience
- Audio Speakers for audience
- Two Projectors & Screen synced together

- Document Camera
- Dias
- Chairs

Carnegie Building is used by recreation programs and its use would need staff time to set up for each meeting.

Benefits sited for relocating to Vintage Hall in 2002 included:

- Better parking
- Four times larger than Carnegie meeting room
- Carnegie use conflicts with recreation programs
- Better equipment

FISCAL IMPACT:

Continuing a joint use agreement with the School District will cost the City \$10,000 annually.

Moving to Carnegie would require a minimum estimated capital contribution of \$50,000-\$60,000 for equipment and on-going staff time of 2 hours each meeting for set-up and take-down.

RECOMMENDED COUNCIL ACTION:

Authorize City Manager to enter into an agreement with the School District for a three year lease of Vintage Hall.

ATTACHMENTS:

None

**JOINT USE AGREEMENT
VINTAGE HALL BOARD ROOM**

This joint Use Agreement is entered into between the St. Helena Unified School District of Napa County, California (hereinafter referred to as the District) and the City of St. Helena, a municipal corporation (herein after referred to as the City.)

RECITALS

- A. The District and the City have been cooperating in the use of facilities for many years.
- B. For the past nine years the District has shared Vintage Hall with the City for official meetings.
- C. The City shared in the renovation of Vintage Hall and equipment for improved communication with the community.
- D. The District desires to make available the Vintage Hall Board room for both City Council and City Planning Commission meetings.

The following terms and conditions are accepted and agreed upon by the District and the City.

1. **Term-** The District hereby grants the City a ^{three} ~~five~~ (3) year lease for use of the Vintage Hall Board room, hereinafter described, commencing November 1, 2013 and concluding on October 31, 2016.
2. **Facility-** The Vintage Hall Boardroom and the CCTV room are the facilities covered by this agreement.
3. **Consideration-** Good, valuable and adequate consideration exists in the mutual benefit by the District and the City as a result of their entering into and fulfilling agreement.
4. **District modifications to the property-** The District, at the District's sole discretion, may make any modifications, improvements or place equipment within the leased area with a seven (7) day notice to the City Manager. The improvements, modifications or placements may be for the purpose of, but not limited to the operation of public education and/or other education related activities. In no case shall the changes deprive the City's use of this facility as specified herein.
5. **City use of property-** The City shall have exclusive use of the facilities identified in section 2 every Tuesday in connection with its regularly scheduled City Council and City Planning Commission meetings. It is understood that these meetings shall take place on the first through fourth Tuesday of each month. Meetings shall commence no earlier than 5:00 p.m. and shall be concluded by 11:30 p.m. Restrooms and

emergency use of the District copy machine shall be available. Parking shall be provided on a first come, first serve basis and generally will be available unless spaces are used for District educational purposes. The City may display City items (such as the City flag, maps and mission statement) during its meetings, provided that such items are removed upon the conclusion of the meetings.

6. **District use of property-** The District will have exclusive use of the Vintage Hall Boardroom at all other times not stated above. The City may negotiate with the District for additional hours not included in this agreement. Agreed upon hours shall be at the usual rate charged by the District to other governmental agencies, or, if there is no such rate, the usual rate charged by the district to non-profit organizations.
7. **District responsibilities –** The District agrees to provide the board room described in section 2 to include, but not limited to, acoustically appropriate wall, window and floor surfaces; a CCTV room equipped for broadcasting; teleconferencing equipment (including an access service line from/to City Hall), sound system and equipment, ceiling mounted computerized projection system; furniture to include dias, tables and chairs, storage access for Council and Commission supplies, custodial services, and normal use utility costs.
8. **Rent-**The City shall pay to the District a sum of \$10,000 for each year due on November 1st. If the City terminates the lease during the term, the City shall be reimbursed a prorated share of the balance. The City shall provide the district with a 30 day notice for termination.
9. **Internet-** The City agrees to pay monthly access service fees for the City Hall internet during the term of this agreement and any extensions.
10. **Equipment and Improvements-** The District shall own all broadcasting and technical equipment necessary to conduct and broadcast formal meetings. The City shall have the right to operate this equipment. The District will be responsible for preventative and normal maintenance of the equipment. Repair and replacement costs for equipment shall be borne by the parties in proportion to their use of the equipment, except that if one party damages the equipment through its own negligence, that responsible party shall bear the entire cost of repair or replacement. All equipment, maintenance, repair and purchase will be through District contract and the equipment will remain the property of the District. The City will be bill once the repair/purchase is complete and will include all copies of invoices for repair/purchase.
11. **Joint Review-** The District and the City shall meet annually, prior to January 1 of each year, to review the joint-use of the Vintage Hall Board room. As a result of this review, the use schedule as identified in this agreement may be revised upon mutual consent of both the District and the City. Such changes, when made, shall become part of this agreement.
12. **Improvements-** The City shall make no improvements until plans and specifications for such improvements are reviewed, approved and signed by both parties. Any such improvement made to the property described herein shall remain the property of the district.

13. **Quiet Possession-** The City, subject to performing the covenants and agreements herein, shall during the terms of the agreements, peacefully and quietly have, hold and enjoy the property listed in section two (2) of this agreement.
14. **Security-** As agreed herein, the District shall provide an electronic security system for Vintage Hall, which will be operated by District staff until completion of the meetings. Should a meeting extend beyond 11:00 p.m., the City will be billed for custodial overtime if incurred by the district. 10:30
15. **Assignment –** The City shall not assign this agreement or any interest herein without prior written consent of the District. Any such assignment without such consent shall be voided.
16. **Compliance With Law-** At its sole cost and expense the City shall comply, and shall secure compliance by persons within its control and authority, with all requirements of State and Federal authorities now in force, or which may herein after be in force, pertaining to the premises or the operations conducted thereon, and shall faithfully observe and secure observances of all State and Federal statutes now in force, or which may herein after be in force, in the use of the premises by persons within its control and authority.
17. **Assigns –** Time is of the essence of each and all of the terms and provisions of this agreement, and this agreement shall inure to the benefit of and be binding upon the parties hereto and any successors thereof as fully and to the same extent as though specifically mentioned in each instance, and all covenants, stipulations, and agreements in the agreement shall extend to and bind any successor(s) of the parties.
18. **Waiver-** The waiver by either party of any breach of any term, covenant, or conditions herein contained shall not be deemed to be a waiver of any other term, covenant, or condition of this agreement.
19. **Administration Of Agreement : Notices-** Control and administration of this agreement is under the jurisdiction of the Superintendent as to District's interest herein and any communication relative to the terms or conditions or any changes thereto or any notice or notices provided for by this agreement or by law required to be given or served upon the District may be given or served by certified letter deposited in the United States mail, postage paid, and addressed to attentions: Superintendent, St. Helena Unified School District, 465 Main Street, St. Helena. CA 94574, or may be personally served upon District or any person hereafter authorized by district to receive such notice. Any notice or notices provided for by this agreement or by law to be given or served upon City may be given or served by depositing in the United States mail, postage prepaid, a certified letter addresses to the City Manager, City of St. Helena, 1480 Main Street, St. Helena, CA 94574, or may be personally served upon City or any person hereafter authorized by City to receive such notice. Any notice or notices given or served as provided herein shall be effectual and binding for all purposes upon the principals of the parties so served upon personal served upon personal services, or 48 hours after mailing in the manner required herein.

- 20. Remedies-** In the event that either party shall default in the performance or fulfillment of any covenant or condition herein required to be performed or fulfilled by that party and shall fail to cure such default within sixty (60) days following the service on the defaulting party of a written notice from the second party specifying the default complained of, then the second party may, at its option, without further notice or demand upon the defaulting party or upon any person claiming through the defaulting party, immediately terminate this agreement and all rights of the defaulting party and of all persons claiming rights through the defaulting party. Notwithstanding the above provisions, in the event that any default cannot be cured within sixty (60) days after the service of written notice upon the default it the defaulting party immediately commences to cure such fault and diligently pursues such cure to completion.
- 21. Hold Harmless-** District shall indemnify, hold harmless, and defend City, its officers, agents and employees from and against all claims. Damages, losses and expenses, including reasonable costs and attorney's fees, arising out of or resulting from District's sole negligence in the performance of this agreement. City shall indemnify, hold harmless, and defend District, its officers. Agents and employees from and against all claims. Damages. Losses and expenses, including reasonable costs and attorney's fees, arising out of or resulting from City's sole negligence in the performance of this agreement.
- 22. Insurance-** City, at its own cost, shall maintain public liability and property damage insurance with liability limits of not less than one million dollars (\$1,000,000.) per person and three million dollars (\$3,000,000.) per occurrence insuring against all liability of the City, its officers, agents and employees. City shall provide a certificate of insurance to District naming District as additional insured.
- 23. Legal Proceedings-** The parties agree that the law of the State of California shall be used in interpreting this agreement and will govern all disputed under the agreement and will determine all rights hereunder.
- 24. Verbal Agreements-** This agreement contains the complete expression of the whole agreement between the parties hereto and there are no promises, representations, agreements, warranties or inducements either expressed verbally or implied except as are fully set forth herein. This agreement cannot be enlarged, modified or changed in any respect except by written agreement between the said parties.
- 25. Severance-** If any part of the agreement contained herein is found by a court of competent jurisdiction to be void or voidable, that portion which is so held to be defective shall be severed from the remainder hereof, the latter to remain in full force effect.
- 26. Amendment or Renewal-** This agreement may be amended or renewed in writing by mutual consent of District and City as permitted by law.
- 27. Nondiscrimination-** District, City and all other who from time to time may use the property described herein with the permission and on the terms and conditions specified by both parties shall not discriminate in any manner against any person or

persons on a account of race, color, sex, creed or national origin including, but not limited to, the providing of goods, services, facilities, advantages and the holding and obtaining of employment.

28. **Loss of Use of Premises-** If City is unable to use the facility for any reason beyond the parties' control including damage to the facility by fire, or other casualty, the District will provide and alternate facility of equal capacity or, should the loss of use continue for six months or longer, the City may, at its election, terminate the agreement.

29. **Termination** – The City at its discretion may terminate this agreement at anytime with 30 days notice.

IN WITNESS WHEREOF, the agreement is executed by the St. Helena Unified School District acting by and through its Superintendent pursuant to resolution of its board of Education authorizing such execution, and by the City of St. Helena acting by and through its City Manager.

ST.HELENA UNIFIED SCHOOL DISTRICT
OF NARA COUNTY, CALIFORNIA

By: _____

Bill McQuire
Superintendent

GREG MEDICI
CHIEF BUSINESS OFFICIAL

Date: Sept. 13, 2013

CITY OF ST. HELENA
A MUNICIPAL CORPORATION

By: _____

Gary Broad
City Manager

Date: _____

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA
AUTHORIZING A JOINT USE AGREEMENT AMENDMENT WITH THE ST. HELENA
UNIFIED SCHOOL DISTRICT FOR THE USE OF VINTAGE HALL BOARD ROOM
THROUGH FEBRUARY 2017 FOR A TOTAL COST NOT TO EXCEED \$3,334**

RECITALS

- A. On April 9, 2013, the City Council approved a three year joint use agreement with the St. Helena Unified School District for the use of Vintage Hall Board Room for an annual cost of \$10,000 expiring on October 31, 2016; and
- B. The St. Helena Unified School District provided an agreement amendment in order to conduct a joint review of use and fees by the City and the District, and to prepare an updated agreement for SHUSD Governing Board and City Council approval. The amendment extends the agreement through February 28, 2017.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. The City Council authorizes the City Manager to approve the joint use agreement amendment with the St. Helena Unified School District.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016 by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____
Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk



Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of resolution implementing new water leak adjustment policy effective January 9, 2017 and rescind all other water or wastewater leak adjustment policies

CEQA Status: Not a CEQA project

Prepared By: Tracey Perkosky, Grants & Finance Manager 

Approved By: Jennifer Phillips, City Manager 

BACKGROUND

Many cities provide a bill credit for water customers who experience a larger than normal water bill due to a leak, including St. Helena. The recently completed rate study for water and wastewater recommended a change from tiered rates to non-tiered rates based on the guidelines put forth in Proposition 218. As a result, the City's existing water leak adjustment policy will be obsolete as it based on a bill credit resulting from higher costs due to a higher tiered rate.

Staff sought direction from City Council during the October 25, 2016 meeting, wherein several scenarios were presented. Council recommended Scenario 2, with some modifications.

Scenario 2 originally included the following elements:

- Circumstances are beyond customer control, neither negligent, willful nor neglectful;
- Adjustment policy shall not apply if under water shortage conditions as defined by ordinance or if a local natural disaster has been declared;
- Outdoor irrigation leaks are not eligible for adjustment;
- Usage must be at least 100% higher than normal use based on the same billing period during prior 3 years or available history;
- Adjustment is a bill credit based on a percentage, such as 30% or 50%;
- Credit is for one billing cycle only;
- Hardship agreements or a payment plan may be used to pay the higher bill;
- One leak adjustment every 36 months;

- The leak adjustment is for water only, not wastewater;
- Proof that the leak was repaired required;
- Low flow fixtures are installed on property or on retrofit list;
- If insurance reimbursement is received, customer must notify City so adjustment can be made;
- Leak adjustments are granted by the Finance Director or designee;
- Decisions can be appealed to the City Council; and
- Policy is for residential customers only.

Council recommended several modifications: (1) that irrigation be included under the policy, (2) the decision of the Finance Director or designee is final, (3) the bill credit should be 50% of the excess usage, and (4) residential customers are eligible for a leak adjustment bill credit once every 60 months.

DISCUSSION

Staff drafted a policy based on the elements of Scenario 2 and Council's requested modifications.

The only small change that was made to Council's direction pertains to the requirement that all fixtures in a residence be low-flow or the property must be added to the water neutrality developer's list in order to receive the bill credit. After extensive discussion that was initiated by Council's questions on enforceability, staff determined that as part of the leak adjustment request, customers will be reminded of the benefits of low-flow fixtures and encouraged to add their names to the developer list for retrofits if the fixtures are non-compliant, as the City does not have the resources to do on-site inspections.

The new policy will go into effect with the new rates on January 9, 2017.

FISCAL IMPACT

All leak adjustments will be a subsidy from the General Fund. Transfers will be made to the Water Fund on a quarterly basis from 101-4000-2408 Leak Adjustment Contributions to 561-3470-0000 Water Other Revenue. In the mid-year budget revision which will come before Council for approval in January, \$3,000 will be included for leak adjustments for Q3 and Q4 of Fiscal Year 16-17. In future fiscal years, the Leak Adjustment Contributions will be budgeted as part of the annual budget process.

RECOMMENDED ACTION

Staff recommends the City Council approve the resolution for a new water leak adjustment policy to be effective January 9, 2017.

ATTACHMENTS

1. Resolution

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Approving and Implementing New Water
Leak Adjustment Policy to be Effective on January 9,
2017 and Rescinding All Other Water or Wastewater
Leak Adjustment Policies**

RECITALS

- A. The City of St. Helena wishes to continue to assist residential water customers who experience a larger than normal water bill as a result of circumstances beyond customer control; and
- B. The existing policy will be obsolete with the conversion to non-tiered rates; and
- C. Council provided staff direction during the October 25, 2016 Council Meeting to draft the new policy guidelines.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. Approves the water leak adjustment policy attached as Exhibit "A" to be effective on January 9, 2017; and
- 2. Rescinds all other water or wastewater leak adjustment policies.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

	City of St. Helena Council Policy		Policy Type
			Council
			Reso No.
		Page 1 of 2	
Policy Title		Approved by City Manager	
Water Leak Adjustment Policy			
Effective Date	Supersedes:	Policy Section	Policy Number
1/9/2017	All previous leak adjustment policies		

PURPOSE

The City of St. Helena is committed to preventing water waste but also understands that, infrequently, a water leak may occur. When a leak does occur, residential customers can request a credit adjustment to their water bill for a portion of the excess water used.

This policy rescinds all previous water leak adjustment policies and remains in effect until rescinded by City Council.

POLICY

1. To be eligible for a leak adjustment bill credit, the excess water usage must be 100% higher than normal usage based on an average of the same billing period for the previous three years or the available history for the account.
2. Only residential customers are eligible for the bill credit.
3. All leak(s) must be beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak.
4. The leak(s) cannot be the result of negligent, willful nor neglectful behavior.
5. Leak adjustments will not be granted if the City is in a Phase I or higher water emergency or subject to water use limitations by the State of California. Leak adjustments will also not be granted if a local natural disaster has been declared.
6. Customers will be reminded that low-flow fixtures such as faucets, toilets and shower heads help save water and will be encouraged to sign up for the developer water retrofit list if fixtures are non-compliant.
7. All decisions from the Finance Director or designee are final. There are no appeals.
8. One leak adjustment may be granted no more than once every 60 months per account.
9. The leak adjustment is in the form of a bill credit. It is 50% of the cost of the excess water usage only. This is determined by finance staff using the three year average or available account history. There will be no adjustment to the base rate.
10. Bill credits are for water only and not wastewater.
11. The credit is for one billing cycle only.
12. Hardship Agreements may be used to pay the higher bill.
13. Proof that the repairs were completed must be included with all requests for a leak adjustment. Examples include a copy of the plumber's invoice or hardware store receipts showing items purchased.
14. If any insurance payment or equivalent is received, the customer must immediately notify the City. The customer may be required to pay back the adjustment.
15. Leak adjustments will be funded from the General Fund.

Policy Title Water Leak Adjustment Policy			
Effective Date 1/9/2017	Supersedes: All previous leak adjustment policies	Policy Section	Policy Number

VIOLATIONS

Not applicable.

PROCEDURES

1. Customers must formally request a leak adjustment by completing the Leak Adjustment Request Form available in the Finance Department.
2. Utility Billing staff verifies that a complete request was submitted. Staff also verifies the request meets the terms outlined in the policy such as meeting the required excess water usage, receipts or proof of repairs, low flow fixtures, time since last request, etc. This is completed within 5 business days of receipt by the Finance Department.
3. Finance Director or designee makes determination to grant or deny leak adjustment request within 15 days of a completed form.
4. Customer is notified via phone or email of decision within 3 business days of the decision.
5. If leak adjustment is granted, staff will enter adjustment as a bill credit within 15 days of decision.
6. Quarterly, funds are transferred from the General Fund 101-4000-2408 – Leak Adjustment Contributions to 561-3470-0000- Water Other Revenue.
7. Leak adjustment transfers are reported in the Finance Department Quarterly Report.



**Report to the City Council
Council Meeting of November 29, 2016**

Agenda Section: **Public Hearing**

Subject: **Consideration and proposed adoption of resolutions accepting the 2016 Water and Wastewater Rate Study and adoption of new water and wastewater rates**

- a. Consideration and proposed approval of a Resolution Adopting City of St. Helena (2016) Water and Wastewater Rate Study; and**
- b. Consideration and proposed approval of a Resolution Adopting Water Rates and Rate Structure; and**
- c. Consideration and proposed approval of a Resolution Adopting Wastewater Rates and Rate Structure; and**
- d. Consideration and proposed approval of a Resolution Adopting Non-treated (raw) Water Rates.**

CEQA Determination: **This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.**

Prepared By: **Jennifer Tuell, Water Conservation Coordinator**
Steven Palmer, PE, Director of Public Works/
City Engineer

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

I. History

On November 10, 2015, the City Council approved an agreement with Hansford Economic Consulting (HEC) to perform a utility rate study for both the water and wastewater utilities (Resolution 2015-136). An amendment to the agreement was approved on September 13, 2016 (Resolution 2016-125). The purpose of this study was to determine the level of funding required to adequately fund the water and wastewater systems while providing residents and businesses with safe and reliable water and

wastewater systems that meet State and Federal requirements. The last water and wastewater rate study was performed in 2011. The 2011 rate study implemented a 58% rate increase for water and a 26% rate increase for wastewater followed by annual rate increases for five years based on the Consumer Price Index (CPI). It is considered a best practice to evaluate water and wastewater (utility) rates every three to five years. During the 2015 Council Goal Setting Session, the Council included reviewing rates and fees as a strategic objective for the coming fiscal year.

On May 24, 2016 City Council authorized the re-establishment of the Ad Hoc Revenue Source Task Force (Task Force) to review and provide input on the rate study. Two meetings were held, one on August 4, 2016; and the other on September 13, 2016, in order to present preliminary information and receive public input. These meetings were open to the public and recorded to increase transparency and public participation; as well as providing a forum for public questions and input. The draft rate study was presented to City Council on September 27, 2016. At that time, the City Council accepted the Draft 2016 Water and Wastewater Rate Study and directed the City Manager to proceed with the legally required Proposition 218 proceedings with a tentative public hearing date of November 29, 2016. The specific direction was:

1. Develop a Notice of Public Hearing on Proposed Increases to Water and Wastewater Rates, citing the proposed maximum rates, how the property owner can calculate their bill, how the revenues will be utilized, general information about the scheduled public hearing and instructions on how to protest the proposed rates;
2. Mail the notices to property owners, at least 45 days before the scheduled public hearing; and
3. Collect and maintain a count of all written protests received. The City cannot impose the new rates if 50% plus one unique parcel protests are submitted to, and validated by, the City Clerk. Immediately after the close of the public hearing, the City Clerk will make a determination if a majority protest exists and report the results to the City Council.
4. If a majority protest does not exist, the City Council may adopt rates up to the proposed amounts, by resolution. If a majority protest exists, the City Council could - at its discretion - place the matter on the ballot for voter approval.

On October 4, 2016, the City mailed notices to property owners of record and tenants paying water bills on the municipal water systems, translated the Proposition 218 notice to Spanish, and posted all information online (www.cityofsthelena.org/ratestudy).

As part of the rate study review, staff reviewed pertinent provisions of the municipal code and brought suggested changes before council. The primary purpose of these municipal code changes was to ensure consistency within the municipal code, update out-of-date references, align the municipal code with best practices on how utility rates are adopted, administrative clean-up, update titles, elimination of duplications, update flow rates for fixtures, and clarify existing water conservation measures. On October 25, 2016 Council held the first reading of an ordinance to amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and

section 17.112.140 Water Efficient Landscaping, with the second reading and adoption to be held on November 29, 2016. If approved the ordinance will allow rates to be set by resolution and go into effect on January 9, 2017, to coincide with the implementation of the rates.

II. Legal Requirements

The City of St Helena must meet stringent legal requirements in order to modify the water and wastewater rates. In November 1996, California voters approved Proposition 218 requiring compliance with certain procedures and standards with regard to "property-related" fee increases imposed by local governmental agencies. Per California Constitution Article XIID, Section 6, water and wastewater rates shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements;

1. Revenues derived from the fee or charge shall not exceed the funds required to provide the related service to the property.
2. Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.
3. The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.
4. No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted.
5. No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

Proposition 218 requires that notices be mailed to property owners at least 45 days before the scheduled public hearing. Notice to tenants, if any, is not required by law. The City mailed 3,515 Proposition 218 notices to both affected property owners and tenants, 56 days before the public hearing. In order to ensure a transparent process, the City sent out more notices than required and exceeded the legal notice required by Proposition 218. The City was only required to send out notices to the 2,571 property owners.

The City cannot impose the new rates if 50% plus one unique parcel protests are submitted to, and validated by, the City Clerk. Immediately after the close of the public hearing, the City Clerk will determine if a majority protest exists and report the results to the City Council. Any property owner or tenant may protest the rates, however only one protest per parcel may be counted. The City of St. Helena has 2,471 unique parcels with water accounts and 1,757 unique parcels with wastewater (sewer) accounts. If the City received 1,237 letters of protest for water the 50% plus one threshold will be met and if the City received 880 letters of protest for wastewater the 50% plus one threshold will be met.

III. Enterprise Funds

Water and wastewater revenues and expenditures are tracked through special funds known as enterprise funds. An enterprise fund is a special fund that is separate from the City's General Fund. The water and wastewater rates are collected into enterprise funds and these funds can only be used for the water and wastewater systems. While enterprise funds cannot be used for other City business, the City's General Fund is legally allowed to fund water and wastewater enterprises. Enterprise funds are to operate as independent endeavors of the City and are intended to recover their costs through user fees and charges. Enterprise funds provide the repayment capacity for, and make debt service payments on, any debt incurred for capital projects; therefore, enterprise fund bond funded projects do not diminish the City's general fund debt capacity.

Enterprise funds need to be managed in a fiscally responsible manner so that users are paying for their current use of the system. Both utility systems need constant maintenance to prolong the life of the assets. If there is insufficient collection of money for system maintenance future users have to pay for repairs when they become critical and costs are more expensive.

IV. Water and Wastewater Systems

The City provides water and wastewater services to residents and businesses inside and outside of the City limits. The City's water sources include surface water from Bell Canyon Reservoir, groundwater from Stonebridge Wells, and treated water purchased from the City of Napa. The Louis Stralla Water Treatment Plant, which treats surface water stored in Bell Canyon Reservoir, has a capacity of 4.3 million gallons a day (MGD); however, there are flow limitations in the inlet piping which restricts treatment capacity to 3.4 MGD. The water treatment plant frequently operates at less than maximum treatment capacity. The Stonebridge Wells include two active groundwater wells and a filtration facility, including filtration tanks, chlorination facilities, and a backwash return system. The filter removes iron and manganese. Treated water from the City's water sources is distributed via six storage tanks and four pump stations.

The City also purchases treated water from the City of Napa. The City first entered into an agreement with the City of Napa for delivery of treated water in September 2006. The third amendment to that agreement, entered into in December 2011, increased the minimum annual delivery to 600 acre-feet with optional delivery up to 800 acre-feet. Optional additional delivery of the 200 acre-feet may be delivered provided the City of Napa has sufficient water supply. If Napa does not have sufficient supply it will attempt to acquire supplemental dry-year water on a single year basis from an outside source. Price and payment terms of the optional supply will differ from the base supply, as detailed in the agreement.

The City currently distributes approximately 550 million gallons of clean drinking water each year (including the water purchased from Napa). Water use fluctuates year to year depending on several factors including, but not limited to, growth, weather, drought, plumbing retrofits, and pricing of water. Untreated (raw) water for construction and

irrigation is available for purchase from the Lower Reservoir via the pump station on Elmhurst.

The City's wastewater system consists of a collection system of more than 22 miles of pipe, a sewage lift station, and a wastewater treatment and reclamation plant (WWTRP). Sewage is treated at the WWTRP, and the treated effluent is applied to the spray irrigation field or discharged to the Napa River. The WWTRP has a permitted capacity of 0.5 MGD average daily dry weather flow. The wastewater treatment plant was built in 1967, and treats wastewater to a secondary level of treatment.

The City's National Pollutant Discharge Elimination System (NPDES) permit to discharge treated effluent to the Napa River was renewed in March 2016. At the same time a Cease and Desist Order (CDO) No. R2-2016-0004 was issued because the City is unable to meet the more stringent effluent requirements of the renewed NPDES permit. The CDO includes a task list and time schedule for improvements to the WWTRP that the City must follow in order to remain in compliance. The first task was the submittal of a draft feasibility study, which was submitted by the City in August 2016

V. Outreach and Public Meetings

As discussed earlier in this staff report, the Ad Hoc Revenue Source Task Force was re-established to review and provide input on the draft rate study. Per Resolution 2016-66 "The City Council desires to re-establish the Ad Hoc Revenue Task Force to function in an advisory capacity to the City Council to review the structure, methodology and equitability of the proposed water and waste water rates; and provide feedback to Staff."

Two meetings were held, one on August 4, 2016 and the other on September 13, 2016. These meetings were open to the public and recorded, in hope of increasing the transparency and public participation, as well as providing a place for members of the public to ask questions and receive additional information and provide feedback to the Rate Study Team. The videos, agendas, presentations and draft Rate Study from the Task Force meetings can be viewed at www.cityofsthelena.org/ratestudy.

A summary of the meetings is presented below:

- The Rate Study Team (consisting of St. Helena and HEC staff) presented information on the water and wastewater systems, including:
 - a) A brief overview of the St. Helena water and wastewater systems, including water sources, composition of water customers, water use by type, assets and enterprise fund obligations.
 - b) An explanation and overview of the purpose of a rate study, best practices, historical practices and goals of the rate study.
 - c) Overview of the laws governing utility rates, information on Proposition 218 and the San Juan Capistrano case, including how these laws affect St. Helena rates.

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- d) Description and explanation of the water and wastewater capital needs and how these needs relate to the Capital Improvement Plan (CIP).
 - e) High level information on the various types of water agreements that the City has entered into.
 - f) Role of the Ad Hoc Review Source Task Force.
 - g) Overview of the current water and wastewater rate structures and information that there is not good nexus to support the current rate structure for either water or wastewater.
- The Rate Study Team presented information on the water rate study, current water rate structure and asked for feedback on the following items from the Task Force:
 - a) Standby. The St. Helena Municipal Code allows any customer to go on "Standby" (current Municipal Code § 13.04.140). This allows the water to the property to be completely turned off and the customer is charged \$2.50 a month and the customer does not pay the base rate. The Rate Study Team presented information about customer subsidies and base rates. Base rates are fees imposed regardless of the amount of water consumed to recover the utilities' fixed costs. In St. Helena, customers on Standby status are not paying their fair share, resulting in the need for a General Fund subsidy. In St. Helena, the Standby status is creating a customer subsidy. Customer subsidies are prohibited by law, unless a discretionary fund pays the subsidy.
 - After discussion, and under general consensus the Task Force agreed:
 1. The \$2.50 charge for standby should be eliminated,
 2. All customers pay a base rate (determined by meter size),
 3. Fees should be implemented to turn on and off water; and
 4. Standby status should remain.
 - b) Surcharges. Several small geographical areas within the City's water system require tanks or special pump stations for water delivery. St. Helena has been charging the Meadowood Area a surcharge, while other areas served by tanks and special pump stations are not being charged a surcharge. The Rate Study Team presented information that pumping surcharges are intended to cover the costs specific to those facilities. Other pumping stations and tanks within the City system benefit specific customers, similar to the Meadowood Area, the only difference is that the Meadowood Area customers are outside the City limits. The City has not separated or allocated the Meadowood Area surcharge to a fund to maintain those specific facilities. The surcharge is currently

commingled with all of the water rates collected. Staff advised the Task Force that the water system is viewed and operated as one system, and not operated by areas or zones. Additionally, staff discussed that there would be significant additional staff time to track the specific Meadowood Area time and expenditures if the surcharges were to remain.

- The Task Force requested additional information on the actual financial impact of incorporating the Meadowood Area charges into the system and there was an overall consensus that fees should cover the cost and be fair. The Rate Study Team prepared the information and presented it at the second meeting. The City is collecting \$55,000 per year from the Meadowood Area customers that are paying the surcharge, which is approximately 1% of the annual revenue for the water enterprise. The impact of eliminating this charge and treating the system as a whole system is that a typical single family bill increases by \$1.62 per month in 2017. The additional costs for the Meadowood Area include staff visiting the site every day, plus electrical costs for the pump, plus replacement costs for the pumps and the tanks. These additional costs are not currently being tracked separately and systems would need to be established to track these costs on a daily basis. Separate revenue accounts would also need to be established to make sure that revenues collected in the Meadowood Area were spent only in the Meadowood Area, requiring additional administrative time. The surcharge funds would need to be spent only in the surcharge area. The Task Force discussed the pros and cons of including the pumping charges into the system, and the Task Force agreed that the Water System is one system and it made sense to include the costs with the rest of the system because the impact on the Citywide bills was not significant enough to warrant the additional administrative effort.

- c) Functional Cost Allocation. Functional cost allocation for water determines the fixed cost of the system (base rate) and the variable cost in the system (use rate). At this time 30% of water revenue comes from the base rate and 70% comes from use charges. HEC conducted a detailed analysis and the findings support shifting to a 70% base rate allocation and 30% use rate allocation. The primary benefit of shifting the base rate allocation would be to make the City less vulnerable to revenue loss due to drought or water conservation. However, a sudden shift would have a huge impact on low/fixed income customers. The Rate Study Team, did not recommend moving to a 70% base rate allocation for this reason. The Rate Study Team recommended implementing a gradual shift over time, which would soften bill impacts.

- At the first meeting the Task Force asked for additional information and actual financial impact on individual bills if the functional cost allocation was done gradually over time, straight to a 50/50 split or done immediately. The Task Force and the Rate Study Team were mindful of the impact to individuals on fixed incomes and presented detailed information on the alternatives. Three scenarios were presented, which included 1) staying at the 30/70 split, 2) gradually increasing the base rate percentage over time, and 3) moving to a 50/50 split. The Task Force prioritized the need to cover costs, and the need to be mindful of customer costs. The Task Force did not come to a consensus on the alternative that would be presented in the Rate Study. City staff directed the consultant to include the gradual increase to the base rate over time, as the alternative to be presented in the Rate Study. This alternative provided a compromise between covering costs in the base rate and mindfulness of low/fixed income households.
- d) Residential Meter Sizes. Per the 2013 California Residential Code, Section R313, many homes that previously could have installed a 5/8" meter are now required to install a 1" meter to meet fire flow requirements. Currently all residential 1" customers pay a greater base rate than 5/8" customers, even though the actual water use at the home is typically no different. The Rate Study Team presented information if water rates were structured so that single family residential accounts with a 1" and 5/8" meter would pay the same base rate. Information on bill impacts for residential water customer, if residential 5/8" and 1" meters were charged the same rates or alternative rates.
- Overall the Task Force wanted the rates to be fair and consistent, and additional financial impact was requested. The Rate Study Team presented two scenarios, with bill estimates for both scenarios. The Task Force discussed the pros and cons of single family residential customers with a 5/8" and 1" meter paying the same base rate or different base rates. The Task Force agreed that was that it was more equitable to charge single family residential customers with 1" meters and 5/8" meters the same base rate.
- e) Drought Pricing. During a drought, additional water conservation leads to a decline in revenue. The cost to provide each unit of water increases as the City changes operations in response to the drought. A drought surcharge would help offset the revenue loss during drought periods and the increased cost per unit of water. The Rate Study Team also identified that drought criteria would need to be clearly defined and adopted in the municipal code.

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- The Task Force discussed water conservation and the need to maintain the water system, as well as capturing actual costs. The Task Force provided general support for a drought surcharge as long as it is clearly defined when the drought pricing would go into effect.
- f) **Rate Tiers/Seasonal Rates.** The recent San Juan Capistrano court case established that all rate tiers must be based on the actual cost of providing water and can't be artificially inflated to discourage water use. The way in which water is produced and distributed in St. Helena does not support the use of tiers as described in this court case. St. Helena utilizes a mix of water from each source throughout the year to meet management strategies, reduce stress on groundwater, and make full use of the contract with the City of Napa. This constant mix of water supply, does not correlate with tiered rates. The way in which water is produced and distributed in St. Helena does however support a seasonal rate structure. In St. Helena, the cost of providing water in the summer months is 11% higher than in the winter months. Seasonal rates can also increase awareness for water conservation.
 - The Rate Study team presented information on the financial impact to rate payers if the City switched to a seasonal rate structure. Over a 12-month period rate payers will pay the same for their water use; however, the use fee will more closely match the actual cost of doing business. Additionally, higher fees in peak months will bring additional water conservation awareness. In general, there was support from the Task Force for a seasonal rate structure.
- The Rate Study Team presented information on the wastewater rate study, current wastewater rate structure, methodology from the 2011 study and asked for feedback on the following items from the Task Force:
 - a) **Base Rate.** Currently, non-residential customers' base rates are determined by their water meter size. The Rate Study Team presented a modified rate structure, in which all residential (single family, multi-family, manufactured homes and mobile homes) pay flat base rate based on number of dwelling units plus a use charge calculated on the average winter water use. The proposed rates include a flat monthly charge for schools based on number of students and non-residential users pay flat base rate by customer type (per account) plus a use charge calculated on the average winter water use. All non-residential rates are based on flow and strength of wastewater.
 - The general consensus of the Task Force was that all rates need to be equitable and reflect the actual cost of running the system. The Task Force requested the Rate Study Team

review places such as the Rianda House, that may operate more closely to a religious place rather than a community center. Under general consensus the Task Force directed the Rate Study Team to include the new rate structure for wastewater in the Rate Study.

DISCUSSION

I. Overview

The City makes every effort to provide its customers with the most efficient and cost effective water and wastewater services possible. Rates need to be established at an amount to:

- 1) adequately fund the utilities so they can be operated safely and provide residents and businesses with reliable service;
- 2) maintain the operational and financial stability of the utilities;
- 3) comply with state and federal regulatory requirements;
- 4) fund water and wastewater infrastructure needs;
- 5) meet requirements of bond covenants;
- 6) provide timely maintenance of existing facilities; and
- 7) provide operating reserves of 25% of the annual water and wastewater budgets for emergencies and unforeseen costs.

The Rate Study provides an explanation and justification of the calculated water and wastewater rates through June 30, 2022; and it documents adherence to the laws regarding setting of rates by a municipality. The Rate Study calculates water and wastewater rates by customer type for the next ten years and recommends adopting rates with automatic increases for five (5) years. Beginning in Fiscal Year 16/17. Annual water and wastewater rate increases are proposed to help ensure that the water and wastewater accounts continue to meet all service and financial obligations.

The operating and capital costs in the Rate Study are calculated to fund basic operating expenses, and capital improvements needed to comply with minimum regulatory requirements. These costs do not include projects such as tertiary treatment, and recycling of wastewater.

To more accurately represent the cost of delivering water, customer use, and promote water conservation, the Rate Study is proposing several changes to the existing rate structure and rates. These changes incorporated feedback from the Task Force, best practices, and legal requirements. For additional details please refer to Attachment 1, Exhibit A – 2016 Water and Wastewater Rate Study.

II. Rate Structure and Methodology

A. WATER

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The detailed methodology for calculation of rates is presented in Attachment 1, Exhibit A – 2016 Rate Study City of St. Helena Water Rate Study Technical Memorandum. Under the new rate structure, customer bills continue to be comprised of 2 fees: (1) fixed monthly service charges (now also including a meter replacement fee), and (2) variable use charges. The City will continue to bill in units, each unit is equal to 100 cubic feet (HCF) or 748.05 gallons. HCF is a standard unit of measurement for water.

The proposed rate structure is as follows:

- The new water rate structure utilizes seasonal rates. Tiered rates are eliminated. All customers pay the same usage rates for water during off-peak (Nov-Apr) and peak (May-Oct) seasons. The peak rate is higher than the off-peak rate to reflect the additional costs of water operations during the peak period. Analysis in the City of St. Helena Water Rate Study Technical Memorandum demonstrates that water operations costs are 11% higher during the peak period.
- Eliminate the Standby Charge. All customers will be required to pay the base rate. Municipal Code Section 13.04.140 defined a \$2.50 monthly charge for Standby customers. On October 25, 2016 Council held the first reading of an ordinance to amend Chapters 13.04, 13.12, 13.20, and 17.112.140, with the second reading and proposed adoption to be held on November 29, 2016. If approved the ordinance update will eliminate the monthly fee for standby and require all Standby customers to pay the base rate.
- The new water rate structure includes a drought-period surcharge. When the City implements Phase 1 drought restrictions it would also implement drought rates. Drought rates are only applied to use rates (does not affect base rates). Drought rates are 6% higher than non-drought rates because during drought years the cost of water is 6% higher than during non-drought periods.
- Eliminate separate use rate for irrigation meters.
- Low income utilities subsidies, authorized by City Resolution No. 2006-44 (attachment 5), will continue to be funded by the City General Fund.
- Meadowood Area surcharges are eliminated.
- The percentage of revenue requirement collected in base (flat) fees/service charges gradually increases over time (cost allocation).
- Single family residential 1" meter customers pay the same rates as single family residential 5/8" meter customers.

B. WASTEWATER

The detailed methodology for calculation of rates is presented in Attachment 1, Exhibit A – 2016 Rate Study 'City of St. Helena Wastewater Rate Study Technical Memorandum'. The new rate structure improves equity among certain customer classes by basing rates on typical flow and strength characteristics of each customer type. Multi-family dwellings and mobile home parks, which display characteristics more similar to residential than nonresidential, are shifted to residential. Schools pay on a flat monthly rate per student basis. Nonresidential customers' water use is determined by average winter water use, by customer type, to account for water that does not go to the wastewater treatment plant (applied outdoors or otherwise does not enter the sewer collection system).

C. NON-TREATED (RAW) WATER

Non-treated (raw) water is provided from the lower reservoir via the Elmhurst pump station is not subject to the same legal requirement for rate setting as potable water. City staff requested the non-treated water rates to be included in the rate study. Customers wanting to utilize non-treated water available at the lower creek reservoir, must obtain a permit through the City on a quarterly basis. The rates for non-treated water were evaluated and set based on the actual cost of providing non-treated water in St. Helena. The permit and instructions are available on the City website: <http://www.cityofstheleena.org/resource>.

III. CORRECTIONS AND CHANGES TO THE DRAFT RATE STUDY

Resolution No. 2016-132, accepted the **Draft** Rate Study and approved the City to proceed with the Proposition 218 requirements for a water and wastewater rate increase. City Council can adopt rates up to the amounts identified in the Proposition 218 notice. Staff made a conscious decision to present a draft, because updates and corrections typically surface after a document is made public. Over the past several weeks the Rate Study Team has identified the following corrections and changes to the Draft Rate Study:

A. WATER

1. **Correction to the Raw Water Charges Calculation.** The Rate Study dated September 27th 2016 had a math error, excluding deduction of distribution costs. Table 17 has been revised. The cost per gallon of raw water should be \$0.00273 per gallon. The Proposition 218 notice, presented the cost of raw water as \$0.00471 per gallon. The raw water cost has no effect on any other customer costs.
2. **Correction to the Fire Services Charges Calculation.** The Rate Study dated September 27th 2016 had a math error, calculating bi-monthly fire

service charges rather than monthly fire service charges in Table 15. As a result, the fire services charges are halved.

3. **Correction to the System Rehabilitation Collection.** The Rate Study dated September 27th 2016 had an error in which each fiscal year was linking to the prior year's calculated depreciation. Table 9 was revised to correct the error. This change affects Table 10 (revenue requirement). The years of rates affected by this change are years 5, 8, 9 and 10 because cash-funded capital improvement costs in these years are less than the amount collected for system rehabilitation. For year 5 the collection for operating reserves was revised to keep the calculated rates the same as in the September 27th 2016 study. Estimated net revenue is reduced slightly in year 5 but the cash flow remains the same since collection for system rehabilitation is not anticipated to be fully used in year 5. The net result is no change to the calculated 5-year rates being considered for adoption.
4. **Change to Calculated Rates years 8-10 (does not affect rates being considered for adoption).** The amount of operating reserves was adjusted pursuant to the last correction in years 8-10. In addition, while there is no math error in the tables calculating use charges, the amounts of operating reserves were adjusted so that use rates continue to increase in each of these years. In the September 27th, 2016 rate study use rates decreased in years 9 and 10 (see Table 18) because of the effects of price elasticity on demand and lack of identified capital improvement projects in these years. As a result, water use charges increase in years 9 and 10 compared to the September 27th, 2016 rate study. These changes have no bearing on the rates being considered for adoption.

B. WASTEWATER

1. **Correction to the Impact Fee Fund Balance.** The study dated September 27th 2016 had a math error in Table 16. The impact fee fund 774 added expenses to the fund balance rather than subtracted the expenses. As a result of fixing this error, the impact fee fund balance is projected to decrease from \$698,783 to \$632,455; however, the impact fee fund projection is only based on the current impact fee of \$0.47 per building square foot. The City is currently conducting a fee study which will likely change the impact fee amount and the projection of cash in the impact fee fund over the next ten years. There is no impact to the calculated rates from this change.
2. **Typo fixed in Table A-3.** In this table the number "2" was in the 2016 and 2017 columns. This typo was fixed. There is no impact to the calculated rates from this typo.

IV. Recommended Rates

The 2016 Rate Study recommends the five-year water and wastewater rate schedules shown in the tables below. The table indicates the proposed maximum rates and effective dates for the water and wastewater rates. The rate schedule increases rates each year to keep rates in line with funding needs.

The recommended five-year water rate schedule reflects the change in raw water costs and fire service charges as described. The raw water and fire service charges are lower than shown in the public hearing notice.

Recommended Five-Year Water Rate Schedule

Calculated Water Rates through Fiscal Year Ending 2022

Charges	Current	Billing Period Beginning *					
		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Service Charge							
5/8", 3/4" & SF 1"	\$27.52	\$43.22	\$51.71	\$60.59	\$64.78	\$68.91	\$73.27
1"	\$63.80	\$80.08	\$96.76	\$114.44	\$123.35	\$132.22	\$141.61
1.5"	\$124.12	\$141.67	\$172.02	\$204.36	\$221.14	\$237.94	\$255.72
2"	\$196.50	\$215.12	\$261.84	\$311.76	\$337.99	\$364.27	\$392.10
3"	\$365.51	\$413.06	\$503.54	\$600.40	\$651.86	\$703.51	\$758.21
4"	\$607.01	\$640.46	\$780.29	\$930.11	\$1,010.10	\$1,090.44	\$1,175.54
6"	\$1,210.18	\$1,252.50	\$1,528.85	\$1,825.17	\$1,983.80	\$2,143.19	\$2,312.05
Private Fire Protection							
4"	\$4.00	\$8.47	\$9.92	\$11.38	\$11.89	\$12.36	\$12.86
6"	\$6.00	\$24.59	\$28.81	\$33.05	\$34.53	\$35.91	\$37.34
8"	\$8.00	\$52.41	\$61.40	\$70.43	\$73.57	\$76.52	\$79.58
Raw Water per Gallon	\$0.00267	\$0.00273	\$0.00320	\$0.00367	\$0.00383	\$0.00398	\$0.00414
TREATED WATER USE CHARGES PER HCF							
NON-DROUGHT PERIOD	[1]						
Off-Peak (Nov-Apr)		\$5.50	\$6.37	\$7.19	\$7.37	\$7.54	\$7.71
Peak (May-Oct)		\$6.11	\$7.09	\$8.00	\$8.20	\$8.38	\$8.58
DROUGHT PERIOD	[1]						
Off-Peak (Nov-Apr)		\$5.81	\$6.73	\$7.60	\$7.79	\$7.97	\$8.15
Peak (May-Oct)		\$6.46	\$7.49	\$8.45	\$8.66	\$8.86	\$9.06

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

[1] Current Rate Structure rates as follows:

Tiers by customer category (in hcf):		Tier 1	Tier 2		Tier 1	Tier 2
	Single family	0-14	15+	Non-residential <=1"	0-36	37+
	Multi-family	0-5	6+	Non-residential 1.5"	0-120	121+
				Non-residential 2"	0-192	193+
Price per HCF		\$4.48	\$6.74	Non-residential 3"	0-360	361+
Price per HCF - Landscape Irrigation		\$5.22		Non-residential 4"	0-600	601+
				Non-residential 6"	0-1,250	1,251+
				Non-residential 8"	0-1,920	1,921+

Recommended Five-Year Wastewater Rate Schedule

Calculated Wastewater Rates through Fiscal Year Ending 2022

Customer Category		Fiscal Year Ending					
		2017	2018	2019	2020	2021	2022
	Billing Period Beginning * -->	2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Residential							
Single Family	monthly per unit	\$48.04	\$55.24	\$70.13	\$73.03	\$74.18	\$75.23
Multi-Family	monthly per unit	\$29.07	\$33.42	\$42.43	\$44.18	\$44.88	\$45.52
Mobile Homes	monthly per unit	\$43.11	\$49.57	\$62.93	\$65.53	\$66.56	\$67.51
Residential Rate per HCF	per HCF	\$4.69	\$5.39	\$6.84	\$7.12	\$7.23	\$7.34
Schools Flat Rate per Student	monthly per student	\$1.40	\$1.62	\$2.15	\$2.21	\$2.26	\$2.28
Non-Residential							
Car Wash	monthly per account	\$209.93	\$243.25	\$328.36	\$336.45	\$343.13	\$346.45
Religious Places/Community Centers	monthly per account	\$35.34	\$40.85	\$54.06	\$55.68	\$56.71	\$57.34
Commercial [1]	monthly per account	\$62.70	\$72.20	\$92.64	\$96.19	\$97.78	\$99.09
Groceries and Mortuaries	monthly per account	\$433.93	\$492.12	\$552.00	\$595.15	\$599.41	\$613.71
Laundry	monthly per account	\$970.94	\$1,121.45	\$1,475.85	\$1,522.21	\$1,549.87	\$1,567.76
Mixed Retail w/ Food	monthly per account	\$541.20	\$617.30	\$730.21	\$775.32	\$783.78	\$799.17
Motel with Food	monthly per account	\$2,617.64	\$2,978.36	\$3,444.90	\$3,681.23	\$3,715.59	\$3,795.12
Motel without Food	monthly per account	\$642.15	\$738.08	\$933.28	\$972.87	\$987.93	\$1,002.28
Restaurant	monthly per account	\$840.03	\$952.80	\$1,070.03	\$1,153.27	\$1,161.63	\$1,189.23
Napa Valley College	monthly per account	\$2,889.93	\$3,341.62	\$4,436.77	\$4,565.57	\$4,651.20	\$4,701.87
Service Station	monthly per account	\$93.25	\$107.06	\$134.07	\$140.12	\$142.20	\$144.37
Winery Production (Merryvale/Spottswoode)	monthly per account	\$989.21	\$1,116.93	\$1,199.98	\$1,310.53	\$1,315.85	\$1,351.87
Sutter Home Winery	monthly per account	\$876.04	\$1,007.39	\$1,278.85	\$1,331.67	\$1,352.66	\$1,371.89
Car Wash	per HCF	\$3.43	\$3.97	\$5.36	\$5.49	\$5.60	\$5.65
Religious Places/Community Centers	per HCF	\$3.72	\$4.30	\$5.69	\$5.86	\$5.97	\$6.03
Commercial [1]	per HCF	\$4.27	\$4.92	\$6.31	\$6.55	\$6.66	\$6.75
Groceries and Mortuaries	per HCF	\$10.30	\$11.68	\$13.10	\$14.12	\$14.22	\$14.56
Laundry	per HCF	\$3.81	\$4.40	\$5.79	\$5.97	\$6.08	\$6.15
Mixed Retail w/ Food	per HCF	\$6.73	\$7.68	\$9.08	\$9.64	\$9.75	\$9.94
Motel with Food	per HCF	\$7.91	\$9.00	\$10.41	\$11.12	\$11.23	\$11.47
Motel without Food	per HCF	\$4.59	\$5.27	\$6.67	\$6.95	\$7.06	\$7.16
Restaurant	per HCF	\$10.18	\$11.54	\$12.96	\$13.97	\$14.07	\$14.41
Napa Valley College	per HCF	\$3.67	\$4.24	\$5.63	\$5.79	\$5.90	\$5.97
Service Station	per HCF	\$4.82	\$5.53	\$6.93	\$7.24	\$7.35	\$7.46
Winery Production (Merryvale/Spottswoode)	per HCF	\$17.31	\$19.55	\$21.00	\$22.93	\$23.03	\$23.66
Sutter Home Winery	per HCF	\$4.50	\$5.17	\$6.57	\$6.84	\$6.95	\$7.04

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

[1] Commercial includes City buildings.

ANALYSIS

Residential Impacts

The combined impact of increased water and wastewater rates on typical single family home utility bills is illustrated below for a typical off-peak month (using 7 HCF water, 7 HCF wastewater), and for a typical peak month (using 17 HCF water, 7 HCF wastewater). Both comparisons assume a non-drought period and show combined utility impact through 2021.

Figure 16 (Page 22 of Rate Study)

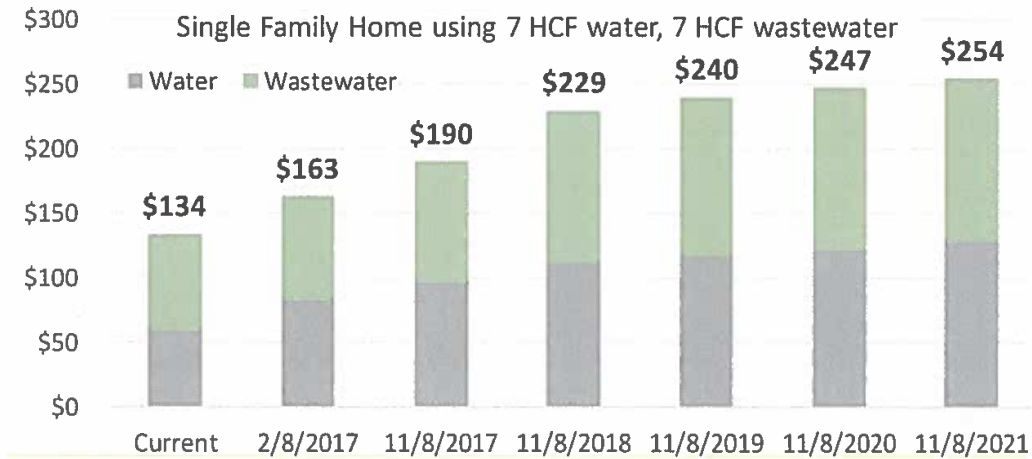
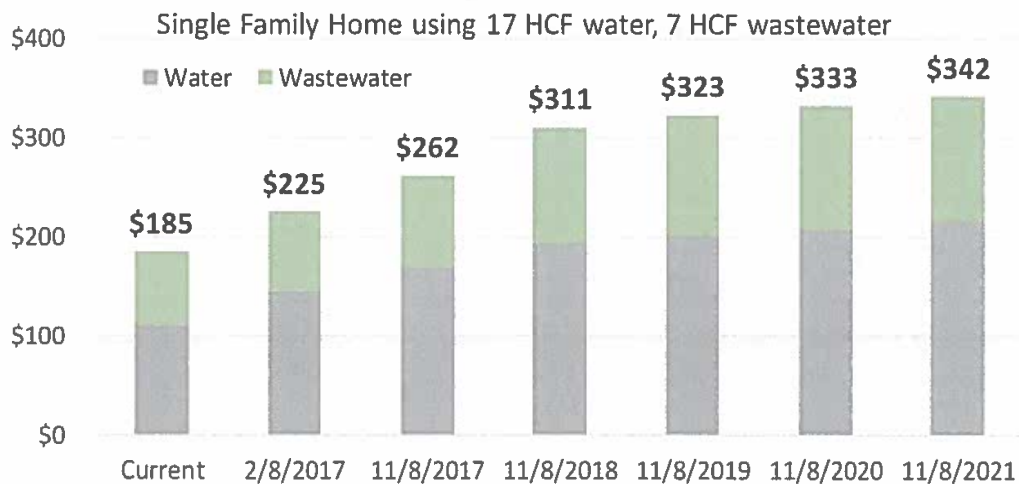


Figure 17 (Page 22 of Rate Study)



Affordability

The combined impact of increased utility costs must be considered together since they can increase costs beyond what is considered an affordable threshold. The affordability thresholds are guidelines used by State and Federal funding agencies when determining financing terms for debt-financing projects. The State Revolving Fund (SRF) program bases its evaluation of affordability of water rates on two criteria:

1. The Median Household Income (MHI) of the community compared to the State MHI, and
2. The percentage of MHI spent on water related bills.

Generally, water rates are considered to be burdensome if they are greater than 2.50% of MHI, and wastewater rates are considered to be burdensome if they are greater than 2.00% of MHI (or combined, a total of 4.50% of MHI). If a community's MHI is less than 80 percent of the State MHI, the community is considered "Disadvantaged", in which case a rate greater than 1.5 percent of MHI is considered burdensome. St. Helena is not considered disadvantaged, as the City's MHI is more than 127% of the State MHI.

Currently, St. Helena's combined water utility costs are 2.32% of MHI. With the increase in costs in February 2017 water costs will total 1.64% of MHI and wastewater will total 1.24% of MHI. Together, the utilities costs will total 2.88% of MHI. The water rates are, per the State's definition, well within the affordable threshold.

FISCAL IMPACT

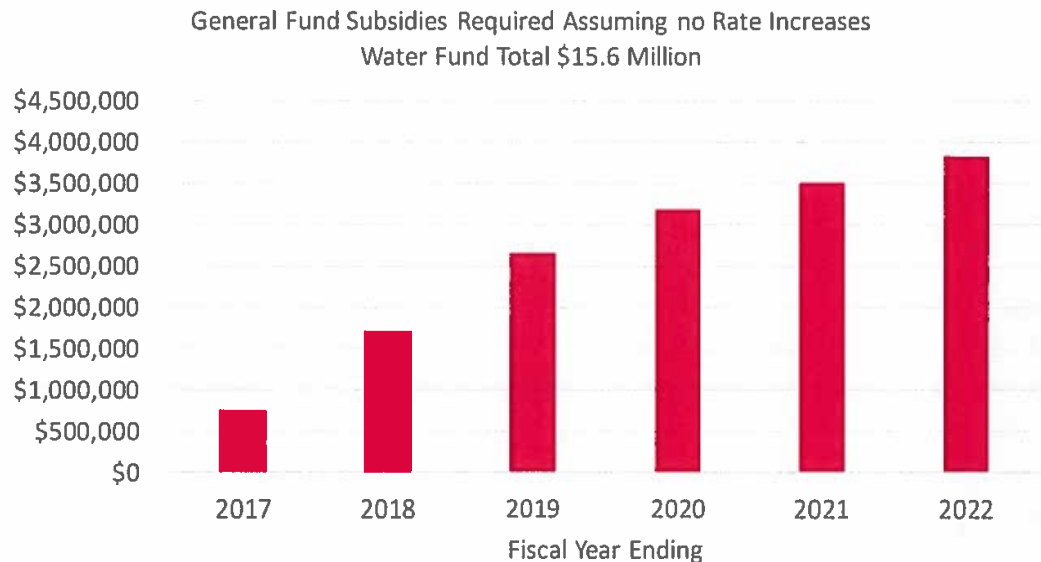
The current water and wastewater rates do not provide adequate funding for the water and wastewater systems. Currently, the water fund is using reserves to fund general operations, and has less than a 25% reserve. The wastewater fund has no reserves. A reserve account is needed in order to fund emergencies and unforeseen costs. In 2011, the City adopted a target of reaching an operating reserve of 25% of the annual budget in each of the water and wastewater funds. Adopting the rates as recommended by the 2016 Rate Study will allow the City to address the following issues:

Water

- The City has been using reserves to fund annual water system operations. At the end of fiscal year 2016, June 30, the operating fund had a positive unrestricted net position of roughly \$5 million. Of that amount, approximately \$3 million is reserved for the Upper York Creek dam removal project, leaving approximately \$2 million for operating expenses. At the end of fiscal year 2017, the operating fund is expected to be depleted to an unrestricted net position of about \$525,000. System rehabilitation is being funded from reserves because depreciation is not currently included in the rates. This is unsustainable.
- It is projected that in fiscal year 2017 the water fund will have a 0.72 debt service coverage ratio. The City is not meeting best practices with its bond covenants, which is to maintain a 1.20 minimum debt service coverage ratio.
- The City has identified a minimum of \$17.7 million, net of grant funds and existing bond proceeds, of water system capital improvement projects in today's dollars to be funded over the next 10 years. These capital improvement projects are needed to address many years of deferred maintenance. This cost is inflated to a total of \$20.8 million dollars over the next 10 years.
- The new water rates will be effective for the February 2017 billing cycle (inclusive of service provided in January 2017), this will allow the City to generate sufficient revenue to meet its bond covenants, to begin building a healthy reserve, to fund necessary planned capital improvements, and to fully fund water operations without using other City funds. Without the rate increases the water fund is projected to have a negative balance of \$11.1 million by the end of fiscal year 2022. This means that the City's General Fund would need to contribute funding to the water enterprise fund in order to operate and maintain the water system. The

Item No: 10.1

following chart illustrates the magnitude of the General Fund contribution to the water enterprise fund over the next five years if the recommended water rates are not approved by City Council.

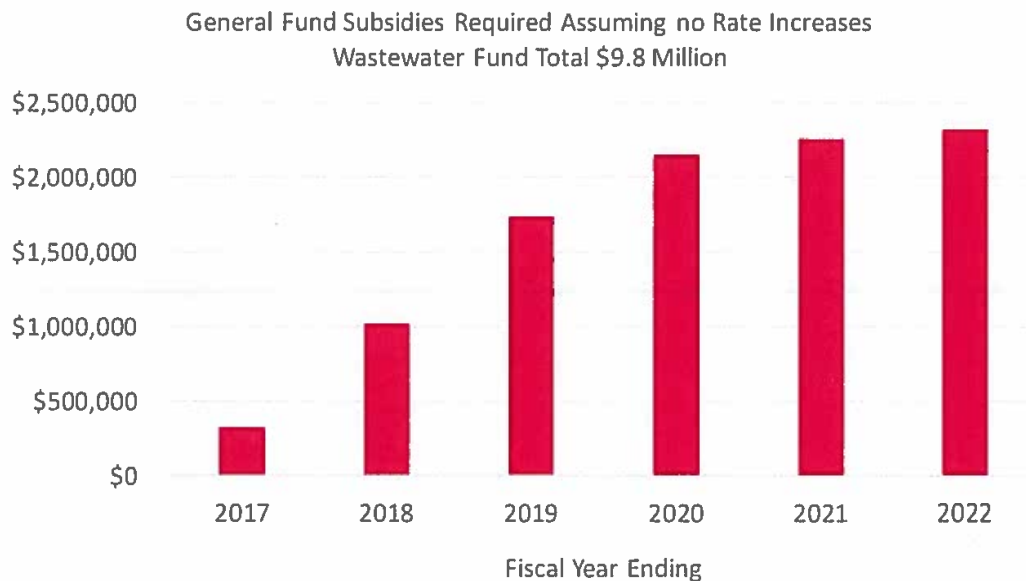


Wastewater

- The City has had a number of unexpected expenses in the form of fines, lawsuits, and emergency repairs that have depleted wastewater fund reserves. At the end of fiscal year 2016 (June 30) the operating fund had a negative unrestricted net position of <\$79,805>. At the end of fiscal year 2017, the operating fund is expected to have a negative unrestricted net position of <\$27,000>. Revenue is currently not sufficient to replenish the reserve fund.
- The City has identified a minimum of \$15.4 million, net of grant funds and existing bonds, in capital improvements in today's dollars to be funded over the next 10 years. In future dollars this totals \$17.7 million to be funded over the next 10 years. The financing plan assumes that:
 - Phases 1 and 2 of the wastewater treatment plant upgrades will be debt-financed.
 - Reserves will be used to finance \$3.7 million for replacement of the wastewater reclamation facility operations building and shop, which is expected to be accomplished fiscal year 2021 through fiscal year 2023.
 - Cash will fund the remaining CIP costs.
- The new wastewater rates will be effective for the February 2017 billing cycle (inclusive of service provided in January 2017), this will allow the City to generate sufficient revenue to meet its bond covenants, to begin building a healthy reserve, to fund necessary capital improvements and to fully fund wastewater operations without using other City funds. Without the rate increase the wastewater fund is

Item No: 10.1

projected to have a negative fund balance within two fiscal years. This means that the City's General Fund would need to contribute funding to the wastewater enterprise fund in order to operate and maintain the wastewater system. The following chart illustrates the magnitude of the General Fund contribution to the wastewater enterprise fund over the next five years if the recommended wastewater rates are not approved by City Council.



RECOMMENDED ACTION

Staff recommends that the Council:

- a) By resolution, accept the 2016 Water and Wastewater Rate Study Final Report; and
- b) Adopt a resolution enacting changes to the potable water base rates, use rates and rate structures beginning with the February 2017 billing cycle (inclusive of service provided in January 2017), including fire rates, and approve five (5) years of water base rate and use rate increases to go into effect for the meter read each November for the years of 2017-2021; and
- c) Adopt a resolution enacting changes to the wastewater base rates, use rates and rate structures beginning with the February 2017 billing cycle (inclusive of service provided in January 2017) and approve five (5) years of base rate and use rate increases to go into effect for the meter read each November for the years of 2017-2021; and
- d) Adopt a resolution enacting changes to the non-treated (raw) water rates and approve five (5) years of rate increases to go into effect for each November for the years of 2017-2021.

ALTERNATIVES

The City Council has the authority to adopt rates that are less than the rates recommended in the Rate Study. If the rates that are adopted by City Council are less than those recommended in the Study, then the General Fund will need to provide enough funding to make up the difference between the rates in the Study and the adopted rates.

ATTACHMENTS

1. **Resolution A** - Adopting City of St. Helena (2016) Water and Wastewater Rate Study
 - Exhibit A - Final document and Saint Helena (2016) Water and Wastewater Rate Study Final Report
2. **Resolution B** - Adopting Water Rates and Rate Structure
 - Exhibit A – Water Rates
3. **Resolution C** - Adopting Wastewater Rates and Rate Structure
 - Exhibit A – Wastewater Rates
4. **Resolution D** - Adopting Non-treated (raw) Water Rates
5. Resolution No. 2006-44 – Low income rates

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Accepting the St. Helena 2016 Water and
Wastewater Rate Study**

RECITALS

- A. Current Water and Wastewater Rates were last reviewed in 2011. The 2011 rate changes implemented annual rate increases for five years based on the Consumer Price Index (CPI); and
- B. The current Water and Wastewater Rates do not provide adequate funding for the water and wastewater systems; and
- C. The City contracted with Hansford Economic Consulting to perform a Water and Wastewater Rate Study (November 10, 2015 - Resolution No. 2015-136, and amended the agreement September 13, 2016 - Resolution No. 2016-125). The purpose of this study was to determine the level of funding required to adequately fund the water and wastewater systems, providing the residents and businesses with safe and reliable water and wastewater systems that meets State and Federal requirements; and
- D. On September 27, 2016 Council accepted the draft St. Helena (2016) Water and Wastewater Rate Study (Rate Study).

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. After consideration and analyses the Council of the City of St. Helena accepts the City of St. Helena (2016) Water and Wastewater Rate Study attached hereto as Exhibit A as a final document and will utilize this study as the guiding document for setting water and wastewater rates.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____

Councilmember Pitts:

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

**HANSFORD ECONOMIC
CONSULTING**



**City of St. Helena (2016)
Water and Wastewater
Rate Study**

FINAL
October 31, 2016

HEC Project #150182

Exhibit A

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Section 1: INTRODUCTION

1.1 PURPOSE OF STUDY

The City's responsibility as a water and wastewater system operator is to first and foremost provide the residents and businesses of the City with clean, safe potable water and a reliable wastewater system that meets State and Federal regulatory requirements; second, to protect its water resources, third to manage and maintain the utility systems infrastructure (assets) to be fiscally responsible to current and future residents, and fourth to support public safety (primarily fire defense).

The purpose of this Water and Wastewater Rate Study (Study) is to determine the level of funding required over the next five years to adequately fund the water and wastewater utility systems. This report provides an explanation and justification of the calculated water and wastewater rates through fiscal year 2022 and it documents adherence to the law regarding setting of rates by a municipality. Per California Constitution Article 13D, water and wastewater rates shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

- (1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.
- (2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.
- (3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.
- (4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted.
- (5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library, services, where the service is available to the public at large in substantially the same manner as it is to property owners.

The Study includes two accompanying documents, 'City of St. Helena Water Rate Study Technical Memorandum' and 'City of St. Helena Wastewater Rate Study Technical Memorandum'. These documents provide the detailed calculations for each utility rate study.

The water financial model projects revenues and expenses, and calculates rates for the next ten years; however, the City is only proposing to adopt rates for the next five years with the Proposition 218 notification and hearing.

On May 24, 2016 St. Helena City Council authorized the re-establishment of the Ad Hoc Revenue Source Task Force (Task Force) to review and provide input on the rate study (Resolution No. 2016-

66). Two meetings were held: one on August 4, 2016 and the other on September 13, 2016. The Rate Study Team, consisting of Hansford Economic Consulting and City staff members, requested feedback on policy decisions related to the Rate Study. These meetings were open to the public and recorded, in the hope of increasing transparency and public participation, as well as providing a place for members of the public to ask questions and receive additional information.

Key acronyms used regularly throughout the report are the following:

City = City of St. Helena
HCF = Hundred Cubic Feet
MGD = Million Gallons a Day
CIP = Capital Improvement Project(s)
SF = Single Family
SRF = State Revolving Fund
MHI = Median Household Income

1.2 BACKGROUND ON THE UTILITY SYSTEMS

The City of St. Helena (City) provides water and wastewater services to residents and businesses inside and outside of the City. The City's water sources include surface water from Bell Canyon Reservoir, groundwater from Stonebridge Wells, and purchased treated water from the City of Napa. The Louis Stralla Water Treatment Plant (water treatment plant), which treats surface water stored in Bell Canyon Reservoir, has a capacity of 4.3 million gallons a day (MGD); however, there are flow limitations in the inlet piping which restricts use of the plant to less than its capacity. Stonebridge Wells includes two active groundwater wells and a filtration facility, including filtration tanks, chlorination facilities, and a backwash return system. The filter removes iron and manganese. Treated water from the City's water sources is distributed via six storage tanks and four pump stations.

The City first entered into an agreement with the City of Napa for delivery of treated water in September 2006. The third amendment to that agreement, entered into in December 2011, increases the minimum annual delivery to 600 acre-feet with optional delivery up to 800 acre-feet. Optional additional delivery of 200 acre-feet may be delivered provided the City of Napa has sufficient water supply. If Napa does not have sufficient supply it will attempt to acquire supplemental dry-year water on a single year basis from an outside source. Price and payment terms of the optional supply will differ from the base supply, as detailed in the agreement.

The City currently distributes over 550 million gallons of clean drinking water each year. Water use fluctuates year to year depending on several factors including, but not limited to, growth, weather, sustained drought, plumbing retrofits, and pricing of water. Untreated water suitable for construction water purposes only is also available for purchase from the Lower Reservoir adjacent to York Creek.

The City's wastewater system consists of a collection system of more than 22 miles of pipe. Effluent is treated at the 0.5 million gallons a day (average daily dry weather flow) treatment plant. The wastewater treatment plant was built in 1967. The secondary level treatment plant discharges to the Napa River or land (City-owned grass fields, redwood/willow trees, and mosquito fish ponds).

The City's National Pollutant Discharge Elimination System (NPDES) permit was renewed in March 2016; at the same time a Cease and Desist Order (CDO) No. R2-2016-0004 was issued because the City is unable to meet the more stringent effluent requirements of the renewed NPDES permit. A draft feasibility study was prepared for the City in August 2016 which recommends improvements at the wastewater treatment plant so that the City can be in compliance and the CDO lifted.

Separate water and wastewater enterprise funds account for the revenues and expenses associated with each of these services. An enterprise fund is a fund that is intended to recover its costs through user fees and charges. Enterprise funds provide the repayment capacity for, and make debt service payments on, any debt incurred for capital projects; therefore, enterprise fund bond-funded projects do not diminish the City's general fund debt capacity.

Enterprise funds need to be managed in a fiscally responsible manner so that users are paying for their current use of the system. Both utility systems need constant maintenance to prolong the life of the assets. If there is insufficient collection of money for system maintenance future users have to pay for repairs when they become critical and costs are more expensive.

1.3 FINANCIAL HEALTH OF THE UTILITY FUNDS

Currently both utility funds are financially at risk. The City continues to use available reserves for both operating expenses and capital improvement projects (projects are funded on a pay-as-you-go basis). The water operating fund currently has \$525,000 of unrestricted cash; the wastewater operating fund has no cash reserves. Total cash balances for operating and capital funds combined as of July 1, 2016 were \$6.1 million in the water fund and \$1.1 million in the wastewater fund.

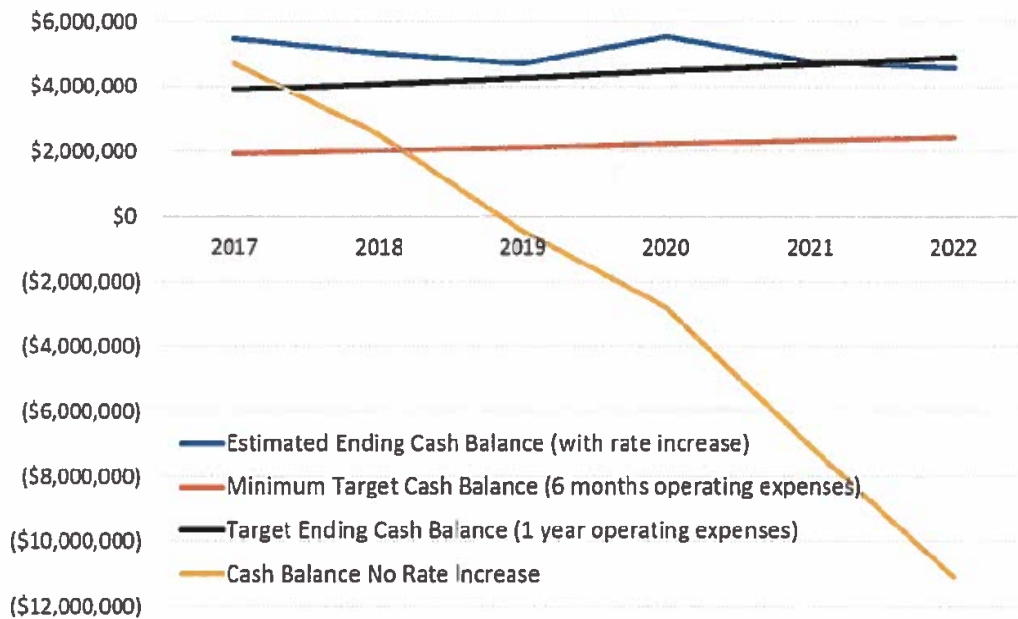
Utility system costs typically increase at a greater rate than inflation and while City rates have increased in recent years they have not kept pace with the fiscal needs of the water and wastewater enterprise funds. In addition, the current rates do not collect for system rehabilitation of either system which has resulted in the City having to use reserves and delay necessary capital improvements. The lack of improvements to major infrastructure has resulted in heavy fines to the City. If rates are not increased to pay for these items, the City's General Fund will need to be utilized. These are unsustainable actions that will negatively impact other City services such as parks, streets, and library if not corrected.

The revenue requirement is the amount that must be raised from rates or other charges for service net of other income such as investment earnings, area surcharges, finance charges, and other miscellaneous revenues. The revenue requirement for the water fund is projected to increase from \$5.5 million to \$8.4 million over the next 5 years. The revenue requirement for the wastewater fund is projected to increase from \$3.0 million to \$4.6 million over the next 5 years.

Including the operating and capital funds for each utility, both the water and wastewater enterprise funds will have negative cash balances within two years without rate increases.

Figure 1 shows the projected cash balances (operating and capital funds combined) for water and Figure 2 shows the projected cash balances for wastewater (operating and capital funds combined) through fiscal year 2022.

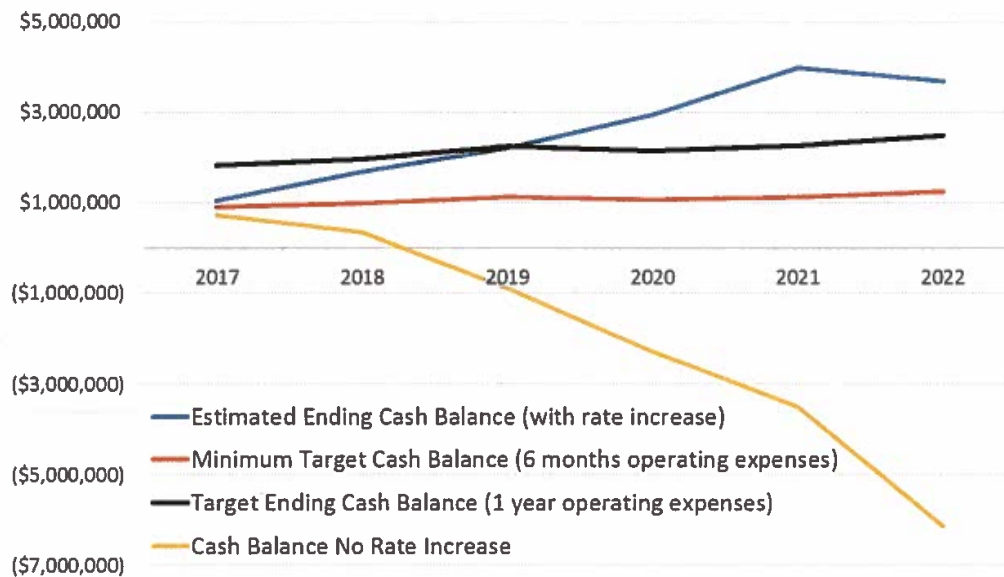
Figure 1
Projected Water Cash Balances



The blue lines show the projected total cash balance with rate increases. The yellow lines show the projected cash balances with no rate increases. The black lines show the target cash balance, equal to one year of operating expenses, and the orange lines show the minimum cash balance at 6 months operating expenses. The goal over time is for the black and blue lines to be as close as possible. These graphs demonstrate that the rate increases are essential.

The projected cash balance for wastewater (with a rate increase) is greater than the target cash balance because of cash outlay necessary in future years for capital improvements, including more than \$2 million for completion of the operations building and shop at the wastewater treatment plant.

Figure 2
Projected Wastewater Cash Balances



1.4 CUSTOMER BASE

The City services a population of approximately 6,000. The City experienced population decline which began before, and lasted through, the Great Recession (2004 through 2014). Population is now slightly greater than it was in 2000. The average annual population growth from 2000 to 2015 was 0.1%. According to the US Census Bureau there are 2.47 persons per occupied housing unit, a figure that has remained relatively stable since 2000. Historical population change is shown in Figure 3 below.

The City has approximately 2,600 water connections and serves more than 3,000 residential households, about 260 non-residential establishments, including businesses, schools, religious places and community centers, more than 20 industrial customers, and about 30 irrigation-only customers. A pie chart illustrating the customer base is shown in Figure 4.

Water use by residential and non-residential customer type is shown in Figure 5. Although residential customers comprise 87% of the total customer base, they use 50% of total water deliveries. Industrial customers, who comprise only 1% of the customer base use 21% of total water deliveries.

Figure 3
Historical Population Growth

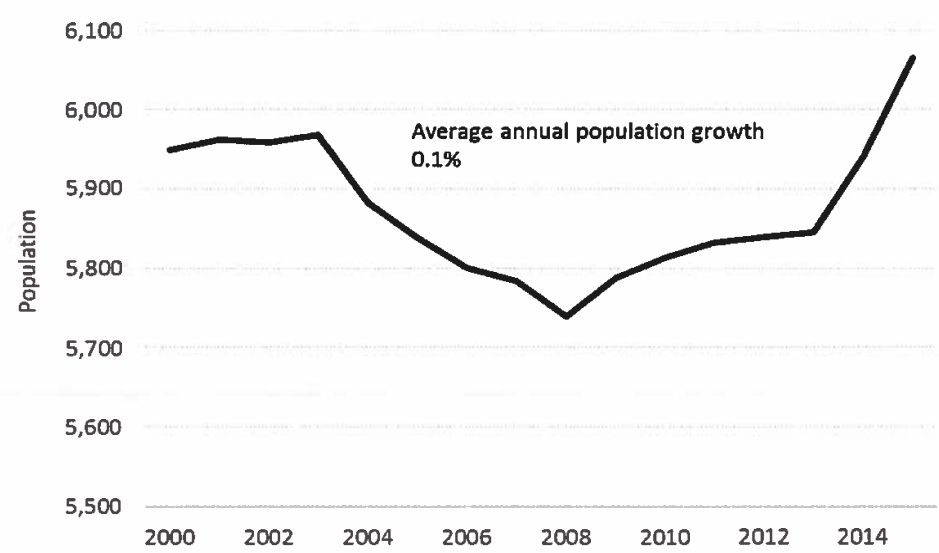


Figure 4
Water Customers

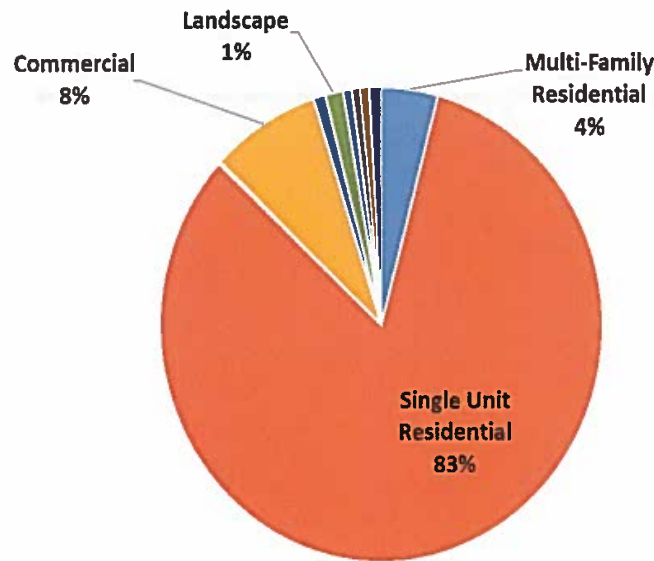
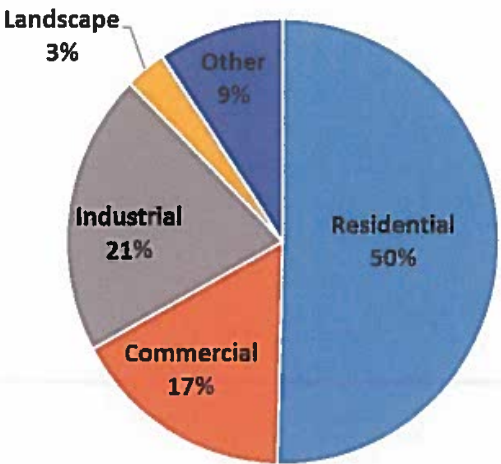
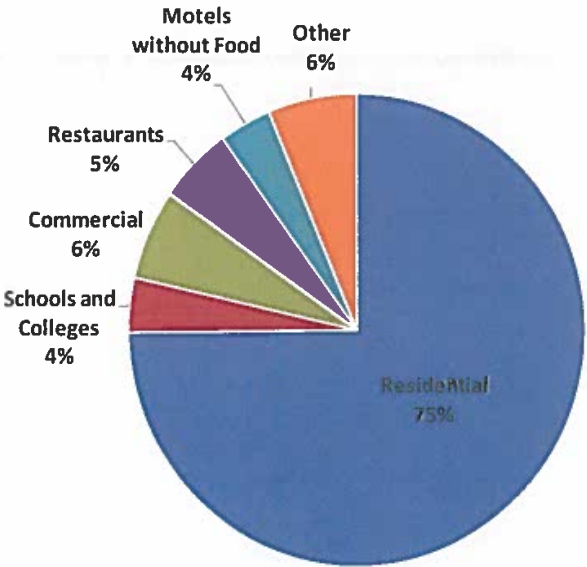


Figure 5
Water Use by Customer Type



The City provides wastewater service to the same households, institutional uses and businesses, with the exception of those having septic systems. Figure 6 shows typical annual flow to the wastewater treatment plant by residential and non-residential customer types.

Figure 6
Typical Annual Wastewater Flow by Customer Type



1.5 MAJOR ASSUMPTIONS

Several major assumptions influence the scope of the report and findings herein. They are summarized here:

- **Water CIP Projects will be funded through rates, grants, old and new debt, impact fees, and reserves.** The York Creek upper dam removal and mitigation project as well as the Meadowood tank upgrades project are expected to be partially grant funded, and partially funded by existing bond proceeds. The Bell Canyon Creek flow measurement project will be partially funded by existing bond proceeds. For large infrastructure projects the City will apply to advantageous loan and grant programs. Pump station upgrades and the Bell Canyon intake tower replacement are assumed to be funded by new debt. Spill containment at both the Bell Creek intake and Stonebridge Well, valve replacement at the Bell Valve House, as well as the Bell Canyon reservoir improvements, will be funded by reserves. Rates (cash) will be used for all other capital outlay needs for existing customers. Impact fees will be used to fund capital project costs attributable to new customers. The water enterprise fund will loan the impact fee fund cash to pay for the new customers' share of facility costs.
- **Wastewater CIP Projects will be funded through rates, reserves and debt.** Reserves will be used to fund the replacement of the wastewater reclamation facility operations building and shop. Phase 1 and Phase 2 of the wastewater treatment plant upgrades are assumed to be funded by new debt. Cash will be used for all other capital improvement projects. The wastewater impact fee fund has sufficient cash to pay for new customers' share of wastewater facility costs.
- **Future users' share of costs updated.** The water and wastewater impact fees must be updated to reflect the CIP presented in the Rate Study. The cash balances for impact fee funds 764 (water) and 774 (wastewater) have not been updated in the Study; with updated CIPs for both utility systems the impact fees need to be updated. An increase in the water impact fee would improve the repayment period from future to existing customers and reduce future rate increases for existing customers.
- **System rehabilitation costs are fully accounted for in the rate models.** Both the water and wastewater rate models include a calculated annual cost for long-term replacement of facilities. Facilities include existing and new facilities built in the next five years. The Study projects that a capital repair and replacement reserve of \$1.7 million could be accumulated in the wastewater fund by 2022. It is not anticipated that any reserve for capital repair and replacement could be accumulated in the water fund.
- **New growth.** New development is assumed to increase at a pace of five single family units per year. This pace of growth was estimated using the St. Helena average annual change in US Census reported number of occupied housing units from 2000 to 2015, and is consistent with the City's General Plan.

- **Rate structure is modified for both water and wastewater.** In an effort to allocate costs as equitably as possible with available data, the Study modifies the rate structures for both utilities as described further below and elsewhere in this report.
- **The new rate structures are assumed to be in effect February 8, 2017. The following five rate increases are assumed to be in effect November 8 of each year (November 2017, 2018, 2019, 2020, and 2021).** The rate increases go into effect as soon as possible to increase cash flow, and in the fall when price changes have less impact to customers than in the summer months. The new rates would be reflected on the City's February (and thereafter November) utility bills. The rate change dates are based on the City's current billing cycles; if the dates of the billing cycles change (for example meter reads change from the 8th of each month to the 10th of each month) the rate changes will follow the date of the new billing cycle.
- **Low income utilities subsidies, authorized by City Resolution No. 2006-44, are funded by the City general fund so that some utility customers do not subsidize others.** The general fund transfers the appropriate subsidy amount for low income households into the water and wastewater funds to maintain the revenue requirement.
- **Water-specific Assumptions:**
 - **New water meter replacement fee.** With the useful service life of a meter being approximately 20 years, the City needs to collect funds for a routine meter replacement program, replacing about five percent of the meters in the system each year. There are approximately 2,500 meters to be serviced with an approximate annual cost of \$46,000 in 2016 dollars. The new meter replacement fee is included in the updated service charges.
 - **Meadowood area surcharges are eliminated.** Customers in the Meadowood area, which is outside of the City limits, currently pay a surcharge based on consumption by all using those facilities plus a uniform maintenance surcharge. Per the decision made during the September 13th, 2016 Task Force meeting, Meadowood area customers will no longer pay a surcharge.
 - **The percentage of revenue requirement collected in base (flat) fees/service charges gradually increases.** Fixed costs comprise about 70% of the City's water system total annual operating costs. Currently the City collects 30% of costs in service charges and 70% in use charges. The water rate study gradually increases the base charges from 30% of revenue requirement to 36% of revenue requirement over the next five years. Greater revenue collection from service charges increases revenue stability for the enterprise funds. The increase is gradual to avoid large increases to households on fixed incomes.
 - **Single family residential 1" meter customers pay the same rates as single family residential 5/8" meter customers.** The total number of 5/8" meters was adjusted to include single family 1" meters. Due to CA Residential Code Section R313 (fire sprinklers), almost all new residential development is required to install 1" meters in

order to have sufficient flow for sprinklers; however, most existing homes built prior to implementation of CA Residential Code Section R313 have a 5/8" or 3/4" meter. Because the 1" residential customers utilize the same average amount of water as the 3/4" and 5/8" customers, it is appropriate for them to pay the same rates, and not be penalized by the fire sprinklers requirement.

- **The new water rate structure includes a drought period surcharge.** A drought period will be defined in the City municipal code. When the City implements Phase 1 drought restrictions it would also implement drought rates. Drought rates are only applied to use charges (does not affect service charges). Drought rates are 6% higher than non-drought rates because during drought years the cost of water per 1,000 gallons is 6% higher than during non-drought years.

1.6 RATE STRUCTURES

Water Rate Structures

The water rate study calculated water charges under two methods of collection for costs recovered through use charges. A brief summary of the rate structure differences is provided below. The Task Force chose the seasonal rate structure as the preferred water rate structure at the September 13th, 2016 Task Force Meeting; therefore, the Study only presents findings of the seasonal rate structure. Details of the seasonal rate structure, along with results, are presented in Section 2.

WATER STUDY	
Uniform Rate Structure	
Same as current rate structure except no tiers for use charges	
All customers pay a base charge by meter size per month + a uniform use charge for all treated water	
Seasonal Rate Structure	
All customers pay a base charge by meter size per month + a seasonal use charge for all water (higher during the peak than off-peak months)	
Peak = May through October	
Off-Peak = November through April	

Wastewater Rate Structures

In the financial modeling for the wastewater rate study two rate structures were considered for collection of the revenue requirement; a modified rate structure and a new rate structure. A comparison of the two rate structures considered is provided on the following page. Per the August 4th, 2016 and September 13th, 2016 Task Force meetings, the City's Task Force chose the new rate structure as the preferred rate structure; therefore, the Study only presents findings of the new rate structure. For record keeping the modified rate structure findings are presented in Attachment B of the 'City of St. Helena Wastewater Rate Study Technical Memorandum'.

Exhibit A

WASTEWATER STUDY	
Modified Rate Structure	
	Same as current rate structure except religious places/community centers are broken out as their own rate category
	Single family pay monthly flat base rate and a flow charge per Hundred Cubic Feet (HCF) of average winter month water
	Multi-family/mobile homes and non-residential pay monthly flat base rate based on meter size per month and a flow charge per HCF of average winter month water
New Rate Structure	
	Mobile Home parks classified as residential; religious places/community centers are broken out as their own rate category
	All Residential (single family, multi-family and mobile homes) pay flat base rates based on number of dwelling units plus a flow charge per HCF of average winter month water
	Flat monthly charge for schools based on number of students
	Non-residential pay a flat base rate by customer type (per account) plus a flow charge per HCF of average winter month water

Section 2: WATER RATE STUDY SUMMARY

2.1 KEY FINDINGS

- The City has been pulling from reserves for water system operations. At the end of fiscal year 2016 (June 30) the operating fund had a positive unrestricted net position of roughly \$5 million. At the end of fiscal year 2017, the operating fund is expected to be depleted to an unrestricted net position of about \$525,000. System rehabilitation is being funded from reserves because depreciation is not currently included in the rates. This is unsustainable.
- It is projected that in fiscal year 2017 the water fund will have a 0.72 debt service coverage ratio. The City is out of compliance with its bond covenants to maintain a 1.20 minimum debt service coverage ratio. This must be rectified immediately.
- The City has identified a minimum of \$17.7 million, net of grant funds and existing bond proceeds, of water system capital improvements in today's dollars to be funded over the next 10 years. This cost is inflated to a total of \$20.8 million dollars over the next 10 years.
 - The funding plan applies two City-awarded grants, which total \$1,787,876, for the York Creek dam removal and creek restoration project, as well as existing water bonds in the amount of \$2.7 million.
 - Meadowood tank upgrades are partially funded by \$120,100 from existing bond proceeds.
 - The City will continue to aggressively pursue any grant opportunities.
 - \$0.2 million for pump station upgrades, and \$2.1 million for Bell Canyon intake tower replacement are assumed to be financed by new debt.
 - All other system improvement costs will be cash-funded.
 - The project for installation of smart meters is currently unfunded; however, the project is not anticipated to start in the next five years. The total cost for this project is estimated at \$1.5 million, and
 - A new water meter replacement fee for routine replacement of existing meters, which is included in the monthly service charge, will fund \$0.3 million of meter replacement costs, not included in the CIP.
- By raising the rates in February 2017 the City will generate sufficient revenue to meet its bond covenants, to begin building a healthy reserve, to fund necessary planned capital improvements, and to fully fund water operations without using other City funds. A healthy reserve is necessary to fund emergencies and other unanticipated capital projects. Without the rate increases the water fund is projected to have a negative balance of <\$11.1> million by the end of fiscal year 2022. The water fund would have to be loaned money from other City funds, taking away money for other essential City services such as parks, library and streets.

Current and calculated water rates are shown in Table 1.

Table 1
Calculated Water Rates through Fiscal Year Ending 2022

Charges	Current	Billing Period Beginning *					
		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Service Charge		Monthly Charges per Meter					
5/8", 3/4" & SF 1"	\$27.52	\$43.22	\$51.71	\$60.59	\$64.78	\$68.91	\$73.27
1"	\$63.80	\$80.08	\$96.76	\$114.44	\$123.35	\$132.22	\$141.61
1.5"	\$124.12	\$141.67	\$172.02	\$204.36	\$221.14	\$237.94	\$255.72
2"	\$196.50	\$215.12	\$261.84	\$311.76	\$337.99	\$364.27	\$392.10
3"	\$365.51	\$413.06	\$503.54	\$600.40	\$651.86	\$703.51	\$758.21
4"	\$607.01	\$640.46	\$780.29	\$930.11	\$1,010.10	\$1,090.44	\$1,175.54
6"	\$1,210.18	\$1,252.50	\$1,528.85	\$1,825.17	\$1,983.80	\$2,143.19	\$2,312.05
Private Fire Protection		Monthly Charges per Fire Service Pipe					
4"	\$4.00	\$8.47	\$9.92	\$11.38	\$11.89	\$12.36	\$12.86
6"	\$6.00	\$24.59	\$28.81	\$33.05	\$34.53	\$35.91	\$37.34
8"	\$8.00	\$52.41	\$61.40	\$70.43	\$73.57	\$76.52	\$79.58
Raw Water per Gallon	\$0.00267	\$0.00273	\$0.00320	\$0.00367	\$0.00383	\$0.00398	\$0.00414
TREATED WATER USE CHARGES PER HCF							
NON-DROUGHT PERIOD	[1]						
Off-Peak (Nov-Apr)		\$5.50	\$6.37	\$7.19	\$7.37	\$7.54	\$7.71
Peak (May-Oct)		\$6.11	\$7.09	\$8.00	\$8.20	\$8.38	\$8.58
DROUGHT PERIOD	[1]						
Off-Peak (Nov-Apr)		\$5.81	\$6.73	\$7.60	\$7.79	\$7.97	\$8.15
Peak (May-Oct)		\$6.46	\$7.49	\$8.45	\$8.66	\$8.86	\$9.06

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

[1] Current Rate Structure rates as follows:

Tiers by customer category (in hcf):		Tier 1	Tier 2		Tier 1	Tier 2
Single family		0-14	15+	Non-residential <=1"	0-36	37+
Multi-family		0-5	6+	Non-residential 1.5"	0-120	121+
				Non-residential 2"	0-192	193+
				Non-residential 3"	0-360	361+
Price per HCF		\$4.48	\$6.74	Non-residential 4"	0-600	601+
Price per HCF - Landscape Irrigation		\$5.22		Non-residential 6"	0-1,250	1,251+
				Non-residential 8"	0-1,920	1,921+

2.2 METHODOLOGY

The detailed methodology for calculation of rates is presented in the 'City of St. Helena Water Rate Study Technical Memorandum'. Under the new seasonal rate structure, customer bills continue to be comprised of 2 fees: (1) fixed monthly service charges (now also including a meter replacement fee), and (2) variable use charges. The new seasonal rate structure is as follows:

- All customers pay the same usage rate per HCF for treated water off-peak (Nov-Apr) and peak (May-Oct). The peak rate is higher than the off-peak rate to reflect the additional costs of water operations during the peak period. Analysis in the 'City of St. Helena Water Rate

Study Technical Memorandum' demonstrates that water operations costs are 11% higher during the peak period.

2.3 NEW RATE IMPACTS

Components of revenue requirement are shown in Figure 7. Operating expenses are the largest component of cost, followed by capital replacement/repair, debt service, and operating reserves.

Single Family Residential Impacts

Figure 8 shows the water bill impact for a typical single family home in the off-peak months using the seasonal water rate structure in a non-drought period. Single family homes typically use 7 HCF per month in the winter (calculated using January and February data 2011 through 2015). Figure 9 shows the water bill impact for a typical single family home in the peak months using the seasonal water rate structure in a non-drought period. Single family homes typically use 17 HCF per month in the summer (calculated using July and August data 2011 through 2015).

Figure 7
Components of Water Revenue Requirement

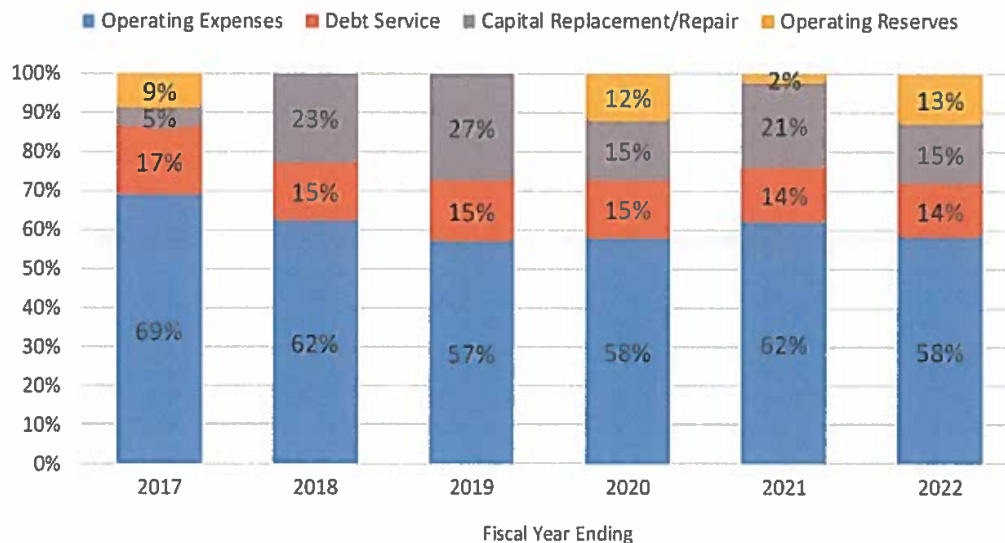


Figure 8
Typical Water Monthly Bill for the Off-Peak Season

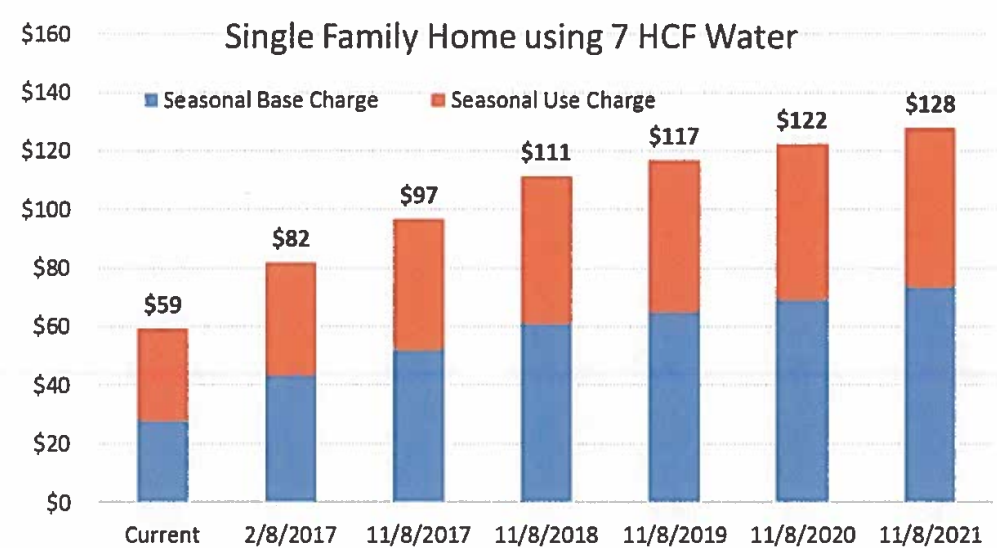
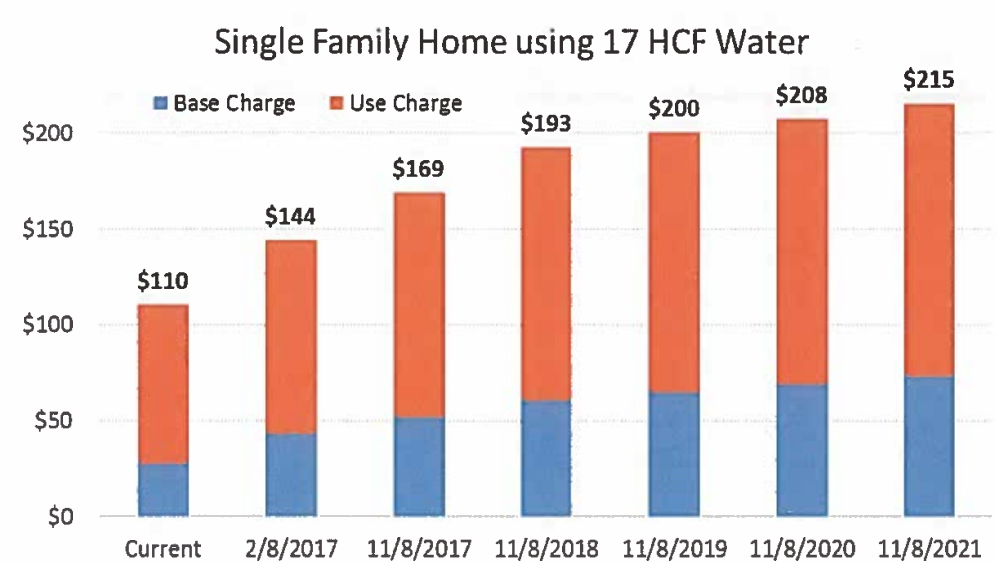


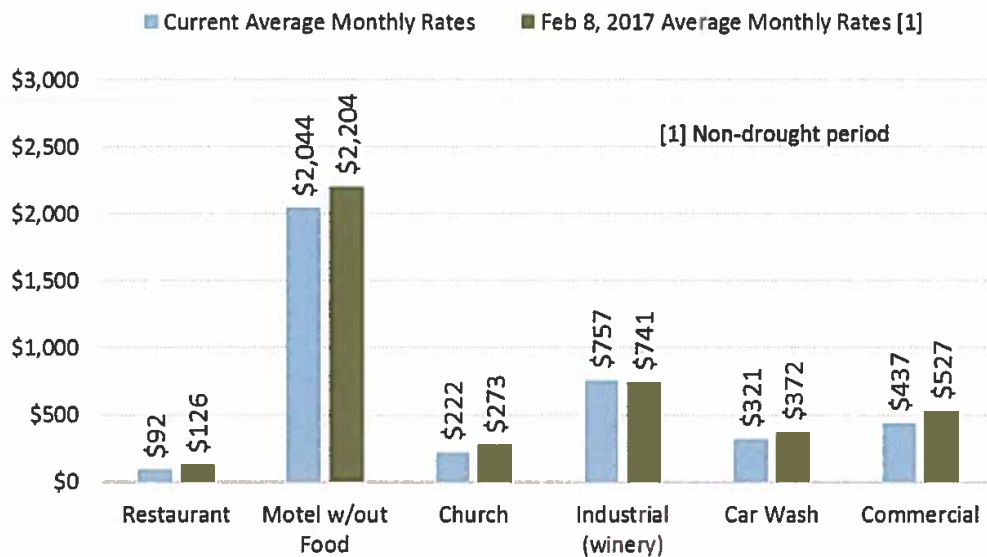
Figure 9
Typical Water Monthly Bill for the Peak Season



Non-Residential Users

Six types of non-residential users were selected to illustrate the impacts of water rate increases in February 2017; these include a restaurant, a motel without food, a church, an industrial customer (winery), a cash wash, and a commercial office. Figure 10 illustrates the impact to each type of water user assuming a non-drought period. Charges are calculated using actual consumption by the customers between January 2015 and December 2015. The impact is greater for all customers with the exception of the industrial customer.

Figure 10
Non-Residential Water Rate Impact

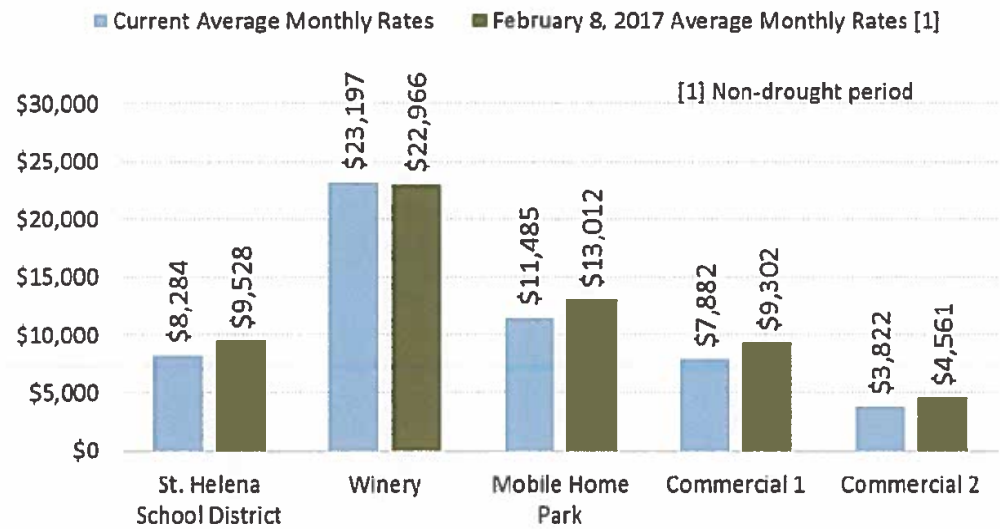


Large Water Users

The largest water users in the City include the St. Helena School District, wineries, mobile home park, and some large commercial businesses.

The Study examines the impact to a selection of these users in Figure 11 using current charges and February 8, 2017 charges assuming a non-drought period. Charges are calculated using actual consumption by the customers between January 2015 and December 2015. In the selection, average monthly charges increase for all customers except the winery. Actual water bills will differ from customer to customer.

Figure 11
Average Monthly Water Charges for Large Water Users



Section 3: WASTEWATER RATE STUDY SUMMARY

3.1 KEY FINDINGS

- The City has been using wastewater fund reserves to fund operations. At the end of fiscal year 2016 (June 30) the operating fund had a negative unrestricted net position of <\$79,805>. At the end of fiscal year 2017, the operating fund is expected to have a negative unrestricted net position of <\$27,000>. System rehabilitation is being funded from reserves because depreciation is not currently included in the rates. This is unsustainable.
- The City has identified a minimum of \$15.4 million, net of grant funds and existing bonds, in capital improvements in today's dollars to be funded over the next 10 years. In future dollars this totals \$17.7 million to be funded over the next 10 years. The financing plan assumes that:
 - Phases 1 and 2 of the wastewater treatment plant upgrades will be debt-financed.
 - Reserves will be used to finance \$3.7 million for replacement of the wastewater reclamation facility operations building and shop, which is expected to be accomplished fiscal year 2021 through fiscal year 2023.
 - Cash will fund the remaining CIP costs.
- By raising the rates in February 2017 the City will generate sufficient revenue to meet its bond covenants, to begin building a healthy reserve, to fund necessary capital improvements and to fully fund wastewater operations without using other City funds. A healthy reserve is necessary to fund emergencies and other unanticipated capital projects. Without the rate increase the wastewater fund is projected to have a negative fund balance within two fiscal years and would have to be loaned money from other City funds, taking away money for other essential City services.
- The new rate structure improves equity among certain customer classes by basing rates on typical flow and strength characteristics of each customer type. Multi-family dwellings and mobile home parks, which display characteristics more similar to residential than non-residential, are shifted to residential. Schools pay on a flat monthly rate per student basis. Non-residential customers' water use is determined by average winter water use, by customer type, to account for water that does not go to the wastewater treatment plant (applied outdoors or otherwise does not enter the sewer collection system).

Table 2 on the next page shows the new wastewater rate schedule. The current rate schedule cannot be compared with the new rate schedule because the structure is different; however, a single family unit currently pays a base monthly charge of \$47.35 and a monthly use charge of \$3.94 per HCF of winter water use.

Table 2
Calculated Wastewater Rate Schedule
- New Rate Structure

		Fiscal Year Ending					
Customer Category		2017	2018	2019	2020	2021	2022
	Billing Period Beginning * ---->	2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Residential							
Single Family	monthly per unit	\$48.04	\$55.24	\$70.13	\$73.03	\$74.18	\$75.23
Multi-Family	monthly per unit	\$29.07	\$33.42	\$42.43	\$44.18	\$44.88	\$45.52
Mobile Homes	monthly per unit	\$43.11	\$49.57	\$62.93	\$65.53	\$66.56	\$67.51
Residential Rate per HCF	per HCF	\$4.69	\$5.39	\$6.84	\$7.12	\$7.23	\$7.34
Schools Flat Rate per Student	monthly per student	\$1.40	\$1.62	\$2.15	\$2.21	\$2.26	\$2.28
Non-Residential							
Car Wash	monthly per account	\$209.93	\$243.25	\$328.36	\$336.45	\$343.13	\$346.45
Religious Places/Community Centers	monthly per account	\$35.34	\$40.85	\$54.06	\$55.68	\$56.71	\$57.34
Commercial [1]	monthly per account	\$62.70	\$72.20	\$92.64	\$96.19	\$97.78	\$99.09
Groceries and Mortuaries	monthly per account	\$433.93	\$492.12	\$552.00	\$595.15	\$599.41	\$613.71
Laundry	monthly per account	\$970.94	\$1,121.45	\$1,475.85	\$1,522.21	\$1,549.87	\$1,567.76
Mixed Retail w/ Food	monthly per account	\$541.20	\$617.30	\$730.21	\$775.32	\$783.78	\$799.17
Motel with Food	monthly per account	\$2,617.64	\$2,978.36	\$3,444.90	\$3,681.23	\$3,715.59	\$3,795.12
Motel without Food	monthly per account	\$642.15	\$738.08	\$933.28	\$972.87	\$987.93	\$1,002.28
Restaurant	monthly per account	\$840.03	\$952.80	\$1,070.03	\$1,153.27	\$1,161.63	\$1,189.23
Napa Valley College	monthly per account	\$2,889.93	\$3,341.62	\$4,436.77	\$4,565.57	\$4,651.20	\$4,701.87
Service Station	monthly per account	\$93.25	\$107.06	\$134.07	\$140.12	\$142.20	\$144.37
Winery Production (Merryvale/Spottswoode)	monthly per account	\$989.21	\$1,116.93	\$1,199.98	\$1,310.53	\$1,315.85	\$1,351.87
Sutter Home Winery	monthly per account	\$876.04	\$1,007.39	\$1,278.85	\$1,331.67	\$1,352.66	\$1,371.89
Car Wash	per HCF	\$3.43	\$3.97	\$5.36	\$5.49	\$5.60	\$5.65
Religious Places/Community Centers	per HCF	\$3.72	\$4.30	\$5.69	\$5.86	\$5.97	\$6.03
Commercial [1]	per HCF	\$4.27	\$4.92	\$6.31	\$6.55	\$6.66	\$6.75
Groceries and Mortuaries	per HCF	\$10.30	\$11.68	\$13.10	\$14.12	\$14.22	\$14.56
Laundry	per HCF	\$3.81	\$4.40	\$5.79	\$5.97	\$6.08	\$6.15
Mixed Retail w/ Food	per HCF	\$6.73	\$7.68	\$9.08	\$9.64	\$9.75	\$9.94
Motel with Food	per HCF	\$7.91	\$9.00	\$10.41	\$11.12	\$11.23	\$11.47
Motel without Food	per HCF	\$4.59	\$5.27	\$6.67	\$6.95	\$7.06	\$7.16
Restaurant	per HCF	\$10.18	\$11.54	\$12.96	\$13.97	\$14.07	\$14.41
Napa Valley College	per HCF	\$3.67	\$4.24	\$5.63	\$5.79	\$5.90	\$5.97
Service Station	per HCF	\$4.82	\$5.53	\$6.93	\$7.24	\$7.35	\$7.46
Winery Production (Merryvale/Spottswoode)	per HCF	\$17.31	\$19.55	\$21.00	\$22.93	\$23.03	\$23.66
Sutter Home Winery	per HCF	\$4.50	\$5.17	\$6.57	\$6.84	\$6.95	\$7.04

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

[1] Commercial includes City buildings.

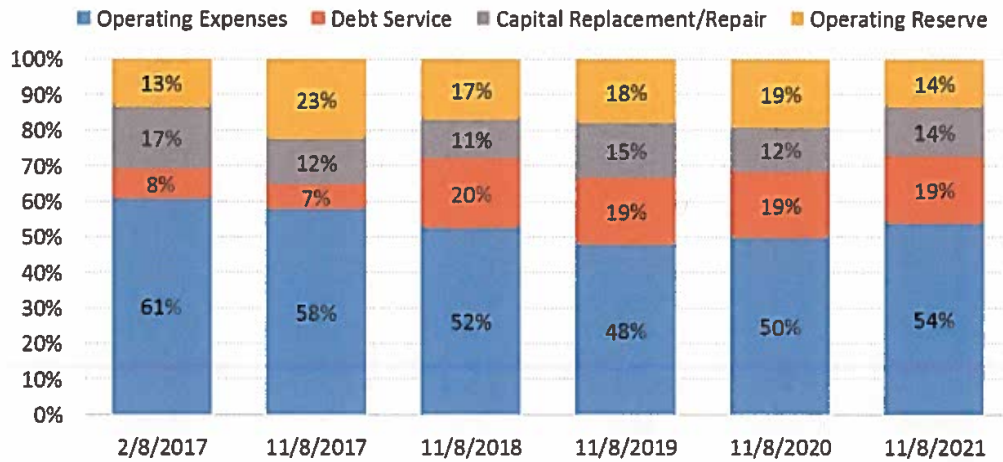
3.2 METHODOLOGY

The detailed methodology for calculation of rates is presented in the 'City of St. Helena Wastewater Rate Study Technical Memorandum'.

3.3 NEW RATE IMPACTS

Components of wastewater fund revenue requirement is shown in Figure 12. Operating expenses is the largest component of cost (more than 50%).

Figure 12
Components of Wastewater Revenue Requirement



Residential Bill Impacts

Figure 13 shows monthly bill impacts of the rate increases to single family residential customers under the new rate structure for the next five years.

Figure 13
Wastewater Bill Impact for Single Family Homes

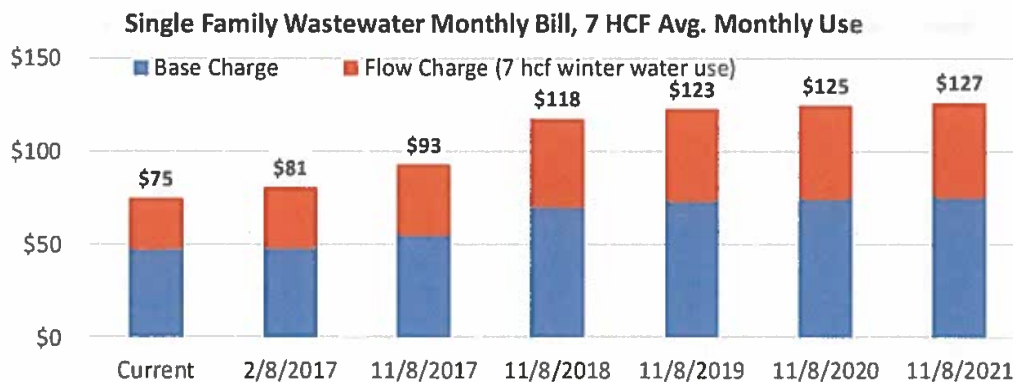


Figure 14 estimates monthly bill impacts of the February 8, 2017 rate changes for a sample of non-residential users. Because monthly bills for non-residential customers will vary from month to month and business type to business type, the examples given are only illustrative. Each non-residential customer will experience a different impact.

Figure 14
Average Wastewater Monthly Bill Impact for Sample Non-Residential Users

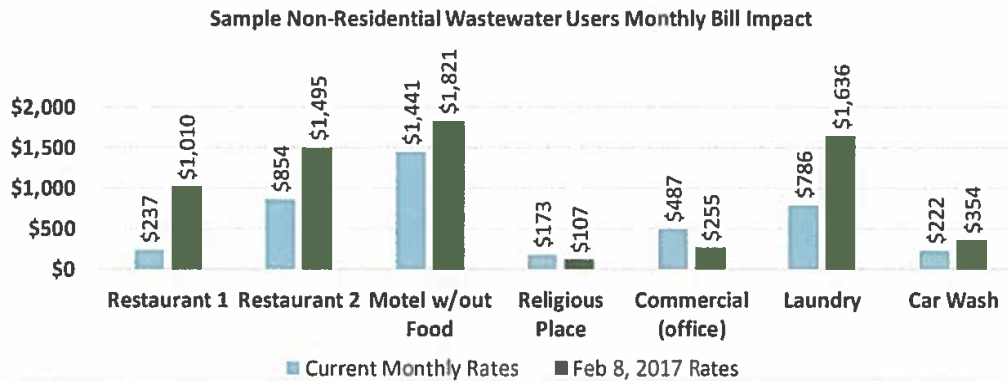
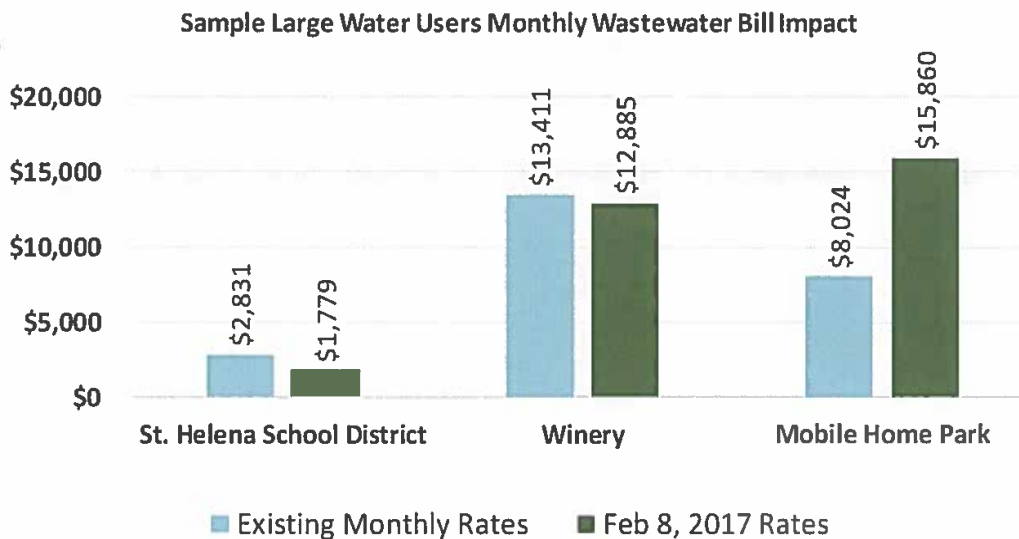


Figure 15 illustrates the impact on the same large water users as in the water rate study, with the exception of the two commercial businesses which do not receive City wastewater service.

Figure 15
Average Wastewater Monthly Bill Impact for Large Water Users



Section 4: COMBINED UTILITIES IMPACT

4.1 RESIDENTIAL IMPACTS

The combined impact of increased water and wastewater rates on typical single family home utility bills is illustrated in Figure 16 for a typical off-peak month (using 7 HCF water, 7 HCF wastewater), and Figure 17 for a typical peak month (using 17 HCF water, 7 HCF wastewater). Both comparisons assume a non-drought period.

Figure 16

Single Family Home Utility Costs in Off-Peak Months, based on 7 HCF

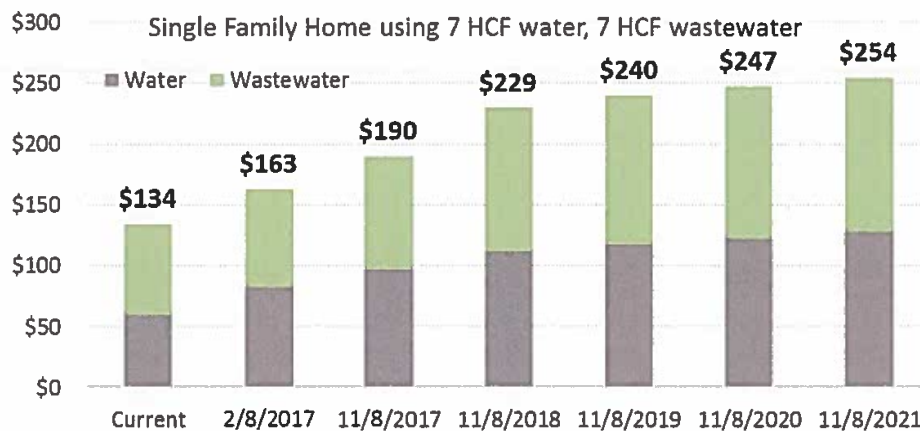


Figure 17

Single Family Home Utility Costs in Peak Months, based on 17 HCF

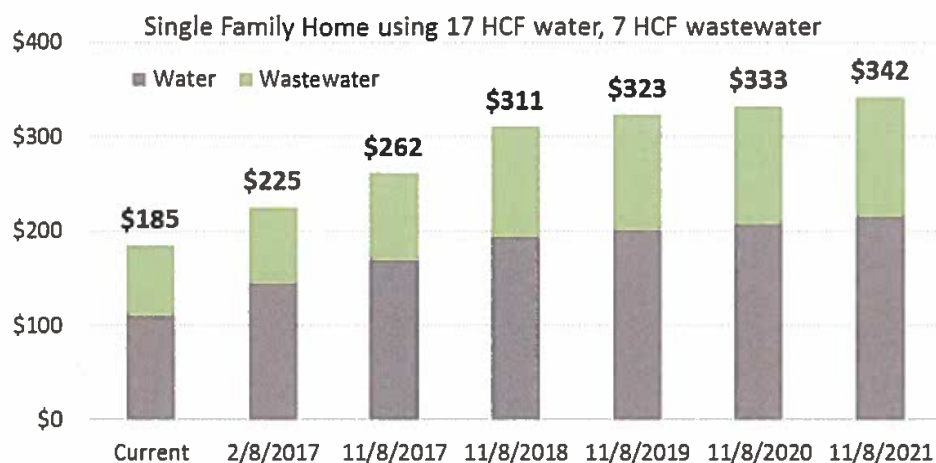
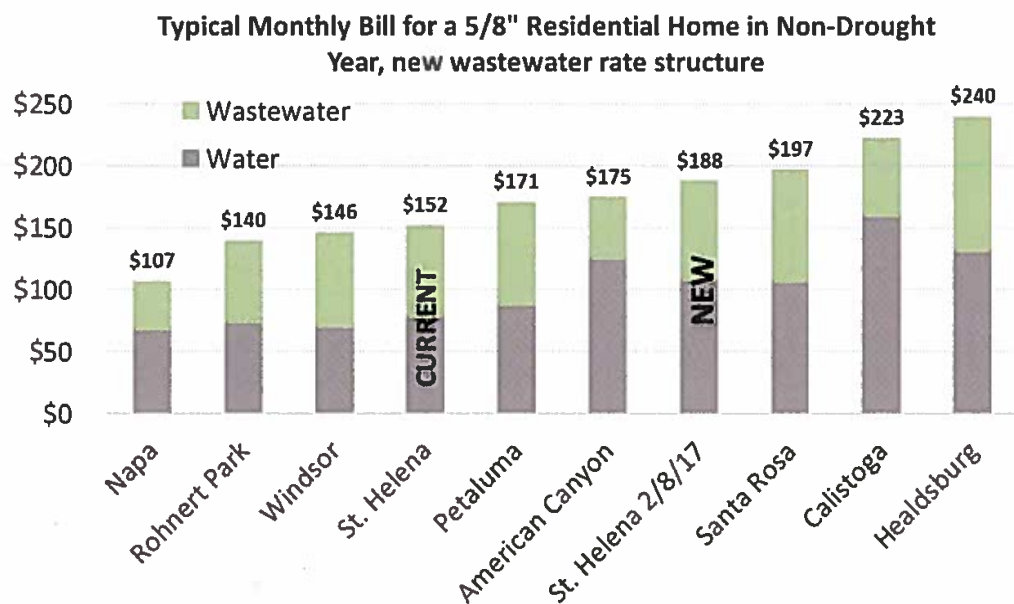


Figure 18 illustrates what a household using an average of 11 HCF of water and 7 HCF of wastewater in a month would pay for combined water and wastewater in several comparison cities. For St. Helena, the use rate was calculated using the average of the peak and off-peak use rates. St. Helena's combined water and wastewater rates are currently in the middle of the range and will stay in the middle of the range with the proposed 24% rate increase. Note that the comparison cities utilized may be in the process of rate increases as well; this is a snapshot in time.

Figure 18
Impact of Combined Utility Bill Increases



4.2 AFFORDABILITY

The combined impact of increased utility costs must be considered together since they can increase costs beyond what is considered an affordable threshold. The affordability thresholds are guidelines used by State and Federal funding agencies when determining financing terms for debt-financing projects. The State Revolving Fund (SRF) program bases its evaluation of affordability of water rates on two criteria:

1. The Median Household Income (MHI) of the community compared to the State MHI, and
2. The percentage of MHI spent on water related bills.

Generally, water rates are considered to be burdensome if they are greater than 2.50% of MHI, and wastewater rates are considered to be burdensome if they are greater than 2.00% of MHI (or combined, a total of 4.50% of MHI). If a community's MHI is less than 80 percent of the State MHI, the community is considered "Disadvantaged", in which case a rate greater than 1.5 percent of MHI

is considered burdensome. St. Helena is not considered disadvantaged, as the City's MHI is more than 127% of the State MHI.

Currently, St. Helena's combined water utility costs are 2.32% of MHI. With the increase in costs in February 2017 water costs will total 1.64% of MHI and wastewater will total 1.24% of MHI. Together, the utilities costs will total 2.88% of MHI. The increased water utility costs are, per the State's definition, well within the affordable threshold. The affordability calculations are shown in Table 3.

Table 3
Affordability of Water Utility Costs for Residents

Item	Current Rates	Proposed 2/8/2017 Rates
St. Helena Monthly Median Household Income (MHI) [1]	\$6,535	\$6,535
Monthly Water Bill		
Monthly Water Bill for 11 HCF [2]	\$76.80	\$107.08
Water Bill as Percentage of MHI [3]	1.18%	1.64%
Monthly Wastewater Bill		
Monthly Wastewater Bill for 7 HCF	\$74.93	\$80.84
Wastewater Bill as Percentage of MHI [3]	1.15%	1.24%
Total Monthly Utilities Bill	\$151.73	\$187.92
Monthly Utilities Bill as Percentage of MHI [3]	2.32%	2.88%
Median Household Income (MHI)		
Estimated California [1]	\$61,489	
Estimated St. Helena [1]	\$78,421	
St. Helena MHI as a percentage of the State MHI [4]	127.54%	

Source: HEC, California State Water Resources Control Board, and US Census Bureau.

aff comb

[1] 2014 5-year American Community Survey.

[2] Assumes a non-drought year and average seasonal use rate.

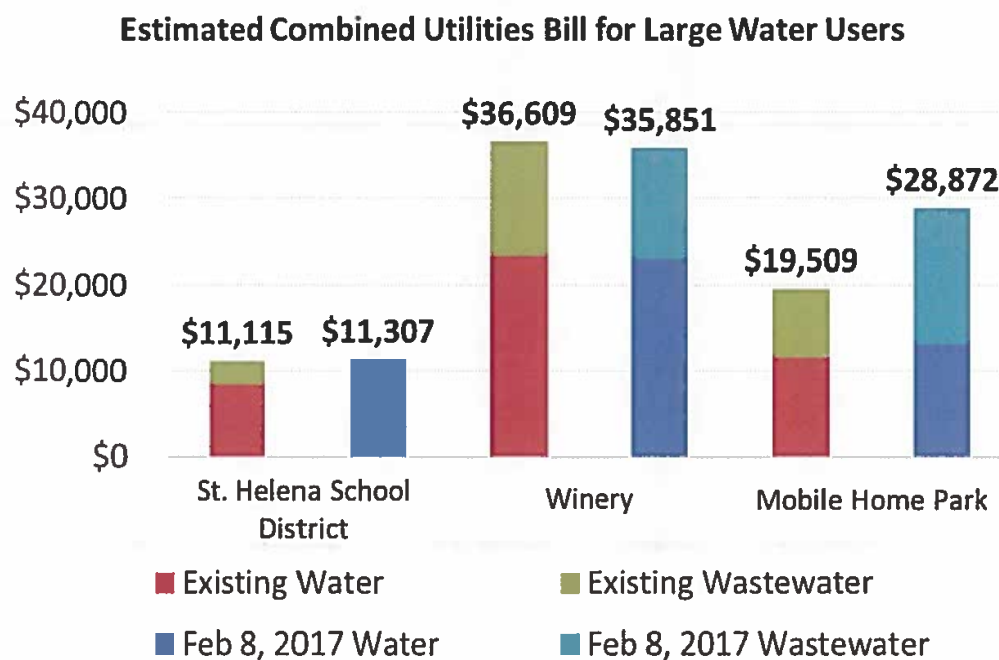
[3] The EPA considers bills unaffordable if combined water and wastewater bills are >4.5% of MHI. The State Clean Water SRF program only provides better loan terms (such as extended term financing, lower interest and principal forgiveness) to communities that are NOT Disadvantaged if the wastewater bill is >4% of MHI.

[4] Per the State Water Resources Control Board, a community with an MHI <80% of the Statewide MHI is Disadvantaged.

4.3 LARGE WATER USERS IMPACTS

Figure 19 shows the cumulative impact of utility rate increases to some of St. Helena's largest water users in a non-drought period. The St. Helena School District's water bill increases but its wastewater bill decreases, resulting in a small net increase. The winery's water bill decreases slightly and its wastewater bill decreases slightly, resulting in a net decrease. The mobile home park's water bill increases slightly; however, its wastewater bill doubles.

Figure 19
Combined Utilities Impact on Large Water Users



**HANSFORD ECONOMIC
CONSULTING**



**City of St. Helena (2016)
Water Rate Study
Technical Memorandum**

FINAL
October 31, 2016

HEC Project #150182

Exhibit A

**HANSFORD ECONOMIC
CONSULTING**

PO Box 10384
Truckee, CA 96162

Phone: 530-412-3676
Email: catherine@hansfordecon.com

Technical Memorandum WATER RATE STUDY

To: City of St. Helena

From: Catherine Hansford

Date: October 31, 2016

This technical memorandum presents the detailed water rate study. Support tables are provided in Attachment A.

THE WATER FUND

Revenues

The water system is 97% funded by water sales (rates) revenue, 1% by Meadowood area rate surcharges, and 2% by other revenues including investment earnings, finance charges, fees/fines, and other miscellaneous revenues.

Rate revenue is generated according to the current water rate schedule shown in **Table 1**. Under the current rate schedule all customers pay a service charge (or base charge) and a use charge. The service charge is different by meter size, and the use charge varies by customer type. All customers pay use charges in two tiers. The tier 1 rate is applied to single family homes for the first 14 units of water. A unit of water is a hundred cubic feet (HCF). Tier 2 is applied to all water use greater than 14 units consumed each month. The amount of water that tier 1 applies to each month differs by customer type, as shown in **Table 1**.

The Madrone Knoll pump facility (otherwise called the Meadowood pump facility) specifically benefits Meadowood area customers, who are outside the St. Helena city limits. Meadowood area customers pay an additional monthly surcharge for electric use at Meadowood pump facility plus a monthly maintenance fee. The schedule of current Meadowood surcharges is shown in **Table 2**.

Prepared by HEC

Table 1
Current Water Rate Schedule

Customer	Rate Schedule	
Monthly Fixed Service Charge		
Meter Size		Basis of Charge
5/8"	\$27.52	Month
3/4"	\$27.52	Month
1"	\$63.80	Month
1.5"	\$124.12	Month
2"	\$196.50	Month
3"	\$365.51	Month
4"	\$607.01	Month
6"	\$1,210.18	Month
8"	\$1,935.52	Month
Residential Use Charge		[1]
Tier 1 (0-14 Units)	\$4.48	Unit
Tier 2 (15+ Units)	\$6.74	Unit
Multi-Family Residential Use Charge		
Tier 1 (0-5 Units)	\$4.48	Unit
Tier 2 (6+ Units)	\$6.74	Unit
Non-Residential Use Charge		
5/8", 3/4", 1"		
Tier 1 (0-36 Units)	\$4.48	Unit
Tier 2 (37+ Units)	\$6.74	Unit
1.5"		
Tier 1 (0-120 Units)	\$4.48	Unit
Tier 2 (121+ Units)	\$6.74	Unit
2"		
Tier 1 (0-192 Units)	\$4.48	Unit
Tier 2 (193+ Units)	\$6.74	Unit
3"		
Tier 1 (0-360 Units)	\$4.48	Unit
Tier 2 (361+ Units)	\$6.74	Unit
4"		
Tier 1 (0-600 Units)	\$4.48	Unit
Tier 2 (601+ Units)	\$6.74	Unit
6"		
Tier 1 (0-1,250 Units)	\$4.48	Unit
Tier 2 (1,251+ Units)	\$6.74	Unit
8"		
Tier 1 (0-1,920 Units)	\$4.48	Unit
Tier 2 (1,921+ Units)	\$6.74	Unit
Landscape Irrigation Rate (\$ per unit) [2]	\$5.22	Unit

Source: City of St. Helena.

curr rates

[1] 1 unit=100 cubic feet.

[2] Service must be for landscape irrigation of public space (park, school or residential common area). Customer must implement water conservation best management practices, as determined by the city. Customer must accept more stringent water use cutbacks during periods of water shortage, as determined by the City.

Prepared by HEC

Table 2
Current Monthly Meadowood Area Surcharges

Total Water Consumption in HCF used by all accounts served by the same special reservoirs and pumping stations

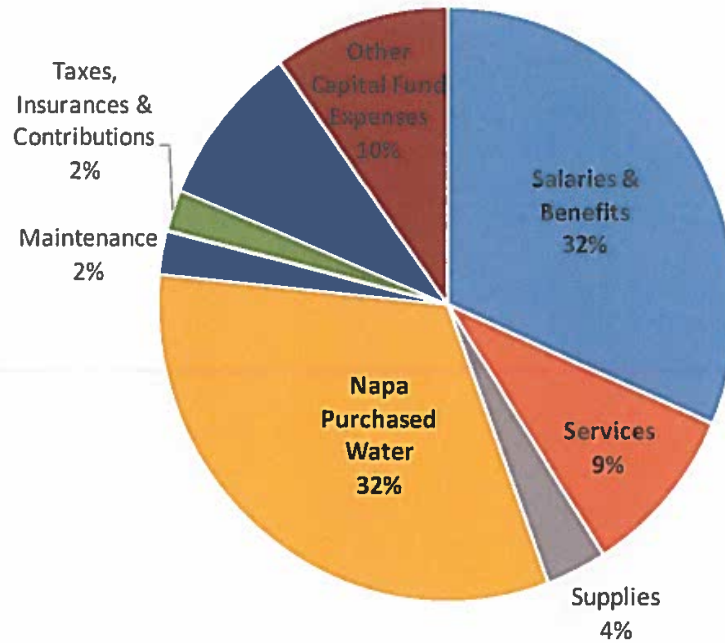
0-150	\$1.81
151-200	\$1.45
201-250	\$1.25
251-300	\$1.07
301-350	\$0.88
351-400	\$0.80
401-450	\$0.74
451-500	\$0.65
501-550	\$0.56
551-600	\$0.50
601-1,250	\$0.49
1,251-1,500	\$0.48
1,501-1,750	\$0.47
1,751-2,000	\$0.43
2,001-2,250	\$0.40
2,251-2,500	\$0.39
2,501-2,750	\$0.37
2,751-3,000	\$0.36
3,001-3,250	\$0.34
3,251-3,500	\$0.33
3,501-3,750	\$0.32
3,751 and more	\$0.31
Per Residential Unit	\$27.94
Meadowood Complex (99 units + clubhouse)	\$2,793.60
Source: City of St. Helena.	pump

Expenses

The water fund includes an operating and capital fund. Annual operating costs include all water system operating and capital expenses. Over the past five years, personnel costs (salaries and benefits), Napa purchased water, capital projects, other capital fund expenses, and services have been the largest expenditure items. Personnel costs and Napa purchased water have comprised approximately 64 percent of annual costs. Percentage share of historical expenses by expense category is shown in Figure 1.

Prepared by HEC

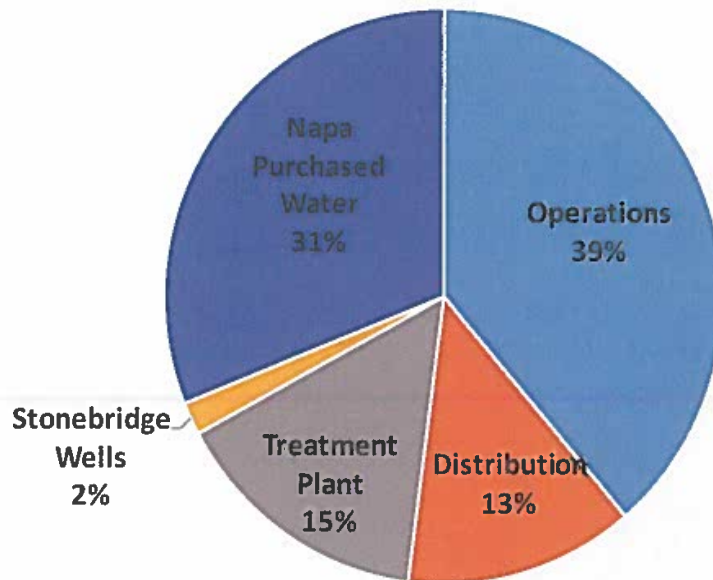
Figure 1
Typical Annual Water Fund Expenses



The operating fund expenses are further broken down into operations, distribution, treatment plant, Stonebridge Wells, and Napa purchased water. Percentage share of historical operating annual expenses by these categories is shown in Figure 2.

Supporting financial data is provided in Attachment A, Tables A-1 through A-3.

Figure 2
Operating Fund Expenses



THE WATER SYSTEM

The City's water sources include surface water from Bell Canyon Reservoir, groundwater from Stonebridge Wells, and purchased treated water from the City of Napa. The Louis Stralla Water Treatment Plant (water treatment plant), which treats surface water stored in Bell Canyon Reservoir, has a capacity of 4.3 million gallons a day (MGD); however, there are flow limitations in the inlet piping which restricts use of the plant to less than its capacity. Stonebridge Wells includes two active groundwater wells and a filtration facility, including filtration tanks, chlorination facilities and a backwash return system. The filter removes iron and manganese. Treated water from the City's water sources is distributed via six storage tanks and four pump stations.

The City first entered into an agreement with the City of Napa for delivery of treated water in September 2006. The third amendment to that agreement, entered into in December 2011, increases the minimum annual delivery to 600 acre-feet with optional delivery up to 800 acre-feet. Optional additional delivery of 200 acre-feet may be delivered provided the City of Napa has sufficient water supply. If Napa does not have sufficient supply it will attempt to acquire supplemental dry-year water on a single year basis from an outside source. Price and payment terms of the optional supply will differ from the base supply, as detailed in the agreement.

Untreated water available for construction water purposes only is also available for purchase from the Lower Reservoir adjacent to York Creek.

Prepared by HEC

Historical system-wide water deliveries are shown in Table 3. Almost three-quarters of annual water production is used year-round consistently, and 26% of water production is additional water delivered for increased demand between May and October.

Table 3
Monthly Water Delivery

Month	2013	2014	2015		Avg. Annual Water Delivery (millions of gallons)	Percent of Delivery by Month
<i>millions of gallons</i>						
Jan	27.731	36.865	27.682		30.759	6%
Feb	25.853	24.743	29.805		26.800	5%
Mar	32.701	28.927	39.625		33.751	6%
Apr	43.635	31.822	39.224		38.227	7%
May	59.950	49.464	41.328		50.247	9%
Jun	57.567	50.268	46.679		51.505	10%
Jul	65.613	57.505	51.105		58.074	11%
Aug	67.830	56.303	54.491		59.541	11%
Sep	72.640	55.720	55.173		61.178	11%
Oct	65.278	52.195	52.491		56.655	11%
Nov	44.466	32.516	35.409		37.463	7%
Dec	38.386	30.405	28.648		32.480	6%
Total	601.651	506.733	501.661	A	536.681	100%
Peaking Period (May through October inclusive)				B	337.200	63%
Base Monthly Flow				C	33.247	
Base Annual Flow				D = C*12	398.962	74%
Additional Flow				E = A-D	137.719	26%

Source: City of St. Helena.

delivery

The City uses conjunctive management to preserve its water supplies in the long-term. The share of water supply from one particular source might change month to month. Figure 3 shows the percentage share of water supply each month using data from 2013 and 2014, both non-drought years. The graph shows that Bell Canyon water is consistently about 40% of the total water supply each month. Water from the City of Napa and Stonebridge Wells fluctuates from year to year but the most variable use of water supply is Stonebridge Wells.

During a non-drought year approximately 40% of water supply is from Bell Canyon, 32% from the City of Napa, and 28% from Stonebridge Wells. This is illustrated in Figure 4. During a drought year the City reduces pumping from Stonebridge Wells to preserve groundwater supplies. The percentage share of water supplies during a drought year are 46% from Bell Canyon, 38% from the

Prepared by HEC

City of Napa, and 16% from Stonebridge Wells, as illustrated in Figure 5. Total water deliveries are reduced during a drought year. In 2013, a non-drought year, almost 602 million gallons of water were delivered. In 2015, a drought year, almost 502 million gallons of water were delivered.

Figure 3
Water Sources by Month in a Non-Drought Year

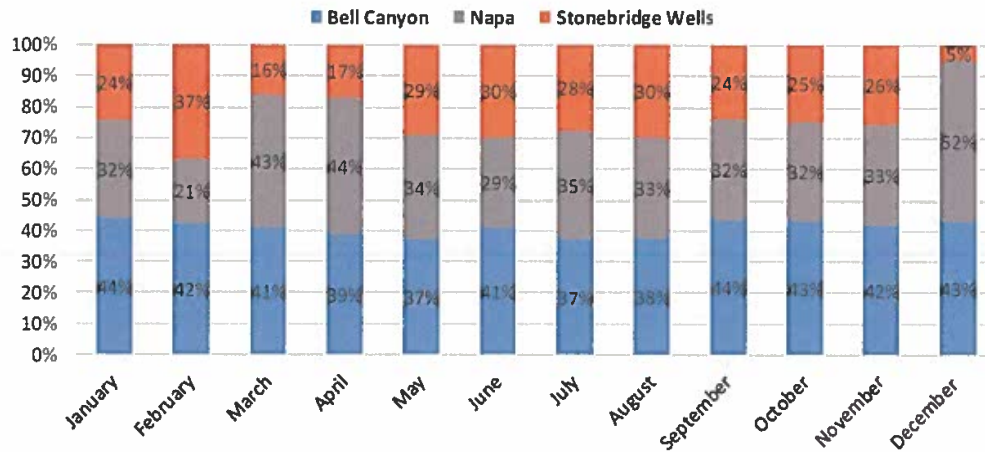
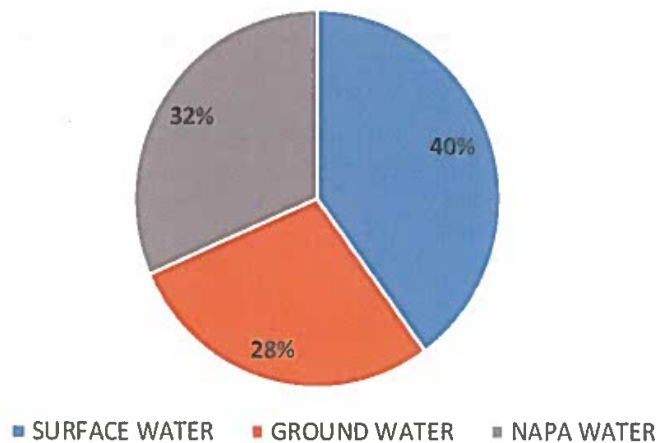
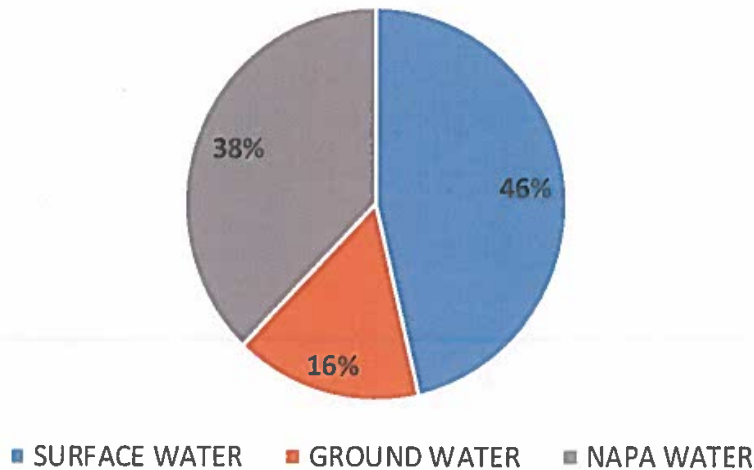


Figure 4
Water Supplies in a Non-Drought Year



Prepared by HEC

Figure 5
Water Supplies in a Drought Year



WATER USE

Water use fluctuates year to year depending on several factors including, but not limited to, growth, weather, sustained drought, plumbing retrofits, and pricing of water. Average water use by customer type for the past five years is used as the basis on which to project water use over the next five years in the rate study. Historical annual and average annual water use by customer type is shown in **Table A-4**.

Comparison of production and consumption in **Table A-5** shows that unaccounted for water is about 7% of total deliveries which is well within acceptable industry standards. Some unaccounted water will be for hydrant flushing, running to waste at wells and other operational uses of water. Not all unaccounted for water is leaked.

Customer Characteristics

St. Helena experiences greater water demand during summer months than winter months primarily due to outdoor irrigation applications of water. **Table 4** shows average monthly annual use, winter use, and summer use by customer category. With the exception of multi-family, commercial, and laundry customers all water customers use twice as much water, or more, during the summer months than they do in the winter months.

Table 4
Customer Usage Characteristics

Customer Type	Number of		Average	Winter	Summer	Summer
	Accounts	Units	Monthly	Monthly	Monthly	to Winter
			Use	Average	Average	Ratio
			<i>hcf monthly</i>	[1]	[2]	
			<i>use per unit</i>			
Residential						
Single Unit	2,028	2,028	11	7	17	2
Multi-Fam	102	673	7	6	7	1
Mobile Homes	4	247	7	7	13	2
Subtotal Residential	2,134	2,948				
Non-Residential						
			<i>use per meter</i>			
Commercial	197		34	28	41	1
Industrial	21		541	359	647	2
Landscape	32		53	11	108	10
Religious Places [3]	15		17	9	28	3
Laundry	1		256	265	254	1
Library Schools	14		119	73	164	2
Motel/Hotel	16		152	93	170	2
City Owned	21		52	18	74	4
Subtotal Non-Residential	317					
Total	2,451	2,948				

Source: City of St. Helena and HEC.

char

[1] January and February consumption.

[2] July and August consumption.

[3] Includes community centers.

REVENUE REQUIREMENT

The revenue requirement refers to the amount of money that must be raised for revenue sufficiency of the water fund through rates. The projection of revenue requirement is the cornerstone for calculation of rates. This section explains the derivation of revenue requirement for this Study. Components of revenue requirement include:

- Capital Improvements
- Debt Service
- Meter Replacement Program
- Operations Expenses and Reserves
- System Rehabilitation

Prepared by HEC

Non-water sales revenue projections are credited against projected operations costs. Non-water sales include investment earnings, finance charges (late fees for past due payments), existing Meadowood area surcharges, meter replacement fees, and other miscellaneous revenues.

Capital Improvements

Water system capital costs in any one year are dependent on the state of the current infrastructure to serve existing customers and necessary improvements to accommodate potential new customers. Table 5 summarizes the capital improvement costs identified by the City as necessary in the next ten years. The costs do not include project costs that already have funding sources identified (i.e. have a grant secured or are to be funded with existing City bond proceeds). All costs are expressed in future dollars. The total ten-year capital improvements projects (CIP) cost is estimated at \$20.8 million. Of this total it is anticipated that \$13.8 million will be spent in the next five years.

Costs are further allocated to existing and future customers based on their estimated use of the facilities. Only \$2.0 million of the total cost is for projects partially benefiting future customers. These projects include Meadowood tank upgrades, Dwyer Road booster improvements, Bell House valve replacement, Holmes tank upgrade, Bell Canyon creek flow measurement, Tank 2 rehabilitation, and Bell Canyon intake tower replacement. Table A-6 and Table A-7 provide the water system CIP detail in current and future dollars. Future costs are inflated using the Engineering News Record Construction Cost Index (ENR CCI) past 20-year annual average increase of 3.1%.

Table 5
Capital Improvement Costs Summary

Customer	Estimated CIP Costs in Future Dollars		
	Through 2022	2023 to 2027	Total CIP
Existing Customer Share	\$11,747,982	\$7,006,340	\$18,754,322
Future Customer Share	\$2,045,145	\$0	\$2,045,145
Total Existing and Future	\$13,793,127	\$7,006,340	\$20,799,466

Source: HEC.

cip share

CIP funding sources of costs are shown in Table 6, with supporting data in Table A-8.

Table 6
Sources of Funding for CIP Costs

Source	Total Cost	Total Through FY 2022	Fiscal Year Ending					
			2017	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5
Future \$'s								
Cash - Capital Fund	\$14,571,782	\$7,565,442	\$274,386	\$1,496,091	\$2,069,348	\$1,195,209	\$1,750,606	\$779,802
Cash - Operations Fund	\$405,604	\$405,604	\$0	\$0	\$0	\$56,453	\$349,151	\$0
Debt - Capital Fund	\$2,001,334	\$2,001,334	\$569,522	\$1,431,811	\$0	\$0	\$0	\$0
Reserves	\$1,775,602	\$1,775,602	\$0	\$159,385	\$0	\$0	\$0	\$1,616,217
Existing Customers CIP	\$18,754,322	\$11,747,982	\$843,908	\$3,087,287	\$2,069,348	\$1,251,662	\$2,099,757	\$2,396,019
Source: City of St. Helena and HEC.								
exis rates								

Source: City of St. Helena and HEC.

exis rates

Debt Service

The City has existing debt service for a water revenue bond sold in 2006. In 2012, the City entered into an installment purchase agreement with the California Statewide Communities Development Authority to finance for water and wastewater system improvements. The debt is secured by a pledge of the net revenues of the water and wastewater system. The installment purchase agreement includes provisions requiring that the City set rates, fees and charges for each fiscal year so as to yield system net revenues during each fiscal year equal to at least 120% of the annual debt service (including parity debt). The City is currently, and has been, out of compliance with this requirement, which will impact the City's rating for future debt if not corrected. Existing yearly debt service payments are shown in Table A-9.

New debt service is assumed to be incurred, financed by the State Drinking Water Revolving Fund (DWSRF), for pump station upgrades and Bell Canyon intake tower replacement. The total estimated DWSRF-funded project costs are \$2.3 million. Due to the size of the projects a 15% contingency factor was added to the estimated City cost. The calculated annual new debt service is calculated based on total project costs of \$2.7 million. The estimated annual debt service is \$166,000 although an additional 10% is due in the first 10 years of the loan to build up a reserve of one year of debt service. Existing customers' share of the debt is 86%; the remaining debt service is for future customers' share of the Bell Canyon intake tower replacement costs. The calculated new debt is shown in Table 7.

Table 7
Estimated DWSRF New Debt

Item	Construction Fiscal Year
Projects Needed in Next 3 Years	2018
Pump Station Upgrades	\$212,514
Bell Canyon Intake Tower Replacement	\$2,104,494
Subtotal Costs	\$2,317,008
Contingency (15%) [1]	\$347,551
Total	\$2,664,559
Estimated Annual Debt Service [2], [3]	\$166,118
<i>Existing Customers Debt Service</i>	<i>\$143,485</i>
<i>Future Customers Debt Service</i>	<i>\$22,632</i>
Total Debt-Financed Infrastructure Cost	\$2,664,559
Estimated Total Financing Costs	\$657,795

Source: State Water Resources Control Board and HEC. new debt

[1] State-funded projects typically cost more (more administration as well as American Iron and Steel requirements, and labor reporting).

[2] DWSRF loan assumptions:

Interest Rate (2016 rate is 1.6%)	2.2%
Term (years)	20

[3] Annual debt service is 10% higher for the first 10 years to build one year of reserve.

Meter Replacement Program

The City does not currently collect for replacement of water meters; costs of replacement are currently paid for with reserves, which is unsustainable. This rate study includes calculation of annual costs to replace meters. Each year City crews will replace older water meters that are near the end of their useful life, or which are inaccurately measuring water flow. The cost to replace meters by size of meter was used to determine the annual cost of the meter replacement program. The estimated meter replacement fee revenues are shown in Table 8. Meter replacement program costs will increase as the number of City water meters increases and as the cost of installation increases. It is estimated that the meter replacement program will increase from approximately \$47,000 in 2017 to \$54,000 in 2022. Meter replacement costs by size are shown in Table A-10.

Prepared by HEC

Table 8
Estimated Meter Replacement Fee Program Cost

Item	Assumption	Fiscal Year Ending				
		2017	2018	2019	2020	2021
			Year 1	Year 2	Year 3	Year 4
						2022
						Year 5
<i>Projected Growth in Water Meters</i>			5	5	5	5
City Water Meters in 2016 [1]		2,485	2,485	2,485	2,485	2,485
Projected City Water Meters		2,485	2,490	2,495	2,500	2,505
						2,510
Estimated Replacement Cost per Meter [2]	3.0%	\$374	\$385	\$397	\$409	\$421
Percentage of Meters Replaced	20-yr cycle	5.0%	5.0%	5.0%	5.0%	5.0%
Estimated Meter Replacement Program Cost		\$46,494	\$47,985	\$49,524	\$51,112	\$52,751
						\$54,442

Source: City of St. Helena and HEC.

meter cost

[1] Includes each meter in compound meters.

[2] Weighted average cost of meters.

Operations Expenses and Reserves

Budgeted fiscal year 2017 expenses are used to project future year expenditures. All operating expenditures are increased 5% each year with the exception of maintenance, taxes, insurances and contributions which are increased at 10% per year, and Napa purchased water, increased at 3% per year per the 2011 amended agreement with the City of Napa. Table A-11 shows historical annual average operating cost increases of 5.3%.

The water rate study has a target cash reserve of six to twelve months of operating expenses. Additional rate revenue will have to be collected to achieve this reserve fund target within the five-year period.

System Rehabilitation

Depreciation is used as the basis for which to collect rates to cover system rehabilitation costs. Inclusion of system rehabilitation costs demonstrates fiscal responsibility toward the assets to potential future investors and helps to establish good credit¹. Depreciation is calculated based on existing water facilities and new facilities built in the next 5-year period. Table 9 shows the total annual amount included in the rates for system rehabilitation. Supporting data is provided in Tables A-12 and A-13.

¹ Per Governmental Accounting Standards Board (GASB) 34, local governments must report on the value of their infrastructure assets and plan for asset maintenance (including collecting sufficient revenue) to obtain good credit when issuing bonds or procuring other forms of financing for long-term construction projects.

Table 9
System Rehabilitation Annual Budget Estimate

Depreciation	Fiscal Year Ending					
	2017	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5
Existing Assets Annual Depreciation	\$875,144	\$902,107	\$929,901	\$958,551	\$988,084	\$1,018,526
New Assets Annual Depreciation	\$25,985	\$72,094	\$104,294	\$158,594	\$268,189	\$309,305
Total Annual Depreciation	\$901,130	\$974,201	\$1,034,195	\$1,117,145	\$1,256,273	\$1,327,831
Percentage of Depreciation in Rates	0%	100%	100%	100%	100%	100%
Estimated System Rehabilitation Cost	\$0	\$974,200	\$1,034,200	\$1,117,100	\$1,256,300	\$1,327,800

Source: HEC. depr

Meadowood Area Surcharges

Currently approximately \$50,000 each year is generated from surcharges applied in the Meadowood area, which is outside of the City limits. Per the September 13, 2016 Task Force meeting, Meadowood area surcharges are to be eliminated when new rates go into effect February 8, 2017.

Revenue Requirement

Table 10 on page 16 provides the projection of annual costs and revenues and the resulting revenue requirement through fiscal year 2027. Total revenue requirement is projected to increase from \$5.5 million in fiscal year 2017 to \$8.4 million in fiscal year 2022, and \$9.6 million in fiscal year 2027.

COST CLASSIFICATION

After determining a utility's revenue requirements, a utility's next step is determining the cost of service. Utilizing a public agency's approved budget, financial reports, operating data, and capital improvement plans, the rate study categorizes (functionalizes) the costs, expenses, and assets of the water system among major operating functions to determine the cost of service.

After the assets and the costs of operating those assets are properly categorized by function, the rate study allocates those "functionalized costs" to the various customer classes (e.g., single-family residential, multi-family residential and commercial) by determining the characteristics of those classes and the contribution of each to incurred costs such as peaking factors or different delivery costs, service characteristics and demand patterns. Rate design is the final part of the rate-making procedure. The revenue requirement and cost of service analysis are used to determine appropriate rates for each customer class.

Cost classification provides a guideline for the City in determining the portion of revenue requirement to collect through service charges versus use charges. Generally, rates reflect fixed costs in the service charges (flat monthly rates) and variable costs in the use charges (per HCF of

Prepared by HEC

water). Through the cost classification analysis, it is calculated that fixed costs comprise about 70% of St. Helena's water system total annual operating costs. Currently St. Helena collects 30% of costs recovered through rates in service charges and 70% in use charges.

If all fixed costs (70%) were in the service charge the bill increase would be dramatic for people on a fixed income. This rate study gradually increases the allocation of total costs to base charges from 31% in 2017, to 36% in 2022, and to 41% in 2027. Allocation of the projected revenue requirement is shown in **Table 11**. Supporting detail is shown in **Tables A-14 and A-15** in **Appendix A**.

Table 10
Projected Revenue Requirement

Operating Expenses and Revenues	Annual Increase	Fiscal Year Ending										
		2017 Budgeted	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10
Operating Expenses												
Salaries & Benefits	5.0%	\$1,612,243	\$1,692,855	\$1,777,498	\$1,866,373	\$1,959,691	\$2,057,676	\$2,160,560	\$2,268,988	\$2,382,017	\$2,501,118	\$2,626,174
Services	5.0%	\$507,525	\$532,901	\$559,549	\$587,524	\$616,900	\$647,745	\$680,132	\$714,139	\$749,846	\$787,338	\$826,705
Supplies	5.0%	\$138,690	\$145,625	\$152,906	\$160,551	\$168,579	\$177,007	\$185,858	\$195,151	\$204,908	\$215,154	\$225,911
Napa Purchased Water	3.0%	\$1,349,019	\$1,389,490	\$1,431,174	\$1,474,109	\$1,518,333	\$1,563,883	\$1,610,799	\$1,659,123	\$1,708,897	\$1,760,164	\$1,812,969
Maintenance	10.0%	\$157,079	\$172,787	\$190,066	\$209,072	\$229,979	\$252,979	\$278,275	\$306,103	\$336,713	\$370,384	\$407,422
Taxes, Insurances & Contributions	10.0%	\$133,167	\$146,484	\$161,132	\$177,245	\$194,970	\$214,467	\$235,913	\$259,505	\$285,455	\$314,001	\$345,401
Meter Replacement Program		\$19,373	\$47,985	\$49,524	\$51,112	\$52,751	\$54,442	\$56,186	\$57,987	\$59,845	\$61,763	\$63,741
WTP Condition Assessment		\$0	\$0	\$0	\$0	\$174,576	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Water System		\$0	\$0	\$0	\$56,453	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Water Master Plan Update		\$0	\$0	\$0	\$0	\$174,576	\$0	\$0	\$0	\$0	\$0	\$0
Total Operating Expenses		\$3,917,096	\$4,128,126	\$4,321,846	\$4,582,439	\$5,090,354	\$4,968,197	\$5,207,724	\$5,460,595	\$5,727,681	\$6,009,921	\$6,308,323
Debt Service												
Existing (2012B & 2006A Bonds)		\$989,251	\$982,916	\$985,767	\$982,373	\$980,513	\$980,132	\$974,551	\$974,027	\$971,916	\$969,490	\$964,087
New Debt for 2018 Improvements		\$0	\$0	\$182,729	\$182,729	\$182,729	\$182,729	\$182,729	\$182,729	\$182,729	\$182,729	\$182,729
Subtotal Debt Service		\$989,251	\$982,916	\$1,168,496	\$1,165,102	\$1,163,243	\$1,162,861	\$1,157,281	\$1,156,757	\$1,154,646	\$1,152,220	\$1,146,816
Capital Projects (cash funded)		\$274,386	\$521,891	\$1,035,148	\$78,109	\$494,306	\$0	\$523,620	\$362,953	\$0	\$0	\$0
System Rehabilitation		\$0	\$974,200	\$1,034,200	\$1,117,100	\$1,256,300	\$1,327,800	\$1,393,200	\$1,472,700	\$1,531,300	\$1,609,700	\$1,665,200
Operating Reserves		\$500,000	\$0	\$0	\$950,000	\$200,000	\$1,069,600	\$600,000	\$700,000	\$965,000	\$800,000	\$650,000
Total Costs		\$5,680,733	\$6,607,133	\$7,559,690	\$7,892,750	\$8,204,202	\$8,528,458	\$8,881,824	\$9,153,004	\$9,378,627	\$9,571,841	\$9,770,340
Non-Operating Credits (Expenses)												
Investment Earnings	constant	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Finance Charges	constant	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000
Surcharge-Meadowood [1]		\$48,643	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue	constant	\$32,850	\$32,850	\$32,850	\$32,850	\$32,850	\$32,850	\$32,850	\$32,850	\$32,850	\$32,850	\$32,850
Meter Replacement Fee		\$19,373	\$47,985	\$49,524	\$51,112	\$52,751	\$54,442	\$56,186	\$57,987	\$59,845	\$61,763	\$63,741
Total Non-Operating Credits (Expenses)		\$161,866	\$141,835	\$143,374	\$144,962	\$146,601	\$148,292	\$150,036	\$151,837	\$153,695	\$155,613	\$157,591
Total Revenue Requirement		\$5,518,867	\$6,465,298	\$7,416,316	\$7,747,788	\$8,057,602	\$8,380,166	\$8,731,788	\$9,004,167	\$9,224,932	\$9,416,228	\$9,612,749
Percent Increase in Revenue Requirement [2]		24%	17%	15%	4%	4%	4%	4%	3%	2%	2%	2%

Source: City of St. Helena and WEC.

Source: City of St. Helena and HEC.

[1] FY 2017 costs from 2017 budget for "Surcharge-Meadowood" plus "Pumping Charge". Per Task Force September 13, 2016 meeting, Meadowood surcharges are eliminated.

[2] Percentage increase for FY 2017 based on FY 2016 water sales.

Table 11
Allocation of Revenue Requirement to Service and Use Charges

Costs		Fiscal Year Ending											
		2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	
	Total Revenue Requirement	[1]	\$5,518,867	\$6,465,298	\$7,416,316	\$7,747,788	\$8,057,602	\$8,380,166	\$8,731,788	\$9,001,167	\$9,224,932	\$9,416,228	\$9,612,749
	Fire Services	0.48%	\$26,569	\$31,126	\$35,704	\$37,300	\$38,792	\$40,345	\$42,037	\$43,334	\$44,411	\$45,332	\$46,279
	Non-Fire Services Rev. Req.												
	Customer Charges	9.43%											
	Subtotal in Customer Charges		\$520,435	\$609,684	\$699,366	\$730,624	\$759,840	\$790,258	\$823,416	\$848,819	\$869,920	\$887,960	\$906,492
	% in base	[1]	21.23%	22.23%	23.23%	24.23%	25.23%	26.23%	27.23%	28.23%	29.23%	30.23%	31.23%
	Subtotal in Capacity Charges		\$1,171,870	\$1,437,487	\$1,723,098	\$1,877,590	\$2,033,246	\$2,198,443	\$2,378,005	\$2,541,379	\$2,696,806	\$2,846,892	\$3,002,435
	% in use	[1]	68.85%	67.85%	66.85%	65.85%	64.85%	63.85%	62.85%	61.85%	60.85%	59.85%	58.85%
	Subtotal in Use Charges		\$3,799,993	\$4,387,001	\$4,958,147	\$5,102,274	\$5,225,724	\$5,351,120	\$5,488,329	\$5,567,635	\$5,613,794	\$5,636,044	\$5,657,543
Source: HEC.													

Source: HEC.

[1] Percentages shown are rounded to the nearest one hundredth.

Prepared by HEC

RATES ANALYSIS

Service Charges. Service costs are divided into customer costs and capacity costs. Customer costs are allocated to customers based on the number of water accounts (which is the same as the number of meters). Capacity costs are allocated to customers based on the number of equivalent meters, determined by the relative hydraulic capacity of the meter size relative to a 5/8-inch meter. Table 12 shows the calculation of equivalent meters, calculation of equivalent fire units, and number of meters by meter size. Total number of meters by customer type is shown in Table A-16.

The total number of 5/8" meters was adjusted to include single family 1" meters. Due to CA Residential Code Section R313 (fire sprinklers), almost all new residential development is required to install 1" meters in order to have sufficient flow for sprinklers; however, most existing homes built prior to implementation of CA Residential Code Section R313, have a 5/8" or 3/4" meter. Because the 1" residential customers utilize the same average amount of water as the 3/4" and 5/8" customers, it is appropriate for them to pay the same rates, and not be penalized by the fire sprinklers requirement.

Table 12
Estimated Meter and Fire Equivalent Units

Meter Size	Number of Meters	Meter Flow (gpm)	Meter Ratio	Equivalent Meter Units	Number of Fire Services	Pipe Flow	Equivalent Fire Units
		[1]	[1]			[2]	
5/8"	1,987	20	1.0	1,987			
1"	330	50	2.5	825		1	0
1.5"	61	100	5.0	305		3	0
2"	47	160	8.0	376		6	0
3"	7	320	16.0	112		18	0
4"	9	500	25.0	225	79	38	3,027
6"	11	1,000	50.0	550	33	111	3,673
8"	0	1,600	80.0	0	14	237	3,321
Total	2,452			4,380	126		10,021

Source: American Water Works Association, City of St. Helena and HEC.

m equiv

[1] AWWA standard meter flow and ratios - assumes all larger meters are compound meters (AWWA C702). 1.5" meters and smaller are displacement type. 2" and larger are compound type meters.

[2] Hazen-Williams equation for flow through pressure conduits is pipe diameter raised to the 2.63 power.

Prepared by HEC

The calculation of monthly service charges through fiscal year 2022 is shown in Table 13. The total service charges include addition of the customer and capacity charges. All 5/8", 3/4" and single family residential 1" meters pay the same service charge.

Table 13
Calculated Monthly Service Charge per Meter

Billing Period Beginning*	Fiscal Year Ending					
	2017	2018	2019	2020	2021	2022
	2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Customer Costs	\$520,435	\$609,684	\$699,366	\$730,624	\$759,840	\$790,258
Customer Accounts	2,451	2,456	2,461	2,466	2,471	2,476
Cost per Account per Month	\$17.69	\$20.69	\$23.68	\$24.69	\$25.63	\$26.60
Capacity Costs	\$1,171,870	\$1,437,487	\$1,723,098	\$1,877,590	\$2,033,246	\$2,198,443
Est. Billable Meter Equivalents	4,032	4,037	4,042	4,047	4,052	4,057
Meter Size	Meter Ratio	Capacity Costs Monthly Service Charges per Meter				
5/8", 3/4" & SF 1"	1.0	\$24.22	\$29.67	\$35.52	\$38.66	\$41.82
1"	2.5	\$60.55	\$74.18	\$88.81	\$96.66	\$104.54
1.5"	5.0	\$121.10	\$148.37	\$177.62	\$193.31	\$209.08
2"	8.0	\$193.76	\$237.39	\$284.20	\$309.30	\$334.53
3"	16.0	\$387.52	\$474.77	\$568.40	\$618.59	\$669.05
4"	25.0	\$605.50	\$741.83	\$888.12	\$966.55	\$1,045.39
6"	50.0	\$1,211.01	\$1,483.66	\$1,776.24	\$1,933.11	\$2,090.78
Total Base Monthly Charges per Meter						
Meter Size						
5/8", 3/4" & SF 1"		\$41.91	\$50.36	\$59.21	\$63.35	\$67.44
1"		\$78.25	\$94.87	\$112.49	\$121.35	\$130.16
1.5"		\$138.80	\$169.05	\$201.31	\$218.00	\$234.70
2"		\$211.46	\$258.07	\$307.88	\$333.99	\$360.15
3"		\$405.22	\$495.46	\$592.08	\$643.28	\$694.68
4"		\$623.20	\$762.52	\$911.80	\$991.24	\$1,071.02
6"		\$1,228.70	\$1,504.35	\$1,799.93	\$1,957.80	\$2,116.41

Source: City of St. Helena and HEC.

service charge

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

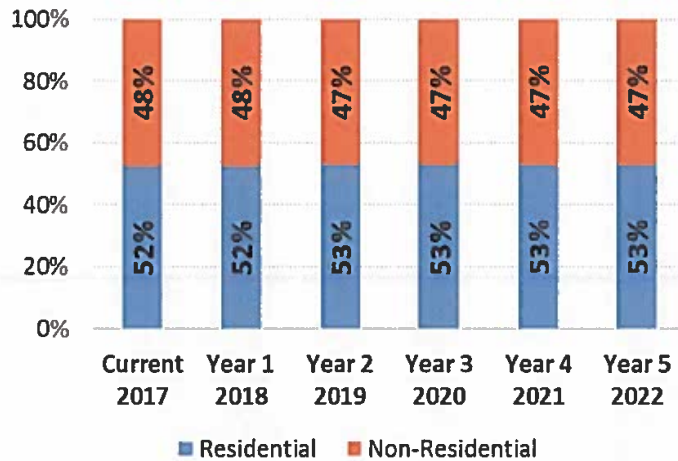
Seasonal Rate Structure

Two rate structures were evaluated for collection of use charges: the uniform rate structure and the seasonal rate structure. The September 13th, 2016 Task Force meeting selected the seasonal rate structure as the preferred rate structure for the Study; therefore, only the seasonal rate structure is presented herein.

Total costs allocated to use charges are divided by projected water demand in the peak and off-peak seasons to calculate the use rate per HCF in the peak and off-peak seasons. The use rate during each season is the same for all treated water customers. Water use by season is determined

in Table A-17. Total annual projected water demand is shown in Figure 6, with supporting data in Table A-18.

Figure 6
Projected Water Demand



The projection of water demand incorporates assumed growth of 5 units per year and an expectation that as water rates increase demand will decrease. The projection of water demand accounts for reduced consumption due to increased rates. The relationship between increased prices and decreased demand is referred to as price elasticity. Price elasticity varies by geography due to many micro-economic variables. Hansford Economic Consulting (HEC) applied industry knowledge to establish assumed price elasticity factors for St. Helena. The price elasticity and water demand analysis is shown in Tables A-18 through A-20.

Off-peak water rates are lower November through April (off-peak months) than during peak months (May through October). During the peak months the costs of operating the water system are 11% higher. Supporting data is provided in Tables A-17 and A-21.

Drought Surcharge

In addition to the seasonal rate structure the City may implement a drought surcharge. The drought surcharge would be implemented when the City enters Phase I drought regulations. Table A-22 calculates a drought surcharge ratio that would be applied to the seasonal rate structure. The drought surcharge would only be applied to use charges, not to service charges. The analysis demonstrates that during drought years the cost of water is 6% higher than during non-drought years.

The calculation of use charges is shown in Table 14.

Table 14
Calculated Use Charges per HCF

		Fiscal Year Ending					
		2017	2018	2019	2020	2021	2022
	Billing Period Beginning*	2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Allocated Cost		\$3,799,993	\$4,387,001	\$4,958,147	\$5,102,274	\$5,225,724	\$5,351,120
Total Consumption		645,800	643,042	644,175	646,780	647,544	648,219
Cost per HCF		\$5.88	\$6.82	\$7.70	\$7.89	\$8.07	\$8.26
SEASONAL RATE STRUCTURE							
Off-Peak Water Use (Nov-Apr)	37%	240,040	239,015	239,436	240,404	240,688	240,939
Peak Water Use (May-Oct)	63%	405,760	404,027	404,739	406,376	406,856	407,280
Total Consumption		645,800	643,042	644,175	646,780	647,544	648,219
Calculated Cost per HCF by Season -- NON-DROUGHT PERIOD							
Off-Peak Costs per HCF		\$5.50	\$6.37	\$7.19	\$7.37	\$7.54	\$7.71
Peak Costs per HCF	1.11	\$6.11	\$7.09	\$8.00	\$8.20	\$8.38	\$8.58
Calculated Cost per HCF by Season -- DROUGHT PERIOD							
Off-Peak Costs per HCF	1.06	\$5.81	\$6.73	\$7.60	\$7.79	\$7.97	\$8.15
Peak Costs per HCF	1.11	\$6.46	\$7.49	\$8.45	\$8.66	\$8.86	\$9.06

Source: HEC

use charge

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

A small portion of fixed costs are associated with private fire protection. Fire costs are allocated to fire customers based on the number of equivalent fire units. Fire service charges are calculated in **Table 15**.

Calculated meter replacement fees are shown in **Table 16**. Meter replacement fees are calculated using data presented in **Table A-10**. The raw water cost and rate per HCF for February 8, 2017 is calculated in **Table 17**. Raw water may only be taken from the Lower Reservoir for construction-related water applications.

Table 15
Calculation of Fire Service Charges

Fire Services	Billing Period Beginning*	2017	2018	2019	2020	2021	2022
		Current	Year 1	Year 2	Year 3	Year 4	Year 5
		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Fire Services Cost Allocation		\$26,569	\$31,126	\$35,704	\$37,300	\$38,792	\$40,345
Equivalent Fire Units		10,021	10,021	10,021	10,021	10,021	10,021
Monthly Cost per Equivalent Fire Unit		\$0.22	\$0.26	\$0.30	\$0.31	\$0.32	\$0.34
Pipe Size	Pipe Flow	Monthly Charge					
1"	1	\$0.22	\$0.26	\$0.30	\$0.31	\$0.32	\$0.34
1.5"	3	\$0.64	\$0.75	\$0.86	\$0.90	\$0.94	\$0.97
2"	6	\$1.37	\$1.60	\$1.84	\$1.92	\$2.00	\$2.08
3"	18	\$3.97	\$4.65	\$5.34	\$5.58	\$5.80	\$6.03
4"	38	\$8.47	\$9.92	\$11.38	\$11.89	\$12.36	\$12.86
6"	111	\$24.59	\$28.81	\$33.05	\$34.53	\$35.91	\$37.34
8"	237	\$52.41	\$61.40	\$70.43	\$73.57	\$76.52	\$79.58

Source: HEC.

fire

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

Table 16
Calculated Meter Replacement Fees by Meter Size

Meter Size	Fiscal Year Ending					
	2017	2018	2019	2020	2021	2022
		Year 1	Year 2	Year 3	Year 4	Year 5
		<i>Annual escalator</i>				
3/4" or less	\$1.31	\$1.35	\$1.39	\$1.43	\$1.47	\$1.52
1"	\$1.83	\$1.89	\$1.94	\$2.00	\$2.06	\$2.12
1-1/2"	\$2.88	\$2.96	\$3.05	\$3.14	\$3.24	\$3.33
2"	\$3.66	\$3.77	\$3.88	\$4.00	\$4.12	\$4.24
3"	\$7.84	\$8.08	\$8.32	\$8.57	\$8.83	\$9.09
4"	\$17.26	\$17.78	\$18.31	\$18.86	\$19.42	\$20.01
6"	\$23.79	\$24.51	\$25.24	\$26.00	\$26.78	\$27.58

Source: HEC.

meter fee

Prepared by HEC

Table 17
Raw Water Rate Calculation for Fiscal Year 2017

Costs	Estimated Cost FY 2016-17
Total Operating Costs [1]	\$3,897,723
Less Napa Purchased Water	\$1,349,019
Less Stonebridge Wells Costs	\$85,400
Less Distribution Costs	\$685,930
Less Treated Water Costs	\$834,407
Total Raw Water Operating Costs	\$942,967
City Water Supplies (gallons) [2]	345,701,088
Cost per Gallon	\$0.00273
Cost per HCF	\$2.04

Source: City of St. Helena.

raw

[1] Equals total operating costs in the revenue requirement table less the meter replacement program costs, WTP condition assessment costs, updating GIS maps costs, and Water Master Plan update costs.

[2] Based on annual average production of city groundwater and surface water.

A summary of the calculated water rates schedule through fiscal year 2027 is given in **Table 18**.

Table 18
Calculated Water Rates

Charges		Billing Period Beginning *												
Current		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021	11/8/2022	11/8/2023	11/8/2024	11/8/2025	11/8/2026		
Service Charge		Monthly Charges per Meter												
5/8", 3/4" & SF 1"	\$27.52	\$43.22	\$51.71	\$60.59	\$64.78	\$68.91	\$73.27	\$78.00	\$82.13	\$85.95	\$89.54	\$93.26		
1"	\$63.80	\$80.08	\$96.76	\$114.44	\$123.35	\$132.22	\$141.61	\$151.81	\$160.89	\$169.40	\$177.51	\$185.90		
1.5"	\$124.12	\$141.67	\$172.02	\$204.36	\$221.14	\$237.94	\$255.72	\$275.02	\$292.36	\$308.70	\$324.35	\$340.54		
2"	\$196.50	\$215.12	\$261.84	\$311.76	\$337.99	\$364.27	\$392.10	\$422.31	\$449.54	\$475.26	\$499.94	\$525.48		
3"	\$365.51	\$413.06	\$503.54	\$600.40	\$651.86	\$703.51	\$758.21	\$817.59	\$871.27	\$922.08	\$970.92	\$1,021.45		
4"	\$607.01	\$640.46	\$780.29	\$930.11	\$1,010.10	\$1,090.44	\$1,175.54	\$1,267.90	\$1,351.51	\$1,430.71	\$1,506.92	\$1,585.75		
6"	\$1,210.18	\$1,252.50	\$1,528.85	\$1,825.17	\$1,983.80	\$2,143.19	\$2,312.05	\$2,495.35	\$2,661.38	\$2,818.75	\$2,970.20	\$3,126.89		
Private Fire Protection		Monthly Charges per Fire Service Pipe												
4"	\$4.00	\$8.47	\$9.92	\$11.38	\$11.89	\$12.36	\$12.86	\$13.40	\$13.81	\$14.15	\$14.45	\$14.75		
6"	\$6.00	\$24.59	\$28.81	\$33.05	\$34.53	\$35.91	\$37.34	\$38.91	\$40.11	\$41.11	\$41.96	\$42.84		
8"	\$8.00	\$52.41	\$61.40	\$70.43	\$73.57	\$76.52	\$79.58	\$82.92	\$85.48	\$87.60	\$89.42	\$91.28		
Raw Water per Gallon [1]		\$0.00267	\$0.00273	\$0.00320	\$0.00367	\$0.00383	\$0.00398	\$0.00414	\$0.00432	\$0.00445	\$0.00456	\$0.00465	\$0.00475	
TREATED WATER USE CHARGES PER HCF														
SEASONAL RATE STRUCTURE														
NON-DROUGHT PERIOD														
Off-Peak (Nov-Apr)	[2]	\$5.50	\$6.37	\$7.19	\$7.37	\$7.54	\$7.71	\$7.90	\$8.01	\$8.06	\$8.08	\$8.11		
Peak (May-Oct)		\$6.11	\$7.09	\$8.00	\$8.20	\$8.38	\$8.58	\$8.79	\$8.90	\$8.97	\$8.99	\$9.02		
DROUGHT PERIOD														
Off-Peak (Nov-Apr)	[2]	\$5.81	\$6.73	\$7.60	\$7.79	\$7.97	\$8.15	\$8.35	\$8.46	\$8.52	\$8.54	\$8.57		
Peak (May-Oct)		\$6.46	\$7.49	\$8.45	\$8.66	\$8.86	\$9.06	\$9.28	\$9.41	\$9.47	\$9.50	\$9.53		
Source: HEC.														
* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.														
[1] Raw water costs increased from fiscal year 2016-17 by the same percentage increase as the revenue requirement.														
[2] Current Rate Structure rates as follows:														
Tiers by customer category (in hcf):														
		Tier 1	Tier 2	Tier 1										Tier 2
	Single family	0-14	15+	Non-residential <=1"										37+
	Multi-family	0-5	6+	Non-residential 1.5"										0-120
	Price per HCF	\$4.48	\$6.74	Non-residential 2"										0-192
	Price per HCF - Landscape Irrigation	\$5.22		Non-residential 3"										0-360
				Non-residential 8"										0-1,920
				Non-residential 6"										0-1,250
				Non-residential 4"										601+
				Non-residential 8"										1,921+

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

[1] Raw water costs increased from fiscal year 2016-17 by the same percentage increase as the revenue requirement.

[2] Current Rate Structure rates as follows:

Tiers by customer category (in hcf):

	Tier 1	Tier 2	Tier 3
Single family	0-14	15+	
Multi-family	0-5	6+	
Price per HCF	\$4.48	\$6.74	
Price per HCF - Landscape Irrigation	\$5.22		

	Tier 1	Tier 2	Tier 3
Non-residential <=1"	0-36	37+	
Non-residential 1.5"	0-120	121+	
Non-residential 2"	0-192	193+	
Non-residential 3"	0-360	361+	

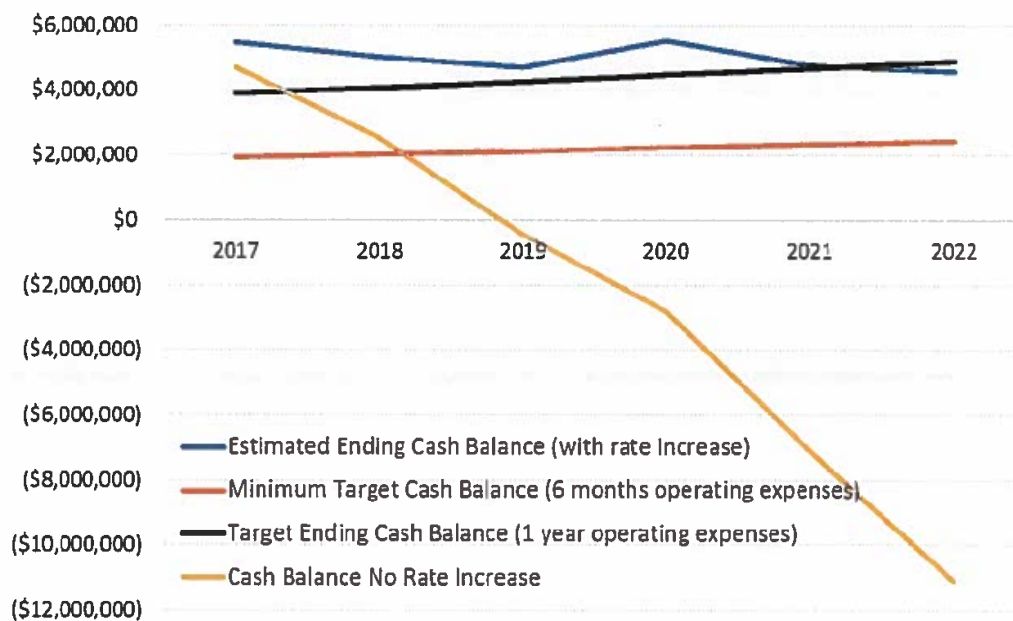
	Tier 1	Tier 2
Non-residential 4"	0-600	601+
Non-residential 6"	0-1,250	1,251+
Non-residential 8"	0-1,920	1,921+

CASH FLOW

Table 19 and Table 20 on the following pages show the projected cash flow and cash flow by fund, respectively, through fiscal year 2027. With adoption of the calculated rates it is anticipated that the City will be able to meet all water enterprise fund obligations and achieve at least six months of operating expenses in cash reserves in each year of the projection. The cash flow table demonstrates that a debt service coverage ratio of at least 1.20 will be met. In addition, the City may be able to designate (put aside) up to \$3.1 million by fiscal year ending 2027 for future cash funding of system rehabilitation.

Figure 7 shows projected water fund balances with and without rate increases as well as target and minimum operating cash reserves.

Figure 7
Projected Water Fund Cash Balance (Operating and Capital Funds combined)



Prepared by HEC

Table 19
Projected Cash Flow

Revenues and Expenses	2017 Estimated	Fiscal Year Ending									
		2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10
Billing Period Beginning*											
Revenue											
Water Sales [1]	\$4,459,929	\$6,149,821	\$7,099,310	\$7,637,297	\$7,954,330	\$8,272,645	\$8,614,580	\$8,911,374	\$9,150,344	\$9,352,463	\$9,547,242
Meadowland Surcharge [1]	\$53,088	\$19,770	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Meter Replacement Fee	\$19,373	\$47,612	\$49,139	\$50,715	\$52,341	\$54,019	\$55,750	\$57,537	\$59,381	\$61,283	\$63,247
Other Revenues	\$93,850	\$93,850	\$93,850	\$93,850	\$93,850	\$93,850	\$93,850	\$93,850	\$93,850	\$93,850	\$93,850
Total Revenues	\$4,626,240	\$6,311,054	\$7,242,299	\$7,781,862	\$8,100,521	\$8,420,513	\$8,764,181	\$9,062,761	\$9,303,574	\$9,507,596	\$9,704,338
Operating Expenses	\$3,917,096	\$4,128,126	\$4,321,846	\$4,582,439	\$5,090,354	\$4,968,197	\$5,207,724	\$5,460,595	\$5,727,681	\$6,009,921	\$6,308,323
Net Revenue before Debt Service and System Rehabilitation	\$709,144	\$2,182,928	\$2,920,454	\$3,199,423	\$3,010,168	\$3,452,317	\$3,556,457	\$3,602,166	\$3,575,893	\$3,497,675	\$3,396,015
Debt Service	\$989,251	\$982,916	\$1,168,496	\$1,165,102	\$1,163,243	\$1,162,861	\$1,157,281	\$1,156,757	\$1,154,646	\$1,152,220	\$1,146,816
Debt Service Coverage [2]	0.72	2.22	2.50	2.75	2.59	2.97	3.07	3.11	3.10	3.04	2.96
System Rehabilitation	\$0	\$974,200	\$1,034,200	\$1,117,100	\$1,256,300	\$1,327,800	\$1,393,200	\$1,472,700	\$1,531,300	\$1,609,700	\$1,665,200
Net Revenue	(\$280,107)	\$225,812	\$717,758	\$917,221	\$590,625	\$961,656	\$1,005,976	\$972,709	\$889,947	\$735,755	\$583,998
Beginning Balance [3]	\$6,113,512	\$5,474,019	\$5,018,555	\$4,701,164	\$5,540,276	\$4,766,595	\$4,590,032	\$5,092,389	\$5,722,146	\$7,177,867	\$8,391,982
Net Revenue	(\$280,107)	\$225,812	\$717,758	\$917,221	\$590,625	\$961,656	\$1,005,976	\$972,709	\$889,947	\$735,755	\$583,998
Cash Funded Capital Projects	(\$274,386)	(\$521,891)	(\$1,035,148)	(\$78,109)	(\$494,306)	\$0	(\$523,620)	(\$362,953)	\$0	\$0	\$0
Spill Containment at Bell Creek & Stonebridge	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Canyon Reservoir Improvements	\$0	\$0	\$0	\$0	\$0	\$0	(\$1,079,726)	\$0	\$0	\$0	\$0
Bell Valve House Valve Replacement	\$0	\$0	\$0	\$0	\$0	\$0	(\$536,491)	\$0	\$0	\$0	\$0
Bell Canyon Creek Flow Measurement	(\$85,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transfer Out to Impact Fee Fund	\$0	\$0	\$0	\$0	(\$870,000)	(\$70,000)	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Add Back System Depreciation Net of CIP	\$0	\$0	\$0	\$0	\$0	\$547,998	\$0	\$0	\$458,359	\$548,199	\$548,199
Ending Balance	\$5,474,019	\$5,018,555	\$4,701,164	\$5,540,276	\$4,766,595	\$4,590,032	\$5,092,389	\$5,722,146	\$7,177,867	\$8,391,982	\$9,544,179
Months of Operating Expenses in Reserve	17	15	13	15	11	11	12	13	15	17	18
Designated [4]	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$200,000	\$1,300,000	\$2,400,000	\$3,100,000
Undesignated Ending Balance	\$5,474,019	\$5,018,555	\$4,701,164	\$5,540,276	\$4,766,595	\$4,590,032	\$5,092,389	\$5,522,146	\$6,877,867	\$5,991,982	\$6,444,179
Undesignated Months of Op. Exps. in Reserve	17	15	13	15	11	11	12	12	12	12	12
Target Balance [5]	\$3,897,723	\$4,080,141	\$4,272,322	\$4,474,874	\$4,688,452	\$4,913,755	\$5,151,537	\$5,402,608	\$5,667,836	\$5,948,158	\$6,244,582

Source: City of St. Helena and HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

(1) Rates for FY 2017 calculated as 7 months of current rates plus 5 months of rates implemented in February 2017. Rates for all future fiscal years calculated as 4 months of this rates implemented in February of the prior fiscal year plus 8 months of the rates implemented in November of the current fiscal year.

(2) Debt service coverage should be at least 1.20

(3) Estimated beginning balance for the operating and capital funds combined per the City 2016/17 Budget.

(4) New designated fund for capital repairs and replacement.

(5) Minimum six months and target balance is one year of operating expenses.

Table 20
Projected Cash Flow by Fund

Fund	2017 Estimated	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10
Operating Fund 561											
Beginning Balance	\$4,923,632	\$4,643,525	\$4,869,337	\$4,487,094	\$4,854,316	\$4,024,941	\$4,364,595	\$4,740,571	\$4,983,280	\$6,439,002	\$7,653,116
Net Revenue	(\$280,107)	\$225,812	\$717,758	\$917,221	\$590,625	\$961,656	\$1,005,976	\$972,709	\$889,947	\$735,755	\$583,998
Add Back System Depreciation Net of CIP	\$0	\$0	\$0	\$0	\$0	\$547,998	\$0	\$0	\$545,775	\$458,359	\$548,199
Transfer Out to Capital Fund	\$0	\$0	(\$1,100,000)	(\$550,000)	(\$550,000)	(\$1,100,000)	(\$650,000)	(\$750,000)	\$0	\$0	\$0
Transfer In (Out) - Impact Fee Fund	\$0	\$0	\$0	\$0	(\$870,000)	(\$70,000)	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Ending Balance	\$4,643,525	\$4,869,337	\$4,487,094	\$4,854,316	\$4,024,941	\$4,364,595	\$4,740,571	\$4,983,280	\$6,439,002	\$7,653,116	\$8,805,314
Capital Fund 763											
Beginning Balance	\$1,189,880	\$830,494	\$149,218	\$214,070	\$685,961	\$741,654	\$225,438	\$351,818	\$738,865	\$738,865	\$738,865
Transfer In from Operating Fund	\$0	\$0	\$1,100,000	\$550,000	\$550,000	\$1,100,000	\$650,000	\$750,000	\$0	\$0	\$0
Capital Projects Expenses [1]	(\$359,386)	(\$681,276)	(\$1,035,148)	(\$78,109)	(\$494,306)	(\$1,616,217)	(\$523,620)	(\$362,953)	\$0	\$0	\$0
Ending Balance	\$830,494	\$149,218	\$214,070	\$685,961	\$741,654	\$225,438	\$351,818	\$738,865	\$738,865	\$738,865	\$738,865
Combined Operating and Capital Funds	\$5,474,019	\$5,018,555	\$4,701,164	\$5,540,276	\$4,766,595	\$4,590,032	\$5,092,389	\$5,722,146	\$7,177,867	\$8,391,982	\$9,544,179
Impact Fee Fund 764											
Beginning Balance	\$685,291	\$702,091	\$620,876	\$388,259	\$114,398	\$8,850	\$3,208	\$2,722	\$2,730	\$3,243	\$4,274
Transfer In (Out) - Operating Fund [2]	\$0	\$0	\$0	\$0	\$870,000	\$70,000	(\$20,000)	(\$20,000)	(\$20,000)	(\$20,000)	(\$20,000)
Fee Revenues [3]	\$16,800	\$17,225	\$17,660	\$18,106	\$18,564	\$19,033	\$19,514	\$20,007	\$20,513	\$21,031	\$21,563
Expenses	\$0	\$0	\$136,913	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Meadowood Tank Upgrades	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Dwyer Road Booster	\$0	\$0	\$0	\$259,225	\$223,069	\$0	\$0	\$0	\$0	\$0	\$0
Bell Valve House Valve Replacement	\$0	\$0	\$0	\$0	\$0	\$94,675	\$0	\$0	\$0	\$0	\$0
Holmes Tank Upgrade	\$0	\$0	\$0	\$32,743	\$771,043	\$0	\$0	\$0	\$0	\$0	\$0
Bell Canyon Creek Flow Measurement	\$0	\$88,876	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Tank 2 Rehabilitation	\$0	\$9,563	\$113,364	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ending Balance	\$702,091	\$620,876	\$388,259	\$114,398	\$8,850	\$3,208	\$2,722	\$2,730	\$3,243	\$4,274	\$5,837

Source: City of St. Helena and HEC.

- [1] Cash-funded projects only. Projects that are debt-funded are included in the operating fund.
[2] Future users' share of debt service is approximately \$25,000 each year starting in fiscal year 2019.
[3] Assumes growth of 5 units per year and the current impact fee of \$1.68 per building square foot
Fee assumed to grow 2.5% per year.
2,000 average home building square feet
The impact fee needs to be revised for these CIP costs.
\$3,360 Average fee per unit

Exhibit A

ATTACHMENT A
WATER RATE STUDY
SUPPORT TABLES

Exhibit A

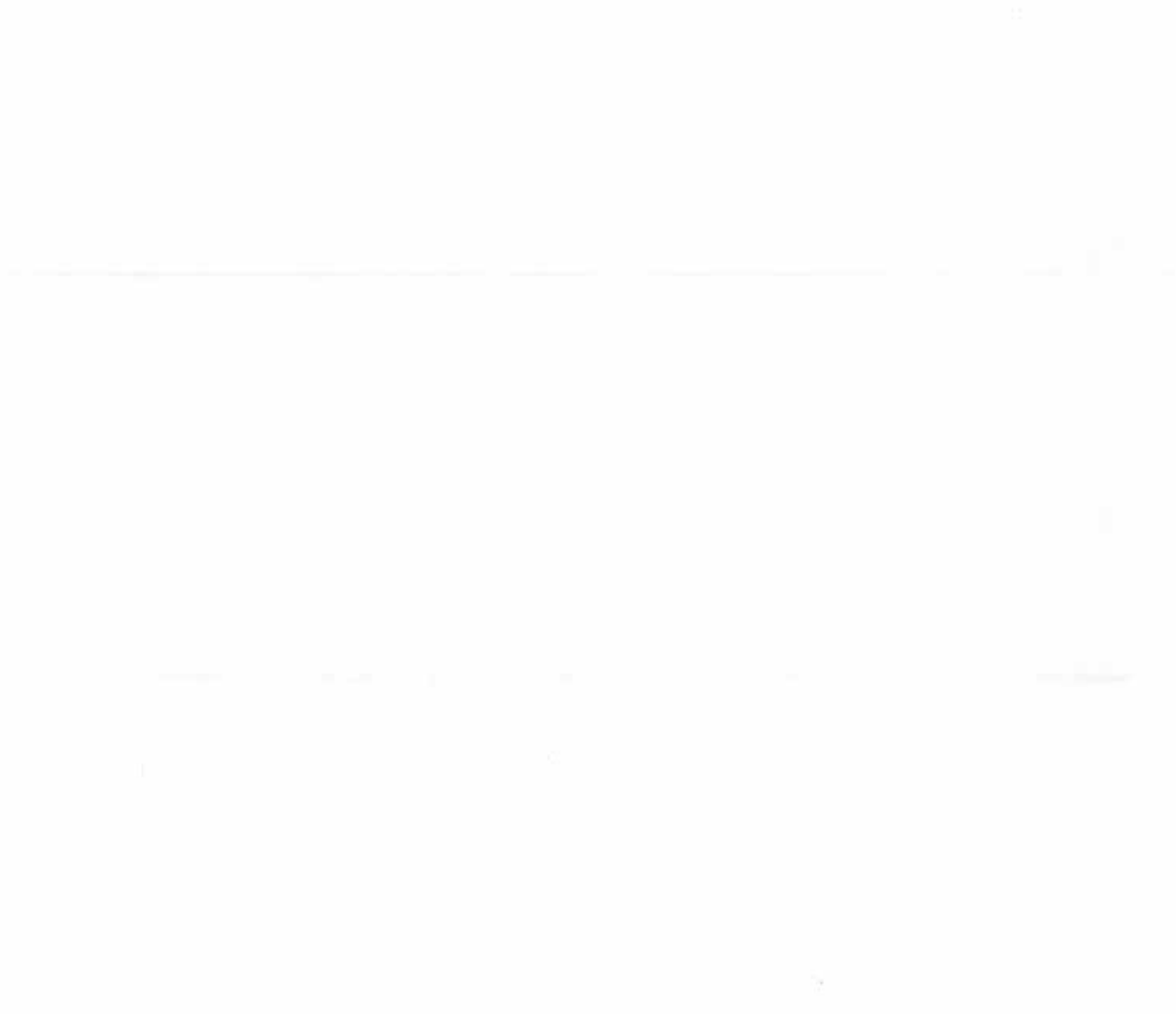


Table A-1
City of St. Helena Water Rate Study
Historical Water Fund Financial Performance

Revenues and Expenses	Actual Financials for Fiscal Year Ending					Avg. Annual Percentage Change
	2011	2012	2013	2014	2015	
OPERATING						
Revenues						
Charges For Services	\$3,062,669	\$4,313,393	\$4,731,720	\$4,883,409	\$4,237,307	8.5%
Miscellaneous	\$6,117	\$12,088	\$28,246	\$12,491	\$89,673	95.7%
Total Revenues	\$3,068,786	\$4,325,481	\$4,759,966	\$4,895,900	\$4,326,980	9.0%
Expenses						
Personnel	\$1,207,335	\$1,214,927	\$1,176,559	\$1,131,354	\$1,362,727	3.1%
Contracted Services	\$21,451	\$56,561	\$0	\$0	\$0	-100.0%
Purchased Water	\$787,525	\$1,178,400	\$1,189,925	\$1,327,251	\$1,272,770	12.8%
Utilities	\$105,749	\$106,389	\$147,994	\$170,384	\$161,313	11.1%
Fuel	\$0	\$0	\$0	\$0	\$0	n.a.
Other Supplies and Expenses	\$399,366	\$530,562	\$370,484	\$498,635	\$560,847	8.9%
Depreciation and Amortization	\$617,876	\$657,710	\$792,559	\$792,559	\$1,028,037	13.6%
Subtotal Expenses	\$3,139,302	\$3,744,549	\$3,677,521	\$3,920,183	\$4,385,694	8.7%
NET OPERATING INCOME (LOSS)	(\$70,516)	\$580,932	\$1,082,445	\$975,717	(\$58,714)	
NON OPERATING						
Transfers Out	\$0	(\$55,479)	\$0	\$0	\$0	n.a.
Gains (Loss) on Capital Asset Disposals	\$0	(\$124,356)	\$0	\$0	\$0	n.a.
Interest and Investment Revenue	\$49,268	\$34,746	\$16,909	\$25,476	\$40,968	-4.5%
Interest Expense	(\$387,792)	(\$349,084)	(\$396,126)	(\$343,880)	(\$196,547)	-15.6%
Net Non Operating Revenues (Expenses)	(\$338,524)	(\$494,173)	(\$379,217)	(\$318,404)	(\$155,579)	-17.7%
Capital Contributions	\$190,034	\$321,951	\$169,417	\$287,140	\$152,989	-5.3%
Change in Net Assets	(\$219,006)	\$408,710	\$872,645	\$944,453	(\$61,304)	
Net Assets Beginning Balance	\$10,649,155	\$10,430,149	\$10,502,760	\$11,375,405	\$12,319,858	
Net Assets Ending Balance	\$10,430,149	\$10,838,859	\$11,375,405	\$12,319,858	\$12,258,554	

Source: City of St. Helena.

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Table A-2
City of St. Helena Water Rate Study
Historical Revenues and Expenditures

Revenues and Expenses	Fiscal Year Ending				Estimated	Budgeted
	2012	2013	2014	2015	2016	2017
OPERATING FUND						
Revenues						
Investment Earnings	\$33,247	\$16,718	\$24,907	\$30,781	\$24,900	\$25,000
Fire Service Agreement Fees	\$0	\$0	\$0	\$0	\$0	\$0
Raw Water Permit Fees	\$100	\$400	\$550	\$750	\$650	\$800
Water Conservation Fines	\$0	\$0	\$0	\$0	\$0	\$0
Backflow Testing & Insp Fees	\$0	\$300	\$150	\$150	\$150	\$150
Sale Of Capital Asset	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue	\$11,988	\$6,165	\$11,791	\$7,594	\$5,500	\$8,500
Insurance Receipts	\$0	\$0	\$0	\$0	\$0	\$0
Water Revenue	\$2,251	\$2,089	\$1,306	\$2,327	\$2,300	\$5,500
Surcharge-Meadowood	\$30,210	\$30,223	\$30,223	\$32,223	\$30,223	\$30,223
Pumping Charge	\$23,120	\$23,038	\$23,956	\$22,890	\$23,650	\$18,420
Rates - Inside City Limits	\$3,862,757	\$4,264,423	\$4,381,060	\$3,821,553	\$4,082,365	\$3,343,945
Rates - Outside City Limits	\$337,510	\$364,387	\$385,337	\$345,644	\$359,600	\$359,600
Finance Charges	\$34,418	\$30,514	\$40,533	\$36,142	\$37,150	\$36,000
Sale of Remote Meters	\$571	\$231	\$4,575	\$3,046	\$1,740	\$1,500
Hydrant Rental	\$150	\$150	\$0	\$0	\$0	\$0
Property Rentals	\$8,400	\$8,400	\$8,400	\$8,400	\$8,400	\$8,400
Water Meter Install Fee	\$14,006	\$8,265	\$8,018	\$10,724	\$5,000	\$8,000
Total Revenues	\$4,358,728	\$4,755,303	\$4,920,806	\$4,322,225	\$4,581,628	\$3,846,038
Expenses						
Salaries & Benefits	\$1,217,968	\$1,168,983	\$1,165,302	\$1,299,809	\$1,565,976	\$1,612,243
Services	\$440,097	\$284,472	\$348,495	\$358,264	\$538,363	\$564,625
Supplies	\$147,577	\$100,683	\$82,066	\$117,593	\$142,949	\$151,490
Napa Purchased Water	\$1,178,401	\$1,189,926	\$1,327,251	\$1,272,770	\$1,311,272	\$1,349,019
Maintenance	\$91,794	\$68,433	\$78,880	\$124,006	\$195,116	\$172,579
Taxes, Insurances & Contributions	\$102,988	\$74,528	\$79,111	\$91,930	\$147,415	\$133,167
Capital	\$13,175	\$33,471	\$11,886	\$15,056	\$59,785	\$137,925
Transfers	\$179,836	\$0	\$200,000	\$979,380	\$111,995	\$0
Debt	\$349,084	\$396,126	\$343,980	\$196,547	\$1,008,078	\$1,001,067
Total Expenses	\$3,720,918	\$3,316,623	\$3,636,971	\$4,455,356	\$5,080,949	\$5,122,115
Operating Fund Net Revenues	\$637,810	\$1,438,681	\$1,283,835	(\$133,132)	(\$499,321)	(\$1,276,077)
WATER CAPITAL FUND						
Revenues						
Transfers in	\$182,000	\$92,045	\$200,000	\$979,380	\$75,541	\$0
Total Revenues	\$182,000	\$92,045	\$200,000	\$979,380	\$75,541	\$0
Expenses						
Salaries & Benefits	\$110,984	\$349	\$0	\$0	\$0	\$0
Professional Services	\$233,894	\$430,235	\$1,638,364	\$424,649	\$0	\$0
Training	\$0	\$0	\$0	\$38	\$0	\$0
Supplies	\$0	\$17,802	\$14,030	\$2,382	\$0	\$0
Advertising	\$421	\$0	\$0	\$0	\$0	\$0
Taxes and Charges	\$0	\$0	\$0	\$3,120	\$0	\$0
Capital Projects Budget	\$0	\$0	\$0	\$4,092	\$0	\$0
Capital Equipment	\$0	\$0	\$5,875	\$0	\$0	\$0
Capital Imp Equipment	\$0	\$222,039	\$10,759	\$0	\$0	\$0
Total Expenses	\$345,300	\$670,426	\$1,669,028	\$434,282	\$0	\$0
Capital Fund Net Revenues	(\$163,300)	(\$578,381)	(\$1,469,028)	\$545,098	\$75,541	\$0
WATER IMPACT FUND						
Revenues						
Investment Revenue	\$1,054	\$17	\$569	\$1,787	\$1,500	\$1,800
Other Revenue	\$0	\$21,381	\$0	\$45,937	\$0	\$0
Water Impact Fees	\$321,951	\$169,417	\$287,140	\$152,989	\$110,000	\$100,000
Total Revenues	\$323,005	\$190,815	\$287,709	\$200,713	\$111,500	\$101,800
Expenses						
Transfers Out	\$182,000	\$92,045	\$0	\$0	\$0	\$0
Total Expenses	\$182,000	\$92,045	\$0	\$0	\$0	\$0
Water Impact Fund Net Revenues	\$141,005	\$98,770	\$287,709	\$200,713	\$111,500	\$101,800

Source: City of St. Helena Financial Data.

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Table A-3
City of St. Helena Water Rate Study
Historical Expenditures

Expenses	Actuals Fiscal Year Ending				Estimated	Budgeted
	2012	2013	2014	2015	2016	2017
Operations						
Salaries & Benefits	\$509,098	\$442,817	\$448,242	\$507,936	\$678,792	\$706,986
Services	\$271,166	\$91,007	\$127,243	\$137,836	\$290,421	\$311,925
Supplies	\$11,086	\$13,053	\$12,308	\$10,918	\$20,513	\$18,792
Napa Purchased Water	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance	\$6,942	\$6,959	\$10,452	\$21,512	\$13,246	\$13,197
Taxes, Insurances & Contributions	\$86,653	\$64,812	\$68,027	\$79,911	\$123,415	\$113,467
Capital	\$0	\$5,272	\$113	\$551	\$8,234	\$1,925
Transfers	\$179,836	\$0	\$200,000	\$979,380	\$111,995	\$0
Debt	\$349,084	\$396,126	\$343,980	\$196,547	\$1,008,078	\$1,001,067
Subtotal Operations	\$1,413,864	\$1,020,046	\$1,210,366	\$1,934,592	\$2,254,694	\$2,167,359
Distribution						
Salaries & Benefits	\$362,007	\$357,787	\$357,186	\$413,670	\$497,637	\$490,637
Services	\$50,639	\$56,393	\$72,008	\$76,939	\$86,957	\$85,700
Supplies	\$20,493	\$16,111	\$10,127	\$21,459	\$21,810	\$28,298
Napa Purchased Water	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance	\$37,922	\$36,834	\$44,189	\$52,003	\$57,389	\$60,295
Taxes, Insurances & Contributions	\$0	\$0	\$0	\$0	\$0	\$0
Capital	\$12,238	\$0	\$0	\$0	\$26,000	\$21,000
Transfers	\$0	\$0	\$0	\$0	\$0	\$0
Debt	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Distribution	\$483,298	\$467,126	\$483,510	\$564,071	\$689,793	\$685,930
Treatment						
Salaries & Benefits	\$346,863	\$368,378	\$359,875	\$378,203	\$389,547	\$414,620
Services	\$84,949	\$89,641	\$94,000	\$89,843	\$102,350	\$109,900
Supplies	\$109,114	\$59,140	\$49,245	\$73,764	\$74,988	\$91,600
Napa Purchased Water	\$1,178,401	\$1,189,926	\$1,327,251	\$1,272,770	\$1,311,272	\$1,349,019
Maintenance	\$36,589	\$24,384	\$21,299	\$50,197	\$104,518	\$83,587
Taxes, Insurances & Contributions	\$16,335	\$9,716	\$11,084	\$12,019	\$24,000	\$19,700
Capital	\$937	\$28,199	\$1,356	\$14,505	\$14,776	\$115,000
Transfers	\$0	\$0	\$0	\$0	\$0	\$0
Debt	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Treatment	\$1,773,187	\$1,769,383	\$1,864,109	\$1,891,301	\$2,021,451	\$2,183,426
Stonebridge Wells						
Salaries & Benefits	\$0	\$0	\$0	\$0	\$0	\$0
Services	\$33,343	\$47,430	\$55,244	\$53,646	\$58,635	\$57,100
Supplies	\$6,884	\$12,380	\$10,386	\$11,452	\$25,638	\$12,800
Napa Purchased Water	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance	\$10,341	\$257	\$2,940	\$294	\$19,963	\$15,500
Taxes, Insurances & Contributions	\$0	\$0	\$0	\$0	\$0	\$0
Capital	\$0	\$0	\$10,416	\$0	\$10,775	\$0
Transfers	\$0	\$0	\$0	\$0	\$0	\$0
Debt	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Stonebridge Wells	\$50,568	\$60,067	\$78,986	\$65,392	\$115,011	\$85,400
Total Expenses	\$3,720,918	\$3,316,623	\$3,636,971	\$4,455,356	\$5,080,949	\$5,122,115

Source: City of St. Helena.

hist exp

Table A-4
City of St. Helena Water Rate Study
Historical Water Use by Customer Category

Customer	2011	2012	2013	2014	2015	Average [1]	% of Avg.
<i>Figures in HCF</i>							
Residential							
Single Unit	257,882	287,886	315,468	256,777	249,219	262,941	39%
Multi-Fam	53,603	53,447	54,233	47,016	41,356	48,856	7%
Mobile Homes	28,762	28,086	33,486	26,478	24,777	27,026	4%
Subtotal Residential	340,247	369,419	403,187	330,271	315,352	338,822	50%
Non-Residential							
Commercial	79,633	84,345	88,911	85,056	70,394	79,857	12%
Industrial	154,499	149,776	163,569	131,722	117,691	138,422	21%
Landscape	26,100	28,440	30,349	17,268	10,650	20,615	3%
Churches	3,308	3,462	3,911	2,847	1,895	2,878	0%
Wells	2,584	2,470	2,531	2,705	2,579	2,585	0%
Laundry	3,390	3,317	3,366	2,949	2,412	3,017	0%
Library Schools	20,009	19,613	20,981	18,022	20,162	19,452	3%
Motel/Hotel	28,650	32,351	32,173	27,028	27,720	28,937	4%
City Owned	9,664	10,554	14,963	11,559	13,088	11,216	2%
Subtotal Non-Residential	327,837	334,328	360,754	299,156	266,591	306,978	46%
Raw Water	36,005	27,617	27,393	21,756	21,274	26,663	4%
Total Billable	704,089	731,364	791,334	651,183	603,217	672,463	100%
Non-Billable	62,293	59,636	69,465	61,384	64,609	61,980	
Total Water	766,382	791,000	860,799	712,567	667,826	725,950	

Source: City of St. Helena

use

[1] Average excludes 2013.

Table A-5
City of St. Helena Water Rate Study
Calculation of Unaccounted for Water

	2013	2014	2015	Average
Gallons of Water				
Consumption	568,883,172	477,673,548	446,865,672	497,807,464
Production	601,650,524	506,733,207	501,660,534	536,681,422
Consumption as a % of				
Production	95%	94%	89%	93%
Water	5%	6%	11%	7%

Source: City of St. Helena.

unacc

Table A-6
City of St. Helena Water Rate Study
Estimated Ten-Year Schedule of Water Capital Improvements in 2016 \$'s

Project	Notes	Total Cost	Total Cost Less Existing Funding	Fiscal Year Ending														
				2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027				
Estimated Project Costs (2016 \$'s)																		
York Creek Upper Dam Removal/Mitigation																		
	Partially funded by grant and City (existing bond proceeds)	\$ 6,177,117	\$1,695,775	\$0	\$847,888	\$847,888	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	Partially funded by grant and City (existing bond proceeds)		[1]															
Meadowood Tank Upgrades	Funded by Reserves	\$500,000	\$379,900	\$0	\$0	\$379,900	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Bell Canyon Reservoir Improvements	Moved out 3 years	\$842,523	\$842,523	\$0	\$0	\$0	\$459,190	\$383,333	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Dwyer Road Booster		\$14,387	\$14,387	\$14,387	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Bell Canyon Intake Mid-Valve Repair	Funded by Reserves	\$526,105	\$526,105	\$0	\$0	\$0	\$0	\$0	\$526,105	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Bell Valve House Valve Replacement	Moved out 3 years	\$1,383,000	\$1,383,000	\$0	\$0	\$0	\$58,000	\$1,325,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Holmes Tank Upgrade																		
Bell Canyon Creek Flow Measurement	Partially funded by City existing bond proceeds	\$750,000	\$492,750	\$0	\$492,750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Sludge Handling Program	Moved out 2 years	\$150,000	\$150,000	\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Raw Water Metering Station	Moved out 1 year	\$100,000	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	
Tank 2 Rehabilitation	Moved out 1 year	\$750,000	\$750,000	\$0	\$60,000	\$690,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Well Filter Rehabilitation		\$11,103	\$11,103	\$11,103	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Pump Station Upgrades	Funded by New Debt	\$200,000	\$200,000	\$0	\$200,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Replace 12" Transmission Main	Moved out 1 year	\$400,000	\$400,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$400,000	\$0	\$0	\$0	\$0	\$0	\$0	
Lower York Creek Dam Rehab		\$480,695	\$480,695	\$190,695	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$290,000	\$0	\$0	\$0	\$0	\$0	
Bell Canyon Intake Tower Replacement	Funded by New Debt	\$2,000,000	\$2,000,000	\$650,000	\$1,350,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
WTP Condition Assessment	Moved out 2 years	\$150,000	\$150,000	\$0	\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Spill Containment at Bell Creek Intake	Funded by Reserves	\$75,000	\$75,000	\$0	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
SCADA Improvements (Rutherford & Holmes)		\$150,000	\$150,000	\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Spill Containment at Stonebridge Well	Funded by Reserves	\$75,000	\$75,000	\$0	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Upgrade Rutherford Pump Station		\$500,000	\$500,000	\$0	\$0	\$50,000	\$450,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Remove Restriction at Rutherford PS		\$150,000	\$150,000	\$0	\$50,000	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Install Smart Meters	Unfunded [2]	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Update GIS Maps of Water System		\$50,000	\$50,000	\$0	\$0	\$0	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Water Master Plan Update		\$150,000	\$150,000	\$0	\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Replace Mains < 6-inch Diameter	Moved out and increased in later years	\$4,000,000	\$4,000,000	\$0	\$0	\$0	\$0	\$400,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	
Replace 1% of Water Mains Annually		\$150,000	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Additional Storage		\$1,000,000	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	
Annual Maintenance Program		\$950,000	\$950,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Total Estimated Project Costs (2016 \$'s)		\$22,584,930	\$17,726,238	\$916,185	\$3,200,638	\$2,117,788	\$1,367,190	\$2,658,333	\$2,076,105	\$1,550,000	\$1,440,000	\$750,000	\$850,000	\$800,000	\$800,000	\$800,000	\$800,000	

Source: City of St. Helena and HEC.

[1] Total Cost Less Existing Funding = Total Cost - Existing Grants
[2] Installing Smart Meters program is currently unfunded. Total cost for the program is estimated at \$1.5 million.

Table A-7
City of St. Helena Water Rate Study
Estimated Ten-Year Schedule of Water Capital Improvements in Future \$'s

Project	Notes	Existing Funding	Fiscal Year Ending									
			2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
			Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Estimated Project Costs (Future \$'s) [1]			Annual Increase 3.1%									
York Creek Upper Dam Removal/Mitigation	Partially funded by grant and City (existing bond proceeds)	\$1,829,635	\$0	\$900,939	\$928,696	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Meadowood Tank Upgrades	Partially funded by grant and City (existing bond proceeds)	\$416,107	\$0	\$0	\$416,107	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Canyon Reservoir Improvements	Funded by Reserves	\$1,079,726	\$0	\$0	\$0	\$0	\$1,079,726	\$0	\$0	\$0	\$0	\$0
Dwyer Road Booster	Moved out 3 years	\$964,587	\$0	\$0	\$0	\$518,449	\$446,137	\$0	\$0	\$0	\$0	\$0
Bell Canyon Intake Mid-Valve Repair		\$14,830	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Valve House Valve Replacement	Funded by Reserves	\$631,166	\$0	\$0	\$0	\$0	\$631,166	\$0	\$0	\$0	\$0	\$0
Holmes Tank Upgrade	Moved out 3 years	\$1,607,570	\$0	\$0	\$0	\$65,485	\$1,542,085	\$0	\$0	\$0	\$0	\$0
Bell Canyon Creek Flow Measurement	Partially funded by City existing bond proceeds	\$523,581	\$0	\$523,581	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sludge Handling Program	Moved out 2 years	\$169,358	\$0	\$0	\$169,358	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Raw Water Metering Station	Moved out 1 year	\$131,403	\$0	\$0	\$0	\$0	\$0	\$0	\$131,403	\$0	\$0	\$0
Tank 2 Rehabilitation		\$819,515	\$0	\$63,754	\$755,761	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Well Filter Rehabilitation		\$11,445	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pump Station Upgrades	Funded by New Debt	\$212,514	\$0	\$212,514	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Replace 12" Transmission Main		\$494,663	\$0	\$0	\$0	\$0	\$0	\$494,663	\$0	\$0	\$0	\$0
Lower York Creek Dam Rehab		\$566,250	\$196,570	\$0	\$0	\$0	\$0	\$0	\$0	\$369,680	\$0	\$0
Bell Canyon Intake Tower Replacement	Funded by New Debt	\$2,104,494	\$670,026	\$1,434,468	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WTP Condition Assessment	Moved out 2 years	\$174,576	\$0	\$0	\$0	\$174,576	\$0	\$0	\$0	\$0	\$0	\$0
Spill Containment at Bell Creek Intake	Funded by Reserves	\$79,693	\$0	\$79,693	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SCADA Improvements (Rutherford & Holmes)		\$169,358	\$0	\$0	\$169,358	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Spill Containment at Stonebridge Well	Funded by Reserves	\$79,693	\$0	\$79,693	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Upgrade Rutherford Pump Station		\$562,839	\$0	\$0	\$54,765	\$508,073	\$0	\$0	\$0	\$0	\$0	\$0
Remove Restriction at Rutherford PS		\$162,659	\$0	\$53,128	\$109,531	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Install Smart Meters	Unfunded [2]	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Water System		\$56,453	\$0	\$0	\$0	\$56,453	\$0	\$0	\$0	\$0	\$0	\$0
Water Master Plan Update		\$174,576	\$0	\$0	\$0	\$174,576	\$0	\$0	\$0	\$0	\$0	\$0
Replace Mains < 6-inch Diameter	Moved out and increased in later years	\$5,131,085	\$0	\$0	\$0	\$465,535	\$719,817	\$741,995	\$764,855	\$788,420	\$812,711	\$837,751
Replace 1% of Water Mains Annually		\$209,438	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$209,438
Additional Storage		\$1,255,708	\$0	\$0	\$0	\$0	\$0	\$618,329	\$637,379	\$0	\$0	\$0
Annual Maintenance Program		\$1,166,546	\$51,540	\$53,128	\$54,765	\$56,453	\$59,985	\$61,833	\$63,738	\$65,702	\$338,630	\$69,813
Total Estimated Project Costs (Future \$'s)		\$20,799,466	\$944,412	\$3,400,897	\$2,319,626	\$1,543,629	\$3,093,869	\$2,490,694	\$1,936,820	\$1,835,653	\$985,525	\$1,117,000

Source: City of St. Helena and HEC

[1] Estimated costs increased by historical Engineering News Record Construction Cost Index 20-year average increase.
[2] Installing Smart Meters program is currently unfunded. Total cost for the program is estimated at \$1.5 million.

[3] Total Cost Less Existing Funding = Total Cost - Existing Bonds - Existing Grants

Table A-8
City of St. Helena Water Rate Study
Total Cost by Water System and Share of Cost to Existing Customers

Project	Funding Source	Percent Share Existing Customers	Percent Share in Rate Model	Total Cost	Fiscal Year Ending									
					2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
per City, CIP														
Estimated Project Costs (2016 \$'s)														
York Creek Upper Dam Removal/Mitigation	Cash	100%	100%	\$1,695,775	\$0	\$847,888	\$847,888	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Meadowood Tank Upgrades	Cash	67%	67%	\$254,900	\$0	\$0	\$254,900	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Canyon Reservoir Improvements	Reserves	100%	100%	\$900,000	\$0	\$0	\$0	\$0	\$0	\$900,000	\$0	\$0	\$0	\$0
Dwyer Road Booster	Cash	50%	50%	\$421,262	\$0	\$0	\$0	\$229,595	\$191,667	\$0	\$0	\$0	\$0	\$0
Bell Canyon Intake Mid-Valve Repair	Cash	100%	100%	\$14,387	\$14,387	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Valve House Valve Replacement	Reserves	85%	85%	\$447,189	\$0	\$0	\$0	\$0	\$0	\$447,189	\$0	\$0	\$0	\$0
Holmes Tank Upgrade	Cash	50%	50%	\$691,500	\$0	\$0	\$0	\$29,000	\$662,500	\$0	\$0	\$0	\$0	\$0
Bell Canyon Creek Flow Measurement	Cash	83%	83%	\$409,107	\$0	\$409,107	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sludge Handling Program	Cash	100%	100%	\$150,000	\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0
Raw Water Metering Station	Cash	100%	100%	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100,000	\$0
Tank 2 Rehabilitation	Cash	85%	85%	\$637,500	\$0	\$51,000	\$586,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Well Filter Rehabilitation	Cash	100%	100%	\$11,103	\$11,103	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pump Station Upgrades	Debt	100%	100%	\$200,000	\$0	\$200,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Replace 12" Transmission Main	Cash	100%	100%	\$400,000	\$0	\$0	\$0	\$0	\$0	\$0	\$400,000	\$0	\$0	\$0
Lower York Creek Dam Rehab	Cash	100%	100%	\$480,695	\$190,695	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Canyon Intake Tower Replacement	Debt	85%	85%	\$1,700,000	\$552,500	\$1,147,500	\$0	\$0	\$0	\$0	\$0	\$290,000	\$0	\$0
WTP Condition Assessment	Ops Cash	100%	100%	\$150,000	\$0	\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0
Spill Containment at Bell Creek Intake	Reserves	100%	100%	\$75,000	\$0	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SCADA Improvements (Rutherford & Holmes)	Cash	100%	100%	\$150,000	\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0
Spill Containment at Stonebridge Well	Reserves	100%	100%	\$75,000	\$0	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Upgrade Rutherford Pump Station	Cash	100%	100%	\$500,000	\$0	\$0	\$50,000	\$450,000	\$0	\$0	\$0	\$0	\$0	\$0
Remove Restriction at Rutherford PS	Cash	100%	100%	\$150,000	\$0	\$50,000	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Install Smart Meters	Unfunded	100%	100%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Water System	Ops Cash	100%	100%	\$50,000	\$0	\$0	\$0	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0
Water Master Plan Update	Ops Cash	100%	100%	\$150,000	\$0	\$0	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0
Replace Mains < 6-Inch Diameter	Cash	100%	100%	\$4,000,000	\$0	\$0	\$0	\$0	\$400,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000
Replace 1% of Water Mains Annually	Cash	100%	100%	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Additional Storage	Cash	100%	100%	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000	\$500,000	\$0	\$0
Annual Maintenance Program	Cash	100%	100%	\$950,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000	\$50,000	\$50,000	\$50,000	\$250,000	\$50,000
Total Estimated Project Costs (2016 \$'s)				\$15,913,418	\$818,685	\$2,905,495	\$1,889,288	\$1,108,595	\$1,804,167	\$1,997,189	\$1,550,000	\$1,440,000	\$750,000	\$800,000

Table A-8
City of St. Helena Water Rate Study
Total Cost by Water System and Share of Cost to Existing Customers

Project	Funding Source	Percent Share Existing Customers	Percent Share in Rate Model	Total Cost	Fiscal Year Ending											
					2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	
Estimated Project Costs (Future \$'s) [1]																
York Creek Upper Dam Removal/Mitigation	Cash	100%	100%	\$1,829,635	\$0	\$900,939	\$928,696	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Meadowood Tank Upgrades	Cash	67%	67%	\$279,194	\$0	\$0	\$279,194	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Canyon Reservoir Improvements	Reserves	100%	100%	\$1,079,726	\$0	\$0	\$0	\$0	\$0	\$1,079,726	\$0	\$0	\$0	\$0	\$0	\$0
Dwyer Road Booster	Cash	50%	50%	\$482,293	\$0	\$0	\$0	\$259,225	\$223,069	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Canyon Intake Mid-Valve Repair	Cash	100%	100%	\$14,830	\$14,830	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Valve House Valve Replacement	Reserves	85%	85%	\$536,491	\$0	\$0	\$0	\$0	\$0	\$536,491	\$0	\$0	\$0	\$0	\$0	\$0
Holmes Tank Upgrade	Cash	50%	50%	\$803,785	\$0	\$0	\$0	\$32,743	\$771,043	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bell Canyon Creek Flow Measurement	Cash	83%	83%	\$434,704	\$0	\$434,704	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sledge Handling Program	Cash	100%	100%	\$169,358	\$0	\$0	\$0	\$169,358	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Raw Water Metering Station	Cash	100%	100%	\$131,403	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$131,403	\$0	\$0	\$0
Tank 2 Rehabilitation	Cash	85%	85%	\$696,588	\$0	\$54,191	\$642,397	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Well Filter Rehabilitation	Cash	100%	100%	\$11,445	\$11,445	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pump Station Upgrades	Debt	100%	100%	\$212,514	\$0	\$212,514	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Replace 12" Transmission Main	Cash	100%	100%	\$494,663	\$0	\$0	\$0	\$0	\$0	\$0	\$494,663	\$0	\$0	\$0	\$0	\$0
Lower York Creek Dam Rehab	Cash	100%	100%	\$566,250	\$196,570	\$0	\$0	\$0	\$0	\$0	\$0	\$369,680	\$0	\$0	\$0	\$0
Bell Canyon Intake Tower Replacement	Debt	85%	85%	\$1,788,820	\$569,522	\$1,219,298	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WTP Condition Assessment	Ops Cash	100%	100%	\$174,576	\$0	\$0	\$0	\$174,576	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Spill Containment at Bell Creek Intake	Reserves	100%	100%	\$79,693	\$0	\$79,693	\$0	\$0	\$169,358	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SCADA Improvements (Rutherford & Holmes)	Cash	100%	100%	\$169,358	\$0	\$0	\$0	\$169,358	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Spill Containment at Stonebridge Well	Reserves	100%	100%	\$79,693	\$0	\$79,693	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Upgrade Rutherford Pump Station	Cash	100%	100%	\$562,839	\$0	\$0	\$54,765	\$508,073	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Remove Restriction at Rutherford PS	Cash	100%	100%	\$162,659	\$0	\$53,128	\$109,531	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Install Smart Meters	Unfunded	100%	100%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Water System	Ops Cash	100%	100%	\$56,453	\$0	\$0	\$0	\$56,453	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Water Master Plan Update	Ops Cash	100%	100%	\$174,576	\$0	\$0	\$0	\$174,576	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Replace Mains < 6-inch Diameter	Cash	100%	100%	\$5,131,085	\$0	\$0	\$0	\$0	\$465,535	\$719,817	\$741,995	\$764,855	\$788,420	\$812,711	\$837,751	\$857,751
Replace 1% of Water Mains Annually	Cash	100%	100%	\$209,438	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$209,438
Additional Storage	Cash	100%	100%	\$1,255,708	\$0	\$0	\$0	\$0	\$0	\$0	\$618,329	\$637,379	\$0	\$0	\$0	\$0
Annual Maintenance Program	Cash	100%	100%	\$1,166,546	\$51,540	\$53,128	\$54,765	\$56,453	\$290,959	\$59,985	\$61,833	\$63,738	\$65,702	\$338,630	\$69,813	\$69,813
Total Estimated Project Costs (Future \$'s)					\$18,754,322	\$843,908	\$3,087,287	\$2,069,348	\$1,251,662	\$2,099,757	\$2,396,019	\$1,916,820	\$1,835,653	\$985,525	\$1,151,341	\$1,117,001
2016 \$'s																
Cash - Capital Fund				\$12,166,229	\$266,185	\$1,407,995	\$1,889,288	\$1,058,595	\$1,504,167	\$650,000	\$1,550,000	\$1,440,000	\$750,000	\$850,000	\$800,000	\$800,000
Cash - Operations Fund				\$350,000	\$0	\$0	\$0	\$50,000	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt - Capital Fund				\$1,900,000	\$552,500	\$1,347,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reserves				\$1,497,189	\$0	\$150,000	\$0	\$0	\$0	\$1,347,189	\$0	\$0	\$0	\$0	\$0	\$0
Total				\$15,913,418	\$818,685	\$2,905,495	\$1,889,288	\$1,108,595	\$1,804,167	\$1,997,189	\$1,550,000	\$1,440,000	\$750,000	\$850,000	\$800,000	\$800,000
Future \$'s																
Cash - Capital Fund				\$14,571,782	\$274,386	\$1,496,091	\$2,069,348	\$1,195,209	\$1,750,606	\$779,802	\$1,916,820	\$1,835,653	\$985,525	\$1,151,341	\$1,117,001	\$1,117,001
Cash - Operations Fund				\$405,604	\$0	\$0	\$0	\$56,453	\$349,151	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt - Capital Fund				\$2,001,334	\$569,522	\$1,431,811	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reserves				\$1,775,602	\$0	\$159,385	\$0	\$0	\$0	\$1,616,217	\$0	\$0	\$0	\$0	\$0	\$0
Total				\$18,754,322	\$843,908	\$3,087,287	\$2,069,348	\$1,251,662	\$2,099,757	\$2,396,019	\$1,916,820	\$1,835,653	\$985,525	\$1,151,341	\$1,117,001	\$1,117,001

Source: City of St. Helena and HEC.

[1] Estimated costs increased by historical Engineering News Record Construction Cost Index 20-year average increase.

Table A-9
City of St. Helena Water Rate Study
Existing Annual Debt Service

Fiscal Year Ending	Principal	Interest	Total	Remaining Principal
2017	\$514,130	\$475,121	\$989,251	\$11,121,087
2018	\$528,043	\$454,873	\$982,916	\$10,593,043
2019	\$550,870	\$434,897	\$985,767	\$10,042,174
2020	\$568,696	\$413,677	\$982,373	\$9,473,478
2021	\$591,522	\$388,991	\$980,513	\$8,881,956
2022	\$618,261	\$361,871	\$980,132	\$8,263,696
2023	\$641,087	\$333,464	\$974,551	\$7,622,609
2024	\$668,913	\$305,114	\$974,027	\$6,953,696
2025	\$696,739	\$275,177	\$971,916	\$6,256,956
2026	\$728,478	\$241,012	\$969,490	\$5,528,478
2027	\$760,217	\$203,870	\$964,087	\$4,768,261
2028	\$800,870	\$166,167	\$967,037	\$3,967,391
2029	\$836,522	\$128,353	\$964,874	\$3,130,870
2030	\$877,174	\$90,504	\$967,678	\$2,253,696
2031	\$908,913	\$51,095	\$960,008	\$1,344,783
2032	\$949,565	\$23,400	\$972,965	\$395,217
2033	\$395,217	\$7,904	\$403,122	\$0

Source: City of St. Helena and HEC.

debt serv

Table A-10
City of St. Helena Water Rate Study
Meter Replacement Costs Estimate

Item	Assumption / Total	Meter Size							
		5/8"	3/4"	1"	1-1/2"	2"	3"	4"	6"
New Meter with Transponder [1]		\$200	\$250	\$350	\$550	\$700	\$1,500	\$3,300	\$4,550
Installation Costs [2]	20%	\$40	\$50	\$70	\$110	\$140	\$300	\$660	\$910
Administration Costs	3%	\$6	\$8	\$11	\$17	\$21	\$45	\$99	\$137
Total Cost per Meter	\$374	\$246	\$308	\$431	\$677	\$861	\$1,845	\$4,059	\$5,597
Replacement Interval (years)		20	20	20	20	20	20	20	20
Cost per Meter per Year		\$12	\$15	\$22	\$34	\$43	\$92	\$203	\$280
Monthly Cost per Meter		\$1.03	\$1.28	\$1.79	\$2.82	\$3.59	\$7.69	\$16.91	\$23.32
Monthly Cost per Billing Meter [3]		\$1.05	\$1.31	\$1.83	\$2.88	\$3.66	\$7.84	\$17.26	\$23.79

Source: City of St. Helena and HEC.

meter prog

[1] Approximate prices based on HEC experience.

[2] Actual installation costs vary by meter size as a percentage of meter cost.

[3] Accounts for an estimated vacancy rate of: 2%

Table A-11
City of St. Helena Water Rate Study
Comparison of Historical Operating Expenses to Standard Indices

Historical Water Operating Expenses	Actuals Fiscal Year Ending				Estimated	Change	
	2012	2013	2014	2015	2016	Total	Avg. Annual
Salaries & Benefits	\$1,217,968	\$1,168,983	\$1,165,302	\$1,299,809	\$1,565,976	\$348,008	6.5%
Services	\$440,097	\$284,472	\$348,495	\$358,264	\$538,363	\$98,266	5.2%
Supplies	\$147,577	\$100,683	\$82,066	\$117,593	\$142,949	(\$4,628)	-0.8%
Napa Purchased Water	\$1,178,401	\$1,189,926	\$1,327,251	\$1,272,770	\$1,311,272	\$132,872	2.7%
Maintenance	\$91,794	\$68,433	\$78,880	\$124,006	\$195,116	\$103,322	20.7%
Taxes, Insurances & Contributions	\$102,988	\$74,528	\$79,111	\$91,930	\$147,415	\$44,427	9.4%
Total Expenses	\$3,178,823	\$2,887,026	\$3,081,105	\$3,264,373	\$3,901,091	\$722,268	5.3%
Engineering News Record							
	<i>Dec 2011</i>	<i>Dec 2012</i>	<i>Dec 2013</i>	<i>Dec 2014</i>	<i>Dec 2015</i>		
ENR Construction Cost index 20-City [1]	9,172.00	9,412.00	9,668.00	9,936.00	10,135.00	963.00	2.5%
ENR Construction Cost Index San Francisco	10,204.79	10,355.09	10,898.84	10,915.84	11,155.41	950.62	2.3%
Bureau of Labor Statistics							
Consumer Price Index - California	232.99	237.71	241.53	244.81	250.71	17.73	1.9%
Consumer Price Index - San Francisco	234.33	239.53	245.71	252.27	260.29	25.96	2.7%

Source: City of St. Helena, California Department of Finance, and the Engineering News Record. Indices

[1] Engineering News Record (ENR) Consumer Cost Index (CCI) change 1995 to 2015:

ENR CCI 1995	5,524	Change	<u>Annual Avg. % Change</u>
ENR CCI 2015	10,135	4,611	3.1%

Table A-12
City of St. Helena Water Rate Study
Estimated Depreciation of New Assets

New Asset	Asset Life years	Fiscal Year Ending										
		2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
York Creek Upper Dam Removal/Mitigation	n.a.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Meadowood Tank Upgrades	50	\$0	\$0	\$8,322.14	\$8,322	\$8,322	\$8,322	\$8,322	\$8,322	\$8,322	\$8,322	\$8,322
Bell Canyon Reservoir Improvements	80	\$0	\$0	\$0	\$0	\$0	\$13,497	\$13,497	\$13,497	\$13,497	\$13,497	\$13,497
Dwyer Road Booster	50	\$0	\$0	\$0	\$10,369	\$19,292	\$19,292	\$19,292	\$19,292	\$19,292	\$19,292	\$19,292
Bell Canyon Intake Mid-Valve Repair	10	\$1,483	\$1,483	\$1,483	\$1,483	\$1,483	\$1,483	\$1,483	\$1,483	\$1,483	\$1,483	\$1,483
Bell Valve House Valve Replacement	50	\$0	\$0	\$0	\$0	\$0	\$12,623	\$12,623	\$12,623	\$12,623	\$12,623	\$12,623
Holmes Tank Upgrade	50	\$0	\$0	\$0	\$1,310	\$32,151	\$32,151	\$32,151	\$32,151	\$32,151	\$32,151	\$32,151
Bell Canyon Creek Flow Measurement	40	\$0	\$13,090	\$13,090	\$13,090	\$13,090	\$13,090	\$13,090	\$13,090	\$13,090	\$13,090	\$13,090
Sludge Handling Program	40	\$0	\$0	\$0	\$4,234	\$4,234	\$4,234	\$4,234	\$4,234	\$4,234	\$4,234	\$4,234
Raw Water Metering Station	15	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$8,760	\$8,760	\$8,760
Tank 2 Rehabilitation	50	\$0	\$1,275	\$16,390	\$16,390	\$16,390	\$16,390	\$16,390	\$16,390	\$16,390	\$16,390	\$16,390
Well Filter Rehabilitation	10	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145
Pump Station Upgrades	50	\$0	\$4,250	\$4,250	\$4,250	\$4,250	\$4,250	\$4,250	\$4,250	\$4,250	\$4,250	\$4,250
Replace 12" Transmission Main	80	\$0	\$0	\$0	\$0	\$0	\$0	\$6,183	\$6,183	\$6,183	\$6,183	\$6,183
Lower York Creek Dam Rehab	20	\$9,829	\$9,829	\$9,829	\$9,829	\$9,829	\$9,829	\$9,829	\$28,313	\$28,313	\$28,313	\$28,313
Bell Canyon Intake Tower Replacement	80	\$8,375	\$26,306	\$26,306	\$26,306	\$26,306	\$26,306	\$26,306	\$26,306	\$26,306	\$26,306	\$26,306
WTP Condition Assessment	10	\$0	\$0	\$0	\$0	\$17,458	\$17,458	\$17,458	\$17,458	\$17,458	\$17,458	\$17,458
Spill Containment at Bell Creek Intake	50	\$0	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594
SCADA Improvements (Rutherford & Holmes)	10	\$0	\$0	\$0	\$16,936	\$16,936	\$16,936	\$16,936	\$16,936	\$16,936	\$16,936	\$16,936
Spill Containment at Stonebridge Well	50	\$0	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594	\$1,594
Upgrade Rutherford Pump Station	50	\$0	\$0	\$1,095	\$11,257	\$11,257	\$11,257	\$11,257	\$11,257	\$11,257	\$11,257	\$11,257
Remove Restriction at Rutherford PS	50	\$0	\$1,063	\$3,253	\$3,253	\$3,253	\$3,253	\$3,253	\$3,253	\$3,253	\$3,253	\$3,253
Install Smart Meters	15	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Water System	10	\$0	\$0	\$0	\$5,645	\$5,645	\$5,645	\$5,645	\$5,645	\$5,645	\$5,645	\$5,645
Water Master Plan Update	10	\$0	\$0	\$0	\$0	\$17,458	\$17,458	\$17,458	\$17,458	\$17,458	\$17,458	\$17,458
Replace Mains < 6-Inch Diameter	80	\$0	\$0	\$0	\$0	\$5,819	\$14,817	\$24,092	\$33,653	\$43,508	\$53,667	\$64,139
Replace 1% of Water Mains Annually	80	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Additional Storage	50	\$0	\$0	\$0	\$0	\$0	\$0	\$12,367	\$25,114	\$25,114	\$25,114	\$25,114
Annual Maintenance Program	10	\$5,154	\$10,467	\$15,943	\$21,589	\$50,685	\$56,683	\$62,866	\$69,240	\$75,810	\$109,673	\$116,655
Total Estimated Annual Depreciation		\$25,985	\$72,094	\$104,294	\$158,594	\$268,189	\$309,305	\$343,313	\$390,479	\$415,665	\$459,687	\$479,758

Source: City of St. Helena and HEC.

Prepared by HEC

150182 Water Model v27 REVISED FINAL 10/31/2016

Table A-13
City of St. Helena Water Rate Study
Depreciation of Existing Assets

Asset Category	Current Depreciation
Buildings	\$36,008
Vehicles	\$8,383
Equipment	\$155,600
Improvements	\$559,834
Pipes	\$115,319
Total	\$875,144

Source: City of St. Helena. curr depr

Table A-14
City of St. Helena Water Rate Study
Allocation of Plant In Service

Facility	Percent Allocation					Cost Allocation				
	Customer	Capacity	Fire Capacity	Use	Total	Customer	Capacity	Fire Capacity	Use	Cost Basis
Buildings	100%				100%	\$1,656,932	\$0	\$0	\$0	\$1,656,932
Vehicles	25%	40%		35%	100%	\$10,522	\$16,835	\$0	\$14,730	\$42,086
Equipment	10%	50%		40%	100%	\$206,127	\$1,030,636	\$0	\$824,509	\$2,061,272
Improvements		75%	10%	15%	100%	\$0	\$7,482,162	\$997,622	\$1,496,432	\$9,976,217
Pipes		75%		25%	100%	\$0	\$2,887,942	\$0	\$962,647	\$3,850,589
Total Plant In Service						\$1,873,580	\$11,417,575	\$997,622	\$3,298,319	\$17,587,095
% of Plant In Service						11%	65%	6%	19%	100%

Source: City of St. Helena and HEC.

plant

Table A-15
City of St. Helena Water Rate Study
Functional Allocation of Revenue Requirement

Expenditures	BUDGET 2016/17	Allocation Basis	Customer	Capacity	Fire Capacity	Use	Unclassified
Operations							
Salaries & Benefits	\$706,986	Avg. of Classified	0%	0%	0%	0%	100%
Services	\$311,925	Customers	100%	0%	0%	0%	0%
Supplies	\$18,792	Avg. of Classified	0%	0%	0%	0%	100%
Maintenance	\$13,197	Plant In Service	11%	65%	6%	19%	0%
Taxes, Insurances & Contributions	\$113,467	Avg. of Classified	0%	0%	0%	0%	100%
Capital	\$1,925	Plant In Service	11%	65%	6%	19%	0%
Debt	\$1,001,067	Ratio Avg. to Peak Month	0%	74%	0%	26%	0%
Subtotal Operations	\$2,167,359						
Distribution							
Salaries & Benefits	\$490,637	Avg. of Classified	0%	0%	0%	0%	100%
Services & Supplies	\$52,228	Avg. of Classified	0%	0%	0%	0%	100%
Utilities	\$61,770	Avg. of Classified	0%	0%	0%	0%	100%
Maintenance	\$60,295	Plant In Service	11%	65%	6%	19%	0%
Capital	\$21,000	Plant In Service	11%	65%	6%	19%	0%
Subtotal Distribution	\$685,930						
Treatment							
Salaries & Benefits	\$414,620	Ratio Avg. to Peak Month	0%	74%	0%	26%	0%
Services & Supplies	\$64,000	Ratio Avg. to Peak Month	0%	74%	0%	26%	0%
Utilities & Chemicals	\$137,500	Utilities & Chemicals	0%	0%	0%	100%	0%
Maintenance	\$83,587	Plant In Service	11%	65%	6%	19%	0%
Taxes, Insurances & Contributions	\$19,700	Avg. of Classified	0%	0%	0%	0%	100%
Capital	\$115,000	Plant In Service	11%	65%	6%	19%	0%
Subtotal Treatment	\$834,407						
Stonebridge Wells							
Services	\$57,100	Utilities & Chemicals	0%	0%	0%	100%	0%
Supplies	\$12,800	Utilities & Chemicals	0%	0%	0%	100%	0%
Maintenance	\$15,500	Plant In Service	11%	65%	6%	19%	0%
Subtotal Stonebridge Wells	\$85,400						
Napa Purchased Water	\$1,349,019	Napa	0%	75%	0%	25%	0%
TOTAL OPERATING EXPENDITURES	\$5,122,115		\$345,003	\$2,313,324	\$17,613	\$982,594	\$1,463,580
Reallocate As All Others			\$138,017	\$925,435	\$7,046	\$393,082	
ALLOCATION OF OP. EXP.	\$5,122,115		\$483,021	\$3,238,759	\$24,659	\$1,375,676	
	100%		9.4%	63.2%	0.5%	26.9%	

Source: City of St. Helena and HEC.

func

Table A-16
City of St. Helena Water Rate Study
Number of Meters

Meter Size	TOTAL	Customer Type											Motel/Hotel	All Other	City-Owned
		Commercial	Industrial	Residential			Landscape	Churches	Laundry	Library/Schools					
				SF	MF	Mob									
											[2]				
5/8"	1,987	131	12	1,776	36	1	12	7	0	1	5	0	6		
1"	330	40	0	232	36	0	6	6	0	1	2	0	7		
1.5"	61	11	1	11	20	1	6	1	1	3	2	0	4		
2"	47	11	1	8	6	1	7	1	0	6	4	0	2		
3"	7	1	0	0	3	0	1	0	0	0	1	0	1		
4"	9	2	1	1	0	0	0	0	0	3	1	1	0		
6"	11	1	6	0	1	1	0	0	0	0	1	0	1		
Total	2,452	197	21	2,028	102	4	32	15	1	14	16	1	21		

Source: City of St. Helena.

meters

Source: City of St. Helena.

[1] Compound meters counted only once.

[2] Includes all religious places and community centers

meters

Table A-17
City of St. Helena Water Rate Study
Calculated Consumption Charges for Seasonal Water Rates

Allocated Peak & Off-Peak	Fiscal Year Ending										
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Allocated Cost	\$3,799,993	\$4,387,001	\$4,958,147	\$5,102,274	\$5,225,724	\$5,351,120	\$5,488,329	\$5,567,635	\$5,613,794	\$5,636,044	\$5,657,543
Off-Peak Water Use (Nov-Apr)	37%	239,015	239,436	240,404	240,688	240,939	241,176	241,506	241,799	242,079	242,329
Peak Water Use (May-Oct)	63%	405,760	404,027	406,376	406,856	407,280	407,682	408,238	408,734	409,208	409,631
Total Water Use		645,800	643,042	646,780	647,544	648,219	648,858	649,744	650,533	651,287	651,960
Off-Peak Costs per HCF		\$5.50	\$6.37	\$7.19	\$7.37	\$7.54	\$7.71	\$7.90	\$8.06	\$8.08	\$8.11
Peak Costs per HCF	1.11	\$6.11	\$7.09	\$8.00	\$8.20	\$8.38	\$8.58	\$8.79	\$8.90	\$8.99	\$9.02
Source: City of St. Helena and HEC.											
seasonal rates											

Source: City of St. Helena and HEC.

seasonal rates

Table A-18
City of St. Helena Water Rate Study
Projection of Water Demand

Customer	Fiscal Year Ending										
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	
All figures in Hundreds of Cubic Feet											
Residential											
Single Unit	262,941	261,914	262,758	264,154	264,862	265,537	266,199	266,954	267,672	268,377	269,052
Multi-Fam	48,856	48,665	48,696	48,830	48,836	48,836	48,833	48,848	48,856	48,861	48,861
Mobile Homes	27,026	26,920	26,938	27,012	27,015	27,015	27,014	27,022	27,026	27,029	27,029
Subtotal Residential	338,822	337,499	338,393	339,995	340,713	341,388	342,046	342,823	343,554	344,267	344,942
Non-Residential											
Commercial	79,857	79,272	79,369	79,778	79,797	79,797	79,789	79,834	79,857	79,874	79,873
Industrial	138,422	138,084	138,140	138,377	138,387	138,387	138,383	138,409	138,422	138,432	138,432
Landscape	20,615	20,413	20,447	20,587	20,594	20,594	20,591	20,606	20,615	20,620	20,620
Churches	2,878	2,867	2,869	2,876	2,877	2,877	2,877	2,878	2,878	2,878	2,878
Wells	2,585	2,585	2,585	2,585	2,585	2,585	2,585	2,585	2,585	2,585	2,585
Laundry	3,017	3,010	3,011	3,016	3,016	3,016	3,016	3,017	3,017	3,017	3,017
Library Schools	19,452	19,357	19,372	19,439	19,442	19,442	19,441	19,448	19,452	19,454	19,454
Motel/Hotel	28,937	28,768	28,796	28,914	28,920	28,920	28,918	28,930	28,937	28,942	28,942
City Owned	11,216	11,189	11,193	11,213	11,213	11,213	11,213	11,215	11,216	11,217	11,217
Subtotal Non-Residential	306,978	305,543	305,782	306,785	306,831	306,831	306,812	306,921	306,979	307,020	307,018
Total Billable	645,800	643,042	644,175	646,780	647,544	648,219	648,858	649,744	650,533	651,287	651,960
Non-Billable [1]	61,980	61,980	61,980	61,980	61,980	61,980	61,980	61,980	61,980	61,980	61,980
Total Water	707,781	705,022	706,155	708,760	709,525	710,199	710,838	711,724	712,513	713,267	713,941

Source: City of St. Helena and HEC.

demand

[1] Non-Billable water includes unaccounted and/or unbilled water e.g. leaks, and certain city agreements.

Prepared by HEC

150182 Water Model v27 REVISED FINAL 10/31/2016

Table A-19
City of St. Helena Water Rate Study
Assumptions for the Effect of Increasing Prices on Water Demand (Price Elasticity)

Customer Type	Estimated Elasticity	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10
% Change in Price to Meet Revenue Requirement		17.1%	14.7%	4.5%	4.0%	4.0%	4.2%	3.1%	2.5%	2.1%	2.1%
Assumption for Inflation		2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Price Increase Adjusted for Inflation		14.6%	12.2%	2.0%	1.5%	1.5%	1.7%	0.6%	0.0%	-0.4%	-0.4%
Residential											
Single Unit	-0.08	-1.2%	-1.0%	-0.2%	-0.1%	-0.1%	-0.1%	0.0%	0.0%	0.0%	0.0%
Multi-Fam	-0.08	-1.2%	-1.0%	-0.2%	-0.1%	-0.1%	-0.1%	0.0%	0.0%	0.0%	0.0%
Mobile Homes	-0.08	-1.2%	-1.0%	-0.2%	-0.1%	-0.1%	-0.1%	0.0%	0.0%	0.0%	0.0%
Non-Residential											
Commercial	-0.15	-2.2%	-1.8%	-0.3%	-0.2%	-0.2%	-0.3%	-0.1%	0.0%	0.1%	0.1%
Industrial	-0.05	-0.7%	-0.6%	-0.1%	-0.1%	-0.1%	-0.1%	0.0%	0.0%	0.0%	0.0%
Landscape	-0.20	-2.9%	-2.4%	-0.4%	-0.3%	-0.3%	-0.3%	-0.1%	0.0%	0.1%	0.1%
Churches	-0.08	-1.2%	-1.0%	-0.2%	-0.1%	-0.1%	-0.1%	0.0%	0.0%	0.0%	0.0%
Laundry	-0.05	-0.7%	-0.6%	-0.1%	-0.1%	-0.1%	-0.1%	0.0%	0.0%	0.0%	0.0%
Library Schools	-0.10	-1.5%	-1.2%	-0.2%	-0.1%	-0.2%	-0.2%	-0.1%	0.0%	0.0%	0.0%
Motel/Hotel	-0.12	-1.8%	-1.5%	-0.2%	-0.2%	-0.2%	-0.2%	-0.1%	0.0%	0.1%	0.0%
City Owned	-0.05	-0.7%	-0.6%	-0.1%	-0.1%	-0.1%	-0.1%	0.0%	0.0%	0.0%	0.0%

Source: HEC.

elasticity

Table A-20
City of St. Helena Water Rate Study
Projected Changes in Water Demand due to Price Changes

Customer Type	Fiscal Year Ending									
	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10
Residential										
Single Unit [1]	262,941	263,617	264,292	264,968	265,644	266,320	266,995	267,671	268,347	269,023
Multi-Fam	48,856	48,856	48,856	48,856	48,856	48,856	48,856	48,856	48,856	48,856
Mobile Homes	27,026	27,026	27,026	27,026	27,026	27,026	27,026	27,026	27,026	27,026
Subtotal Residential	338,822	339,498	340,174	340,849	341,525	342,201	342,877	343,552	344,228	344,904
Non-Residential										
Commercial	79,857	79,857	79,857	79,857	79,857	79,857	79,857	79,857	79,857	79,857
Industrial	138,422	138,422	138,422	138,422	138,422	138,422	138,422	138,422	138,422	138,422
Landscape	20,615	20,615	20,615	20,615	20,615	20,615	20,615	20,615	20,615	20,615
Churches	2,878	2,878	2,878	2,878	2,878	2,878	2,878	2,878	2,878	2,878
Wells	2,585	2,585	2,585	2,585	2,585	2,585	2,585	2,585	2,585	2,585
Laundry	3,017	3,017	3,017	3,017	3,017	3,017	3,017	3,017	3,017	3,017
Library Schools	19,452	19,452	19,452	19,452	19,452	19,452	19,452	19,452	19,452	19,452
Motel/Hotel	28,937	28,937	28,937	28,937	28,937	28,937	28,937	28,937	28,937	28,937
City Owned	11,216	11,216	11,216	11,216	11,216	11,216	11,216	11,216	11,216	11,216
Subtotal Non-Residential	306,978	306,978	306,978	306,978	306,978	306,978	306,978	306,978	306,978	306,978
Total Billable Water	645,800	953,454	954,129	954,805	955,481	956,157	956,832	957,508	958,184	958,860
Change in Demand due to Price [2]										
Residential										
Single Unit	-1,027	-858	-139	-106	-106	-120	-42	1	31	30
Multi-Fam	-191	-159	-26	-20	-20	-22	-8	0	6	5
Mobile Homes	-106	-88	-14	-11	-11	-12	-4	0	3	3
Subtotal Residential	-1,324	-1,105	-179	-136	-137	-155	-53	1	39	38
Non-Residential										
Commercial	-585	-488	-79	-60	-60	-68	-23	1	17	16
Industrial	-338	-282	-45	-35	-35	-39	-13	0	10	10
Landscape	-201	-168	-27	-21	-21	-23	-8	0	6	6
Churches	-11	-9	-2	-1	-1	-1	0	0	0	0
Laundry	-7	-6	-1	-1	-1	-1	0	0	0	0
Library Schools	-95	-79	-13	-10	-10	-11	-4	0	3	3
Motel/Hotel	-170	-141	-23	-17	-17	-20	-7	0	5	5
City Owned	-27	-23	-4	-3	-3	-3	-1	0	1	1
Subtotal Non-Residential	-1,435	-1,196	-193	-147	-147	-166	-57	1	42	40
Total Billable Water	-2,758	-2,301	-372	-283	-284	-321	-111	3	81	78

Source: HEC.

elas demand

[1] Assumes growth of 5 units per year.

[2] Change applied to summer months consumption only.

Percent of Year	33%	33%	33%	33%	33%	33%	33%	33%	33%	33%
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Table A-21
City of St. Helena Water Rate Study
Operating Expenses (FY2016) Peak to Off-Peak Ratio

Expenses	TOTAL Excl. Debt	Percent of Year Total
Jul-15	\$280,972	8%
Aug-15	\$156,745	5%
Sep-15	\$373,717	11%
Oct-15	\$367,289	11%
Nov-15	\$297,387	9%
Dec-15	\$391,236	11%
Jan-16	\$256,759	7%
Feb-16	\$158,108	5%
Mar-16	\$267,578	8%
Apr-16	\$252,836	7%
May-16	\$155,424	5%
Jun-16	\$471,651	14%
TOTAL	\$3,429,701	100%
PEAK	\$1,805,798	
PEAK AS % OF TOTAL	53%	
OFF-PEAK	\$1,623,903	
PEAK AVG.	\$300,966	
OFF-PEAK AVG.	\$270,650	
PEAK TO OFF-PEAK RATIO	1.11	

Source: City of St. Helena.

exp monthly 2

[1] Excludes operating costs not influenced by seasonal changes; debt, taxes, insurance, and capital.

Table A-22
City of St. Helena Water Rate Study
Calculated Drought and Non-Drought Year Water Costs

Source Costs	Imported <i>City of Napa</i>	Surface Water <i>Bell Canyon</i>	Ground Water <i>Stonebridge Wells</i>	Total <i>All Sources</i>
<u>Fiscal Year 2015</u>				
Cost per 1,000 Galls	\$6.70	\$2.82	\$0.65	
DROUGHT YEAR				
Wtd. Avg. Cost per 1,000 Galls.	\$2.53	\$1.31	\$0.10	\$3.94
Source of Supply	38%	46%	16%	100%
NON-DROUGHT YEAR				
Wtd. Avg. Cost per 1,000 Galls.	\$2.12	\$1.13	\$0.19	\$3.43
Source of Supply	32%	40%	28%	100%
All Other Operations Costs (assumed not to change) [1]				\$1,814,740
All Other Operations Costs per 1,000 Gallons of City produced water				\$5.68
TOTAL DROUGHT YEAR COST PER 1,000 GALLONS				\$9.62
TOTAL NON-DROUGHT YEAR COSTS PER 1,000 GALLONS				\$9.10
<i>Ratio of Drought to Non-Drought</i>			<i>1.06</i>	

Source: City of St. Helena and HEC.

cost by source

[1] Includes general operations costs; excludes distribution costs, debt, capital, and transfers.

HANSFORD ECONOMIC
CONSULTING



**City of St. Helena (2016)
Wastewater Rate Study
Technical Memorandum**

FINAL
October 31, 2016

HEC Project #150182

Exhibit A

Technical Memorandum WASTEWATER RATE STUDY

To: City of St. Helena

From: Catherine Hansford

Date: October 31, 2016

This technical memorandum presents the detailed wastewater rate study. Support tables are provided in **Attachment A**.

THE WASTEWATER FUND

Table A-1 in Attachment A shows comprehensive audited financial report data for the wastewater fund from 2011 through 2015. Detailed historical revenues and expenses are shown in **Table A-2**, with supporting data in **Table A-3**.

Revenues

The wastewater system is funded through rates, annexation fees, investment earnings, and sewer connection fees. More than 99% of revenue is from wastewater rates. Rate revenue is generated according to the current wastewater rate schedule shown on the following page in **Table 1**. Under the current rate schedule all customers pay a service charge (or base charge) and a flow charge per HCF based on average winter month water use. Residential single family customers pay a flat monthly base charge, and a flow charge. For non-residential customers, including residential multi-family customers, the service charge is different by meter size, and the flow charge is different by customer type.

Expenses

Figure 1 displays the components of expenditures for the past five years for the wastewater capital and operating funds combined. Personnel costs (salaries and benefits), services, and capital projects have been the largest expenditure items.

Figure 1
Typical Annual Wastewater Fund Expenditures

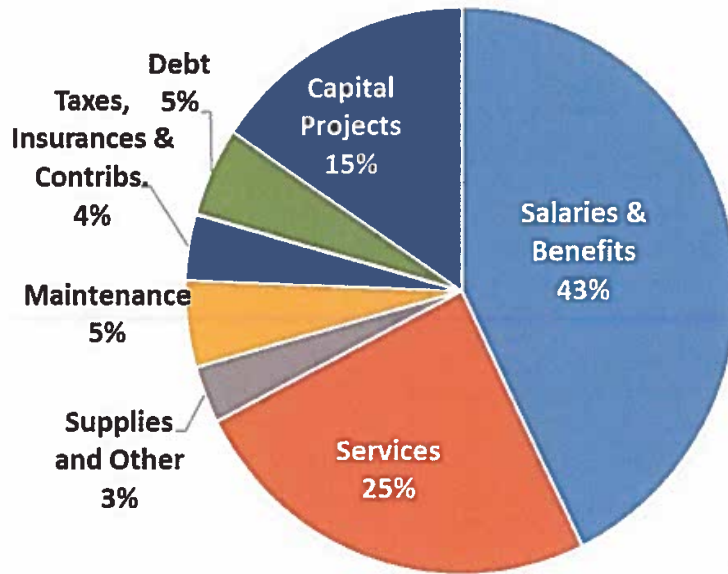


Table 1
Current Wastewater Rate Schedule

Land Use	Base Monthly Rate (2016)	Usage Rate (\$ per hcf of Winter Water Use)
Residential		[1]
Single Family	\$47.35	\$3.94
Multi-family	[2]	\$3.94
Non-Residential Base Rates		
5/8" & 3/4" Meter	\$42.12	
1" Meter	\$102.42	
1 1/2" Meter	\$202.92	
2" Meter	\$323.53	
3" Meter	\$604.94	
4" Meter	\$1,006.96	
6" Meter	\$2,012.00	
Non-Residential Usage Rates (per hcf)		
Car Wash		\$2.85
Schools		\$3.17
Laundry/Laundromat		\$3.34
Churches		\$3.64
City Buildings		\$3.64
Commercial (General)		\$3.64
Winery (Sutter Home)		\$4.27
Motels without Food		\$4.35
Service Stations/Auto Repair		\$4.70
Mixed Retail with Food		\$6.79
Motels with Food		\$8.75
Restaurant		\$11.68
Grocery		\$11.87
Mortuary		\$11.87
Winery (Merryvale)		\$20.94
Winery (Spottswoode)		\$20.94

Source: City of St. Helena.

curr

[1] Single family usage charge based on average winter water use, determined as average monthly usage for billing cycles with read dates from January through March. Months with zero usage are to be excluded from the averaging. Usage charge to be adjusted annually in April, based on the newest winter average.

[2] Multi-family pays same base charges based on meter size as non-residential.

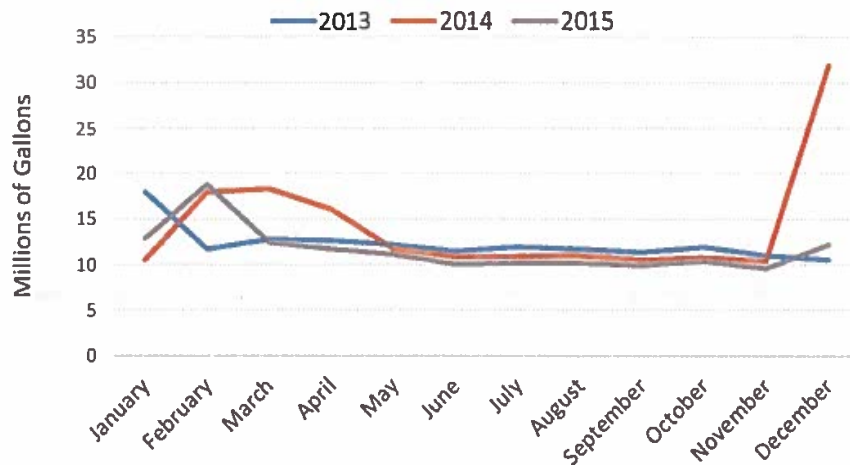
Prepared by HEC

THE WASTEWATER SYSTEM

The City's wastewater system consists of a collection system of more than 22 miles of pipe. Effluent is treated at the 0.5 million gallons a day (average daily dry weather flow) treatment plant. The wastewater treatment plant was built in 1967. The secondary level treatment plant discharges to the Napa River or land (City-owned grass fields, redwood/willow trees, and mosquito fish ponds). The City's National Pollutant Discharge Elimination System (NPDES) permit was renewed in March 2016; at the same time a Cease and Desist Order (CDO) No. R2-2016-0004 was issued because the City is unable to meet the more stringent effluent requirements of the renewed NPDES permit. A draft feasibility study was prepared for the City in August 2016 which recommends improvements at the wastewater treatment plant so that the City can be in compliance and the CDO lifted.

Figure 2 shows historical monthly influent at the wastewater treatment plant. Data is provided in Table A-4. Wastewater inflow at the treatment plant currently averages 0.4 million gallons per day (MGD).

Figure 2
Historical Wastewater Plant Monthly Influent Flow



Customer Characteristics

The number of customers and total calculated flow for each customer and customer category, BOD and TSS characteristics are summarized in Table 2.

Table 2
Summary of User Characteristics

Customer Category	Billing Basis	No. Billing Units	Wastewater Characteristics				Existing Treatment Capacity/Load				Total Annual Capacity/Load			
			Flow	BOD	SS	MG/L	Flow	BOD	SS	MG	Flow	BOD	SS	
			GPD	MG/L	MGD		Lbs/Day	Lbs/Day	Lbs/Year		Lbs/Year			
			(A)	(B)	(C)		(D)	(E)=(A)/(B)	(F)=(C)/(E)x8.34		(G)=(D)/(E)x8.34	(H)=(F)x365	(I)=(G)x365	(J)=(H)x365
[1]														
Residential														
Single Family	Unit	1,503	175	200	200	0.26	439.25	439.25	96.12	160,328	160,328	160,328	160,328	160,328
Multi-Family	Unit	669	106	200	200	0.07	118.29	118.29	25.89	43,177	43,177	43,177	43,177	43,177
Mobile Homes (Vineyard Valley)	Unit	211	157	200	200	0.03	55.33	55.33	12.11	20,197	20,197	20,197	20,197	20,197
School	Student	1,437	8	130	100	0.01	11.68	8.99	1.94	2,103	2,103	1,618	1,618	1,618
Non-Residential														
Car Wash	Account	1	1,005	20	150	0.00	0.17	1.26	0.37	61	61	459	459	459
Religious Places/Community Centers	Account	13	156	130	110	0.00	2.20	1.86	0.74	802	802	679	679	679
Commercial [2]	Account	126	241	150	200	0.03	37.96	50.61	11.08	13,855	13,855	18,473	18,473	18,473
Groceries and Mortuaries	Account	3	691	800	800	0.00	13.84	13.84	0.76	5,052	5,052	5,052	5,052	5,052
Laundry	Account	1	4,181	150	110	0.00	5.23	3.84	1.53	1,909	1,909	1,400	1,400	1,400
Mixed Retail w/ Food	Account	3	1,319	240	600	0.00	7.92	19.80	1.44	2,891	2,891	7,228	7,228	7,228
Motel with Food	Account	2	5,429	500	600	0.01	45.28	54.34	3.96	16,528	16,528	19,833	19,833	19,833
Motel without Food	Account	8	2,297	310	120	0.02	47.51	18.39	6.71	17,340	17,340	6,712	6,712	6,712
Restaurant	Account	19	1,354	1,000	600	0.03	214.60	128.76	9.39	78,328	78,328	46,997	46,997	46,997
Napa Valley College	Account	1	12,925	130	100	0.01	14.01	10.78	4.72	5,115	5,115	3,935	3,935	3,935
Service Station	Account	5	318	180	280	0.00	2.38	3.71	0.58	870	870	1,353	1,353	1,353
Winery Production (Merryvale/Spottswoode)	Account	2	937	2,800	400	0.00	43.78	6.25	0.68	15,981	15,981	2,283	2,283	2,283
Sutter Home Winery	Account	1	3,195	200	200	0.00	5.33	5.33	1.17	1,945	1,945	1,945	1,945	1,945
TOTAL (ADWF 0.5 MGD)						0.50	1,064.78	940.64	179.17	386,483	386,483	341,669	341,669	341,669
Source: City of St. Helena, California Department of Education Educational Demographics Unit, and HEC.														

Source: City of St. Helena, California Department of Education Educational Demographics Unit, and HEC.

[1] Schools multiplied by 180 days per year.

[2] Commercial includes City buildings.

REVENUE REQUIREMENT

The revenue requirement refers to the amount of money that must be raised through rates. The projection of revenue requirement is the cornerstone for calculation of rates. This section explains the derivation of revenue requirement for this Study. Components of revenue requirement include:

- Capital Improvements
- Debt Service
- Operations Expenses and Reserves
- System Rehabilitation
- Wastewater Fund Reserves

Non-water sales revenue projections are credited against projected operations costs. Non-water sales include investment earnings and sewer connection fees.

Capital Improvements

Table 3 summarizes the capital improvement costs identified by the City as necessary in the next ten years. The costs do not include project costs that already have funding sources identified (i.e. have a grant secured or are to be funded with existing City bond proceeds). All costs are expressed in future dollars. The total ten-year capital improvement projects (CIP) costs is estimated at \$17.7 million. Of this total it is anticipated that \$13.0 million will be spent in the next five years.

Table A-5 and Table A-6 provide the wastewater system CIP list of facilities, provided by the City for the next 10 years, in current and future dollars respectively. Major necessary improvements include phase 1 upgrades to the wastewater treatment plant, replacing the wastewater reclamation facility operations building and shop, and sewer mains replacement or rehabilitation.

Costs are further allocated to existing and future customers based on their estimated use of the facilities. Only \$125,000 of the total cost is for projects partially benefiting future customers. These projects include reclamation field facilities and miscellaneous maintenance improvements. Supporting data is provided in Table A-7, in 2016 dollars, and Table A-8, in future dollars. All other CIP items are allocated entirely to existing customers. Existing customers' costs included in rates are shown in Table A-9.

Future costs are inflated using the Engineering News Record Construction Cost Index (ENR CCI) past 20-year annual average increase of 3.1%.

Table 3
Wastewater Capital Improvement Costs by Customer Share

Customer	Estimated CIP Costs in Future Dollars		
	Through 2022	2023 to 2027	Total CIP
Existing Customer Share	\$12,909,786	\$4,699,894	\$17,609,680
Future Customer Share	\$57,033	\$68,049	\$125,082
Total Existing and Future	\$12,966,819	\$4,767,944	\$17,734,763

Source: HEC. cip share

CIP funding sources of costs are shown in Table 4.

Table 4
Sources of Funding for Existing Customers CIP Costs

Project	Total Cost Less Existing Funding	Total Through FY 2022	Fiscal Year Ending					
			2017	2018	2019	2020	2021	2022
Future \$'s								
Cash - Capital Fund	\$4,636,494	\$2,636,034	\$521,023	\$426,887	\$391,846	\$686,181	\$270,883	\$339,214
Cash - Operations Fund	\$561,029	\$462,386	\$15,462	\$69,067	\$235,491	\$16,936	\$17,458	\$107,973
Debt - Capital Fund	\$8,746,428	\$8,495,287	\$239,259	\$743,798	\$3,582,746	\$3,693,130	\$116,384	\$119,970
Reserves	\$3,665,729	\$1,316,079	\$0	\$0	\$0	\$0	\$116,384	\$1,199,695
Total CIP	\$17,609,680	\$12,909,786	\$775,744	\$1,239,752	\$4,210,083	\$4,396,247	\$521,108	\$1,766,852

Source: City of St. Helena and HEC.

exis rates

Debt Service

The City has wastewater system debt associated with a 2005 bond issue, and refunding of that bond issue in 2012. Yearly debt service for the wastewater system is shown in Table A-9.

New debt is anticipated to be incurred for phase 1 and phase 2 of the wastewater treatment plant (WWTP) upgrades. For the rate study it is assumed these projects are funded with a Clean Water State Revolving Fund (CWSRF) loan. Due to the size of the projects, a 15% contingency factor was added to the estimated City cost. The estimated new CWSRF debt service is shown in Table 5. A year of debt service must be accumulated prior to repayment of the loan, which begins one year after completion of construction.

Table 5
Estimated CWSRF Debt Financing for WWTP Upgrades

Item	Construction Fiscal Year
Treatment Plant Phase 1	2019
Construction Cost Estimate	\$8,258,933
Contingency (15%) [1]	\$1,238,840
Total	\$9,497,773
Estimated Annual Debt Service [2]	\$592,124
Estimated Total Financing Costs	\$2,344,700
Treatment Plant Phase 2	2022
Construction Cost Estimate	\$487,495
Contingency (15%) [1]	\$73,124
Total	\$560,619
Estimated Annual Debt Service [2]	\$34,951
Estimated Total Financing Costs	\$138,399
Total Debt-Financed Infrastructure Cost	\$10,058,393
Estimated Total Financing Costs	\$2,483,099

Source: State Water Resources Control Board and HEC.

new debt

[1] State-funded projects typically cost more (more administration as well as American Iron and Steel requirements, and labor reporting).

[2] CWSRF loan assumptions:

Interest Rate	2.2%
Term (years)	20

Operations Expenses and Reserves

Estimated fiscal year 2015/16 operating expenses are used to project future year operating expenditures. All operating expenditures are increased 5% each year with the exception of capital, which is increased at 3% per year, and maintenance, taxes, insurances and contributions which are increased at 10% per year to be more consistent with higher historical increases for these expenses. **Table A-10** shows historical annual average operating cost increases of 14.6%. Fiscal year 2015/16 was abnormally high. Taking this out of the calculation, the data shows historical annual average operating cost increases of only 4.9%.

System Rehabilitation Costs

Prepared by HEC

Depreciation is used as the basis for which to collect rates to cover system rehabilitation costs. Inclusion of system rehabilitation costs demonstrates fiscal responsibility toward the assets to potential future investors and helps to establish good credit¹. Depreciation is calculated based on existing wastewater assets and new assets added to the wastewater system in the next five years. Table 6 shows the total annual amount of depreciation for existing and new assets included in the rate study. If the collected revenue is not applied to a CIP rehabilitation project it should be designated within the fund for the purposes of repair and rehabilitation only. Supporting data is provided in Tables A-11 and A-12.

Table 6
System Rehabilitation Annual Costs

Asset List	Fiscal Year Ending					
	2017	2018	2019	2020	2021	2022
Existing Assets	\$340,044	\$350,521	\$361,320	\$372,452	\$383,928	\$395,756
Projected Assets Annual Depreciation	\$16,613	\$41,264	\$98,143	\$159,973	\$176,412	\$230,848
Total Annual Depreciation	\$356,657	\$391,785	\$459,463	\$532,425	\$560,339	\$626,604
<i>Percent Depreciation for System Rehabilitation</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
System Rehabilitation	\$356,700	\$391,800	\$459,500	\$532,400	\$560,300	\$626,600

Source: City of St. Helena and HEC.

depr

Revenue Requirement

Table 7 on the next page provides the projection of annual costs and revenues and the resulting revenue requirement through fiscal year ending 2027. Total revenue requirement is projected to increase from \$3.0 million in the fiscal year 2017 to \$4.6 million in fiscal year 2022 to \$5.7 million in fiscal year 2027.

¹ Per Governmental Accounting Standards Board (GASB) 34, local governments must report on the value of their infrastructure assets and plan for asset maintenance (including collecting sufficient revenue) to obtain good credit when issuing bonds or procuring other forms of financing for long-term construction projects.

Table 7
Projected Revenue Requirement

Revenues and Expenses		Assumptions	Fiscal Year Ending										
			2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Operating Expenses	Budgeted												
	Salaries & Benefits	**	\$1,071,519	\$1,125,095	\$1,181,350	\$1,240,417	\$1,302,438	\$1,367,560	\$1,435,938	\$1,507,735	\$1,583,122	\$1,662,278	\$1,745,392
	Services		\$319,189	\$335,148	\$351,906	\$369,501	\$387,976	\$407,375	\$427,744	\$449,131	\$471,588	\$495,167	\$519,925
	Supplies		\$75,942	\$79,739	\$83,726	\$87,912	\$92,308	\$96,923	\$101,770	\$106,858	\$112,201	\$117,811	\$123,702
	Maintenance	**	\$130,513	\$143,564	\$157,921	\$173,713	\$191,084	\$210,192	\$231,212	\$254,333	\$279,766	\$307,743	\$338,517
	Taxes, Insurances & Contribs.	**	\$105,967	\$116,564	\$128,220	\$141,042	\$155,146	\$170,661	\$187,727	\$206,500	\$227,150	\$249,865	\$274,851
	Capital	**	\$101,700	\$104,751	\$107,894	\$111,130	\$114,464	\$117,898	\$121,435	\$125,078	\$128,831	\$132,695	\$136,676
	Wet Weather Flow Monitoring		\$0	\$0	\$54,765	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Update GIS Maps of Sewer System		\$0	\$53,128	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Sewer Master Plan		\$0	\$0	\$164,296	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CCTV Program		\$15,462	\$15,939	\$16,430	\$16,936	\$17,458	\$17,995	\$18,550	\$19,121	\$19,711	\$20,318	\$20,944	
Recycled Water Feasibility Study		\$0	\$0	\$0	\$0	\$0	\$89,977	\$0	\$0	\$0	\$0	\$0	
Total Operating Expenses			\$1,820,292	\$1,973,928	\$2,246,507	\$2,140,652	\$2,260,874	\$2,478,583	\$2,524,375	\$2,668,756	\$2,822,367	\$2,985,876	\$3,160,007
Debt Service													
Existing Debt			\$252,876	\$253,904	\$256,030	\$258,280	\$253,823	\$255,392	\$250,938	\$251,669	\$252,022	\$252,310	\$251,490
WWTP New Debt - Phase 1			\$0	\$0	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124
WWTP New Debt - Phase 2			\$0	\$0	\$0	\$0	\$0	\$34,951	\$34,951	\$34,951	\$34,951	\$34,951	\$34,951
Total Debt Service		**	\$252,876	\$253,904	\$848,154	\$845,014	\$845,947	\$882,467	\$878,012	\$878,744	\$879,097	\$879,384	\$878,565
Capital Projects			\$164,323	\$35,087	\$0	\$153,781	\$0	\$0	\$154,028	\$0	\$0	\$0	\$0
System Rehabilitation			\$356,700	\$391,800	\$459,500	\$532,400	\$560,300	\$626,600	\$690,300	\$712,900	\$732,900	\$775,900	\$797,200
Operating Reserves			\$400,000	\$775,000	\$725,000	\$805,000	\$875,000	\$625,000	\$650,000	\$850,000	\$900,000	\$900,000	\$900,000
SUBTOTAL Annual Cost			\$2,994,191	\$3,429,719	\$4,278,161	\$4,476,847	\$4,542,121	\$4,612,649	\$4,896,715	\$5,110,400	\$5,334,364	\$5,541,161	\$5,735,771
Base		**	\$1,662,575	\$1,743,878	\$2,423,538	\$2,511,316	\$2,609,080	\$2,748,778	\$2,854,324	\$2,972,389	\$3,097,965	\$3,231,965	\$3,374,001
Use			\$1,331,616	\$1,685,841	\$1,855,623	\$1,965,531	\$1,933,042	\$1,863,871	\$2,042,391	\$2,136,011	\$2,236,399	\$2,309,196	\$2,361,771
Credits													
Investment Earnings			\$4,615	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Connection Fee			\$900	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Credits			\$5,515	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE REQUIREMENT			\$2,988,676	\$3,429,719	\$4,279,161	\$4,476,847	\$4,542,121	\$4,612,649	\$4,896,715	\$5,110,400	\$5,334,364	\$5,541,161	\$5,735,771
Annual Percentage Change			42%	15%	25%	5%	1%	2%	6%	4%	4%	4%	4%
Base Costs Percentage			56%	51%	57%	56%	57%	60%	58%	58%	58%	58%	59%
Use Costs Percentage			44%	49%	43%	44%	43%	40%	42%	42%	42%	42%	41%
Source: HEC													

** Amounts Included in Base Costs

RATES ANALYSIS

In the financial modeling for the wastewater rate study two rate scenarios were considered for collection of the revenue requirement; a modified rate structure and a new rate structure. Under the modified rate structure:

- Residential single family continues to pay a flat monthly charge per unit, plus a flow charge per HCF of winter water use.
- Non-Residential, including multi-family and mobile homes, pay a flat monthly charge by water meter size plus a flow charge per HCF of winter water use by customer type.
- Religious places/community centers are placed into their own customer category (previously included as commercial).

Under the new rate structure:

- Residential single family, multi-family, and mobile homes pay a flat monthly charge per housing unit.
- Schools pay a flat monthly charge on a per student basis.
- Non-Residential pay a flat monthly charge by customer type plus a flow charge by customer type per HCF of winter water use.

In the new rate structure, there are no charges based on water meter size and all costs are allocated on flow and strength customer characteristics.

Per the August 4th, 2016 and September 13th, 2016 Task Force meetings, the City's Task Force chose the new rate structure as the preferred rate structure; therefore, the body of this memorandum includes the methodology and results of the new rate structure only. For record keeping the modified rate structure is presented in Attachment B.

New Rate Structure

The following four steps outline how wastewater rates are calculated such that the monthly wastewater rates meet legal requirements. The accompanying tables show the calculations for the first year of the analysis, fiscal year 2016-17, in order to demonstrate the model and illustrate how the rates are calculated. The same cost allocation methodology is used for all years considered in this analysis.

1. **Establish the Wastewater Customer Base and User Characteristics** – The wastewater customer base includes residential (single family, multi-family, and mobile homes), schools, car wash, religious places/community center, commercial, grocery and mortuary, laundry, mixed retail with food, motel with food, motel without food, restaurant, Napa Valley College, service station, winery production, and Sutter Home Winery users. Wastewater flow parameters are based on City winter average (January through March) water meter reads and sewer strength is based on industry standards. *Wastewater inflow at the treatment plant currently averages 0.5 million gallons per day (MGD). The number of customers and total calculated flow for each customer and customer category, Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) characteristics were summarized earlier in the report in Table 2.*

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2. **Project Revenue Requirement and Allocate to Collection and Treatment** – Projections of annual costs and non-rate revenues are used to determine revenue requirement as previously described. *The revenue requirement (the amount to be funded through wastewater service charges/rates) for fiscal year 2016-17 is \$3.0 million. The revenue requirement is allocated between collection and treatment. Of this total cost, approximately 72% is for the treatment plant and 28% for the collection system. Table 8 shows the allocation of projected costs between the wastewater collection system and the treatment plant for fiscal year 2016-17.*
3. **Allocate Revenue Requirement based on Flow and Strength and Determine Unit Costs** – The revenue requirement is allocated based on flow and load (strength) depending on the percentage distribution of operations and maintenance operations attributed to flow, BOD, or TSS. Per unit revenue requirement for each projected year is determined by dividing the allocated revenue requirement by the demand for each customer type.

Costs are allocated to customer categories as follows:

- A. Allocate the costs (by Cost Category) to flow, BOD and TSS
- B. Determine the Unit Cost by Cost Category

Each of these steps is described in greater detail below.

A. Cost Allocation to Flow, BOD, and SS

Costs are allocated to flow, BOD, and SS based on percentage allocation or distribution factors. These percentage allocation factors are based on the estimated distribution of the treatment and collection facilities O&M activities between or related to flow, BOD, and TSS.

Table 9 shows the calculation of unit costs by cost category for flow, BOD, and TSS. Collection costs are strictly related to flow and therefore, 100 percent of the collection costs are allocated to flow. Treatment plant costs are allocated by cost category for flow, BOD and TSS using the subtotal percentages from the collection and treatment cost allocations.

Table 8
Revenue Requirement Distributed between Collection and Treatment
- New Rate Structure based on Flow and Strength

FY 2017

Expenditures	Projected Total	Allocation		Collection		Treatment		Total
		Collection	Treatment	Operations	Capital	Operations	Capital	
Salaries & Benefits	\$1,071,519	21%	79%	\$227,165		\$844,354		\$844,354
Services	\$319,189	4%	96%	\$12,682		\$306,507		\$306,507
Supplies	\$75,942	22%	78%	\$16,619		\$59,323		\$59,323
Maintenance	\$130,513	11%	89%	\$14,137		\$116,376		\$116,376
Taxes, Insurances & Contribs.	\$105,967	0%	100%	\$0		\$105,967		\$105,967
Capital	\$101,700	0%	100%	\$0		\$101,700		\$101,700
Wet Weather Flow Monitoring	\$0	100%	0%		\$0		\$0	\$0
Update GIS Maps of Sewer System	\$0	50%	50%		\$0		\$0	\$0
Sewer Master Plan	\$0	50%	50%		\$0		\$0	\$0
CCTV Program	\$15,462	100%	0%		\$15,462		\$0	\$0
Recycled Water Feasibility Study	\$0	0%	100%		\$0		\$0	\$0
Total Debt Service	\$252,876	100%	0%		\$252,876		\$0	\$0
Capital Projects	\$164,323	0%	100%		\$0		\$164,323	\$164,323
System Rehabilitation	\$356,700	50%	50%		\$178,350		\$178,350	\$178,350
Total Operating Expenses	\$2,594,191	28%	72%	\$270,603	\$446,689	\$1,534,227	\$342,673	\$1,876,900
Operating Reserve	\$400,000							
Less Offsetting Revenue	(\$5,515)							
Total	\$2,988,676							

Source: HEC.

alloc

Prepared by HEC

Table 9
Unit Cost Determination
- New Rate Structure based on Flow and Strength

FY 2017

Cost Category	Percent Allocation			Cost			Total Influent			Unit Cost Per:		
	Allocated Costs	Flow	BOD	SS	Flow	BOD	Flow	BOD	SS	Mgal of Flow (\$/Mgal)	Klb of BOD (\$/Klb)	Klb of SS (\$/Klb)
	(A)	(B)	(C)	(D)	(E) = (A) * (B)	(F) = (A) * (C)	(G) = (A) * (D)	(H)	(I)	(J) = (E) / (H)	(K) = (F) / (I)	(L) = (G) / (I)
Operating Costs												
Collection System Costs	\$270,603	100%	0%	0%	\$270,603	\$0	\$0	179	386	\$1,510.29	\$0.00	\$0.00
Treatment Costs	\$1,534,227	34%	33%	33%	\$521,637	\$506,295	\$506,295	179	386	\$2,911.36	\$1,310.01	\$1,481.83
Capital Costs												
Collection System Costs	\$446,689	100%	0%	0%	\$446,689	\$0	\$0	179	386	\$2,493.05	\$0.00	\$0.00
Treatment Costs	\$342,673	34%	33%	33%	\$116,509	\$113,082	\$113,082	179	386	\$650.26	\$292.59	\$330.97
Subtotal Collection Costs	\$717,291	100%	0%	0%	\$717,291	\$0	\$0	179	386	\$4,003.34	\$0.00	\$0.00
Subtotal Treatment Costs	\$1,876,900	34%	33%	33%	\$638,146	\$619,377	\$619,377	179	386	\$3,561.61	\$1,602.60	\$1,812.80
Subtotal Costs	\$2,594,191	52%	24%	24%	\$1,355,437	\$619,377	\$619,377			\$7,564.96	\$1,602.60	\$1,812.80
Other Costs												
Operating Reserve	\$400,000	52%	24%	24%	\$208,996	\$95,502	\$95,502	179	386	\$1,166.45	\$247.11	\$279.52
Less Offsetting Revenue	(\$5,515)	52%	24%	24%	(\$2,882)	(\$1,317)	(\$1,317)	179	386	(\$16.08)	(\$3.41)	(\$3.85)
Subtotal Other Costs	\$394,485	52%	24%	24%	\$206,114	\$94,185	\$94,185			\$1,150.36	\$243.70	\$275.66
TOTAL COSTS	\$2,988,676				\$1,561,552	\$713,562	\$713,562			\$8,715.32	\$1,846.30	\$2,088.46

Source: HEC.

Prepared by HEC

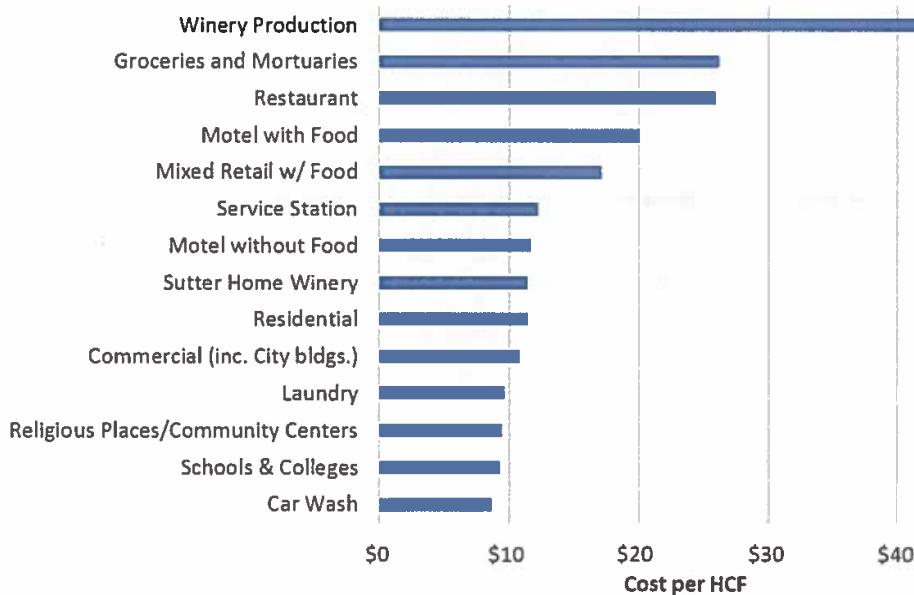
B. Unit Cost by Cost Category

The allocated costs are then divided by total annual capacity from Table 2 to determine the unit cost by flow, BOD, and TSS units of measurement. These unit costs are used to determine the cost allocated to each customer type in the next step.

4. **Determine Revenue Requirement by Customer Type** – The per unit costs are multiplied by the flow and strength characteristics of each customer category to determine the annual cost by customer type. *The unit costs determined in Table 9 are multiplied by the flow, BOD, or TSS for each customer type. These costs are then summed to determine the total costs allocated to each customer type, as shown in Table 10.*

Total allocated costs to each customer category are shown in Table 11. Residential customers are responsible for 69% of the total costs, schools are responsible for 1% of the total costs, and non-residential customers are responsible for 30% of the total costs. Total treatment cost per hundred cubic feet is greatest for high strength customers such as winery production customers, restaurants, groceries and mortuaries, and lowest for customers such as car washes and religious places/community centers which have low strength wastewater. This data is shown graphically in Figure 3.

Figure 3
Cost per Hundred Cubic Feet by Customer Type



Prepared by HEC

FY 2017

Table 10
Allocation of Costs to Flow, BOD, and SS by Customer Category
- New Rate Structure based on Flow and Strength

Unit Cost/Customer Category	Flow MG/Yr	BOD Klb/Yr	SS Klb/Yr	Collection		Treatment		Other		TOTAL
				Flow (\$/Mgal)	SS (\$/Klb)	Flow (\$/Mgal)	BOD (\$/Klb)	Flow (\$/Mgal)	BOD (\$/Klb)	
Unit Cost	Table 9	----->	----->	\$4,003.34	\$1,602.60	\$3,561.61	\$1,602.60	\$1,150.36	\$243.70	\$275.66
Residential										
Single Family	96	160	160	\$384,800	\$256,941	\$342,342	\$256,941	\$110,573	\$39,072	\$44,196
Multi-Family	26	43	43	\$103,629	\$69,196	\$92,195	\$69,196	\$29,778	\$10,522	\$11,902
Mobile Homes	12	20	20	\$48,474	\$32,367	\$43,125	\$32,367	\$13,929	\$4,922	\$5,567
School	2	2	2	\$7,766	\$3,371	\$6,909	\$3,371	\$2,232	\$513	\$446
Non-Residential										
Car Wash	0	0	0	\$1,469	\$98	\$1,307	\$98	\$422	\$15	\$127
Religious Places/Community Centers	1	1	1	\$2,961	\$1,285	\$2,635	\$1,285	\$851	\$195	\$187
Commercial [1]	11	14	18	\$44,338	\$22,204	\$39,445	\$22,204	\$12,740	\$3,376	\$5,092
Groceries and Mortuaries	1	5	5	\$3,031	\$8,096	\$2,697	\$8,096	\$871	\$1,231	\$1,393
Laundry	2	2	1	\$6,109	\$3,059	\$5,435	\$3,059	\$1,755	\$465	\$386
Mixed Retail w/ Food	1	3	7	\$5,783	\$4,633	\$5,145	\$4,633	\$1,662	\$705	\$1,993
Motel with Food	4	17	20	\$15,867	\$26,488	\$14,117	\$26,488	\$4,559	\$4,028	\$5,467
Motel without Food	7	17	7	\$26,850	\$27,789	\$23,887	\$27,789	\$7,715	\$1,850	\$106,480
Restaurant	9	78	47	\$37,599	\$125,529	\$33,450	\$125,529	\$10,804	\$19,089	\$324,622
Napa Valley College	5	5	4	\$18,887	\$8,197	\$16,803	\$8,197	\$5,427	\$1,247	\$1,085
Service Station	1	1	1	\$2,320	\$1,394	\$2,064	\$1,394	\$667	\$212	\$373
Winery Production (Merryvale/Spottswoode)	1	16	2	\$2,740	\$25,612	\$2,437	\$25,612	\$787	\$3,895	\$629
Sutter Home Winery	1	2	2	\$4,669	\$3,117	\$4,154	\$3,117	\$1,342	\$474	\$536
TOTAL	179	386	342	\$717,291	\$619,377	\$638,146	\$619,377	\$206,114	\$94,185	\$2,988,676

Source: HEC.

[1] Commercial includes City buildings.

Table 11
Calculated Cost per Hundred Cubic Feet
- New Rate Structure based on Flow and Strength

FY 2017

Customer Category	Allocated Cost	Percentage of Cost	Annual Flow (MG)	Cost per 1,000 Gallons	Cost per HCF
Residential					
Single Family	\$1,468,566	49%	96.12	\$15.28	\$11.43
Multi-Family	\$395,493	13%	25.89	\$15.28	\$11.43
Mobile Homes	\$184,996	6%	12.11	\$15.28	\$11.43
Subtotal Residential	\$2,049,055	69%	134.11	\$15.28	\$11.43
School	\$24,170	1%	1.94	\$12.46	\$9.32
Non-Residential					
Car Wash	\$4,270	0%	0.37	\$11.64	\$8.70
Religious Places/Community Centers	\$9,345	0%	0.74	\$12.63	\$9.45
Commercial [1]	\$160,685	5%	11.08	\$14.51	\$10.85
Groceries and Mortuaries	\$26,477	1%	0.76	\$34.97	\$26.16
Laundry	\$19,748	1%	1.53	\$12.94	\$9.68
Mixed Retail w/ Food	\$33,022	1%	1.44	\$22.86	\$17.10
Motel with Food	\$106,480	4%	3.96	\$26.87	\$20.10
Motel without Food	\$104,485	3%	6.71	\$15.58	\$11.65
Restaurant	\$324,622	11%	9.39	\$34.56	\$25.85
Napa Valley College	\$58,778	2%	4.72	\$12.46	\$9.32
Service Station	\$9,483	0%	0.58	\$16.36	\$12.24
Winery Production (Merryvale/Spottswoode)	\$40,239	1%	0.68	\$58.80	\$43.98
Sutter Home Winery	\$17,818	1%	1.17	\$15.28	\$11.43
Subtotal Non-Residential	\$915,452	31%	43.12	\$21.23	\$15.88
TOTAL	\$2,988,676	100%	179.17	\$16.68	\$12.48

Source: HEC.

flow cost

[1] Commercial includes City buildings.

Table 12 presents the calculated rates for February 8, 2017. The total allocated costs to each customer category provide the basis for the rates. It is projected that 59% of costs will be recovered through flat monthly charges (residential and school customers, as well as base charges for non-residential customers) and 41% of costs will be recovered through consumption charges. Customers with consumption charges pay for average monthly winter water passing through the water meter, measured from January through March.

Table 13 shows the projected wastewater rate schedule through fiscal year 2027.

Prepared by HEC

Table 12
Wastewater Rates Calculations for February 8, 2017
- New Rate Structure based on Flow and Strength

FY 2017

Customer Category	Billing Basis	No. Billing Units	Allocated Cost	Base 59%	Flow 41%	Annual Cost per Billing Unit		Monthly Cost	
						Base	Flow	Base	Usage
Residential	Unit	1,503	\$1,468,566	\$866,454	\$602,112	\$576	\$401	\$977	per HCF
Single Family	Unit	669	\$395,493	\$233,341	\$162,152	\$349	\$242	\$591	\$48.04
Multi-Family	Unit	211	\$184,996	\$109,148	\$75,848	\$517	\$359	\$877	\$29.07
Mobile Homes	Unit								\$43.11
Residential	Student	1,437	\$2,049,055	\$1,208,943	\$840,113	\$10	\$7	\$17	\$4.69
School	Account								
Non-Residential (\$ per hcf of Winter Water Use)	Account	1	\$4,270	\$2,519	\$1,751	\$2,519	\$1,751	\$4,270	\$3.43
Car Wash	Account	13	\$9,345	\$5,513	\$3,831.32	\$424	\$295	\$719	\$3.72
Religious Places/Community Centers	Account	126	\$160,685	\$94,804	\$65,881	\$752	\$523	\$1,275	\$4.27
Commercial [1]	Account	3	\$26,477	\$15,621	\$10,856	\$5,207	\$3,619	\$8,826	\$10.30
Groceries and Mortuaries	Account	1	\$19,748	\$11,651	\$8,097	\$11,651	\$8,097	\$19,748	\$3.81
Laundry	Account	3	\$33,022	\$19,483	\$13,539	\$6,494	\$4,513	\$11,007	\$6.73
Mixed Retail w/ Food	Account	2	\$106,480	\$62,823	\$43,657	\$31,412	\$21,828	\$53,240	\$7.91
Motel with Food	Account	8	\$104,485	\$61,646	\$42,839	\$7,706	\$5,355	\$13,061	\$4.59
Motel without Food	Account	19	\$324,622	\$191,527	\$133,095	\$10,080	\$7,005	\$17,085	\$10.18
Restaurant	Account	1	\$58,778	\$34,679	\$24,099	\$34,679	\$24,099	\$58,778	\$3.67
Napa Valley College	Account	5	\$9,483	\$5,595	\$3,888	\$1,119	\$778	\$1,897	\$4.82
Service Station	Account	2	\$40,239	\$23,741	\$16,498	\$11,871	\$8,249	\$20,120	\$17.31
Winery Production (Merryvale/Spottswaade)	Account	1	\$17,818	\$10,512	\$7,305	\$10,512	\$7,305	\$17,818	\$4.50
Sutter Home Winery	Account								
Non-Residential and Schools	Account								
TOTAL			\$2,988,676	\$1,763,319	\$1,225,357				

Source: City of St. Helena, California Department of Education Educational Demographics Unit, and HEC.
[1] Commercial includes City buildings.

Table 13
Projected Wastewater Rate Schedule
- New Rate Structure based on Flow and Strength

Customer Category	Billing Period Beginning * ----->	Fiscal Year Ending											
		2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	
Residential	2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021	11/8/2022	11/8/2023	11/8/2024	11/8/2025	11/8/2026	11/8/2027	
	Single Family	monthly per unit	\$48.04	\$55.24	\$70.13	\$73.03	\$74.18	\$75.23	\$79.74	\$83.28	\$86.84	\$90.13	\$93.20
	Multi-Family	monthly per unit	\$29.07	\$33.42	\$42.43	\$44.18	\$44.88	\$45.52	\$48.24	\$50.39	\$52.54	\$54.53	\$56.39
	Mobile Homes	monthly per unit	\$43.11	\$49.57	\$62.93	\$65.53	\$66.56	\$67.51	\$71.55	\$74.73	\$77.93	\$80.87	\$83.63
	Residential Rate per HCF	per HCF	\$4.69	\$5.39	\$6.84	\$7.12	\$7.23	\$7.34	\$7.78	\$8.12	\$8.47	\$8.79	\$9.09
Schools Flat Rate per Student	monthly per student	\$1.40	\$1.62	\$2.15	\$2.21	\$2.26	\$2.28	\$2.41	\$2.52	\$2.62	\$2.71	\$2.80	
Non-Residential	Car Wash	monthly per account	\$209.93	\$243.25	\$328.36	\$336.45	\$343.13	\$346.45	\$365.12	\$382.42	\$397.39	\$411.10	\$423.62
	Religious Places/Community Centers	monthly per account	\$35.34	\$40.85	\$54.06	\$55.68	\$56.71	\$57.34	\$60.54	\$63.35	\$65.91	\$68.25	\$70.41
	Commercial [1]	monthly per account	\$62.70	\$72.20	\$92.64	\$96.19	\$97.78	\$99.09	\$104.91	\$109.63	\$114.25	\$118.51	\$122.47
	Groceries and Mortuaries	monthly per account	\$433.93	\$492.12	\$552.00	\$595.15	\$599.41	\$613.71	\$658.17	\$683.48	\$717.89	\$749.95	\$781.06
	Laundry	monthly per account	\$970.94	\$1,121.45	\$1,475.85	\$1,522.21	\$1,549.87	\$1,567.76	\$1,656.08	\$1,732.56	\$1,802.98	\$1,867.65	\$1,927.33
	Mixed Retail w/ Food	monthly per account	\$541.20	\$617.30	\$730.21	\$775.32	\$783.78	\$795.17	\$852.68	\$887.69	\$929.47	\$968.22	\$1,005.31
	Motel with Food	monthly per account	\$2,617.64	\$2,978.36	\$3,444.90	\$3,681.23	\$3,715.59	\$3,795.12	\$4,057.95	\$4,220.11	\$4,424.57	\$4,614.57	\$4,797.54
	Motel without Food	monthly per account	\$642.15	\$738.08	\$893.28	\$972.87	\$987.93	\$1,002.28	\$1,062.67	\$1,109.72	\$1,157.47	\$1,201.49	\$1,242.73
	Restaurant	monthly per account	\$840.03	\$952.80	\$1,070.03	\$1,153.27	\$1,161.63	\$1,189.23	\$1,275.22	\$1,324.33	\$1,390.92	\$1,452.93	\$1,513.11
	Napa Valley College	monthly per account	\$2,889.93	\$3,341.62	\$4,436.77	\$4,565.57	\$4,651.20	\$4,701.87	\$4,962.71	\$5,194.00	\$5,402.37	\$5,593.58	\$5,769.41
	Service Station	monthly per account	\$93.25	\$107.06	\$134.07	\$140.12	\$142.20	\$144.37	\$153.21	\$159.92	\$166.89	\$173.33	\$179.38
	Winery Production (Merryvale/Spottswoode)	monthly per account	\$989.21	\$1,116.93	\$1,199.98	\$1,310.53	\$1,315.85	\$1,351.87	\$1,455.91	\$1,508.79	\$1,588.84	\$1,663.63	\$1,736.98
	Sutter Home Winery	monthly per account	\$876.04	\$1,007.39	\$1,278.85	\$1,331.67	\$1,352.66	\$1,371.89	\$1,454.02	\$1,518.68	\$1,583.65	\$1,643.55	\$1,699.58
	Car Wash	per HCF	\$3.43	\$3.97	\$5.36	\$5.49	\$5.60	\$5.65	\$5.96	\$6.24	\$6.48	\$6.71	\$6.91
	Religious Places/Community Centers	per HCF	\$3.72	\$4.30	\$5.69	\$5.86	\$5.97	\$6.03	\$6.37	\$6.67	\$6.94	\$7.18	\$7.41
	Commercial [1]	per HCF	\$4.27	\$4.92	\$6.31	\$6.55	\$6.66	\$6.75	\$7.15	\$7.47	\$7.78	\$8.07	\$8.34
	Groceries and Mortuaries	per HCF	\$10.30	\$11.68	\$13.10	\$14.12	\$14.22	\$14.56	\$15.62	\$16.22	\$17.03	\$17.79	\$18.53
Laundry	per HCF	\$3.81	\$4.40	\$5.79	\$5.97	\$6.08	\$6.15	\$6.50	\$6.80	\$7.07	\$7.33	\$7.56	
Mixed Retail w/ Food	per HCF	\$6.73	\$7.68	\$9.08	\$9.64	\$9.75	\$9.94	\$10.60	\$11.04	\$11.56	\$12.04	\$12.50	
Motel with Food	per HCF	\$7.91	\$9.00	\$10.41	\$11.12	\$11.23	\$11.47	\$12.26	\$12.75	\$13.37	\$13.94	\$14.50	
Motel without Food	per HCF	\$4.59	\$5.27	\$6.67	\$6.95	\$7.06	\$7.16	\$7.59	\$7.93	\$8.27	\$8.58	\$8.88	
Restaurant	per HCF	\$10.18	\$11.54	\$12.96	\$13.97	\$14.07	\$14.41	\$15.45	\$16.04	\$16.85	\$17.60	\$18.33	
Napa Valley College	per HCF	\$3.67	\$4.24	\$5.63	\$5.79	\$5.90	\$5.97	\$6.30	\$6.59	\$6.86	\$7.10	\$7.32	
Service Station	per HCF	\$4.82	\$5.53	\$6.93	\$7.24	\$7.35	\$7.46	\$7.92	\$8.26	\$8.62	\$8.95	\$9.27	
Winery Production (Merryvale/Spottswoode)	per HCF	\$17.31	\$19.55	\$21.00	\$22.93	\$23.03	\$23.66	\$25.48	\$26.40	\$27.80	\$29.11	\$30.40	
Sutter Home Winery	per HCF	\$4.50	\$5.17	\$6.57	\$6.84	\$6.95	\$7.04	\$7.47	\$7.80	\$8.13	\$8.44	\$8.73	

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.
[1] Commercial includes City buildings.

Special user rates are calculated for new industries moving to the City that have special requirements attached to their operating permit with the City. Municipal code 13.20.020E would have to be revised from the current formula of $A(V)+B(BOD)+C(SS)+D$ to remove D, which is no longer applicable under the new rate structure. In the special user charges formula:

- V is volume of water in millions of gallons
- BOD is biochemical oxygen demand in pounds
- SS is total suspended solids in pounds
- A is allocated cost for each million gallons of flow
- B is allocated cost per pound for biochemical oxygen demand
- C is allocated cost per pound of total suspended solids
- D is charge for water meter size

Table 14 shows the calculated special user rates through fiscal year 2022.

Table 14
Special User Rates

Municipal Code 13.20.020 E	Current	Fiscal Year Ending					
		2017	2018	2019	2020	2021	2022
Billing Period Beginning * ---->		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
[1]							
A (per million gallons of flow)	\$2,107.21	\$8,715.32	\$10,206.65	\$14,910.59	\$14,979.88	\$15,353.37	\$15,416.45
B (per pound of BOD)	\$1.02	\$1.85	\$2.07	\$2.08	\$2.32	\$2.32	\$2.39
C (per pound of SS)	\$1.17	\$2.09	\$2.34	\$2.35	\$2.62	\$2.62	\$2.71

Source: City of St. Helena and HEC.

special

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

[1] Current rates were set July 2011.

CASH FLOW

Table 15 shows the projected cash flow for the wastewater fund and Figure 4 demonstrates cash balances with and without rate increases. With adoption of the calculated rates it is anticipated that the City will be able to meet all wastewater enterprise fund obligations, including existing and potential debt service coverage requirements, and achieve at least six months of operating expenses in cash reserves in each year of the projection. The cash flow table demonstrates that a debt service coverage ratio of at least 1.20 will be met. In addition, the City may be able to designate (put aside) up to \$1.7 million by fiscal year ending 2022, and \$3.8 million by fiscal year ending 2027 for future cash funding of system rehabilitation.

Prepared by HEC

Table 15
Projected Cash Flow

Revenues and Expenses	Fiscal Year Ending											
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	
	New EDUs											
Operating Revenues												
Charges For Services	\$2,533,343	\$3,282,705	\$3,996,014	\$4,410,951	\$4,520,363	\$4,589,140	\$4,802,027	\$5,039,172	\$5,259,709	\$5,472,228	\$5,670,901	
Growth in Services		\$4,850	\$5,578	\$7,081	\$7,373	\$7,489	\$7,596	\$8,050	\$8,408	\$8,768	\$9,100	
Total Sewer Sales	\$2,533,343	\$3,287,555	\$4,001,591	\$4,418,032	\$4,527,736	\$4,596,629	\$4,809,622	\$5,047,222	\$5,268,118	\$5,480,997	\$5,680,001	
Investment Earnings	\$4,615	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Sewer Connection Fee	\$900	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Total Operating Revenues	\$2,538,858	\$3,287,555	\$4,001,591	\$4,418,032	\$4,527,736	\$4,596,629	\$4,809,622	\$5,047,222	\$5,268,118	\$5,480,997	\$5,680,001	
Operating Expenses	\$1,820,292	\$1,973,928	\$2,246,507	\$2,140,652	\$2,260,874	\$2,478,583	\$2,524,375	\$2,668,756	\$2,822,367	\$2,985,876	\$3,160,007	
Operating Revenue before Capital Improvements and Debt Service	\$718,566	\$1,313,627	\$1,755,084	\$1,277,380	\$2,266,862	\$2,118,047	\$2,285,247	\$2,378,466	\$2,445,751	\$2,495,120	\$2,519,994	
Debt Service												
Existing Debt	\$252,876	\$253,904	\$256,030	\$252,890	\$253,823	\$255,392	\$250,938	\$251,669	\$252,022	\$252,310	\$251,490	
WWTP New Debt - Phase 1	\$0	\$0	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	\$592,124	
WWTP New Debt - Phase 2	\$0	\$0	\$0	\$0	\$0	\$34,951	\$34,951	\$34,951	\$34,951	\$34,951	\$34,951	
Total Debt Service	\$252,876	\$253,904	\$848,154	\$845,014	\$845,947	\$882,467	\$878,012	\$878,744	\$879,097	\$879,384	\$878,565	
Debt Service Coverage [1]	2.84	5.17	2.07	2.70	2.68	2.40	2.60	2.71	2.78	2.84	2.87	
System Rehabilitation	\$356,700	\$391,800	\$459,500	\$532,400	\$560,300	\$626,600	\$690,300	\$712,900	\$732,900	\$775,900	\$797,200	
Net Revenues (Deficit)	\$108,989	\$667,923	\$447,430	\$899,967	\$860,615	\$608,980	\$716,935	\$786,822	\$833,754	\$839,836	\$844,230	
Beginning Fund Balance [2]	\$1,110,075	\$1,054,742	\$1,687,578	\$2,202,662	\$2,948,848	\$3,982,496	\$3,679,166	\$1,892,423	\$3,156,634	\$4,487,090	\$5,669,380	
Net Revenues (Deficit)	\$108,989	\$667,923	\$447,430	\$899,967	\$860,615	\$608,980	\$716,935	\$786,822	\$833,754	\$839,836	\$844,230	
Cash Funded Capital Improvements	(\$164,323)	(\$35,087)	\$0	(\$153,781)	\$0	\$0	(\$154,028)	\$0	\$0	\$0	\$0	
Add Back System Rehabilitation	\$0	\$0	\$67,654	\$0	\$289,417	\$287,386	\$0	\$477,388	\$496,702	\$342,454	\$546,224	
Replace WRF Operations Building and Shop	\$0	\$0	\$0	\$0	(\$116,384)	(\$1,199,695)	(\$2,349,650)	\$0	\$0	\$0	\$0	
Ending Fund Balance	\$1,054,742	\$1,687,578	\$2,202,662	\$2,948,848	\$3,982,496	\$3,679,166	\$1,892,423	\$3,156,634	\$4,487,090	\$5,669,380	\$7,059,834	
Months of Operating Expenses in Reserve	7	10	12	17	21	18	9	14	19	23	27	
Designated Balance [4]	\$0	\$0	\$0	\$800,000	\$1,700,000	\$1,700,000	\$1,700,000	\$1,700,000	\$1,700,000	\$2,600,000	\$3,800,000	
Undesignated Balance	\$1,054,742	\$1,687,578	\$2,202,662	\$2,148,848	\$2,282,496	\$1,979,166	\$192,423	\$1,456,634	\$2,787,090	\$3,069,380	\$3,259,834	
Months of Operating Expenses in Reserve	7	10	12	12	12	10	1	7	12	12	12	
Target Operating Reserves [3]	\$1,820,292	\$1,973,928	\$2,246,507	\$2,140,652	\$2,260,874	\$2,478,583	\$2,524,375	\$2,668,756	\$2,822,367	\$2,985,876	\$3,160,007	

Source: HEC.

- [1] Debt service coverage should be at least 1.20.
[2] Estimated beginning balance for the operating and capital funds combined per the City 2016/17 Budget.
[3] Minimum six months and target balance is one year of operating expenses.
[4] Designation for future system rehabilitation costs in new, separate fund.

Prepared by HEC

Figure 4
Projected Wastewater Cash Balances

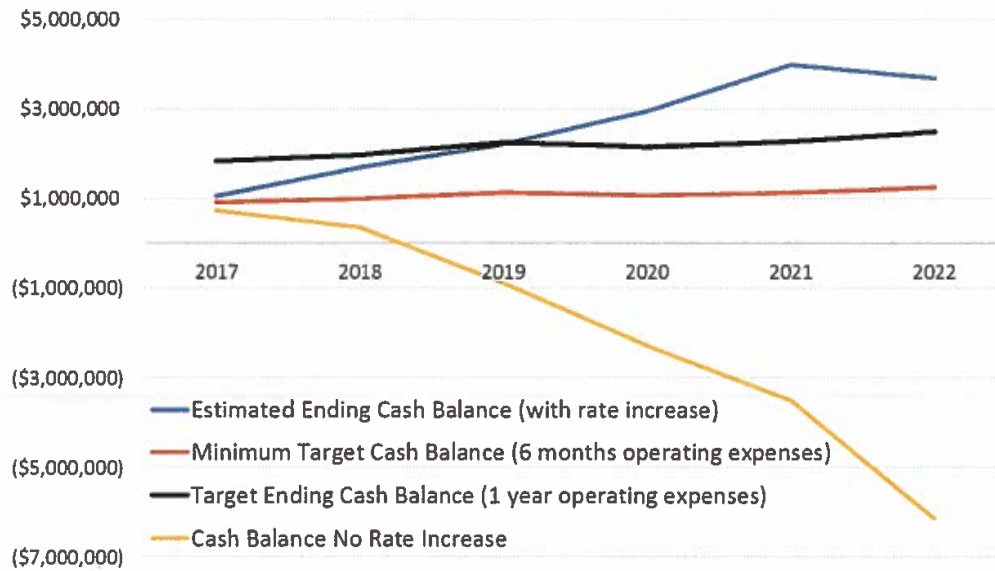


Table 16 on the following page shows the projected cash flow by fund.

Table 16
Projected Wastewater Fund Balances

Fund	Fiscal Year Ending										
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Operating Fund 571											
Beginning Balance	(\$79,805)	\$29,184	\$697,108	\$1,212,192	\$2,112,159	\$3,262,191	\$3,658,557	\$1,875,492	\$2,389,702	\$3,720,159	\$4,902,449
Net Revenue	\$108,989	\$667,923	\$447,430	\$899,967	\$860,615	\$608,380	\$716,935	\$786,822	\$833,754	\$839,836	\$844,230
Add Back System Rehabilitation	\$0	\$0	\$67,654	\$0	\$289,417	\$287,366	\$0	\$477,388	\$496,702	\$342,454	\$546,224
Transfer Out to Capital Fund	\$0	\$0	\$0	\$0	\$0	(\$500,000)	(\$2,500,000)	(\$750,000)	\$0	\$0	\$0
Ending Balance	\$29,184	\$697,108	\$1,212,192	\$2,112,159	\$3,262,191	\$3,658,557	\$1,875,492	\$2,389,702	\$3,720,159	\$4,902,449	\$6,292,902
Capital Fund 773											
Beginning Balance	\$1,189,880	\$1,025,557	\$990,470	\$990,470	\$836,689	\$720,305	\$20,610	\$16,932	\$766,932	\$766,932	\$766,932
Transfer In from Operating Fund	\$0	\$0	\$0	\$0	\$0	\$500,000	\$2,500,000	\$750,000	\$0	\$0	\$0
Capital Projects Expenses (1)	(\$164,323)	(\$35,087)	\$0	(\$153,781)	(\$116,384)	(\$1,199,695)	(\$2,503,678)	\$0	\$0	\$0	\$0
Ending Balance	\$1,025,557	\$990,470	\$990,470	\$836,689	\$720,305	\$20,610	\$16,932	\$766,932	\$766,932	\$766,932	\$766,932
Combined Operating and Capital Funds	\$1,054,742	\$1,687,578	\$2,202,662	\$2,948,848	\$3,982,496	\$3,679,166	\$1,892,423	\$3,156,634	\$4,487,090	\$5,669,380	\$7,059,834
Impact Fee Fund 774											
Beginning Balance	\$698,783	\$676,115	\$675,355	\$674,546	\$673,683	\$672,767	\$671,793	\$670,760	\$669,665	\$668,505	\$633,753
Fee Revenues (2)	\$4,700	\$4,819	\$4,941	\$5,065	\$5,193	\$5,325	\$5,459	\$5,597	\$5,739	\$5,884	\$6,032
Expenses											
Miscellaneous Maintenance Projects	(\$5,412)	(\$5,578)	(\$5,750)	(\$5,928)	(\$6,110)	(\$6,298)	(\$6,492)	(\$6,692)	(\$6,899)	(\$40,636)	(\$7,330)
Reclamation Field Improvements	(\$21,956)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project Expenses	(\$27,368)	(\$5,578)	(\$5,750)	(\$5,928)	(\$6,110)	(\$6,298)	(\$6,492)	(\$6,692)	(\$6,899)	(\$40,636)	(\$7,330)
Ending Balance	\$676,115	\$675,355	\$674,546	\$673,683	\$672,767	\$671,793	\$670,760	\$669,665	\$668,505	\$663,753	\$632,455

Source: HEC.

(1) Cash-funded projects only. Projects that are debt-funded are included in the operating fund.

(2) Assumes growth of 5 units per year and the current impact fee of \$0.47 per building square foot. Fee assumed to grow 2.5% per year. 2,000 average home building square feet. The impact fee needs to be revised for these CIP costs. \$940 Average fee per unit

ATTACHMENT A
WASTEWATER RATE STUDY
SUPPORT TABLES

Exhibit A

Table A-1
City of St. Helena Wastewater Rate Study
Historical Wastewater Fund Financial Performance

Revenues and Expenses	Actual Financials for Fiscal Year Ending					Avg. Annual Percentage Change
	2011	2012	2013	2014	2015	
OPERATING						
Revenues						
Charges For Services	\$1,616,414	\$2,008,709	\$2,050,983	\$2,143,947	\$2,208,105	8.1%
Miscellaneous	\$1,098	\$1,200	\$17,708	\$8,925	\$32,759	133.7%
Subtotal Revenues	\$1,617,512	\$2,009,909	\$2,068,691	\$2,152,872	\$2,240,864	8.5%
Expenses						
Personnel	\$842,317	\$829,804	\$795,479	\$827,027	\$938,472	2.7%
Contracted Services	\$68,782	\$806	\$0	\$0	\$0	-100.0%
Fuel	\$0	\$0	\$0	\$0	\$0	n.a.
Utilities	\$80,906	\$74,339	\$85,819	\$85,755	\$87,970	2.1%
Other Supplies and Expenses	\$313,342	\$327,119	\$361,451	\$429,526	\$525,742	13.8%
Depreciation and Amortization	\$472,561	\$483,070	\$473,784	\$473,784	\$713,189	10.8%
Subtotal Expenses	\$1,777,908	\$1,715,138	\$1,716,533	\$1,816,092	\$2,265,373	6.2%
NON OPERATING						
Gains (Loss) on Capital Asset Disposals	(\$1,169)	(\$2,762)	\$0	\$0	\$0	-100.0%
Interest and Investment Revenue	\$9,180	\$7,990	\$3,478	\$5,515	\$10,347	3.0%
Interest Expense	(\$81,081)	(\$78,070)	(\$86,521)	(\$69,139)	(\$41,398)	-15.5%
Net Operating Revenues	(\$73,070)	(\$72,842)	(\$83,043)	(\$63,624)	(\$31,051)	-19.3%
Capital Contributions	\$94,235	\$217,765	\$98,047	\$4,900	\$19,600	
Change in Net Assets	(\$139,231)	\$439,694	\$367,162	\$278,056	(\$35,960)	
Net Assets Beginning Balance	\$8,421,556	\$8,282,325	\$8,592,123	\$8,959,285	\$9,237,341	
Net Assets Ending Balance	\$8,282,325	\$8,722,019	\$8,959,285	\$9,237,341	\$9,201,381	

Source: City of St. Helena

cafr

Table A-2
City of St. Helena Wastewater Rate Study
Historical Revenues and Expenditures

Revenues and Expenses	Actuals Fiscal Year Ending				Estimated	Budgeted
	2012	2013	2014	2015	2016	2017
OPERATING FUND						
Revenues						
Investment Earnings	\$1,380	\$1,532	\$2,697	\$1,000	\$4,500	\$4,615
Annexation Fees	\$500	\$3,428	\$8,925	\$0	\$0	\$0
Rates	\$2,008,709	\$2,050,983	\$2,143,947	\$2,151,615	\$2,260,735	\$2,105,132
Sewer Connection Fee	\$0	\$0	\$4,900	\$0	\$0	\$900
Subtotal Revenues	\$2,010,589	\$2,055,942	\$2,160,470	\$2,152,615	\$2,265,235	\$2,110,647
Expenses						
Salaries & Benefits	\$829,613	\$795,480	\$827,047	\$896,865	\$987,778	\$1,071,519
Services	\$231,717	\$194,235	\$220,039	\$406,364	\$822,159	\$319,189
Supplies	\$48,460	\$55,452	\$80,836	\$41,318	\$91,641	\$75,942
Maintenance	\$81,882	\$72,003	\$68,000	\$118,625	\$167,473	\$130,513
Taxes, Insurances & Contribs.	\$76,885	\$54,533	\$64,460	\$73,328	\$122,416	\$105,967
Capital	\$22,631	\$26,001	\$58,925	\$817	\$170,139	\$101,700
Transfers	\$2,763	\$200,000	\$100,000	\$1,541,664	\$352,634	\$0
Debt	\$78,071	\$86,521	\$69,140	\$41,398	\$258,105	\$252,877
Subtotal Expenses	\$1,372,022	\$1,484,224	\$1,488,447	\$3,120,379	\$2,972,345	\$2,057,707
Operating Fund Net Revenues	\$638,567	\$571,718	\$672,023	(\$967,764)	(\$707,110)	\$52,940
CAPITAL FUND						
Revenues						
Transfers In	\$86,000	\$609,793	\$100,000	\$1,541,664	\$389,087	\$0
Subtotal Revenues	\$86,000	\$609,793	\$100,000	\$1,541,664	\$389,087	\$0
Expenses						
Salaries & Benefits	\$118,932	\$6,737	\$0	\$0	\$0	\$0
Professional Services	\$61,042	\$57,831	\$69,810	\$502,161	\$0	\$0
Advertising	\$344	\$0	\$0	\$803	\$0	\$0
Equipment Rental	\$2,345	\$11,727	\$0	\$0	\$0	\$0
Supplies	\$2,999	\$741	\$4,315	\$464	\$0	\$0
Maintenance	\$8,172	\$0	\$0	\$0	\$0	\$0
Capital Imp Land	\$21,993	\$0	\$0	\$0	\$0	\$0
Capital Projects Budget	\$0	\$0	\$0	\$12,420	\$0	\$0
Capital Equipment	\$0	\$3,261	\$17,765	\$13,831	\$0	\$0
Capital Imp Equipment	\$73,415	\$1,056,244	\$122,351	\$19,229	\$0	\$0
Subtotal Expenses	\$289,243	\$1,136,540	\$214,241	\$548,909	\$0	\$0
Capital Fund Net Revenues	(\$203,243)	(\$526,747)	(\$114,241)	\$992,755	\$389,087	\$0
IMPACT FUND						
Revenues						
Investment Earnings	\$6,423	\$1,872	\$2,818	\$2,587	\$2,000	\$2,500
Other Revenues	\$0	\$14,281	\$0	\$30,625	\$0	\$0
Impact Fees	\$217,766	\$98,047	(\$81,929)	\$19,600	\$15,000	\$18,000
Subtotal Revenues	\$224,188	\$114,200	(\$79,111)	\$52,812	\$17,000	\$20,500
Expenses						
Transfers Out	\$86,000	\$409,793	\$0	\$0	\$0	\$0
Subtotal Expenses	\$86,000	\$409,793	\$0	\$0	\$0	\$0
Impact Fund Net Revenues	\$138,188	(\$295,593)	(\$79,111)	\$52,812	\$17,000	\$20,500

Source: City of St. Helena.

rev exp

Table A-3
City of St. Helena Wastewater Rate Study
Historical Wastewater Operating Fund Expenses by Fund

Expenses	Actuals Fiscal Year Ending				Estimated	Budgeted
	2012	2013	2014	2015	2016	2017
TREATMENT						
Salaries & Benefits	\$304,386	\$283,226	\$333,535	\$311,489	\$374,936	\$383,496
Services	\$108,212	\$125,718	\$140,438	\$185,439	\$439,873	\$124,950
Supplies	\$25,216	\$40,359	\$62,141	\$22,082	\$60,285	\$44,800
Maintenance	\$71,106	\$61,752	\$54,974	\$90,803	\$145,017	\$104,787
Taxes, Insurances & Contribs.	\$8,390	\$7,793	\$14,879	\$8,557	\$17,723	\$16,000
Capital	\$22,631	\$20,729	\$58,911	\$817	\$20,305	\$100,000
Transfers	\$0	\$0	\$0	\$0	\$0	\$0
Debt	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Treatment	\$539,940	\$539,577	\$664,878	\$619,187	\$1,058,139	\$774,033
COLLECTION						
Salaries & Benefits	\$177,746	\$185,921	\$176,868	\$191,484	\$106,094	\$103,176
Services	\$1,349	\$3,295	\$2,734	\$4,437	\$3,972	\$5,170
Supplies	\$12,655	\$5,382	\$8,690	\$8,918	\$11,926	\$12,550
Maintenance	\$3,833	\$3,293	\$3,164	\$6,400	\$9,410	\$12,729
Taxes, Insurances & Contribs.	\$0	\$0	\$0	\$0	\$0	\$0
Capital	\$0	\$0	\$0	\$0	\$141,600	\$0
Transfers	\$0	\$0	\$0	\$0	\$0	\$0
Debt	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Collection	\$195,583	\$197,891	\$191,456	\$211,239	\$273,002	\$133,625
OPERATIONS						
Salaries & Benefits	\$347,482	\$326,332	\$316,644	\$393,892	\$506,748	\$584,847
Services	\$122,156	\$65,222	\$76,868	\$216,488	\$378,314	\$189,069
Supplies	\$10,590	\$9,710	\$10,005	\$10,318	\$19,430	\$18,592
Maintenance	\$6,942	\$6,959	\$9,861	\$21,422	\$13,046	\$12,997
Taxes, Insurances & Contribs.	\$68,495	\$46,740	\$49,581	\$64,771	\$104,693	\$89,967
Capital	\$0	\$5,272	\$13	\$0	\$8,234	\$1,700
Transfers	\$2,763	\$200,000	\$100,000	\$1,541,664	\$352,634	\$0
Debt	\$78,071	\$86,521	\$69,140	\$41,398	\$258,105	\$252,877
Subtotal Operations	\$636,498	\$746,756	\$632,112	\$2,289,953	\$1,641,204	\$1,150,049
Total Expenses	\$1,372,022	\$1,484,224	\$1,488,447	\$3,120,379	\$2,972,345	\$2,057,707

Source: City of St. Helena.

op exp

Table A-4
City of St. Helena Wastewater Rate Study
Historical Wastewater Plant Influent Flow

Month	2013	2014	2015
<i>Total Flow (millions of gallons)</i>			
January	17.953	10.586	12.838
February	11.676	17.922	18.802
March	12.789	18.283	12.453
April	12.641	16.041	11.762
May	12.131	11.722	11.142
June	11.461	10.912	10.021
July	11.918	10.851	10.118
August	11.717	10.962	10.162
September	11.405	10.478	9.973
October	11.928	10.802	10.416
November	10.990	10.436	9.539
December	10.546	31.952	12.211
Yearly Total	147.155	170.947	139.4374

Source: City of St. Helena.

inf flow

Table A-5
City of St. Helena Wastewater Rate Study
Wastewater Capital Improvements Schedule in 2016 \$'s

Project	Notes	Total Cost	Total Cost Less		Fiscal Year Ending											
			Existing Funding		2017 Current	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10	
Estimated Project Costs (2016 \$'s)																
Sewer Collection System																
Miscellaneous Maintenance Projects		\$550,000	\$550,000		\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000
Replace 1% of Sewer Mains Annually		\$1,650,000	\$1,650,000		\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
Crinnella Pump Station Upgrades		\$500,000	\$500,000		\$0	\$0	\$75,000	\$425,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Add Sewer Pump Stations to SCADA		\$150,000	\$150,000		\$0	\$0	\$0	\$0	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Wet Weather Flow Monitoring		\$50,000	\$50,000		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Sewer System		\$50,000	\$50,000		\$0	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Master Plan		\$150,000	\$150,000		\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Replace Rodding Machine		\$40,000	\$40,000		\$0	\$0	\$40,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CCTV Program		\$165,000	\$165,000		\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Subtotal Sewer Collection		\$3,305,000	\$3,305,000		\$200,000	\$250,000	\$515,000	\$625,000	\$15,000	\$15,000	\$300,000	\$200,000	\$200,000	\$365,000	\$200,000	\$200,000
Treatment Plant																
WWTP Upgrades Ph. 1	Funded by New Debt	\$7,474,108	\$7,474,108		\$232,108	\$700,000	\$3,271,000	\$3,271,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reclamation Field Improvements		\$142,000	\$142,000		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pond 2 & 3 Levee		\$120,000	\$120,000		\$60,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Facilities Automation		\$144,000	\$144,000		\$0	\$144,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New Well		\$65,000	\$65,000		\$65,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sludge Removal		\$150,000	\$150,000		\$75,000	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Recycled Water Feasibility Study		\$75,000	\$75,000		\$0	\$0	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0
Temp Trailer at WRF		\$28,000	\$28,000		\$5,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$5,000	\$0	\$0	\$0	\$0
Replace WRF Operations Building and Shop	Funded by Reserves	\$3,000,000	\$3,000,000		\$0	\$0	\$0	\$0	\$100,000	\$1,000,000	\$1,900,000	\$0	\$0	\$0	\$0	\$0
Upgrade Chemical Storage Facilities		\$500,000	\$500,000		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Phase 2 WWTP Upgrades	Funded by New Debt	\$400,000	\$400,000		\$0	\$0	\$0	\$0	\$100,000	\$100,000	\$500,000	\$0	\$0	\$0	\$0	\$0
Subtotal Treatment Plant		\$12,098,108	\$12,098,108		\$579,108	\$922,000	\$3,334,000	\$3,274,000	\$203,000	\$1,178,000	\$2,503,000	\$105,000	\$0	\$0	\$0	\$0
Total Estimated Project Costs (2016 \$'s)		\$15,403,108	\$15,403,108		\$779,108	\$1,172,000	\$3,849,000	\$3,899,000	\$453,000	\$1,478,000	\$2,703,000	\$305,000	\$200,000	\$365,000	\$200,000	\$200,000

Source: City of St. Helena and HEC.

[[1]] Total Cost Less Existing Funding = Total Cost - Existing Grants

Table A-6
City of St. Helena Wastewater Rate Study
Wastewater Capital Improvements Schedule In Future \$'s

Project	Notes	Total Cost	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
			Current	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Estimated Project Costs (Future \$'s) [1]													
Annual Increase 3.1%													
Sewer Collection System													
Miscellaneous Maintenance Projects		\$687,508	\$36,078	\$37,190	\$38,336	\$39,517	\$40,734	\$41,989	\$43,283	\$44,617	\$45,991	\$270,904	\$48,869
Replace 1% of Sewer Mains Annually		\$1,988,624	\$154,621	\$159,385	\$164,296	\$169,358	\$174,576	\$179,954	\$185,499	\$191,214	\$197,105	\$203,178	\$209,438
Crinella Pump Station Upgrades		\$561,995	\$0	\$0	\$82,148	\$479,847	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Add Sewer Pump Stations to SCADA		\$178,161	\$0	\$0	\$0	\$0	\$58,192	\$119,970	\$0	\$0	\$0	\$0	\$0
Wet Weather Flow Monitoring		\$54,765	\$0	\$0	\$54,765	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Sewer System		\$53,128	\$0	\$53,128	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Master Plan		\$164,296	\$0	\$164,296	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Replace Rodding Machine		\$43,812	\$0	\$0	\$43,812	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CCTV Program		\$198,862	\$15,462	\$15,939	\$16,430	\$16,936	\$17,458	\$17,995	\$18,550	\$19,121	\$19,711	\$20,318	\$20,944
Subtotal Sewer Collection		\$3,931,152	\$285,642	\$564,083	\$705,658	\$290,959	\$359,909	\$247,332	\$254,952	\$262,807	\$494,399	\$279,250	\$279,250
Treatment Plant													
WWTP Upgrades Ph. 1	Funded by New Debt	\$8,258,993	\$239,259	\$743,798	\$3,582,746	\$3,693,130	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reclamation Field Improvements		\$146,375	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pond 2 & 3 Levee		\$127,567	\$61,849	\$0	\$65,718	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Facilities Automation		\$153,010	\$0	\$153,010	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New Well		\$67,003	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sludge Removal		\$157,003	\$77,311	\$79,693	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Recycled Water Feasibility Study		\$89,977	\$0	\$0	\$0	\$0	\$89,977	\$0	\$0	\$0	\$0	\$0	\$0
Temp Trailer at WRF		\$32,189	\$5,154	\$3,188	\$3,286	\$3,387	\$3,492	\$3,599	\$3,710	\$6,374	\$0	\$0	\$0
Replace WRF Operations Building and Shop	Funded by Reserves	\$3,665,729	\$0	\$0	\$0	\$0	\$116,384	\$1,199,695	\$2,349,650	\$0	\$0	\$0	\$0
Upgrade Chemical Storage Facilities		\$618,329	\$0	\$0	\$0	\$0	\$0	\$0	\$618,329	\$0	\$0	\$0	\$0
Phase 2 WWTP Upgrades		\$487,495	\$0	\$0	\$0	\$0	\$116,384	\$119,970	\$123,666	\$127,476	\$0	\$0	\$0
Subtotal Treatment Plant	Funded by New Debt	\$13,803,610	\$596,950	\$979,688	\$3,651,751	\$3,696,517	\$236,259	\$1,413,241	\$3,095,354	\$133,850	\$0	\$0	\$0
Total Estimated Project Costs (Future \$'s)		\$17,734,763	\$883,112	\$1,245,330	\$4,215,833	\$4,402,174	\$527,219	\$1,773,150	\$3,342,686	\$388,801	\$262,807	\$494,399	\$279,250
Total Estimated Project Costs (2016 \$'s)													
Total Estimated Project Costs (Future \$'s)		\$15,403,108	\$779,108	\$1,172,000	\$3,849,000	\$3,899,000	\$453,000	\$1,478,000	\$2,703,000	\$305,000	\$200,000	\$365,000	\$200,000
Total Estimated Project Costs (Future \$'s)		\$17,734,763	\$883,112	\$1,245,330	\$4,215,833	\$4,402,174	\$527,219	\$1,773,150	\$3,342,686	\$388,801	\$262,807	\$494,399	\$279,250
Source: City of St. Helena and HEC.													

Source: City of St. Helena and HEC
[1] Estimated costs increased by historical ENR Construction Cost Index 20 year average increase.

Table A-7
City of St. Helena Wastewater Rate Study
Existing Customers Share of CIP Costs in 2016 \$'s

Project	Funding Source	Percent Share Existing Customers	Percent in Rate Model	Total Cost	Fiscal Year Ending											
					2017 Current	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10	
Estimated Project Costs (2016 \$'s)																
Sewer Collection System																
Miscellaneous Maintenance Projects	Cash	85%		\$467,500	\$29,750	\$29,750	\$29,750	\$29,750	\$29,750	\$29,750	\$29,750	\$29,750	\$29,750	\$170,000	\$29,750	\$19,750
Replace 1% of Sewer Mains Annually	Cash	100%		\$1,650,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
Crinella Pump Station Upgrades	Cash	100%		\$500,000	\$0	\$0	\$75,000	\$425,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Add Sewer Pump Stations to SCADA	Cash	100%		\$150,000	\$0	\$0	\$0	\$0	\$50,000	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0
Wet Weather Flow Monitoring	Ops Cash	100%		\$50,000	\$0	\$0	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Sewer System	Ops Cash	100%		\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Master Plan	Ops Cash	100%		\$150,000	\$0	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Replace Rodding Machine	Cash	100%		\$40,000	\$0	\$0	\$40,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CCTV Program	Cash	100%		\$165,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Subtotal Collection System	Ops Cash	100%		\$3,222,500	\$194,750	\$244,750	\$509,750	\$619,750	\$244,750	\$294,750	\$194,750	\$194,750	\$194,750	\$335,000	\$194,750	\$19,750
Treatment Plant																
WWTP Upgrades Ph. 1	Debt	100%		\$7,474,108	\$232,108	\$700,000	\$3,271,000	\$3,271,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reclamation Field Improvements	Cash	85%		\$120,700	\$120,700	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pond 2 & 3 Levee	Cash	100%		\$120,000	\$60,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Facilities Automation	Cash	100%		\$144,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New Well	Cash	100%		\$65,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sludge Removal	Cash	100%		\$150,000	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Recycled Water Feasibility Study	Ops Cash	100%		\$75,000	\$0	\$0	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0
Temp Trailer at WRF	Cash	100%		\$28,000	\$5,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$5,000	\$0	\$0	\$0	\$0
Replace WRF Operations Building and Shop	Reserves	100%		\$3,000,000	\$0	\$0	\$0	\$0	\$100,000	\$1,900,000	\$1,900,000	\$0	\$0	\$0	\$0	\$0
Upgrade Chemical Storage Facilities	Cash	100%		\$500,000	\$0	\$0	\$0	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$0	\$0	\$0	\$0
Phase 2 WWTP Upgrades	Debt	100%		\$400,000	\$0	\$0	\$0	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0	\$0	\$0
Subtotal Treatment				\$12,076,808	\$557,808	\$922,000	\$3,334,000	\$3,274,000	\$203,000	\$1,178,000	\$2,503,000	\$105,000	\$0	\$0	\$0	\$0
Total Estimated Project Costs (2016 \$'s)																
				\$15,299,308	\$752,558	\$1,166,750	\$3,843,750	\$3,893,750	\$447,750	\$1,472,750	\$2,697,750	\$299,750	\$194,750	\$335,000	\$194,750	\$19,750
Cash - Capital Fund																
Cash - Operations Fund				\$3,935,200	\$505,450	\$401,750	\$357,750	\$607,750	\$332,750	\$282,750	\$682,750	\$184,750	\$179,750	\$320,000	\$179,750	\$19,750
Debt - Capital Fund				\$490,000	\$65,000	\$215,000	\$15,000	\$15,000	\$15,000	\$90,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Reserves				\$7,874,108	\$232,108	\$700,000	\$3,271,000	\$3,271,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0	\$0	\$0
				\$3,000,000	\$0	\$0	\$0	\$0	\$100,000	\$1,900,000	\$1,900,000	\$0	\$0	\$0	\$0	\$0
Total				\$15,299,308	\$752,558	\$1,166,750	\$3,843,750	\$3,893,750	\$447,750	\$1,472,750	\$2,697,750	\$299,750	\$194,750	\$335,000	\$194,750	\$19,750

Source: City of St. Helena.

2016 exit share

Prepared by HEC

150182 Model v20 REVISED FINAL 10/31/2016

Table A-8
City of St. Helena Wastewater Rate Study
Existing Customers Share of CIP Costs In Future \$'s

Project	Funding Source	Share Existing Customers	Percent Existing in Rate Model	Total Cost	Fiscal Year Ending										
					2017 Current	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10
Estimated Project Costs (Future \$'s) [1]															
Sewer Collection System															
Miscellaneous Maintenance Projects	Cash	85%		\$584,382	\$30,667	\$31,611	\$32,585	\$33,589	\$34,624	\$35,691	\$36,791	\$37,924	\$39,093	\$230,268	\$41,538
Replace 1% of Sewer Mains Annually	Cash	100%		\$1,988,624	\$154,621	\$159,385	\$164,296	\$169,358	\$174,576	\$179,954	\$185,499	\$191,214	\$197,105	\$203,178	\$209,438
Crinella Pump Station Upgrades	Cash	100%		\$561,995	\$0	\$0	\$82,148	\$479,847	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Add Sewer Pump Stations to SCADA	Cash	100%		\$178,161	\$0	\$0	\$0	\$0	\$58,192	\$119,970	\$0	\$0	\$0	\$0	\$0
Wet Weather Flow Monitoring	Ops Cash	100%		\$54,765	\$0	\$0	\$54,765	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Update GIS Maps of Sewer System	Ops Cash	100%		\$53,128	\$0	\$53,128	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Master Plan	Ops Cash	100%		\$164,296	\$0	\$0	\$164,296	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Replace Rodding Machine	Cash	100%		\$43,812	\$0	\$0	\$43,812	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CCTV Program	Ops Cash	100%		\$198,862	\$15,462	\$15,939	\$16,430	\$16,936	\$17,458	\$17,995	\$18,550	\$19,121	\$19,711	\$20,318	\$20,944
Subtotal Collection System				\$3,828,026	\$200,750	\$260,064	\$558,332	\$699,730	\$844,849	\$353,610	\$240,839	\$248,259	\$255,908	\$453,764	\$271,920
Treatment Plant															
WWTP Upgrades Ph. 1	Debit	100%		\$8,258,933	\$239,259	\$743,798	\$3,582,746	\$3,693,130	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reclamation Field Improvements	Cash	85%		\$124,419	\$124,419	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pond 2 & 3 Levee	Cash	100%		\$127,567	\$61,849	\$0	\$65,718	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Facilities Automation	Cash	100%		\$153,010	\$0	\$153,010	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New Well	Cash	100%		\$67,003	\$67,003	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sludge Removal	Cash	100%		\$157,003	\$77,311	\$79,693	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Recycled Water Feasibility Study	Ops Cash	100%		\$89,977	\$0	\$0	\$0	\$0	\$0	\$89,977	\$0	\$0	\$0	\$0	\$0
Temp Trailer at WRF	Cash	100%		\$32,189	\$5,154	\$3,188	\$3,286	\$3,387	\$3,492	\$3,599	\$3,710	\$6,374	\$0	\$0	\$0
Replace WRF Operations Building and Shop	Reserves	100%		\$3,665,729	\$0	\$0	\$0	\$0	\$116,384	\$1,199,695	\$2,349,650	\$0	\$0	\$0	\$0
Upgrade Chemical Storage Facilities	Cash	100%		\$618,329	\$0	\$0	\$0	\$0	\$0	\$0	\$618,329	\$0	\$0	\$0	\$0
Phase 2 WWTP Upgrades	Debit	100%		\$487,495	\$0	\$0	\$0	\$0	\$116,384	\$119,970	\$123,666	\$127,476	\$0	\$0	\$0
Subtotal Treatment				\$13,781,654	\$574,994	\$979,688	\$3,651,751	\$3,696,517	\$236,259	\$1,413,241	\$3,095,354	\$133,850	\$0	\$0	\$0
Total Estimated Project Costs (Future \$'s)				\$17,609,680	\$775,744	\$1,239,752	\$4,210,083	\$4,396,247	\$521,108	\$1,766,852	\$3,336,193	\$382,109	\$255,908	\$453,764	\$271,920
2016 \$'s															
Cash - Capital Fund				\$3,935,200	\$505,450	\$401,750	\$357,750	\$607,750	\$232,750	\$282,750	\$682,750	\$184,750	\$179,750	\$320,000	\$179,750
Cash - Operations Fund				\$490,000	\$15,000	\$65,000	\$215,000	\$15,000	\$15,000	\$90,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Debit - Capital Fund				\$7,874,108	\$232,108	\$700,000	\$3,271,000	\$3,271,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0	\$0	\$0
Reserves				\$3,000,000	\$0	\$0	\$0	\$0	\$100,000	\$1,000,000	\$1,900,000	\$0	\$0	\$0	\$0
Total				\$15,299,308	\$752,558	\$1,166,750	\$3,843,750	\$3,893,750	\$447,750	\$1,472,750	\$2,697,750	\$399,750	\$184,750	\$335,000	\$194,750
Future \$'s															
Cash - Capital Fund				\$4,836,494	\$521,023	\$426,887	\$391,846	\$686,181	\$270,883	\$339,214	\$844,328	\$235,512	\$236,198	\$433,446	\$250,976
Cash - Operations Fund				\$561,029	\$15,462	\$69,067	\$235,491	\$16,936	\$17,458	\$107,973	\$18,550	\$19,121	\$19,711	\$20,318	\$20,944
Debit - Capital Fund				\$8,746,428	\$239,259	\$743,798	\$3,582,746	\$3,693,130	\$116,384	\$119,970	\$123,666	\$127,476	\$0	\$0	\$0
Reserves				\$3,665,729	\$0	\$0	\$0	\$0	\$116,384	\$1,199,695	\$2,349,650	\$0	\$0	\$0	\$0
Total				\$17,609,680	\$775,744	\$1,239,752	\$4,210,083	\$4,396,247	\$521,108	\$1,766,852	\$3,336,193	\$382,109	\$255,908	\$453,764	\$271,920
Source: City of St. Helena. Not exact.															

Source: City of St. Helena.

[1] Estimated costs increased by historical ENR Construction Cost Index 20 year average increase.

Prepared by HEC

150183 Model v20 REVISED FINAL 10/31/2016

Table A-9
City of St. Helena Wastewater Rate Study
Existing Wastewater Debt Service Schedule

Fiscal Year Ending	Principal	Interest	Total	Remaining Principal
2015	\$126,522	\$125,841	\$252,363	\$3,063,478
2016	\$133,696	\$121,538	\$255,233	\$2,929,783
2017	\$135,870	\$117,007	\$252,876	\$2,793,913
2018	\$141,957	\$111,947	\$253,904	\$2,651,957
2019	\$149,130	\$106,900	\$256,030	\$2,502,826
2020	\$151,304	\$101,586	\$252,890	\$2,351,522
2021	\$158,478	\$95,345	\$253,823	\$2,193,044
2022	\$166,739	\$88,653	\$255,392	\$2,026,304
2023	\$168,913	\$82,025	\$250,938	\$1,857,391
2024	\$176,087	\$75,582	\$251,669	\$1,681,304
2025	\$183,261	\$68,762	\$252,022	\$1,498,044
2026	\$191,522	\$60,788	\$252,310	\$1,306,522
2027	\$199,783	\$51,708	\$251,490	\$1,106,739
2028	\$209,130	\$42,220	\$251,351	\$897,609
2029	\$218,478	\$32,763	\$251,241	\$679,131
2030	\$227,826	\$23,359	\$251,185	\$451,304
2031	\$236,087	\$13,584	\$249,671	\$215,217
2032	\$105,435	\$6,500	\$111,935	\$109,783
2033	\$109,783	\$2,196	\$111,978	\$0

Source: City of St. Helena.

debt service

Table A-10
City of St. Helena Wastewater Rate Study
Operating Expenses Cost Escalation Factors

Expenses	Actuals Fiscal Year Ending				Estimated 2016	Total Change	Annual Avg. % Change
	2012	2013	2014	2015			
Salaries & Benefits	\$829,613	\$795,480	\$827,047	\$896,865	\$987,778	\$158,165	4.5%
Services	\$231,717	\$194,235	\$220,039	\$406,364	\$822,159	\$590,442	37.2%
Supplies	\$48,460	\$55,452	\$80,836	\$41,318	\$91,641	\$43,181	17.3%
Maintenance	\$81,882	\$72,003	\$68,000	\$118,625	\$167,473	\$85,591	19.6%
Taxes, Insurances & Contribs.	\$76,885	\$54,533	\$64,460	\$73,328	\$122,416	\$45,531	12.3%
Total Expenses	\$1,268,557	\$1,171,702	\$1,260,382	\$1,536,500	\$2,191,467	\$922,910	14.6%
Engineering News Record							
	<i>Dec 2011</i>	<i>Dec 2012</i>	<i>Dec 2013</i>	<i>Dec 2014</i>	<i>Dec 2015</i>		
ENR Construction Cost Index 20-City [1]	9,172.00	9,412.00	9,668.00	9,936.00	10,135.00	963.00	2.5%
ENR Construction Cost Index San Francisco	10,204.79	10,355.09	10,898.84	10,915.84	11,155.41	950.62	2.3%
Bureau of Labor Statistics							
Consumer Price Index - California	232.99	237.71	241.53	244.81	250.71	17.73	1.9%
Consumer Price Index - San Francisco	234.33	239.53	245.71	252.27	260.29	25.96	2.7%

Source: City of St. Helena, Bureau of Labor Statistics, and the Engineering News Record.

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[1] Engineering News Record (ENR) Consumer Cost Index (CCI) change 1995 to 2015:

ENR CCI 1995	5,524	Change	<u>Annual Avg. % Change</u>
ENR CCI 2015	10,135	4,611	3.1%

Table A-11
City of St. Helena Wastewater Rate Study
Existing Asset Depreciation

Asset Category	Current Depreciation
Buildings	\$22,667
Vehicles	\$18,067
Equipment	\$43,216
Improvements	\$239,170
Pipes	\$16,925
Total	\$340,044

Source: City of St. Helena and HEC. cur depr

Table A-12
City of St. Helena Wastewater Rate Study
Estimated Depreciation of Projected Assets

Improvement Type	Average Life of Asset (years)	Fiscal Year Ending										
		2017 Current Year	2018 Year 1	2019 Year 2	2020 Year 3	2021 Year 4	2022 Year 5	2023 Year 6	2024 Year 7	2025 Year 8	2026 Year 9	2027 Year 10
Sewer Collection System [1]												
Miscellaneous Maintenance Projects	10	\$3,608	\$7,327	\$11,160	\$15,112	\$19,186	\$23,384	\$27,713	\$32,174	\$36,774	\$63,864	\$68,751
Reclamation Field Improvements	50	\$2,927	\$2,927	\$2,927	\$2,927	\$2,927	\$2,927	\$2,927	\$2,927	\$2,927	\$2,927	\$2,927
Replace 1% of Sewer Mains Annually	80	\$1,933	\$3,925	\$5,979	\$8,096	\$10,278	\$12,527	\$14,846	\$17,236	\$19,700	\$22,240	\$24,858
New Well	40	\$1,675	\$1,675	\$1,675	\$1,675	\$1,675	\$1,675	\$1,675	\$1,675	\$1,675	\$1,675	\$1,675
Crinella Pump Station Upgrades	50	\$0	\$0	\$1,643	\$11,240	\$11,240	\$11,240	\$11,240	\$11,240	\$11,240	\$11,240	\$11,240
Add Sewer Pump Stations to SCADA	10	\$0	\$0	\$0	\$0	\$5,819	\$17,816	\$17,816	\$17,816	\$17,816	\$17,816	\$17,816
Wet Weather Flow Monitoring	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Update GIS Maps of Sewer System	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Sewer Master Plan	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Replace Rodding Machine	15	\$0	\$0	\$2,921	\$2,921	\$2,921	\$2,921	\$2,921	\$2,921	\$2,921	\$2,921	\$2,921
CCTV Program	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Subtotal Sewer Collection		\$10,143	\$15,854	\$26,306	\$41,971	\$54,046	\$72,491	\$79,138	\$85,990	\$93,053	\$122,683	\$130,188
Treatment Plant [1]												
WWTP Upgrades Ph. 1	80	\$2,991	\$12,288	\$57,073	\$103,237	\$103,237	\$103,237	\$103,237	\$103,237	\$103,237	\$103,237	\$103,237
Pond 2 & 3 Levee	40	\$1,546	\$1,546	\$3,189	\$3,189	\$3,189	\$3,189	\$3,189	\$3,189	\$3,189	\$3,189	\$3,189
Facilities Automation	20	\$0	\$7,650	\$7,650	\$7,650	\$7,650	\$7,650	\$7,650	\$7,650	\$7,650	\$7,650	\$7,650
Sludge Removal	40	\$1,933	\$3,925	\$3,925	\$3,925	\$3,925	\$3,925	\$3,925	\$3,925	\$3,925	\$3,925	\$3,925
Recycled Water Feasibility Study	5	\$0	\$0	\$0	\$0	\$0	\$17,995	\$17,995	\$17,995	\$17,995	\$17,995	\$17,995
Temp Trailer at WRF	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Replace WRF Operations Building and Shop	80	\$0	\$0	\$0	\$0	\$1,455	\$16,451	\$45,822	\$45,822	\$45,822	\$45,822	\$45,822
Upgrade Chemical Storage Facilities	50	\$0	\$0	\$0	\$0	\$0	\$0	\$12,367	\$12,367	\$12,367	\$12,367	\$12,367
Phase 2 WWTP Upgrades	40	\$0	\$0	\$0	\$0	\$2,910	\$5,909	\$9,000	\$12,187	\$12,187	\$12,187	\$12,187
Subtotal Treatment Plant		\$6,470	\$25,410	\$71,837	\$118,001	\$122,366	\$158,357	\$203,186	\$206,372	\$206,372	\$206,372	\$206,372
Total Cumulative Depreciation		\$16,613	\$41,264	\$98,143	\$159,973	\$176,412	\$230,848	\$282,324	\$292,363	\$299,425	\$329,056	\$336,560

Source: City of St. Helena.

[1] Depreciation in future dollars.

Prepared by HEC

150182 Model v20 REVISED FINAL 10/31/2016

Table A-13
City of St. Helena Wastewater Rate Study
Calculated Winter Use and Total Billed Water Use for Sewer by Customer Type

Customer Type	Winter Months Jan-Mar 2015	# Units /Accounts /Students	Winter Months Jan-Mar 2015	Average	Average in Gallons
Residential	Total Water Use		Use per Unit per Day in HCF	HCF per Day	GPD
Single Family	34,381	1,503	0.25	0.24	175
Multi-Family	9,259	669	0.15	0.15	106
Mobile Homes (Vineyard Valley)	4,331	211	0.23	0.22	157
Residential	47,971	2,383	0.22	0.21	154
Non-Residential					
Car Wash	126	1	1.40	1.40	1,005
Church/CommCenter	254	13	0.22	0.22	156
Commercial	3,803	126	0.34	0.34	241
Grocery	260	3	0.96	0.96	691
Laundry	524	1	5.82	5.82	4,181
Mixed Retail w/ Food	496	3	1.84	1.84	1,319
Motel w/ Food	1,361	2	7.56	7.56	5,429
Motel w/out Food	2,303	8	3.20	3.20	2,297
Restaurant	3,225	19	1.89	1.89	1,354
Napa Valley College	1,620	1	18.00	18.00	12,925
Service Station	199	5	0.44	0.44	318
Merryvale Winery	235	2	1.31	1.31	937
Sutter Home (industrial) [1]	8,009	1	88.99	4.45	3,195
School	1,304	1,437	0.01	0.01	7

Source: City of St. Helena.

winter

[1] Only 5% of winter water use for this account is estimated to reach the wastewater plant.

Exhibit A

ATTACHMENT B

MODIFIED WASTEWATER RATE STRUCTURE

METHODOLOGY

1. **Determine Number of Sewer Meter Equivalents** – First establish the daily flow for one EDU (equivalent dwelling unit). This flow is the flow per day for a 5/8" meter since almost all residential units have a 5/8" water meter. Calculate the number of sewer meter equivalents using the current City meter ratios. *Using metered water usage data, it is determined that residential units use 280 gallons per day on average; however, only 180 gallons per day reaches the wastewater treatment plant, determined by average winter water use. Table B-1 shows the flow per day by meter size and the calculation of estimated sewer meter equivalents for non-residential customers.*
2. **Allocate Revenue Requirement to Residential and Non-Residential** – Single Family residential customers are allocated costs based on percentage of flow. They are then further allocated to fixed base costs collected in flat monthly charges by dwelling unit and use costs collected in consumption charges. Non-residential costs, including multi-family, are allocated based on percentage of flow by non-residential customers. Non-residential costs are further allocated to fixed base costs collected in flat monthly charges by meter size and use costs collected in consumption charges. *Table B-2 shows the allocation of revenue requirement. Costs are allocated 57% to residential and 43% to non-residential.*
3. **Calculate Rates** – Divide base residential costs by the number of residential units. Divide residential use costs by typical residential winter water use. Divide non-residential base costs by the number of sewer meter equivalents. Divide non-residential use costs by typical non-residential winter water use. *Calculated rates are shown in Table B-2.*
4. **Compare Rates** – A comparison of current and calculated wastewater rates for the next ten years, through fiscal year 2027, is included in **Table B-3**.

Exhibit A

Table B-1
City of St. Helena Wastewater Rate Study
Calculation of Non-Residential Meter Equivalents

Item	Number of Meters	Meter Ratios	Flow per Day in Gallons	Estimated Sewer Meter Equivalents
Single Family (One EDU)			180	
Non-Residential				
5/8"	150	1.00	180	150
1"	73	2.43	438	178
1.5"	40	4.82	867	193
2"	32	7.68	1,383	246
3"	7	14.36	2,585	101
4"	7	23.91	4,303	167
6"	6	47.77	8,598	287
Total Estimated Non-Residential Sewer Equivalents				1,321
Source: City of St. Helena and HEC.				m equivs

Table B-2
City of St. Helena Wastewater Rate Study
Allocation of Revenue Requirement to Residential and Non-Residential

Item		Fiscal Year Ending											Est. Annual Billed Use
		2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	
Revenue Requirement													
Residential													
Base Costs	29%	\$2,988,676	\$3,429,719	\$4,279,161	\$4,476,847	\$4,542,121	\$4,612,649	\$4,896,715	\$5,110,400	\$5,334,364	\$5,541,161	\$5,735,771	
Use Costs	28%	\$866,454	\$994,317	\$1,240,581	\$1,297,893	\$1,316,816	\$1,337,263	\$1,419,618	\$1,481,567	\$1,546,497	\$1,606,450	\$1,662,870	
		\$840,113	\$964,089	\$1,202,866	\$1,258,435	\$1,276,784	\$1,296,609	\$1,376,460	\$1,436,526	\$1,499,482	\$1,557,612	\$1,612,317	
Number of Units (single family only)		1,503	1,508	1,513	1,518	1,523	1,528	1,533	1,538	1,543	1,548	1,553	
Base Annual Cost		\$576.48	\$659.36	\$819.95	\$855.00	\$864.62	\$875.17	\$926.04	\$963.31	\$1,002.27	\$1,037.76	\$1,070.75	
Monthly Base Charge per Residential Unit		\$48.04	\$54.95	\$68.33	\$71.25	\$72.05	\$72.93	\$77.17	\$80.28	\$83.52	\$86.48	\$89.23	
Estimated Annual Billed Usage		186,767	187,212	187,658	188,103	188,548	188,994	189,439	189,884	190,329	190,775	191,220	
Use Charge per HCF		\$4.50	\$5.15	\$6.41	\$6.69	\$6.77	\$6.86	\$7.27	\$7.57	\$7.88	\$8.16	\$8.43	
Non-Residential													
Base Costs	30%	\$896,865	\$1,029,217	\$1,284,124	\$1,343,447	\$1,363,035	\$1,384,200	\$1,469,444	\$1,533,569	\$1,600,777	\$1,662,835	\$1,721,235	
Use Costs	13%	\$385,245	\$442,096	\$551,590	\$577,072	\$585,486	\$594,577	\$631,194	\$658,738	\$687,607	\$714,264	\$739,349	
Meter Equivalents		1,321	1,321	1,321	1,321	1,321	1,321	1,321	1,321	1,321	1,321	1,321	
Base Charge per Meter Equivalent		\$679.41	\$779.41	\$972.45	\$1,017.37	\$1,032.21	\$1,048.23	\$1,112.79	\$1,161.35	\$1,212.25	\$1,259.24	\$1,303.47	
Monthly Base Charge per Meter Equivalent		\$56.60	\$64.95	\$81.04	\$84.78	\$86.02	\$87.35	\$92.73	\$96.78	\$101.02	\$104.94	\$108.62	
5/8"	1.0												
1"	2.4												
1.5"	4.8												
2"	7.7												
3"	14.4												
4"	23.9												
6"	47.8												
Use Charge per HCF													
Car Wash	511	\$3.43	\$3.93	\$4.90	\$5.13	\$5.21	\$5.29	\$5.61	\$5.86	\$6.11	\$6.35	\$6.57	
Religious Places/Community Centers	1,030	\$3.72	\$4.27	\$5.33	\$5.57	\$5.65	\$5.74	\$6.09	\$6.36	\$6.64	\$6.90	\$7.14	
Commercial	15,423	\$4.27	\$4.90	\$6.12	\$6.40	\$6.49	\$6.59	\$7.00	\$7.30	\$7.62	\$7.92	\$8.20	
Groceries and Mortuaries	1,054	\$10.30	\$11.81	\$14.74	\$15.42	\$15.65	\$15.89	\$16.87	\$17.60	\$18.38	\$19.09	\$19.76	
Laundry	2,125	\$3.81	\$4.37	\$5.46	\$5.71	\$5.79	\$5.88	\$6.24	\$6.51	\$6.80	\$7.06	\$7.31	
Mixed Retail w/ Food	2,012	\$6.73	\$7.72	\$9.64	\$10.08	\$10.23	\$10.39	\$11.03	\$11.51	\$12.01	\$12.48	\$12.92	
Motel with Food	5,570	\$7.91	\$9.08	\$11.32	\$11.85	\$12.02	\$12.21	\$12.96	\$13.52	\$14.12	\$14.66	\$15.18	
Motel without Food	9,340	\$4.59	\$5.26	\$6.57	\$6.87	\$6.97	\$7.08	\$7.51	\$7.84	\$8.19	\$8.50	\$8.80	
Restaurant	13,079	\$10.18	\$11.68	\$14.57	\$15.24	\$15.47	\$15.71	\$16.67	\$17.40	\$18.16	\$18.87	\$19.53	
Napa Valley College	6,570	\$3.67	\$4.21	\$5.25	\$5.49	\$5.57	\$5.66	\$6.01	\$6.27	\$6.55	\$6.80	\$7.04	
Service Station	807	\$4.82	\$5.53	\$6.90	\$7.22	\$7.32	\$7.44	\$7.89	\$8.24	\$8.60	\$8.93	\$9.25	
Winery Production (Merryvale/Spottswoode)	953	\$17.31	\$19.87	\$24.79	\$25.93	\$26.31	\$26.72	\$28.36	\$29.60	\$30.90	\$32.09	\$33.22	
Sutter Home Winery	1,624	\$4.50	\$5.16	\$6.44	\$6.74	\$6.84	\$6.94	\$7.37	\$7.69	\$8.03	\$8.34	\$8.63	
Schools	5,288	\$1.87	\$2.15	\$2.68	\$2.81	\$2.85	\$2.89	\$3.07	\$3.20	\$3.34	\$3.47	\$3.60	

Source: City of St. Helena and HEC.

our ABC file

Sources: City of St. Helena and HEC.

Prepared by HEC

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Table B-3
City of St. Helena Wastewater Rate Study
Calculated Wastewater Rates - Modified Current Rate Structure

Land Use	Current Rates Effective	2017 11/8/2017	2018 11/8/2018	2019 11/8/2019	2020 11/8/2020	2021 11/8/2021	2022 11/8/2022	2023 11/8/2023	2024 11/8/2024	2025 11/8/2025	2026 11/8/2026	2027 11/8/2027
Residential												
Flat Monthly Charge per Unit	\$47.35	\$48.04	\$54.95	\$68.33	\$71.25	\$72.05	\$72.93	\$77.17	\$80.28	\$83.52	\$86.48	\$89.23
Use Charge per HCF	\$3.94	\$4.50	\$5.15	\$6.41	\$6.69	\$6.77	\$6.86	\$7.27	\$7.57	\$7.88	\$8.16	\$8.43
Non-Residential												
Flat Monthly Charge per Account												
5/8"	\$42.12	\$56.60	\$64.95	\$81.04	\$84.78	\$86.02	\$87.35	\$92.73	\$96.78	\$101.02	\$104.94	\$108.62
1"	\$102.42	\$137.63	\$157.94	\$197.05	\$206.16	\$209.16	\$212.41	\$225.49	\$235.33	\$245.64	\$255.17	\$264.13
1.5"	\$202.92	\$272.67	\$312.91	\$390.41	\$408.45	\$414.40	\$420.84	\$446.75	\$466.25	\$486.68	\$505.55	\$523.31
2"	\$323.53	\$434.74	\$498.90	\$622.46	\$651.22	\$660.71	\$670.97	\$712.29	\$743.37	\$775.95	\$806.03	\$834.34
3"	\$604.94	\$812.89	\$932.84	\$1,163.88	\$1,217.65	\$1,235.40	\$1,254.59	\$1,331.85	\$1,389.97	\$1,450.89	\$1,507.13	\$1,560.06
4"	\$1,006.96	\$1,353.10	\$1,552.78	\$1,937.35	\$2,026.86	\$2,056.41	\$2,088.34	\$2,216.95	\$2,313.69	\$2,415.09	\$2,508.71	\$2,596.82
6"	\$2,012.00	\$2,703.62	\$3,102.59	\$3,871.01	\$4,049.85	\$4,108.89	\$4,172.70	\$4,429.67	\$4,622.97	\$4,825.57	\$5,012.65	\$5,188.69
Use Charge per HCF												
Car Wash	\$2.85	\$3.43	\$3.93	\$4.90	\$5.13	\$5.21	\$5.29	\$5.61	\$5.86	\$6.11	\$6.35	\$6.57
Religious Places/Community Centers	\$3.64	\$3.72	\$4.27	\$5.33	\$5.57	\$5.65	\$5.74	\$6.09	\$6.36	\$6.64	\$6.90	\$7.14
Commercial	\$3.64	\$4.27	\$4.90	\$6.12	\$6.40	\$6.49	\$6.59	\$7.00	\$7.30	\$7.62	\$7.92	\$8.20
Groceries and Mortuaries	\$11.87	\$10.30	\$11.81	\$14.74	\$15.42	\$15.65	\$15.89	\$16.87	\$17.60	\$18.38	\$19.09	\$19.76
Laundry	\$3.34	\$3.81	\$4.37	\$5.46	\$5.71	\$5.79	\$5.88	\$6.24	\$6.51	\$6.80	\$7.06	\$7.31
Mixed Retail w/ Food	\$6.79	\$6.73	\$7.72	\$9.64	\$10.08	\$10.23	\$10.39	\$11.03	\$11.51	\$12.01	\$12.48	\$12.92
Motel with Food	\$8.75	\$7.91	\$9.08	\$11.32	\$11.85	\$12.02	\$12.21	\$12.96	\$13.52	\$14.12	\$14.66	\$15.18
Motel without Food	\$4.35	\$4.59	\$5.26	\$6.57	\$6.87	\$6.97	\$7.08	\$7.51	\$7.84	\$8.19	\$8.50	\$8.80
Restaurant	\$11.68	\$10.18	\$11.68	\$14.57	\$15.24	\$15.47	\$15.71	\$16.67	\$17.40	\$18.16	\$18.87	\$19.53
Napa Valley College	\$3.64	\$3.67	\$4.21	\$5.25	\$5.49	\$5.57	\$5.66	\$6.01	\$6.27	\$6.55	\$6.80	\$7.04
Service Station	\$4.70	\$4.82	\$5.53	\$6.90	\$7.22	\$7.32	\$7.44	\$7.89	\$8.24	\$8.60	\$8.93	\$9.25
Winery Production (Merryvale/Spottswoode)	\$20.94	\$17.31	\$19.87	\$24.79	\$25.93	\$26.31	\$26.72	\$28.36	\$29.60	\$30.90	\$32.09	\$33.22
Sutter Home Winery	\$4.27	\$4.50	\$5.16	\$6.44	\$6.74	\$6.84	\$6.94	\$7.37	\$7.69	\$8.03	\$8.34	\$8.63
Schools	\$3.17	\$1.87	\$2.15	\$2.68	\$2.81	\$2.85	\$2.89	\$3.07	\$3.20	\$3.34	\$3.47	\$3.60

Source: City of St. Helena and HEC.

cal rates

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Establishing a Revised Schedule for Water
Rates**

RECITALS

- A. The City of St. Helena provides water services throughout the City, including to certain customers outside the boundaries of the City; and
- B. The City of St. Helena's water system is operated as a self-supporting utility enterprise; and
- C. The City operates and maintains both a water and wastewater utilities including treatment, collection and distribution systems and has determined that the current rate structure will not support the current and future costs of the systems, therefor the City wishes to update the rates for water service; and
- D. On October 25, 2016 the first reading of Ordinance No. 2016-13 was held to amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System and Section 17.112.140 Water Efficient Landscaping, with the second reading and approval of the municipal code updates held on November 29, 2016, with the effective date being January 9, 2017; and
- E. Ordinance 2016-13, updated Chapter 13.04 to become effective January 9, 2016, the updated Section 13.04.080 establishes that water rates will be established by Council Resolution; and
- F. Current Water and Wastewater Rates were last reviewed in 2011. The 2011 rate changes implemented annual rate increases for five years based on the Consumer Price Index (CPI). The last annual rate increase was in January 2016, in accordance with the St. Helena municipal code; and
- G. The current Water and Wastewater Rates do not provide adequate funding for the water and wastewater systems; and
- H. Hansford Economic Consulting (HEC) prepared a cost of service analysis entitled St. Helena (2016) Water and Wastewater Rate Study (Rate Study) containing analyses and recommendation for adjusting the City's utility rates. The purpose of this study was to evaluate the rate structure to ensure if it adequately provided for the maintenance, operation and replacement/rehabilitation of its water and wastewater

systems, and determine the level of funding required to adequately fund the water and wastewater systems, providing the residents and businesses with safe and reliable water and wastewater systems that meets State and Federal requirements; and

- I. On September 27, 2016 Council accepted the draft 2016 Rate Study, and on November 29, 2016 Council accepted the St. Helena (2016) Water and Wastewater Rate Study final document; and
- J. On May 24, 2016 City Council authorized Resolution 2016-66, approving the re-establishment of the Ad Hoc Revenue Source Task Force (Task Force). The Resolutions stated "The City Council desires to re-establish the Ad Hoc Revenue Task Force to function in an advisory capacity to the City Council to review the structure, methodology and equitability of the proposed water and waste water rates; and provide feedback to Staff". Two meetings were held one on August 4, 2016 and the other on September 13, 2016, these meetings were open to the public, recorded and all materials were posted online; and
- K. Pursuant to the provisions of Article 13D, Section 6, of the California Constitution (e.g., Proposition 218), prior to an increase in water or sewer (wastewater) rates, property owners shall be provided at least 45 days' notice of a public hearing to consider an increase in any such water and sewer rates together with an explanation of: (1) the amount of the propose rate increase, (2) the basis on which the rate increase is calculated, (3) the reason for the rate increase, and (4) the date, time and place of a public hearing to consider the rate increase, together with an explanation of the rights of property owners to submit written protests to the proposed rate increase. The proposed rate increases may not be imposed if written protests are submitted by a majority of the property owners subject to the increased rates; and
- L. On October 4, 2016 the City mailed over 3500 copies a Notice of Proposed Increase in Water and Wastewater Rates and Public Hearing regarding such increases to property owners and to utility customers; and
- M. Notice of Public Hearing was also published in the newspaper each week for two weeks prior to the date of the public hearing; and
- N. On November 29, 2016, prior to the adoption of this Resolution, the City Council conducted and concluded a duly noticed public hearing concerning the proposed water and wastewater rate increase and considered all written and oral comments presented; and at its conclusion the City Clerk tabulated the number of protests received, and reported that there was not a majority protest of the proposed water or wastewater rates by owners or tenants of identified parcel receiving such services; and
- O. In accordance with the requirements of the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21000 et seq., the State CEQA

Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15000 et seq., and the Environmental Impact Report Guidelines of the City of St. Helena, City staff has reviewed the proposed rate increase and recommends that the approval of the rate increase is Statutorily Exempt pursuant to CEQA Guidelines Section 15273 as it applies only to rates to obtain funds necessary to operate and maintain service for the water and wastewater system; and

P. All legal prerequisites have occurred prior to the adoption of this Resolution.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

1. The procedures followed and the rate schedules proposed herein are in compliance with the California Constitution Article XIII D.
2. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.
3. The City Council hereby finds that the rate increase is Statutorily Exempt pursuant to CEQA Guidelines section 15273 as it applies only to rates to obtain funds necessary to operate and maintain service for the water and sewer system.
4. Water Rate Schedule
 - a. The City Council adopts the water rate schedule in "Exhibit A" attached hereto and incorporated herein by this reference.
5. Time of Effectiveness
 - a. The charges for both water and wastewater will become effective on January 9, 2017 and a rate increase will occur every billing period beginning in November for the next five (5) years (2017, 2018, 2019, 2020 and 2021) pursuant to "Exhibit A".

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

Exhibit A
Calculated Water Rates through Fiscal Year Ending 2022

Charges	Current	Billing Period Beginning *					
		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Service Charge		Monthly Charges per Meter					
5/8", 3/4" & 5F 1"	\$27.52	\$43.22	\$51.71	\$60.59	\$64.78	\$68.91	\$73.27
1"	\$63.80	\$80.08	\$96.76	\$114.44	\$123.35	\$132.22	\$141.61
1.5"	\$124.12	\$141.67	\$172.02	\$204.36	\$221.14	\$237.94	\$255.72
2"	\$196.50	\$215.12	\$261.84	\$311.76	\$337.99	\$364.27	\$392.10
3"	\$365.51	\$413.06	\$503.54	\$600.40	\$651.86	\$703.51	\$758.21
4"	\$607.01	\$640.46	\$780.29	\$930.11	\$1,010.10	\$1,090.44	\$1,175.54
6"	\$1,210.18	\$1,252.50	\$1,528.85	\$1,825.17	\$1,983.80	\$2,143.19	\$2,312.05
Private Fire Protection		Monthly Charges per Fire Service Pipe					
4"	\$4.00	\$8.47	\$9.92	\$11.38	\$11.89	\$12.36	\$12.86
6"	\$6.00	\$24.59	\$28.81	\$33.05	\$34.53	\$35.91	\$37.34
8"	\$8.00	\$52.41	\$61.40	\$70.43	\$73.57	\$76.52	\$79.58
Raw Water per Gallon	\$0.00267	\$0.00273	\$0.00320	\$0.00367	\$0.00383	\$0.00398	\$0.00414
TREATED WATER USE CHARGES PER HCF							
NON-DROUGHT PERIOD	[1]						
Off-Peak (Nov-Apr)		\$5.50	\$6.37	\$7.19	\$7.37	\$7.54	\$7.71
Peak (May-Oct)		\$6.11	\$7.09	\$8.00	\$8.20	\$8.38	\$8.58
DROUGHT PERIOD	[1]						
Off-Peak (Nov-Apr)		\$5.81	\$6.73	\$7.60	\$7.79	\$7.97	\$8.15
Peak (May-Oct)		\$6.46	\$7.49	\$8.45	\$8.66	\$8.86	\$9.06

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

[1] Current Rate Structure rates as follows:

Tiers by customer category (in hcf):		<u>Tier 1</u>	<u>Tier 2</u>		<u>Tier 1</u>	<u>Tier 2</u>
Single family	0-14	15+	Non-residential <=1"		0-36	37+
Multi-family	0-5	6+	Non-residential 1.5"		0-120	121+
			Non-residential 2"		0-192	193+
Price per HCF	\$4.48	\$6.74	Non-residential 3"		0-360	361+
Price per HCF - Landscape Irrigation	\$5.22		Non-residential 4"		0-600	601+
			Non-residential 6"		0-1,250	1,251+
			Non-residential 8"		0-1,920	1,921+

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Establishing a Revised Schedule for
Wastewater Rates**

RECITALS

- A. The City of St. Helena provides wastewater services throughout the City, including to certain customers outside the boundaries of the City; and
- B. The City of St. Helena's wastewater system is operated as a self-supporting utility enterprise; and
- C. The City operates and maintains both a water and wastewater utilities including treatment, collection and distribution systems and has determined that the current rate structure will not support the current and future costs of the systems, therefor the City wishes to update the rates for wastewater service; and
- D. On October 25, 2016 the first reading of Ordinance No. 2016-13 was held to amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System and Section 17.112.140 Water Efficient Landscaping, with the second reading and approval of the municipal code updates held on November 29, 2016, with the effective date being January 9, 2017; and
- E. Ordinance 2016-13, updated Chapter 13.20 to become effective January 9, 2016, the updated Section 13.20.020 establishes that wastewater rates will be established by Council Resolution; and
- F. Current Water and Wastewater Rates were last reviewed in 2011. The 2011 rate changes implemented annual rate increases for five years based on the Consumer Price Index (CPI). The last annual rate increase was in January 2016, in accordance with the St. Helena municipal code; and
- G. The current Water and Wastewater Rates do not provide adequate funding for the water and wastewater systems; and
- H. Hansford Economic Consulting (HEC) prepared a cost of service analysis entitled St. Helena (2016) Water and Wastewater Rate Study (Rate Study) containing analyses and recommendation for adjusting the City's utility rates. The purpose of this study was to evaluate the rate structure to ensure if it adequately provided for the maintenance, operation and replacement/rehabilitation of its water and wastewater

systems, and determine the level of funding required to adequately fund the water and wastewater systems, providing the residents and businesses with safe and reliable water and wastewater systems that meets State and Federal requirements; and

- I. On September 27, 2016 Council accepted the draft 2016 Rate Study, and on November 29, 2016 Council accepted the St. Helena (2016) Water and Wastewater Rate Study final document; and
- J. On May 24, 2016 City Council authorized Resolution 2016-66, approving the re-establishment of the Ad Hoc Revenue Source Task Force (Task Force). The Resolutions stated "The City Council desires to re-establish the Ad Hoc Revenue Task Force to function in an advisory capacity to the City Council to review the structure, methodology and equitability of the proposed water and waste water rates; and provide feedback to Staff". Two meetings were held one on August 4, 2016 and the other on September 13, 2016, these meetings were open to the public, recorded and all materials were posted online; and
- K. Pursuant to the provisions of Article 13D, Section 6, of the California Constitution (e.g., Proposition 218), prior to an increase in water or sewer (wastewater) rates, property owners shall be provided at least 45 days' notice of a public hearing to consider an increase in any such water and sewer rates together with an explanation of: (1) the amount of the propose rate increase, (2) the basis on which the rate increase is calculated, (3) the reason for the rate increase, and (4) the date, time and place of a public hearing to consider the rate increase, together with an explanation of the rights of property owners to submit written protests to the proposed rate increase. The proposed rate increases may not be imposed if written protests are submitted by a majority of the property owners subject to the increased rates; and
- L. On October 4, 2016 the City mailed over 3500 copies a Notice of Proposed Increase in Water and Wastewater Rates and Public Hearing regarding such increases to property owners and to utility customers; and
- M. Notice of Public Hearing was also published in the newspaper each week for two weeks prior to the date of the public hearing; and
- N. On November 29, 2016, prior to the adoption of this Resolution, the City Council conducted and concluded a duly noticed public hearing concerning the proposed water and wastewater rate increase and considered all written and oral comments presented; and at its conclusion the City Clerk tabulated the number of protests received, and reported that there was not a majority protest of the proposed water or wastewater rates by owners or tenants of identified parcel receiving such services; and
- O. In accordance with the requirements of the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21000 et seq., the State CEQA

Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15000 et seq., and the Environmental Impact Report Guidelines of the City of St. Helena, City staff has reviewed the proposed rate increase and recommends that the approval of the rate increase is Statutorily Exempt pursuant to CEQA Guidelines Section 15273 as it applies only to rates to obtain funds necessary to operate and maintain service for the water and wastewater system; and

P. All legal prerequisites have occurred prior to the adoption of this Resolution.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

1. The procedures followed and the schedules proposed herein are in compliance with the California Constitution Article XIII D.
2. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.
3. The City Council hereby finds that the rate increase is Statutorily Exempt pursuant to CEQA Guidelines section 15273 as it applies only to rates to obtain funds necessary to operate and maintain service for the water and sewer system.
4. Wastewater Rate Schedule
 - a. The City Council adopts the wastewater (sewer) rate schedule in Exhibit "A" attached hereto and incorporated herein by this reference.
5. Time of Effectiveness
 - a. The charges for both water and wastewater will become effective on January 9, 2017 and a rate increase will occur every billing period beginning in November for the next five (5) years (2017, 2018, 2019, 2020 and 2021) pursuant to "Exhibit A".

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

Exhibit A

Calculated Wastewater Rates through Fiscal Year Ending 2022 - New Rate Structure

Customer Category		Fiscal Year Ending					
		2017	2018	2019	2020	2021	2022
Billing Period Beginning * ---->		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Residential							
Single Family	monthly per unit	\$48.04	\$55.24	\$70.13	\$73.03	\$74.18	\$75.23
Multi-Family	monthly per unit	\$29.07	\$33.42	\$42.43	\$44.18	\$44.88	\$45.52
Mobile Homes	monthly per unit	\$43.11	\$49.57	\$62.93	\$65.53	\$66.56	\$67.51
Residential Rate per HCF	per HCF	\$4.69	\$5.39	\$6.84	\$7.12	\$7.23	\$7.34
Schools Flat Rate per Student	monthly per student	\$1.40	\$1.62	\$2.15	\$2.21	\$2.26	\$2.28
Non-Residential							
Car Wash	monthly per account	\$209.93	\$243.25	\$328.36	\$336.45	\$343.13	\$346.45
Religious Places/Community Centers	monthly per account	\$35.34	\$40.85	\$54.06	\$55.68	\$56.71	\$57.34
Commercial [1]	monthly per account	\$62.70	\$72.20	\$92.64	\$96.19	\$97.78	\$99.09
Groceries and Mortuaries	monthly per account	\$433.93	\$492.12	\$552.00	\$595.15	\$599.41	\$613.71
Laundry	monthly per account	\$970.94	\$1,121.45	\$1,475.85	\$1,522.21	\$1,549.87	\$1,567.76
Mixed Retail w/ Food	monthly per account	\$541.20	\$617.30	\$730.21	\$775.32	\$783.78	\$799.17
Motel with Food	monthly per account	\$2,617.64	\$2,978.36	\$3,444.90	\$3,681.23	\$3,715.59	\$3,795.12
Motel without Food	monthly per account	\$642.15	\$738.08	\$933.28	\$972.87	\$987.93	\$1,002.28
Restaurant	monthly per account	\$840.03	\$952.80	\$1,070.03	\$1,153.27	\$1,161.63	\$1,189.23
Napa Valley College	monthly per account	\$2,889.93	\$3,341.62	\$4,436.77	\$4,565.57	\$4,651.20	\$4,701.87
Service Station	monthly per account	\$93.25	\$107.06	\$134.07	\$140.12	\$142.20	\$144.37
Winery Production (Merryvale/Spottswoode)	monthly per account	\$989.21	\$1,116.93	\$1,199.98	\$1,310.53	\$1,315.85	\$1,351.87
Sutter Home Winery	monthly per account	\$876.04	\$1,007.39	\$1,278.85	\$1,331.67	\$1,352.66	\$1,371.89
Car Wash	per HCF	\$3.43	\$3.97	\$5.36	\$5.49	\$5.60	\$5.65
Religious Places/Community Centers	per HCF	\$3.72	\$4.30	\$5.69	\$5.86	\$5.97	\$6.03
Commercial [1]	per HCF	\$4.27	\$4.92	\$6.31	\$6.55	\$6.66	\$6.75
Groceries and Mortuaries	per HCF	\$10.30	\$11.68	\$13.10	\$14.12	\$14.22	\$14.56
Laundry	per HCF	\$3.81	\$4.40	\$5.79	\$5.97	\$6.08	\$6.15
Mixed Retail w/ Food	per HCF	\$6.73	\$7.68	\$9.08	\$9.64	\$9.75	\$9.94
Motel with Food	per HCF	\$7.91	\$9.00	\$10.41	\$11.12	\$11.23	\$11.47
Motel without Food	per HCF	\$4.59	\$5.27	\$6.67	\$6.95	\$7.06	\$7.16
Restaurant	per HCF	\$10.18	\$11.54	\$12.96	\$13.97	\$14.07	\$14.41
Napa Valley College	per HCF	\$3.67	\$4.24	\$5.63	\$5.79	\$5.90	\$5.97
Service Station	per HCF	\$4.82	\$5.53	\$6.93	\$7.24	\$7.35	\$7.46
Winery Production (Merryvale/Spottswoode)	per HCF	\$17.31	\$19.55	\$21.00	\$22.93	\$23.03	\$23.66
Sutter Home Winery	per HCF	\$4.50	\$5.17	\$6.57	\$6.84	\$6.95	\$7.04

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

[1] Commercial includes City buildings.

CITY OF ST. HELENA

RESOLUTION No. 2016-

Resolution Establishing a Revised Schedule for Non-Treated (Raw) Water Charges

RECITALS

- A. The City of St. Helena provides non-treated (raw) water from the lower reservoir via the Elmhurst pump station to be used for grading, dust control, street, pipeline, or similar construction activities, as well as for irrigation. Customers wanting to utilize non-treated water available at the lower creek reservoir, must obtain a permit through the City on a quarterly basis; and
- B. Charges for non-treated water are not imposed on property owners as an incident of property ownership and therefore are not subject to the same legal requirements for rate setting as potable water; and
- C. City staff requested the non-treated water rates to be included in the rate study; and
- D. The rates for non-treated water were evaluated and set based on the actual cost of providing non-treated water in St. Helena.
- E. On September 27, 2016 Council accepted the draft 2016 Rate Study, and on November 29, 2016 Council accepted the St. Helena (2016) Water and Wastewater Rate Study final document; and
- F. Notice of Public Hearing was also published in the newspaper each week for two weeks prior to the date of the public hearing; and
- G. In accordance with the requirements of the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21000 et seq., the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15000 et seq., and the Environmental Impact Report Guidelines of the City of St. Helena, City staff has reviewed the proposed rate increase and recommends that the approval of the rate increase is Statutorily Exempt pursuant to CEQA Guidelines Section 15273 as it applies only to rates to obtain funds necessary to operate and maintain non-treated water service; and
- H. All legal prerequisites have occurred prior to the adoption of this Resolution.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

1. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.
2. The City Council hereby finds that the rate increase is Statutorily Exempt pursuant to CEQA Guidelines section 15273 as it applies only to rates to obtain funds necessary to operate and maintain non-treated water service.
3. Amount of Fees
 - a. The amount of non-treated (raw) water charges shall be as set forth per the table below which is incorporated herein by this reference.

	<i>Current</i>	2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Raw Water per Gallon	\$0.00267	\$0.00273	\$0.00320	\$0.00367	\$0.00383	\$0.00398	\$0.00414

4. Time of Effectiveness
 - a. The charges for both water and wastewater will become effective on January 9, 2017 and a rate increase will occur every billing period beginning in November for the next five (5) years (2017, 2018, 2019, 2020 and 2021) pursuant to "Exhibit A".

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____
Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Attachment 5

CITY OF ST. HELENA

RESOLUTION NO. 2006-44

AUTHORIZING LOW INCOME WATER AND WASTEWATER RATES.

RECITALS

- A. On January 10, 2006, the City Council directed staff to devise a water and wastewater utility rate reduction program for income-qualified City of St. Helena utility customers.
- B. Staff determined that a rate reduction could be applied to the bi-monthly Fixed Service Charges.
- C. A rate reduction in bi-monthly Fixed Services Charges would need to be paid from interest income or the general fund so that standard rate customers would not be required to subsidize the rate reduction.
- D. Residents of apartment complexes with a single water meter are not eligible for this program.
- E. The criteria to establish income eligibility is a copy of the resident's telephone bill reflecting life line rates. A new copy is to be submitted annually to continue the reduced rate. The reduction will take effect on the utility bill after the customer submits proof of qualification.
- F. The Fixed Services Charges for water will be reduced by 50% and the Fixed Services Charges for wastewater will be reduced by 50% for income-qualified utility customers.

RESOLUTION

NOW, THEREFORE, the City of St. Helena resolves as follows:

Staff is authorized to implement the low income utility rates in the manner and at the rates described above.

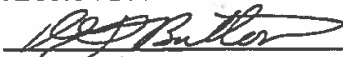
Approved at a Regular Meeting of the St. Helena City Council on March 28, 2006, by the following vote:

Ayes: Councilmembers Potter, Sklar, Novak, Mayor Britton

Noes: None

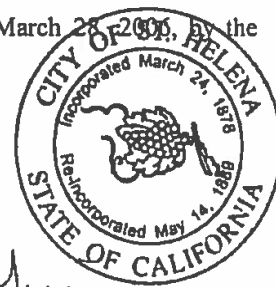
Absent: Councilmember Schoch

APPROVED:


Delford Britton, Mayor

ATTEST:


Delia Guijosa, City Clerk





CITY OF ST. HELENA

CITY COUNCIL MEETING

WATER & WASTEWATER PUBLIC HEARING

November 29, 2016



RATE STUDY TEAM

City Staff

Jennifer Tuell, Project Manager
Jennifer Phillips
Steve Palmer
April Mitts
Jennifer Weeks
Mandy Kellogg
Chrissy Cook

Hansford Economic Consulting

Catherine Hansford
Rachel Kirkpatrick
Zach Gustafson

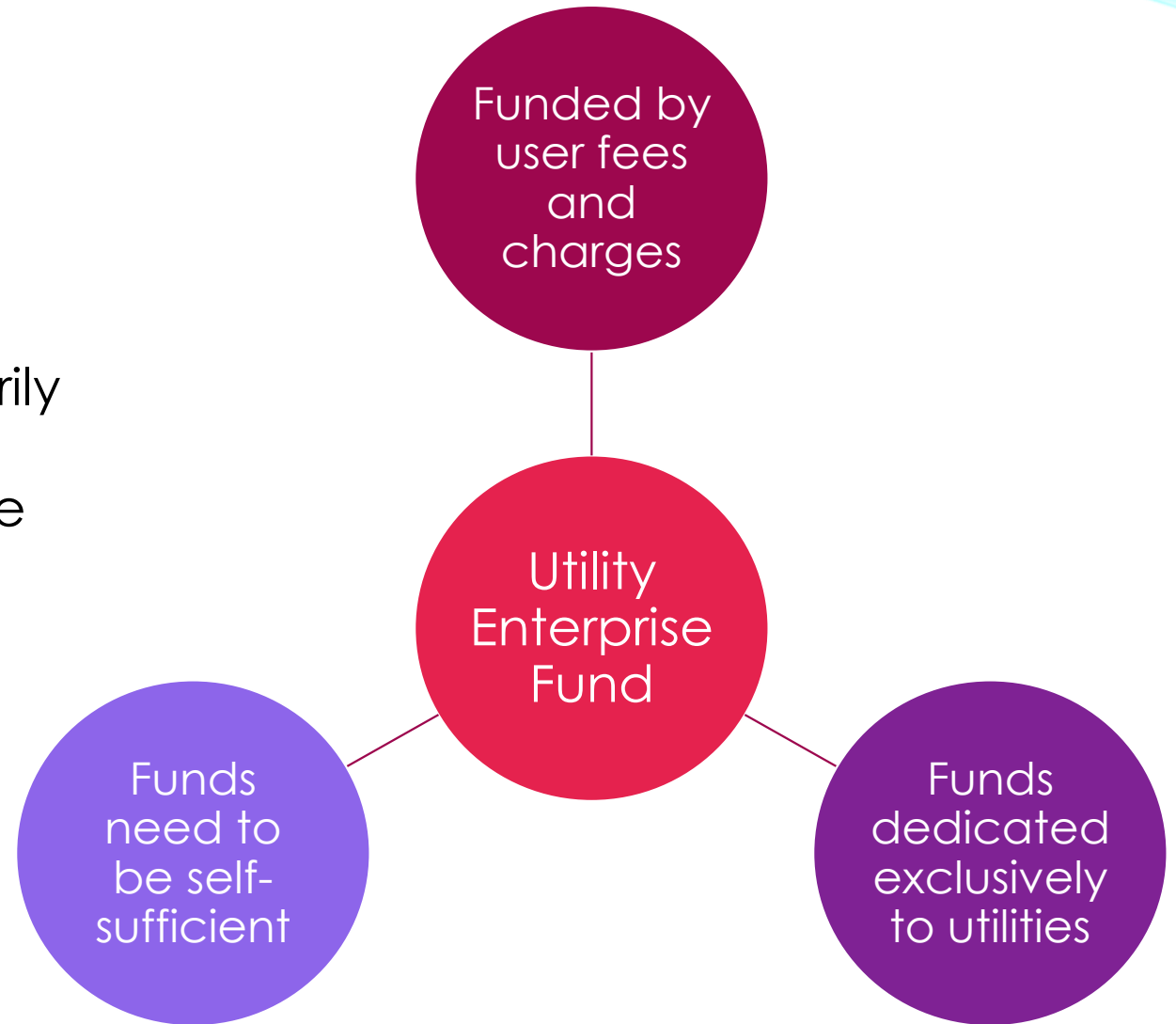


ASSETS AND CUSTOMERS

- Assets are vast, complex and many are well over 30 years old
- City operates the water and wastewater treatment facilities
- Need to meet stringent state and federal regulations
- Approximately 2,700 connections
- Small water provider
- Distribute approx. 550 million gallons of clean drinking water each year (sources: Napa, Bell Canyon & Wells)
- Majority of connections are residential
- Bill in HCF = Hundred Cubic Feet = 1 unit = 748 gallons

ENTERPRISE FUNDS

- Operating expenses are primarily funded through:
 - Water and wastewater base rates, use charges and surcharges
 - Customers pay for the services they receive



WHY ARE RATE INCREASES NEEDED?



- 2011 Study increased rates for five years based on CPI
- Average CPI increase from 2012-2016 was 2.7% per year (projected at 3%)
- Average increase in City expenses from 2012-2016 was 5.3% per year
- The impact of the drought likely reduced anticipated revenues
- There were unforeseen capital costs and/or fines that had to be paid

ST. HELENA RATES BACKGROUND



- The water fund is pulling from reserves for general operations (\$1.3M in FY 15/16)
- The wastewater operations fund has no reserves and a negative fund balance
- Rates have been adjusted by the CPI annually since 2011, last increase was in January 2016
- City is not following best practices for fund reserves and is in violation of existing bond covenants
- Both water and wastewater systems have large capital improvement projects to be completed over the next 10 years



RATE STUDY GOALS & PURPOSE

- Adequately fund the water and wastewater systems
 - Meet current regulations and environmental standards
 - Fund future system rehabilitation costs
 - Provide timely maintenance extending assets' useful lives
 - Build reserve funding for emergencies & future regulatory requirements
- Safely operate systems
- Ensure existing water sources remain viable
- Ensure equitable cost allocation between customers
- Provide clean, safe and reliable water
- Comply with Proposition 218 and other legal requirements



TASK FORCE

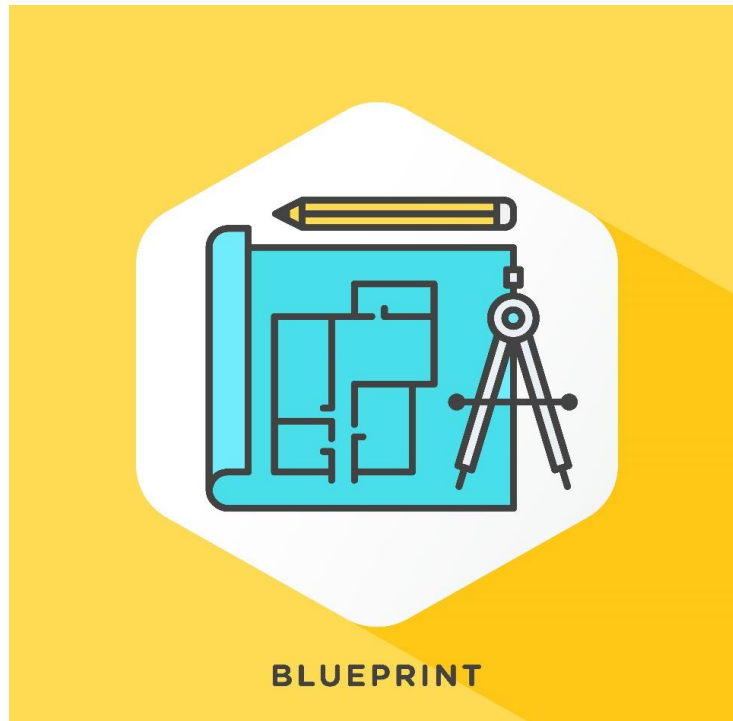
- Two meetings were held
- Meetings were open to the public and recorded, with the goal of:
 - Increasing transparency and public participation
 - Providing a place for the public to ask questions and receive additional information
 - Discussing key assumptions of the studies (described in the staff report)
- All information was posted online:
<http://cityofsthelena.org/ratestudy>

PROPOSED RATES

- Rate Structure modified for both water and wastewater
- New Rates
 - Effective February 8th, 2017 (inclusive of January service)
 - Increases every November for five years
- Conservative growth projection
- Critical CIP and system rehabilitation costs included in models



RATE STUDY ELEMENTS



- Seasonal rate structure for water
- Customer subsidies eliminated, unless approved by Council resolution
- Surcharges in geographical areas eliminated
- Gradual increase in revenue collected in base rate
- Single Family residential base rate for 1" same as 5/8"
- Drought surcharge included

WHAT ARE THE LAWS GOVERNING UTILITY RATES?



PROPOSITION 218



- Fees/charges shall not exceed the funds required to provide the service
- Fees/charges shall not be used for any other purpose than that for which it is imposed
- Fees/charges shall not exceed the proportional cost of service to each property
- Fees/charges based on potential/future use of the service is not permitted

SAN JUAN CAPISTRANO



2015: Ruling in the San Juan Capistrano case created stricter standards on how tiered rates should be set under Prop 218

“...the City failed to demonstrate that the tiers correspond to the actual cost of providing service at a given level of usage...”

“...rates were not proportional to the cost of service...”

As a result of the San Juan Capistrano case, many agencies have either eliminated their tiered rates in favor of a uniform rate, or revised their tiered rates to better comply with the standards set by the San Juan Capistrano case.

Information provided by Kelly Salt of Best & Krieger one of the lead attorneys for the defendant (City of San Juan Capistrano).

SUBSIDIES

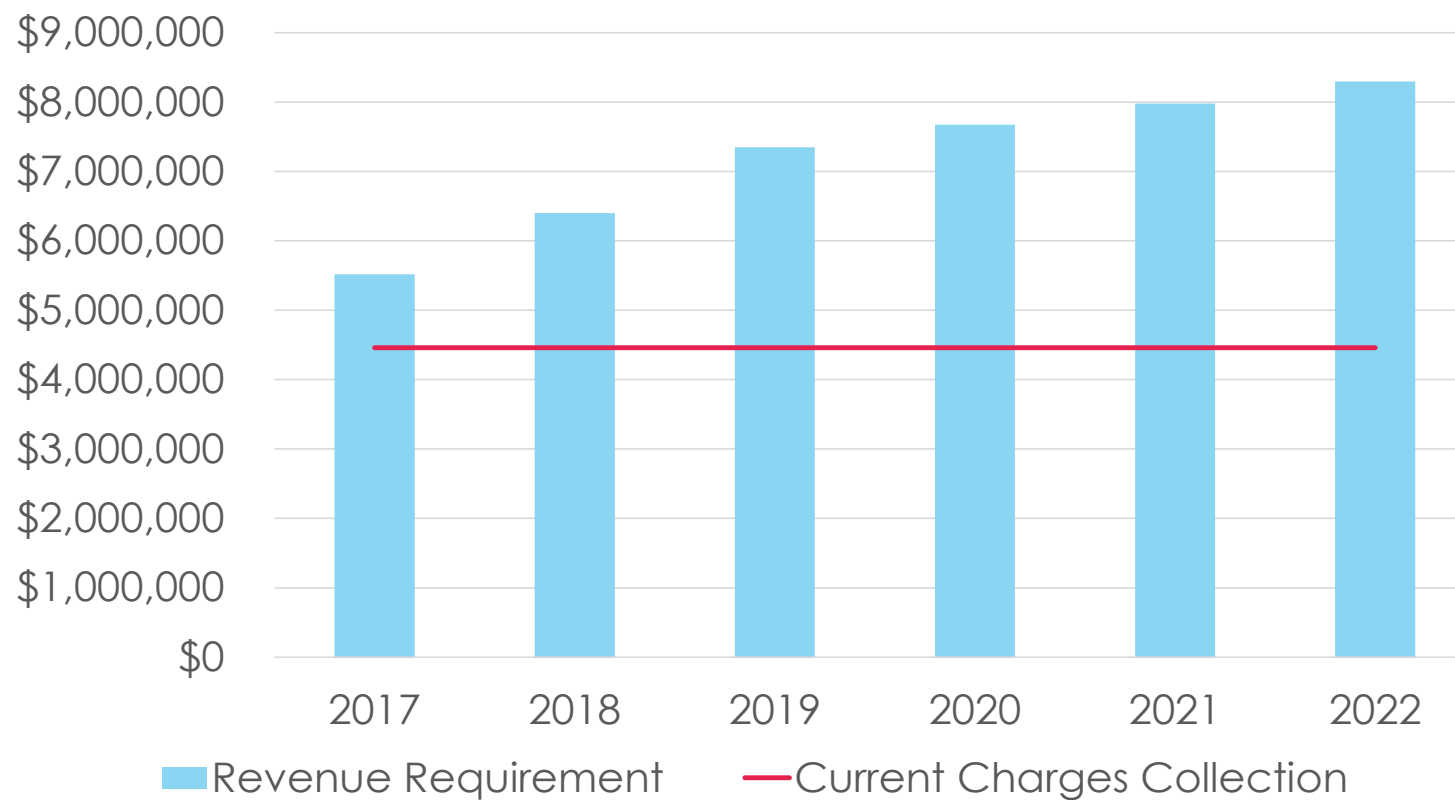
- Low-income discounts and subsidies are prohibited by Proposition 218
- Can provide subsidies **if** subsidy is:
 - funded by a discretionary fund (General Fund)
 - voluntary donations by other customers, or
 - approved as a special tax by 2/3^{rds} of rate payers
- General fund currently subsidizing low income customers per Resolution 2006-4



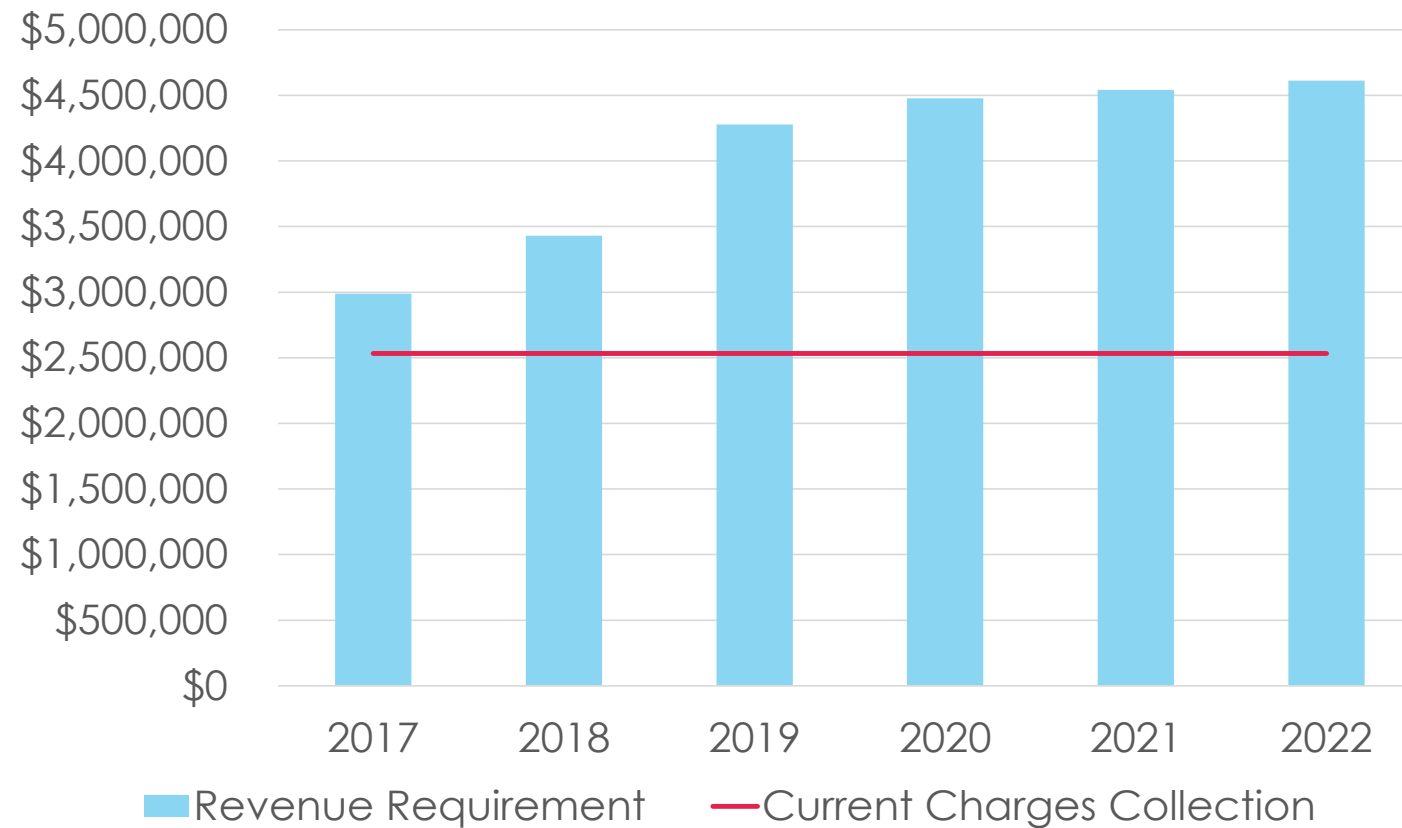
RATE STUDY



WATER FUND REVENUE REQUIREMENTS



WASTEWATER FUND REVENUE REQUIREMENTS





CAPITAL PROJECTS

High priority capital improvements partial list (through fiscal year 2022)

Water

- York Creek Upper Dam Removal/Mitigation
- Bell Canyon Intake Tower Replacement
- Replace Water Mains < 6" with New 8" PVC Mains (4.5 miles)
- Bell Canyon Creek Flow Measurement
- Tank 2 Rehabilitation

Wastewater

- Wastewater Treatment Plant Upgrades Phase 1
- Replace WRF Operations Building and Shop
- Phase 2 Wastewater Treatment Plant Upgrades
- Replace 1% of Sewer Mains Annually
- Crinella Pump Station Upgrades



CIP FUNDING SOURCES THROUGH FY 2022

Future Dollars (rounded)

Water	
Cash – Capital Fund	\$7,565,000
Cash – Operations Fund	\$405,000
Debt – Capital Fund	\$2,002,000
Reserves	\$1,775,000
TOTAL	\$11,747,000

Wastewater	
Cash – Capital Fund	\$2,636,000
Cash – Operations Fund	\$461,000
Debt – Capital Fund	\$8,495,000
Reserves	\$1,316,000
TOTAL	\$12,908,000

WATER PROPOSED RATES

- **Base Rate**

- All customers pay a monthly base rate by meter size

- **Use Rate**

- Use rate based on the amount of water used
- Eliminated tiered use rates for water
- Eliminated separate rate for landscape meters
- Seasonal pricing proposed
 - Peak = May-October
 - Off-Peak = November-April
- Drought surcharges proposed (6% higher)



WATER PROPOSED RATES

Charges	Current	Billing Period Beginning *					
		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Service Charge		Monthly Charges per Meter					
5/8", 3/4" & SF 1"	\$27.52	\$43.22	\$51.71	\$60.59	\$64.78	\$68.91	\$73.27
1"	\$63.80	\$80.08	\$96.76	\$114.44	\$123.35	\$132.22	\$141.61
1.5"	\$124.12	\$141.67	\$172.02	\$204.36	\$221.14	\$237.94	\$255.72
2"	\$196.50	\$215.12	\$261.84	\$311.76	\$337.99	\$364.27	\$392.10
3"	\$365.51	\$413.06	\$503.54	\$600.40	\$651.86	\$703.51	\$758.21
4"	\$607.01	\$640.46	\$780.29	\$930.11	\$1,010.10	\$1,090.44	\$1,175.54
6"	\$1,210.18	\$1,252.50	\$1,528.85	\$1,825.17	\$1,983.80	\$2,143.19	\$2,312.05
Private Fire Protection		Monthly Charges per Fire Service Pipe					
4"	\$4.00	\$8.47	\$9.92	\$11.38	\$11.89	\$12.36	\$12.86
6"	\$6.00	\$24.59	\$28.81	\$33.05	\$34.53	\$35.91	\$37.34
8"	\$8.00	\$52.41	\$61.40	\$70.43	\$73.57	\$76.52	\$79.58
Raw Water <i>per Gallon</i>	\$0.00267	\$0.00273	\$0.00320	\$0.00367	\$0.00383	\$0.00398	\$0.00414
TREATED WATER USE CHARGES PER HCF							
NON-DROUGHT PERIOD	[1]						
Off-Peak (Nov-Apr)		\$5.50	\$6.37	\$7.19	\$7.37	\$7.54	\$7.71
Peak (May-Oct)		\$6.11	\$7.09	\$8.00	\$8.20	\$8.38	\$8.58
DROUGHT PERIOD	[1]						
Off-Peak (Nov-Apr)		\$5.81	\$6.73	\$7.60	\$7.79	\$7.97	\$8.15
Peak (May-Oct)		\$6.46	\$7.49	\$8.45	\$8.66	\$8.86	\$9.06

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

WASTEWATER PROPOSED RATES

- **Base Rate**

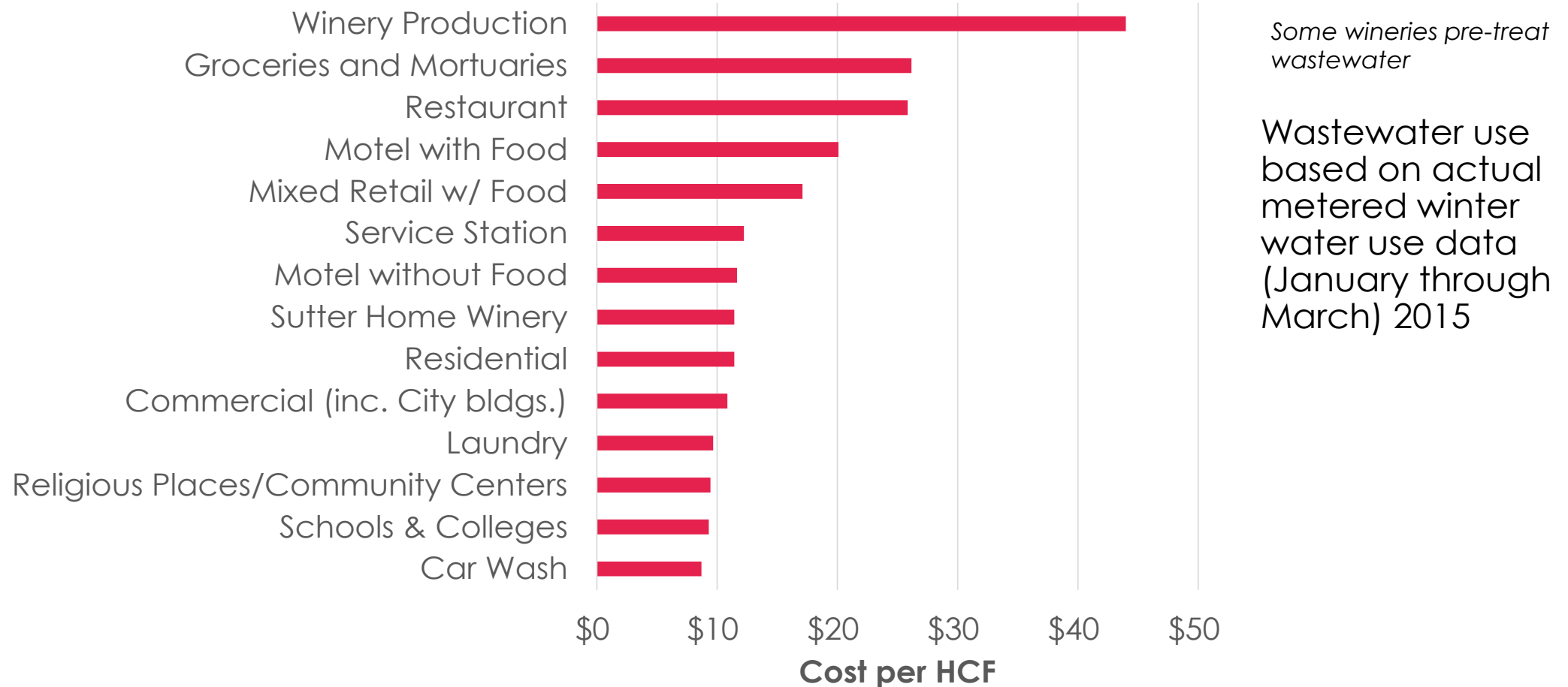
- Single family, multi-family and mobile homes are classified as residential
- All residential accounts pay a flat base rate based on number of dwelling units plus use based on winter average
- Flat monthly charge for schools based on number of students
- Non-residential pay flat base rate by customer type (per account)

- **Use Rate**

- Applied to residential and non-residential (not schools)
- Calculated on the average winter water use (Jan-Mar)
- Rates based on flow and strength of wastewater by customer type



WASTEWATER TREATMENT COSTS BY CUSTOMER CATEGORY



NEW WASTEWATER RATES

BASE RATES

Customer Category		Fiscal Year Ending					
		2017	2018	2019	2020	2021	2022
<i>Billing Period Beginning * -----></i>		<i>2/8/2017</i>	<i>11/8/2017</i>	<i>11/8/2018</i>	<i>11/8/2019</i>	<i>11/8/2020</i>	<i>11/8/2021</i>
Residential							
Single Family	monthly per unit	\$48.04	\$55.24	\$70.13	\$73.03	\$74.18	\$75.23
Multi-Family	monthly per unit	\$29.07	\$33.42	\$42.43	\$44.18	\$44.88	\$45.52
Mobile Homes	monthly per unit	\$43.11	\$49.57	\$62.93	\$65.53	\$66.56	\$67.51
Schools Flat Rate per Student	monthly per student	\$1.40	\$1.62	\$2.15	\$2.21	\$2.26	\$2.28
Non-Residential							
Car Wash	monthly per account	\$209.93	\$243.25	\$328.36	\$336.45	\$343.13	\$346.45
Religious Places/Community Centers	monthly per account	\$35.34	\$40.85	\$54.06	\$55.68	\$56.71	\$57.34
Commercial [1]	monthly per account	\$62.70	\$72.20	\$92.64	\$96.19	\$97.78	\$99.09
Groceries and Mortuaries	monthly per account	\$433.93	\$492.12	\$552.00	\$595.15	\$599.41	\$613.71
Laundry	monthly per account	\$970.94	\$1,121.45	\$1,475.85	\$1,522.21	\$1,549.87	\$1,567.76
Mixed Retail w/ Food	monthly per account	\$541.20	\$617.30	\$730.21	\$775.32	\$783.78	\$799.17
Motel with Food	monthly per account	\$2,617.64	\$2,978.36	\$3,444.90	\$3,681.23	\$3,715.59	\$3,795.12
Motel without Food	monthly per account	\$642.15	\$738.08	\$933.28	\$972.87	\$987.93	\$1,002.28
Restaurant	monthly per account	\$840.03	\$952.80	\$1,070.03	\$1,153.27	\$1,161.63	\$1,189.23
Napa Valley College	monthly per account	\$2,889.93	\$3,341.62	\$4,436.77	\$4,565.57	\$4,651.20	\$4,701.87
Service Station	monthly per account	\$93.25	\$107.06	\$134.07	\$140.12	\$142.20	\$144.37
Winery Production (Merryvale/Spottswoode)	monthly per account	\$989.21	\$1,116.93	\$1,199.98	\$1,310.53	\$1,315.85	\$1,351.87
Sutter Home Winery	monthly per account	\$876.04	\$1,007.39	\$1,278.85	\$1,331.67	\$1,352.66	\$1,371.89

Source: HEC.

*** Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.**

[1] Commercial includes City buildings.

NEW WASTEWATER RATES USE RATES

Customer Category		Fiscal Year Ending					
		2017	2018	2019	2020	2021	2022
Billing Period Beginning * ----->		2/8/2017	11/8/2017	11/8/2018	11/8/2019	11/8/2020	11/8/2021
Residential							
Residential Rate per HCF	per HCF	\$4.69	\$5.39	\$6.84	\$7.12	\$7.23	\$7.34
Non-Residential							
Car Wash	per HCF	\$3.43	\$3.97	\$5.36	\$5.49	\$5.60	\$5.65
Religious Places/Community Centers	per HCF	\$3.72	\$4.30	\$5.69	\$5.86	\$5.97	\$6.03
Commercial [1]	per HCF	\$4.27	\$4.92	\$6.31	\$6.55	\$6.66	\$6.75
Groceries and Mortuaries	per HCF	\$10.30	\$11.68	\$13.10	\$14.12	\$14.22	\$14.56
Laundry	per HCF	\$3.81	\$4.40	\$5.79	\$5.97	\$6.08	\$6.15
Mixed Retail w/ Food	per HCF	\$6.73	\$7.68	\$9.08	\$9.64	\$9.75	\$9.94
Motel with Food	per HCF	\$7.91	\$9.00	\$10.41	\$11.12	\$11.23	\$11.47
Motel without Food	per HCF	\$4.59	\$5.27	\$6.67	\$6.95	\$7.06	\$7.16
Restaurant	per HCF	\$10.18	\$11.54	\$12.96	\$13.97	\$14.07	\$14.41
Napa Valley College	per HCF	\$3.67	\$4.24	\$5.63	\$5.79	\$5.90	\$5.97
Service Station	per HCF	\$4.82	\$5.53	\$6.93	\$7.24	\$7.35	\$7.46
Winery Production (Merryvale/Spottswood)	per HCF	\$17.31	\$19.55	\$21.00	\$22.93	\$23.03	\$23.66
Sutter Home Winery	per HCF	\$4.50	\$5.17	\$6.57	\$6.84	\$6.95	\$7.04

Source: HEC.

* Dates reflect the current billing cycle; if the billing cycle date changes so will these effective dates.

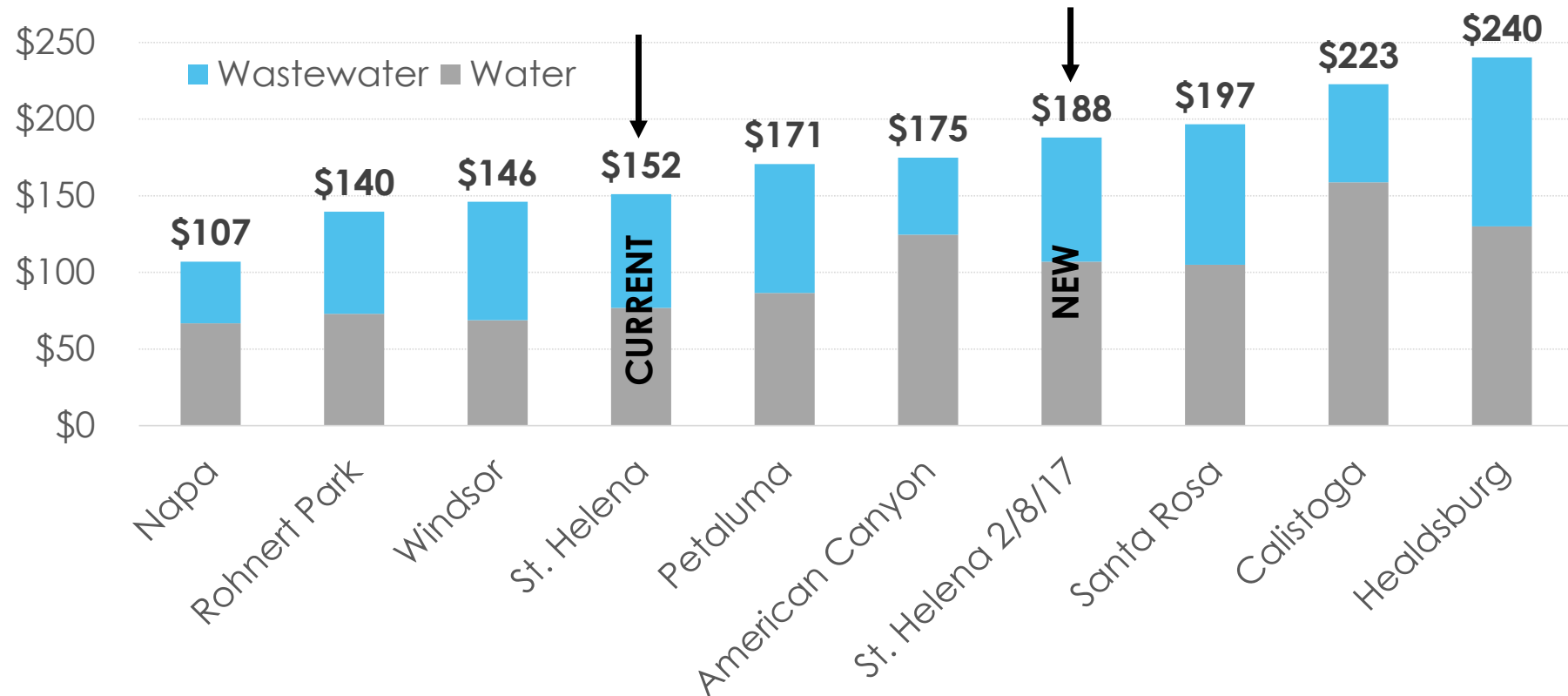
[1] Commercial includes City buildings.

COMBINED UTILITIES IMPACT



SINGLE FAMILY RATE COMPARISON

Typical Monthly Bill for a 5/8" Residential Home in Non-Drought Period
11 HCF Water; 7 HCF Wastewater



AFFORDABILITY

SF costs stay under the combined affordability threshold of 4.5%

Item	Current Rates	Proposed 2/8/2017 Rates
St. Helena Monthly Median Household Income (MHI) [1]	\$6,535	\$6,535
Monthly Water Bill		
Monthly Water Bill for 11 HCF [2]	\$76.80	\$107.08
Water Bill as Percentage of MHI [3]	1.18%	1.64%
Monthly Wastewater Bill		
Monthly Wastewater Bill for 7 HCF	\$74.93	\$80.84
Wastewater Bill as Percentage of MHI [3]	1.15%	1.24%
Total Monthly Utilities Bill	\$151.73	\$187.92
Monthly Utilities Bill as Percentage of MHI [3]	2.32%	2.88%
Median Household Income (MHI)		
Estimated California [1]	\$61,489	
Estimated St. Helena [1]	\$78,421	
St. Helena MHI as a percentage of the State MHI [4]	127.54%	

Source: HEC, California State Water Resources Control Board, and US Census Bureau.

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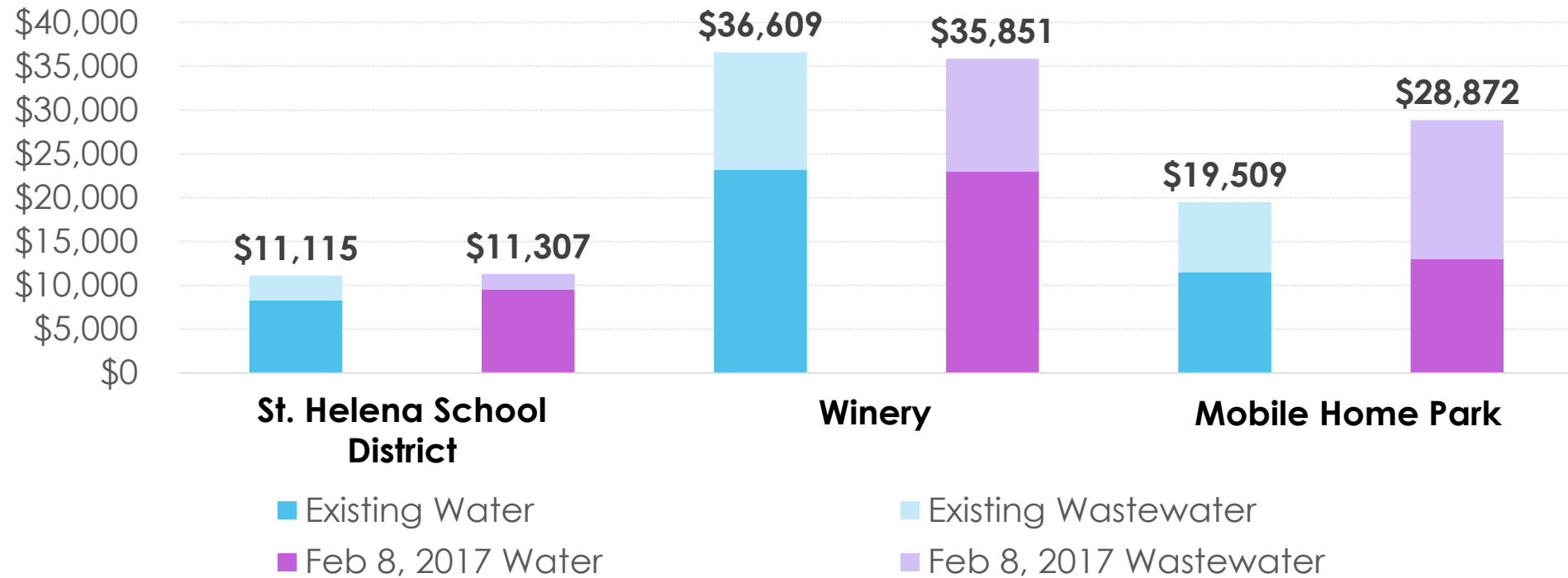
[1] 2014 5-year American Community Survey.
[2] Assumes a non-drought year and average seasonal use rate.

[3] The EPA considers bills unaffordable if combined water and wastewater bills are >4.5% of MHI. The State Clean Water SRF program only provides better loan terms (such as extended term financing, lower interest and principal forgiveness) to communities that are NOT Disadvantaged if the wastewater bill is >4% of MHI.

[4] Per the State Water Resources Control Board, a community with an MHI <80% of the Statewide MHI is Disadvantaged.

LARGE WATER USERS COMBINED UTILITIES IMPACT

Estimated Combined Monthly Utilities Bill for Large Water Users



RATE ADOPTION

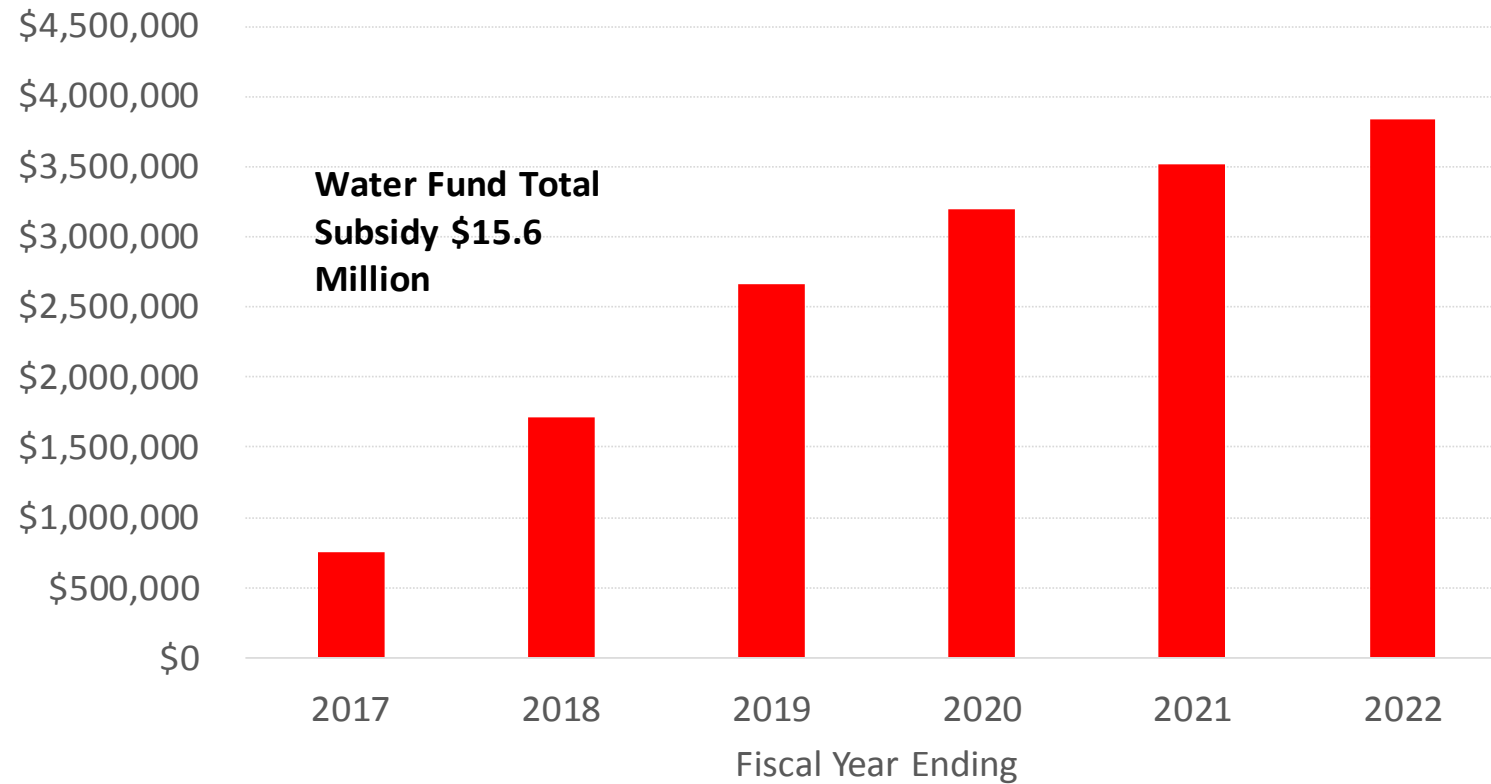




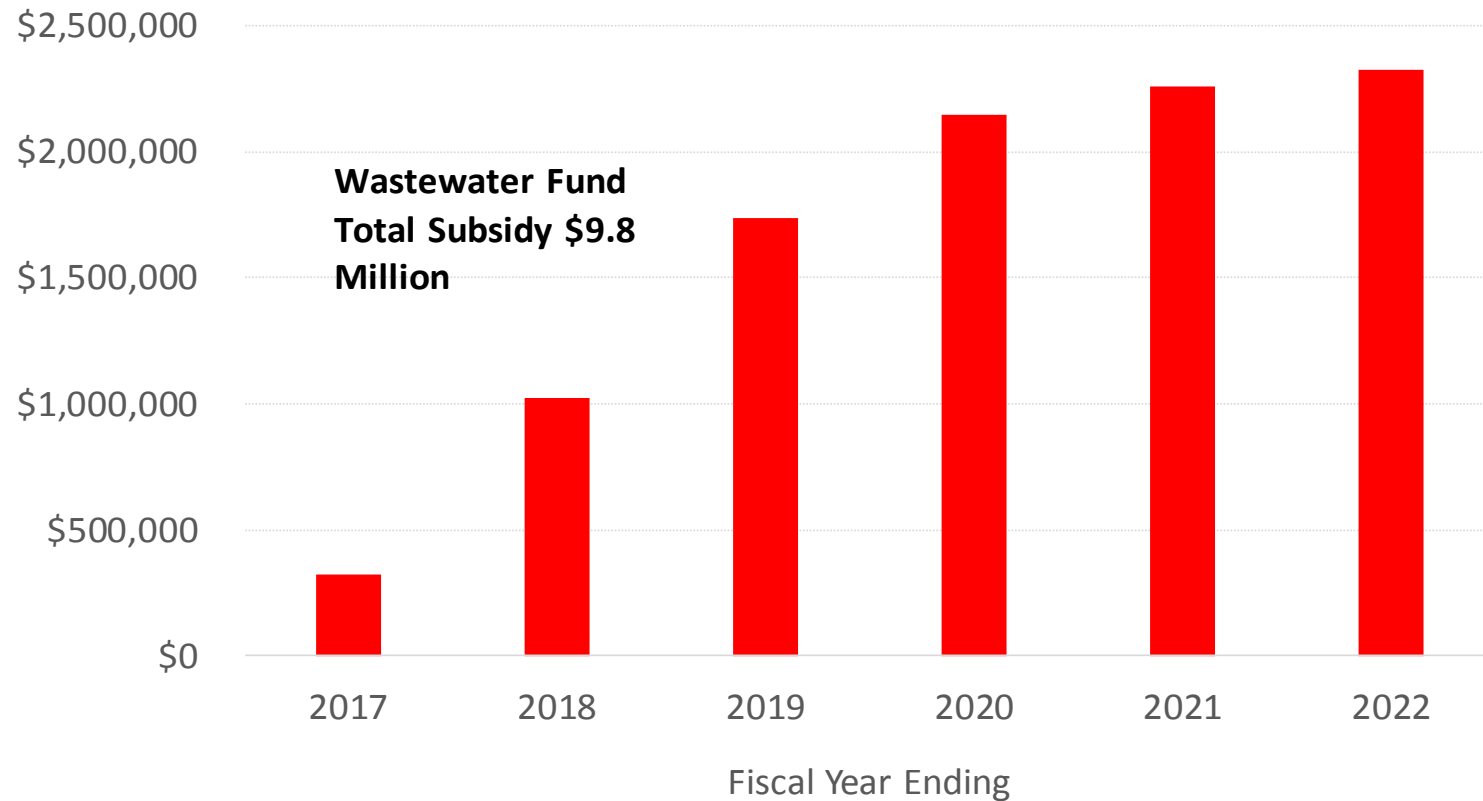
RATE IMPLEMENTATION

- One protest per parcel (can be owner or tenant but not both)
- Rate increases cannot be implemented if more than 50% plus one protests are received
- Mailed 3,515 notices to both affected property owners and tenants
- Notices mailed on Oct. 4, 2016
- Affects all properties with water or wastewater service available to property
- Can legally pass rates if less than **1,327 protests for water** are received
- Can legally pass rates if less than **880 protests for wastewater** are received

GENERAL FUND SUBSIDY WITHOUT WATER RATE INCREASES



GENERAL FUND SUBSIDY WITHOUT WASTEWATER RATE INCREASES





RECOMMENDED COUNCIL ACTION

- **Resolution A**, adopt the St. Helena (2016) Water and Wastewater Rate Study Final Report
- **Resolution B**, enacting changes to the potable water base rates, use rates and rate structures
- **Resolution C**, enacting changes to the wastewater base rates, use rates and rate structures
- **Resolution D**, enacting changes to the non-treated (raw) water rates

QUESTIONS





Item No: 10.2

Staff Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Public Hearing

Subject: Triannual California Building Standards Code Adoption
Modifying Chapter 15 of the St Helena Municipal Code and
Update of Building Permit and Code Enforcement Process
Improvements

- a. Consideration and proposed approval of a resolution to double the Building Permit fee when the permit is filed as a result of Code Enforcement action; and
- b. Introduce and hold first reading of the of Ordinance titled "Amendments to St. Helena Municipal Code Title 15 Buildings and Construction, Adopt and Amend in full the 2016 California Building Standards Code, Title 24

CEQA Status: Categorical Exemption: It has been determined that the project is exempt for the requirements of the California Environmental Quality Act (CEQA) under Section 15061 (b) (3) the 'General Rule' in that it can be seen with certainty that there is no possibility the proposed action may have a significant impact on the environment and therefor CEQA is not applicable.

Prepared By: Noah Housh, Planning, Building and Community Improvement Director
Darrell Mayes, Chief Building Official

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The State of California has updated and adopted the California Building Standards Code, which will become effective on January 1, 2017. The proposed ordinance and resolution would adopt the California Building Standards Code as required by State law, as well as make local amendments to the Building Standards Code justified by local conditions in the City of St. Helena. Pursuant to State law, none of the local amendments may be less restrictive than the States Building Standards Codes.

DISCUSSION

Item No: 10.2

The California Building Standards Commission (CBSC) is responsible for developing and adopting State Building, Fire and other related codes. Over the last three (3) years, the CBSC has gone through a planning process and adopted the 2016 California Building Standards Code, California Code of Regulations, Title 24, 12 Parts (Standards Code). The Standards, which include minor some changes to the code currently in effect, becomes effective on January 1, 2017.

Every three (3) years the California Building Standards Commission reviews the available model codes. On July 1, 2016 the State of California adopted the 2016 California Building Standards Code, which becomes effective on January 1, 2017. The State has given local jurisdictions until the end of the year to adopt the new code and any local amendments.

Municipal Code Title 15, Buildings and Construction, contains either by reference or amendment the rules and regulations which comprise the "City of St. Helena Building Code". The last update of this Title was in November of 2013 when the 2013 California Building Standards Code was adopted.

The attached "Exhibit A, Title 15, Buildings and Construction" includes the chapters of the Municipal Code that are proposed for amendment and adoption. The California Codes are adopted by reference and are available in the Planning and Community Improvement Department, Building Division for review.

The new code includes building, electrical, mechanical, plumbing codes, the fire code, the energy code, the historical building code, the green building code, and the residential code as follows:

I. Errata for the 2016 Title 24 Codes:

- Based on the 2015 International Building Code for the 2016 California Building Code, Part 2;
- Based on the 2015 International Residential Building Code for the 2016 California Residential Code, Part 2.5;
- Based on the 2014 National Electrical Code for the 2016 California Electrical Code, Part 3;
- Based on the 2015 Uniform Mechanical Code for the 2016 California Mechanical Code, Part 4;
- Based on the 2015 Uniform Plumbing Code for the 2016 California Plumbing Code, Part 5;
- Based on the 2015 International Fire Code for the 2016 California Fire Code, Part 9;
- Based on the 2015 International Existing Building Code for the 2016 California Existing Code, Part 10;

II. Updates for the following parts authored by the State of California:

- The 2016 California Administrative Code, Part 1;
- The 2016 California Green Building Standards (CAL Green) Code, Part 11;
- The 2016 California Referenced Standards Code, Part 12;
- The 2016 California Energy Code, Part 6; and
- The 2016 California Historical Building Code, Part 8
- (Part 7 of the code is vacant.)

III. The following list highlights the corrected and/or new amendments specific to the State of California Codes and the St. Helena Municipal Code;

1. Municipal Code, Section 15.04.010, is changed to show correct date of the new code.
2. Municipal Code, Section 15.04.140, item C, is changed to show additional code sections, 109.4 and 114.4 that was added to the new code.
3. Municipal Code, Section 15.08.010, is changed to show the correct date of new code.
4. Municipal Code, Section 15.08.020, item C, the reference to the appendix chapter 1 is removed due to the appendix not existing.
5. Municipal Code, Section 15.08.030, removed the sentence "amended to read as follows", due to no amendments being listed.
6. Municipal Code, Section 15.08.040, removed the word "conference" and added the correct word "Council".
7. Municipal Code, Section, 15.08.050, item B, is changed to add the word "Existing" reference the California Existing Building Code.
8. Municipal Code, Section 15.08.050, item H, removed the word "If" to the correct word "The"
9. Municipal Code, Section 15.12.010, is changed to show the correct date of the new code.
10. Municipal Code, Section 15.12.030, is changed to show the reference to the correct chapter, 34A and correct section 3410A of the new code.
11. Municipal Code, Section 15.16.010 is changed to show the correct date of the new code.
12. Municipal Code, Section 15.18.010, is changed to show correct date of the new code.
13. Municipal Code, Section 15.18.020, is changed to remove reference to amendments due to no amendments being listed.
14. Municipal Code, Section 15.20.010 is changed to show the correct date of the new code.
15. Municipal Code, Section 15.20.020, is changed to remove the amendment due to being provided for in the new code.
16. Municipal Code, Section 15.24.010, is changed to show the correct date of the new code.
17. Municipal Code, Section 15.24.020, is changed to remove the amendment to be consistent with the California Electrical Code.

Item No: 10.2

18. Municipal Code, Section 15.28.010, is changed to show the correct date of the new code.
19. Municipal Code, Section 15.32. 010, is changed to show the correct date of the new code.
20. Municipal Code, Section 15.52.050, item 1, is changed to correct from 1 word to 2 words.
21. Municipal Code, Section 15.52.120, A. item 7, is changed to correct from 1 word to 2 words.
22. Municipal Code, Section 15.52.120, B., is changed to correct from 1 word to 2 words.
23. Municipal Code, Section 15.52.120, C., is changed to correct from 1 word to 2 words.
24. Municipal Code, Section 15.52.140, E., items 2 & 3, is changed to correct from 1 word to 2 words.
25. Municipal Code, Section 15.52.150, C 3a and C 4b, is changed to correct from 1 word to 2 words.
26. Municipal Code, Section 15.53.010, is changed to show correct date of the new code.
27. Municipal Code, Section 15.54.010, is changed to show the correct date of the new code.
28. Municipal Code, Section 15.55.010, is changed to show the correct date of the new code

Municipal Code, Section 15.36 (Fire Code)

29. Municipal Code, Section 15.36.020, is changed to show the correct date of the new code and clarifying language.
30. Municipal Code, Section 15.36.030 D., is changed to show the correct chapter of the new code and clarifying language.
31. Municipal Code, Section 15.36.040 A is updated to repeal "Phased Approval".
32. Municipal Code, Section 15.36.040 is updated to address revised lettering and correct the date. and
33. Municipal Code, Section 15.36.040 is modified to add Section 110.5 to incorporate a prohibition on "Unsafe Buildings".
34. Municipal Code Section 15.36.040 is modified to add Section 110.5 to incorporate an allowance for agricultural activities.
35. Municipal Code Section 15.36.050 is amended to add Section 501.3 to incorporate requirements for the preparation of construction documents and .
36. Municipal Code Section 15.36.050 B. thru E. is amended to revise Section 503 to incorporate revisions to the definition of a Fire Apparatus Access Road.
37. Municipal Code Section 15.36.060 Fire Protection Systems is amended to incorporate a minor material exception for certain uses.

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38. Municipal Code Section 15.36.060 Fire Protection Systems Section 903.2.2 and 903.2.3 is amended to clarify the requirements for fire sprinkler installation.
39. Municipal Code Section 15.36.060 Fire Protection Systems is amended to add Section 907.1.6 addressing False Alarms.
40. Municipal Code Section 15.36.090 Section 507 Fire Protection Water Supplies is amended to delete Section B105.1.
41. Municipal Code Section 15.36.100 Fire Apparatus Access Roads is changed to show the correct date of the new code.
42. Municipal Code Section 15.36.100 Fire Apparatus Access Roads is further changed to modify the required width of a residential vehicular access gate to 16-feet.
43. Municipal Code Section 15.36.100 Fire Apparatus Access Roads is further changed to incorporate a required 30-foot setback for a parking space and/or access gate.

Discussion of Procedural Improvements in the Building Division.

In addition to the code update required by the State, the Department would also like to notify the City Council of some improvements to the Building Permit review process recently or in the process of being implemented.

1. Created a new permit category (Rapid Permits) in order to expedite the process for building permit applications. The existing process only included 2 permit categories, "Over the Counter Permits" and "Standard Permits".

Over the Counter permits are permit types that don't require the submittal of plans, nor do they require routing to other City Departments for review and approval, such as Water Heater replacements, HVAC replacements, Re-roofs, siding repair, etc.

Standard permits are permit types that require the submittal of plans and require routing to other City Departments and are the larger projects, such as new buildings and structures, additions to existing structures, etc.

The category created is called "Rapid Permits".

Rapid permits are permit types that are typically smaller projects than Standard permits, such as residential sheds, retaining walls, fences, decks, patio covers, window, replacement, etc. Rapid permit may require submittal of plans and require routing to other City Department for review and approval; however, the review process will be significantly shorter due to the nature of the project and the fact that these permits will be identified and prioritized in their review. These permit categories are shown in the attachment to this report.

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2. The Division recently updated and revised over 30 forms, checklists, handouts, etc. to assist applicant with understanding the submittal requirements and review process. These documents were designed to help our customers provide all the necessary information on their plans and project submittals to help decrease the amount of time it takes for us to process building permit applications. They are all available on our website.
3. The Division has increased code enforcement activities and have incorporated elements of it into normal business of the Planning Community Improvement Department, Building Division. A Code Enforcement Module to the Building Permit Tracking software (Sungard; aka TrackIt) has been added to assist with tracking planning applications and building permits associated with code enforcement efforts. This software enables us to assign Case Numbers to each code enforcement case and monitor the progress of each case from the time the case opens until it's resolved. In the future it is the goal of the Department to allow the public to go online and track the progress of each case to help keep them informed of Department activities regarding their complaint.

As a component of these code enforcement efforts, staff is requesting the City Council authorize the Department to implement a fee to cover the additional costs and efforts required to enforce Building code requirements, when work was started without the benefit of a building permit.

Generally, code enforcement actions to enforce building code requirements take a substantial amount of additional effort compared to typical building permit applications. A complaint must be received (or a violation noticed), and logged by administrative staff to create a file/case (approximately 1-2 hours); the case/file is assigned to staff member to administer (approximately .5 hours); the complainant (often) must be contacted to ensure an accurate understanding of their concern (approximately 1-2 hours); the potential violator must be contacted to schedule an inspection of their property to confirm if there is indeed a violation (approximately 1 hour); a site visit must occur to verify if there is indeed a violation (approximately 1-4 hours); research into the violation and methods to resolve it must be done, often by multiple departments and senior staff members (2-15 hours). In addition, all steps in this effort must be accurately documented and the owner must be notified according to strict legal criteria (2-20 hours).

If a violation is confirmed and a formal Notice of Violation sent (approximately 2 hours) the violator typically requests a pre-application meeting (which often requires attendance by management staff from multiple departments) to determine the best method to address their violation (approximately 2-4 hours); this then typically results in phone calls and secondary meetings with

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design professionals to inform them on the issue (1-4 hours) and the complainant must be kept informed of the issue throughout this process (2-10 hours). After all of these additional procedures and efforts, the applicants then apply for their building permits and are taken through the standard building permit review process.

The additional procedures and staff time associated with effective administration of code enforcement efforts necessitate additional fees to cover the resources dedicated to such enforcement. Staff is requesting that the City Council approve doubling the building permit fees for individuals required to get a building permit as a result of a code violation based on this need. This additional fee is based on the overall staff blended rate of \$150/hour identified in the fee schedule and industry standard approaches to addressing the additional costs associated with enforcing building code requirements. With the additional procedures and staff time associated with code enforcement described above, staff finds that this is a very conservative fee.

4. The Division has increased the availability of inspections to 5 days a week. In the past inspections were performed only on Tuesday, Wednesday and Thursday. Staff still tries to schedule most inspection on these 3 days; however, if a contractor or property owner is unable to schedule an inspection, for unforeseen reasons, staff will accommodate their requests.
5. The Division has moved to conduct nearly all Plan Reviews "in-house". In the past building permit plan submittals were reviewed by an outside agency. This change enables staff to provide the plan review service in a more expedient manor, tailor the plan review to our customers' needs, have the Plans Examiner more available to answer customers questions pertaining to the plan review process, and it keep more of the plan review revenue here in the City.
6. The Building Division is exploring an agreement with the City of Calistoga to provide reciprocal building inspection services during times when building staff are out of the office (for vacations and/or illness as an example). This would allow the City to ensure previously scheduled inspections and building activities in general can continue to occur, even if building staff must be out of the office.

FISCAL IMPACT

There are direct no direct fiscal impacts related to the City of St. Helena as a result of the proposed California Building Code Adoption.

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The City will improve the cost recovery on building permits resulting from code enforcement efforts if the Council supports the staff request to double the building permit fee for these building permits.

RECOMMENDED ACTION

The Planning and Community Improvement Department, Building Division recommends the City Council:

1. Find the proposed amendments to the Building Code and the resolution to implement a fee for building permits issued as a result of Code Enforcement activities are exempt from CEQA under Section 15061 (b) (3) the 'General Rule'; and
2. Adopt the resolution to double the Building Permit fee when the permit is filed as a result of Code Enforcement action; and
3. Introduce by title only and waive first reading of Ordinance titled "Amendments to St. Helena Municipal Code Title 15 Buildings and Construction, Adopt and Amend in full the 2016 California Building Standards Code, Title 24.

ATTACHMENTS

1. Exhibit A- Municipal Code Title 15 Buildings and Construction Amendments-With Out Section 15.36 Fire Code
2. Exhibit B – Municipal Code Title 15.36 Buildings and Construction Amendments-Fire Code
3. Exhibit C - New Permit Categories
4. Exhibit D - Draft Resolution to Double Building Permit Fees when resulting from Code Enforcement Actions.
5. Exhibit E-Draft Ordinance

**Title 15
BUILDINGS AND CONSTRUCTION**

Chapters:

- 15.04 General Provisions**
- 15.08 Administration of the California Building Standards Code**
- 15.12 California Building Code Adopted**
- 15.16 California Mechanical Code Adopted**
- 15.18 California Energy Code Adopted**
- 15.20 California Plumbing Code Adopted**
- 15.24 California Electrical Code Adopted**
- 15.28 California Residential Code Adopted**
- 15.32 California Existing Building Code**
- 15.36 California Fire Code Adopted**
- 15.40 Retrofitting of Unreinforced Masonry Buildings**
- 15.44 Building Numbering System**
- 15.48 Trailers and Trailer Camps**
- 15.52 Flood Damage Prevention**
- 15.53 California Green Building Standards Code Adopted**
- 15.54 California Administrative Code Adopted**
- 15.55 California Referenced Standards Code Adopted**

Chapter 15.04 GENERAL PROVISIONS

Sections:

<u>15.04.010</u>	Short title.
<u>15.04.020</u>	Purpose.
<u>15.04.030</u>	Authority.
<u>15.04.040</u>	Building division—Created.
<u>15.04.050</u>	Building Official—Powers and duties generally.
<u>15.04.060</u>	Building Official—Recordkeeping duties.
<u>15.04.070</u>	Jurisdiction.
<u>15.04.080</u>	Permits required.
<u>15.04.090</u>	Inspections—Authority—Concealment prohibited.
<u>15.04.100</u>	Violations of other ordinance.
<u>15.04.110</u>	Conformance with zoning ordinance.
<u>15.04.120</u>	Copies of codes.
<u>15.04.130</u>	Specific findings for code amendments.
<u>15.04.140</u>	Violations—Penalties.

15.04.010 Short title.

The provisions codified in this title shall be known as the “St. Helena Building Code,” may be cited as such, and will be referenced to in this title as “this building code.” (Prior code § 4.1)

15.04.020 Purpose.

The city council expressly finds that the purpose of this building code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the city, and certain equipment specifically regulated in this building code. (Prior code § 4.2)

15.04.030 Authority.

This building code is adopted pursuant to the authority granted by Section 11 of Article XI of the State Constitution to a city to make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws. It is further adopted in conformity with the provisions of Sections 50022.1 to 50022.10, inclusive, of the California Government Code relating to the adoption of codes by reference. (Prior code § 4.3)

15.04.040 Building division—Created.

There is contained within the city the building division, which shall be under the jurisdiction of the Building Official designated by the appointing authority. (Prior code § 4.4)

15.04.050 Building Official - Powers and duties generally.

Section 104.1, General, California Building Code 2013~~6~~ Chapter 1, is amended to read as follows:

The Building Official is authorized and directed to enforce all of the provisions of this building code and of the codes adopted by reference by this building code. The Building Official is authorized to consult experts that he or she deems to be qualified in all fields related to the subject matter of this building code and of the codes adopted by reference by this building code to the extent that he or she deems it reasonably necessary to assist him or her in carrying out his or her duties hereunder. The decision of the Building Official in enforcing the provisions of this building code or of the codes adopted by reference by this building code or in interpreting the provisions thereof or in exercising the authority delegated thereby shall be final, subject to appeal as provided in Section 113 of the 2013~~6~~ California Building Code Chapter 1.

15.04.060 Building Official—Recordkeeping duties.

The Building Official shall cause a permanent record to be kept of all pertinent transactions of the building division under this building code and the codes adopted by this building code and to render a monthly report to the city council of all permits issued and fees collected. (Prior code § 4.6)

15.04.070 Jurisdiction.

This building code shall apply within all of the territory of the city. (Prior code § 4.7)

15.04.090 Inspections—Authority—Concealment prohibited.

- A. All work for which a permit is required shall be subject to inspection by the Building Official to insure compliance with all requirements of this building code.
- B. It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official orally or in writing when such work is ready for inspection. Such notification shall be given at least twenty-four (24) hours before the work is to be inspected.

- C. No portion of any building, structure, wiring, plumbing or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official.
- D. The Building Official shall have authority to remove or require the removal of any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, electrical or mechanical equipment. (Prior code § 4.9)

15.04.100 Violations of other ordinance.

No permit shall be issued pursuant to this title if at time of issuance there exists in respect to the premises for which the permit is to be issued any violation of the city's zoning ordinance, the city's subdivision ordinance, or of any other ordinance of the city whether such violation was committed by the then owner of the premises or his or her predecessors or by anyone claiming under the owner or his or her predecessors. (Prior code § 4.10)

15.04.110 Conformance with zoning ordinance.

No building permit shall be issued which is inconsistent with the St. Helena zoning ordinance. (Prior code § 4.11)

15.04.120 Copies of codes.

The Building Official shall make available in the offices of the building division, for review by the general public, at least one copy of all uniform codes or state building standards adopted by Sections 15.08.010, 15.12.010, 15.16.010, 15.20.010, 15.24.010, 15.28.010, 15.32.010, 15.36.010, 15.53.010, and 15.54.010, as well as local amendments and any other state regulations relating to buildings or structures, building service equipment published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. (Prior code § 4.12)

15.04.130 Specific findings for code amendments.

Each amendment to the California Building Standards Code, California Code of Regulations, Title 24, adopted by this title, is reasonably necessary because of the following determinations due to local climatic, geological, or topographic conditions pursuant to Health and Safety Code, Section 17958.5:

- A. The city is characterized by a narrow valley floor surrounded and intermingled with steep hill terrain, containing areas which are very susceptible to wildland fires. Wildland fires are considered a significant threat in St. Helena. Native vegetation of brush, woodland, grassland and forest become extremely flammable during summer and remain so if

drought conditions prevail during the winter months. Drought cycles appear in this area every seven to eleven (11) years.

- B. Earthquake is considered to be one of the most potentially destructive threats to life and property in the city. A moderate to severe seismic incident on any of the several fault zones in relative close proximity to St. Helena is expected to cause extensive property damage, disruptions to communications systems, and damage to public utility systems.
- C. St. Helena is divided geographically into two parts by the north to south flow of the Napa River. Significant damaging flooding occurs in portions of the city approximately every five to ten (10) years. Warnings are usually given several hours to a few days before such floods. This natural barrier can serve as a severe impediment to the delivery of public safety services in time of flood.
- D. Several areas within the city offer poor access for the delivery of public safety services because of the severity of slopes, and the existence of natural barriers such as the Napa River, Sulphur Creek, and York Creek. (Prior code § 4.13)

15.04.140 Violations—Penalties.

Section 114 Violation Penalties, California Building Code Chapter 1, is amended to read as follows:

- A. Generally. No person whether as owner, lessee, sub-lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this title. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this title, shall constitute a continuing violation of this title.
- B. Misdemeanor. Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and each such person is guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this title is committed, continued, or permitted.
- C. Consistent with Section 109.4 and 114.4, of the 2016 California Building Code ~~2013~~ Administration, any person who violates a provision of this building code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this building code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all

other provisions of this building code nor from any penalty prescribed by law.

- D. **Authority to File.** Where a public nuisance exists, the city may immediately commence action or actions, proceedings at law and in equity, for the abatement, removal and enjoinder thereof in the manner provided by law; and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such public nuisance and restrain and enjoin any person from maintaining such nuisance. (Ord. 02-5 § 4 (part): prior code § 15.04.140)

Chapter 15.08

ADMINISTRATION OF THE CALIFORNIA BUILDING STANDARDS CODE

Sections:

- 15.08.010** California Building Standards Code 20136 Chapter 1
Administration —Adopted
- 15.08.020** California Building Standards Code 20136 Chapter 1
Administration—Amendments
- 15.08.030** Section 116, California Building Standards Code 20136 Chapter
1 Unsafe Structures and Equipment
- 15.08.040** Adoption of the International Property Maintenance Code,
200912 Edition, with Amendments
- 15.08.050** Amendments to the International Property Maintenance Code

15.08.010 California Building Standards Code 20136 Chapter 1 Administration —Adopted

For the purpose of establishing proper regulations for the administration of the various codes covered in this building code, each of Chapter 1 of the California Building Code of the State of California, Chapter 1 of the Plumbing Code, Chapter 1 of the Mechanical Code, and Annex H of the Electrical Code, 20136 edition, is adopted in its entirety excepting additions, revisions and omissions listed in Section 15.08.020.

15.08.020 California Building Code 20136 Chapter 1 Administration—Amendments

A. Section 105.2, Work exempt from permit, California Building Code 20136 Chapter 1, items 1-5 only, is amended to read as follows:

1. One-story residential detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet, not over 12 feet in height, and the structure contains no plumbing, electrical, or heating systems or appliances.
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks (subject to approval of Napa County Environmental Management)

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I,II,III A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 200 gallons.

B. Section 109.2, Schedule of permit fees, California Building Code 2013~~6~~
Chapter 1, is amended to read as follows:

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the most current City Council fee resolution.

C. Section 109.6, Refunds, California Building Code 2013~~6~~ Appendix
~~Chapter 1~~, is amended to read as follows:

The Building Official is authorized to establish a refund policy.

1. The Building Official may authorize refunding of the permit fee paid, less the hourly rate set forth by the most current City Council fee resolution, when no work has been done under a permit issued in accordance with this building code.
2. The Building Official may authorize refunding the plan review fee paid, less the hourly rate set forth by the most current City Council fee resolution, when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.
3. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty days after the date of fee payment.

~~15.08.030 Unsafe Structures and Equipment~~ is amended to read as follows:

~~For the purpose of this building code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.~~

15.08.040 Adoption of the International Property Maintenance Code, 2012 Edition, with Amendments.

For the purpose of regulation and governing the conditions and maintenance for all property, buildings and structures; by providing the standard for supplied utilities and facilities and other physical conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; that certain code known as the International Property Maintenance Code, 2012 Edition including Appendix A, as published by the International Code ~~Conference~~Council, hereinafter referred to as the "Property Maintenance Code," save and except such portions as are hereinafter changed, added to or amended by Section 15.08.060 of this chapter.

15.08.050 Amendments to the International Property Maintenance Code

The International Property Maintenance Code is amended to read as follows;

- A. Section 101.1 These regulations shall be known as the Property Maintenance Code of the City of St. Helena (hereinafter referred to as "the code").
- B. Section 102.7 Where the term "International Building Code" appears in this code, it shall mean the California Building Code as adopted by this jurisdiction with amendments. Where the term "International Fire Code" appears, it shall mean the California Fire Code as adopted by the City Council with amendments. Where the term "International Existing Building Code" appears, it shall mean the California ~~Existing~~ Building Code as adopted by City Council with amendments. Where the term "International Fuel Gas Code" appears, it shall mean the California Plumbing Code as adopted by the City Council with amendments. Where the term "International Mechanical Code" appears, it shall mean the California Mechanical Code as adopted by the City Council with amendments. Where the term "International Plumbing Code" appears, it shall mean the California Plumbing Code as adopted by the City Council with amendments. Where the term "International Zoning Code" appears, it shall mean the St. Helena Municipal Code, Title 17
- C. Section 103 is hereby deleted.
- D. Section 104.3 is amended to add the following phrase to the end of the last sentence; "including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California."
- E. Section 106.2, 106.3, 106.4, and 106.5 are hereby deleted.
- F. Section 107.1 Notice to person responsible. Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice may be given in the manner prescribed in the St. Helena Municipal Code Section 1.12.
- G. Sections 107.2, 107.3, 107.4, 107.5, and 107.6 are hereby deleted.

- H. Section 108.3 Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1.12 of the St. Helena Municipal Code. ~~If~~ The notice shall be in the form prescribed in Section 1.12.150 of the St. Helena Municipal Code.
- I. Sections 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official may order the necessary work be to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.
- J. Section 109.3 Closing streets. When necessary for public safety, the Code Official may temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- K. Section 109.4 Emergency repairs. For the purposes of this section, the Code Official may employ the necessary labor and materials to perform the required work as expeditiously as possible.
- L. Sections 109.5 and 109.6 are hereby deleted.
- M. Sections 110.2 Notices and Orders. All notices and orders shall comply with the St. Helena Municipal Code Chapter 1.12.150.
- N. Section 110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be in lien upon such real estate.
- O. Section 111.2 is amended by adding the following sentence: Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the Board of Appeals.
- P. Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

- Q. Section 202 definition of CODE OFFICIAL. Where used in this code, the term Code Official shall refer to the Chief Building Official, and his or her designated agents or representatives.
- R. Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches tall. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers and gardens.
- S. Section 304.14 Insect Screens. Every door, window and other outside opening required for ventilation on habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screened door used for insect control shall have a self-closing device in good working condition. (The exceptions in the code are not amended.)
- T. Section 308.2.2 Refrigerator. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
- U. Section 308.3.1 Garbage facilities. The owner of every dwelling shall supply an approved leak proof, covered, outside garbage container and a recycling container. Every person maintaining or using any solid waste can or receptacle shall keep the same clean and sanitary.
- V. Section 308.3.1.1. Within all residential districts in the city, no person shall use, locate or maintain (store) any solid waste can, garbage container or waste receptacle within the public right of way other than on the day of removal service. Containers shall be stored out of public view on non-service dates whenever practical; or stored nearest the main structure.
- W. Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units or terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat in order to maintain a temperature of not less than 68°F (18°C) during the period the spaces are occupied. (The exceptions in the code are not amended.)

15.08.070 Enforcement and Penalties.

- A. In addition to the enforcement powers and/or remedies provided in this chapter, the Chief Building Official shall have the power to enforce the provisions of this chapter as provided in Chapter 15.04.030.

- B. The violations of the International Property Maintenance Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.12 of the St. Helena Municipal Code.

Chapter 15.12

CALIFORNIA BUILDING CODE ADOPTED

Sections:

- 15.12.010** California Building Code—Adopted.
- 15.12.020** California Building Code—Amendments
- 15.12.030** Moved Buildings
- 15.12.040** Appendix J

15.12.010 California Building Code—Adopted.

The 2013~~6~~ California Building Code, known as the California Code of Regulations, Title 24, Part 2 Volumes 1 and 2, and Appendix J, Based on 2012~~5~~ International Building Code, Published by the International Code Council and the amendments set forth in section 15.12.020 is adopted.

15.12.020 California Building Code—Amendments

Based upon the findings set forth in Section 15.04.130, the following sections and/or subsections of the 2013~~6~~ California Building Code, are amended to read as follows:

- A. Chapter 5, General Buildings Heights and Areas, Section 501.2, Address Identification.
Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and shall not be less than 4" in height. House numbers shall not be obstructed by vegetation. Any building located more than 50 feet from the street shall have its address posted at the driveway entrance and shall be visible from both directions of travel along the road. In new construction, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.
Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.
Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.
- B. Chapter 31, Special Construction, Section 3109.4.1, Swimming Pool Enclosures and Safety Devices, Barrier Height and Clearances:

The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

15.12.030 Moved Buildings

Chapter 34A, Existing Structures, Section 3410A Moved Structures is amended as follows to include:

Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new building or structures and their building service equipment.

- A. Permits required. Before any building or structure is moved on or along any street within the city, a permit shall first be obtained from the Building Official for such moving. The permit application shall describe the streets and route over which the building will travel, the location of final installation if within the city, and the hours during which building will be moved. The Building Official will collect a fee of one hundred dollars (\$100.00) for required investigations and inspections. This fee shall be separate from any construction permit related fees.
- B. Prior to issuance of permit, the applicant shall obtain an encroachment permit from the city engineer. The Building Official shall notify all affected city officials and, in the event that any such officials object to route or time of travel, changes shall be made to meet such objections.
- C. Bond Required. In addition to all other requirements of the building code relating to the moving of buildings and structures, no permit for such moving shall be issued until the applicant shall have filed with the Building Official a corporate surety bond in favor of the city or a cash deposit in lieu of such bond. The bond shall be conditioned that the applicant will strictly comply with all provisions of the Building Code relating to the moving of buildings and structures and that the applicant will pay for any and all damage which may result by reason of such moving to any fence, hedge, tree, pavement of streets or sidewalks, pipes, poles and wires, or to any public or private property, and to hold harmless the city against any costs or expense which may accrue in consequence of such moving. The bond shall be in such amount as determined by the Building Official and approved by the city attorney, but in no case less than one thousand dollars (\$1,000.00). At the

option of the applicant, a cash deposit in the same amount may be deposited with the city treasurer.

- D. Time limited during which building may be left standing on one city block. No person owning, or having charge of the removal of, any building being moved over any street shall permit such building to be, or stand, on any street within the limits of one block for a period of more than twenty-four hours.
- E. Moving buildings—Prevention of injury to street or property. No person owning or having charge of the moving of any building or structure over any street shall allow or cause injury to any fence, hedge, tree, pavement, sidewalk, gas pipe, water pipe, sewer pipe, electric wires or the poles supporting them, or any other public or private property by reason of such removal.

15.12.040 Appendix J Amended

Appendix J is amended as follows:

- A. Where the term “building official” is used in this appendix, change to “City Engineer.”
- B. Section J103.1, Permits required.
Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the Building Official with approval from the City Engineer for minor grading activities which do not require a grading permit. A grading permit issued by the City Engineer is required for any one of the following:
 - 1. Grading of more than 50 cy of material (includes pools);
 - 2. Disturbance of an area or more than 10,000 sq ft;
 - 3. Cut or fill more than three feet;
 - 4. Alter or add any drainage facilities or courses
- C. Section J103.2, Exemptions.
Except as stated in J103.1 above, a grading permit shall not be required for the following:
 - 1. Cemetery graves.
 - 2. Refuse disposal sites controlled by other regulations.
 - 3. Excavations for wells, or trenches for utilities.
 - 4. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties
 - 5. Exploratory excavations performed under the direction of a registered design professional.
- D. Section J106.1 Maximum Slope.
Repeal exceptions.

- E. Section J108.3 Slope Protection
Change "approved by the building official" to "approved by the City Engineer".
- F. Section J109.1 Drainage and Terracing, General, Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with requirements of this section and the latest state and local storm water quality requirements and ordinances."

Repeal exceptions.

- G. Section J109.3 Interceptor drains, Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the City Engineer, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the City Engineer.
- H. Section J109.4 Drainage across property lines, Drainage across property lines shall not exceed that by volume and flow that existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices such as infiltrator and dissipater basins, riprap or cobble surrounds, and gravel or rock infiltration trenches/pits
- I. Section J110.1 General, The faces of cut and fill slopes shall be prepared and maintained to control erosion.

Repeal exceptions.

Chapter 15.16

CALIFORNIA MECHANICAL CODE ADOPTED

Sections:

15.16.010 California Mechanical Code Adopted.

- | The 2013⁶ Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 4, incorporating the Uniform
- | Mechanical Code, 2012⁵ Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted including all appendices, and without amendments.

Chapter 15.18

CALIFORNIA ENERGY CODE ADOPTED

Sections:

15.18.010 California Energy Code—Adopted.

~~15.18.020~~ ~~California Energy Code—Amendments.~~

15.18.010 California Energy Code — Adopted.

The 201~~36~~ Building Energy Efficiency Standards, comprising Title 24, Parts 1 and 6, of the California Code of Regulations, is mandatory statewide. Local government agencies may adopt and enforce energy efficiency standards for newly constructed buildings, additions, alterations, and repairs provided the California Energy Commission finds that the standards will require buildings to consume no more energy than permitted by Title 24, Part 6. Such local standards may include adopting the requirements of Title 24, Part 6 before their effective date, requiring additional energy conservation measures, or setting stricter energy budgets.

Chapter 15.20 CALIFORNIA PLUMBING CODE ADOPTED

Sections:

15.20.010 California Plumbing Code Adopted.

~~15.20.020~~ ~~California Plumbing Code Amendments.~~

15.20.4010 California Plumbing Code – Adopted.

The 201~~36~~³⁶ Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 5, incorporating the Uniform Plumbing Code, 201~~25~~²⁵ Edition, published by the International Association of Plumbing and Mechanical Officials, with amendments set forth in section 15.20.020 including Appendices, (A),(B),(D), (G) and (L), is hereby adopted.

15.20.020 ~~California Plumbing Code – Amendments.~~

~~Chapter 4, Plumbing Fixtures and Fixture Fittings is amended to include Section 15.53.020 B. Section 4.303.1, Indoor Water Use, Twenty percent savings. As illustrated by Table 4.303.2, column 2.~~

Chapter 15.24

CALIFORNIA ELECTRICAL CODE ADOPTED

Sections:

- 15.24.010 California Electrical Code - Adopted.
15.24.020 California Electrical Code - Amendments.

15.24.010 California Electrical Code – Adopted.

The 201~~36~~ Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 3, incorporating the National Electrical Code, 201~~14~~ Edition, published by the National Fire Protection Association and Annex H of the Electrical Code, with amendments set forth in section 15.24.020 is hereby adopted.

15.24.020 California Electrical Code - Amendments.

- A. Article 230 Services, Section 230.70(A)1 Readily Accessible Location, is amended to read as follows:
Electrical disconnecting equipment in structures served by a remote or detached electrical service shall be readily accessible to fire fighting personnel. The disconnecting equipment shall be installed on the exterior of the building and identified for fire fighting personnel.

- B. ~~Article 334, Non-Metallic Sheathing Cable, Section 334.12 Uses Not Permitted, is amended to read as follows:~~

~~Type NM or NMC. Types NM and NMC cables shall not be used in the following:~~

- ~~1. In any dwelling or structure exceeding three floors above grade. For the purpose of this article, the first floor of a building shall be that floor that has fifty percent (50%) or more of the exterior wall surface area level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.~~
- ~~2. As service-entrance cable.~~
- ~~3. In any nonresidential occupancy.~~
- ~~4. In storage battery rooms.~~
- ~~5. In hoistways.~~
- ~~6. Embedded in poured concrete.~~

Chapter 15.28

CALIFORNIA RESIDENTIAL CODE ADOPTED

Sections:

15.28.010 California Residential Code Adopted.

15.28.020 California Residential Code Adopted —Amendments.

| The 2013⁶ Edition of the California Building Standards Code, known as the
| California Code of Regulations, Title 24, Part 2.5, incorporating the International
| Residential Code, 2012⁵ Edition, is hereby adopted including all appendices, and
with amendments set forth in Section 15.28.020.

15.28.020 California Residential Code Adopted —Amendments.

Section R313.1 is amended by adding; “and qualified additions and remodels as prescribed in the amended section 903.2 of the 2013 CFC” and by repealing the exception.

Section R313.2 is amended by adding; “and qualified additions and remodels as prescribed in the amended section 903.2 of the 2013 CFC” and by repealing the exception.

Chapter 15.32 CALIFORNIA EXISTING BUILDING CODE

Sections:

15.32.010 California Existing Building Code—Adopted

15.32.020 California Existing Building Code—Amendments.

15.32.010 California Existing Building Code—Adopted

The 2013⁶ edition of the California Existing Building Standards Code, known as the California Code of Regulations, Title 24, Part 10, incorporating the 2012⁵ International Existing Building Code, published by the International Code Council, with amendments set forth in section 15.32.020 is adopted.

15.32.020 California Existing Building Code —Amendments.

Based upon the findings set forth in Section 15.04.130, Chapter A1, Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings, Section A106 Materials Requirements, A106.3.3.4. Number of tests, is amended to read as follows:

- A. The minimum number of tests per class for brick or hollow clay tile masonry walls shall be as follows:
 - 1. At each of both the first and top stories, not less than two tests per wall or line of wall elements providing a common line of resistance to lateral forces.
 - 2. At each of all other stories, not less than one test per wall or line of wall elements providing a common line of resistance to lateral forces.
 - 3. In any case, not less than one test per 1,500 square feet of wall surface and not less than a total of eight tests.
- B. The minimum number of tests for *stone masonry walls* shall be as follows:
 - 1. One test per wall per story, except that storefront walls not used to resist lateral forces, need not be tested.
 - 2. Not less than one test per 2,500 square feet (232.3m²) of wall surface.

Chapter 15.40 RETROFITTING OF UNREINFORCED MASONRY BUILDINGS

Sections:

<u>15.40.010</u>	Short title.
<u>15.40.020</u>	Purpose.
<u>15.40.030</u>	Scope.
<u>15.40.040</u>	Authority.
<u>15.40.050</u>	Definitions.
<u>15.40.060</u>	Future retrofitting legislation.
<u>15.40.070</u>	Change of occupancy.
<u>15.40.080</u>	Addition, alteration or repair.
<u>15.40.090</u>	Penalties for noncompliance.
<u>15.40.100</u>	Appeals process.
<u>15.40.110</u>	Recovery of penalties.
<u>15.40.120</u>	Remedies.

15.40.010 Short title.

This chapter shall be known as the “unreinforced masonry building (URM) ordinance.” (Prior code § 4B.1)

15.40.020 Purpose.

It is generally acknowledged that the city will experience earthquakes in the future due to its proximity to the Rodgers Creek, Hayward and San Andreas faults, and may reasonably be expected to experience moderate to severe ground shaking during a significant earthquake. Such ground shaking may result in serious injury or death or impaired economic value due to damage or collapse of buildings in St. Helena. Buildings constructed of unreinforced masonry have been widely recognized for experiencing life safety hazardous damage including partial or total collapse during moderate to strong earthquakes. The purpose of this chapter is to provide alternative construction regulations designed to reduce the risk of death or injury resulting from earthquake hazards in existing unreinforced masonry buildings in a timely and economically feasible manner while preserving the historic character of the community. (Prior code § 4B.2)

15.40.030 Scope.

The provisions of this chapter contain procedures for the systematic review and reconstruction of all existing unreinforced masonry buildings within the city to improve their safety during an earthquake. This chapter does not require alteration of existing electrical, plumbing or mechanical systems unless the conditions or defects endanger the life, health, property or safety of the public or the building's occupants. Access for the physically disabled shall be provided to the extent required by the latest edition of the California Building Code and/or the State Historical Building Code. The requirements of this chapter shall apply to all buildings or portions of buildings constructed with unreinforced masonry walls with the following exceptions:

- A. A building which has been seismically retrofitted since 1980, which complies with the strengthening standards in effect at the time as determined by the Building Official;
- B. A detached group R division 3 occupancy or a detached group R division 1 occupancy having four living units or fewer;
- C. Accessory buildings serving group R division 3 occupancies or accessory buildings serving group R division 1 occupancies having four living units or fewer;
- D. Public schools;
- E. Hospitals; or
- F. State or federally owned buildings.

(Prior code § 4B.3)

15.40.040 Authority.

- A. The Building Official or designee is authorized and directed to enforce all provisions of this chapter.
- B. Unless otherwise noted, the provisions of the current code shall apply; however, this chapter shall not preclude the enforcement of any federal, state or other local codes, laws or ordinances.
- C. The Building Official shall have the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as he or she may deem necessary in order to clarify the application of the provisions of this chapter. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter. (Prior code § 4B.4)

15.40.050 Definitions.

For the purposes of this chapter, certain words, phrases, terms and their derivatives shall be construed as specified in this section. Words, phrases, and terms that are used in this chapter, but not specifically defined, shall have the meanings set forth in the applicable local, state or federal code, if appropriate. Other such words, phrases and terms shall be accorded their ordinary meanings.

"Architect" means a person who is licensed to practice architecture in this state.

"Architectural and engineering fees" means all design and analysis costs, not repair costs.

"Building," for the purpose of determining occupant load, means any contiguous or interconnected structure; for purposes of engineering evaluation, shall mean the entire structure or portion thereof which will respond to seismic forces as a unit.

"Current code" or current "CBC" means the current edition of the California State Building Code, as amended from time to time and as amended by the city.

"Current California Existing Building Code" or "current CEBC" means the seismic provision for unreinforced masonry bearing wall buildings in the current edition of the International Existing Building Code as adopted and amended by the city.

"Engineer" means any professional, civil or structural engineer who is licensed to practice engineering in this state.

"Owner" means any individual or group of individuals or firm or any other entity holding legal or equitable title to the real property.

"Prevailing code" means the "regular building regulations" as that term is used in the California Health and Safety Code, which govern the design and construction of non-historical buildings within the city.

"Qualified historical building" means any building, structure or collection of structures deemed of importance to the history, architecture, or culture of an area by an appropriate local, state, or federal governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

"Unreinforced masonry building" or "URM building" means any building or structure containing one or more walls constructed wholly or partly with unreinforced masonry walls.

"Unreinforced masonry wall" or "URM wall" means a masonry wall in which the area of reinforcing steel is less than twenty-five percent (25%) of the minimum steel ratios required by the current CEBC for reinforced masonry.

"Upgrading" means all work necessary to comply with the requirements of this chapter.

"Valuation" means the total value of all construction work determined in accordance with prevailing code, except structural and fire upgrading work required by this chapter, for which a building permit is issued as well as finish work, roofing, mechanical systems, elevators, disabled access, and any other permanent equipment. (Ord. 02-5 § 5 (part); prior code § 4B.5)

15.40.060 Future retrofitting legislation.

No URM building which has been seismically retrofitted to the standards required in this chapter shall, within a period of fifteen (15) years after completion of the work required for such retrofit, or such other period as the state may from time to time adopt, be identified as a "seismic hazard to life" pursuant to any other seismic mitigation building standard adopted by the city, unless: (a) such building no longer meets the structural upgrade standards under which it was retrofitted; or (b) the occupancy classification for such building is changed. (Prior code § 4B.7)

15.40.070 Change of occupancy.

A URM building shall be retrofitted to the applicable standard upon a change of occupancy as defined in the current CBC, if the Building Official determines that the change will create an increased occupancy load or a hazardous condition. (Prior code § 4B.8)

15.40.080 Addition, alteration or repair.

- A. Whenever addition, alteration or repair work to a URM building involves any one of the following conditions, the building shall be upgraded to comply with the applicable retrofit standards prior to the approval of the addition, alteration, or repair work:
 - 1. The total cost for all addition, alteration and repair work exceeds fifty percent (50%) of the total replacement cost of the existing building. The valuation of the work and the replacement cost of the existing building shall be determined by the Building Official.
 - 2. Dead and live vertical or horizontal loading is increased by five percent on the affected supporting elements of the roof or floor of a building.
 - 3. More than fifty percent (50%) of the total floor areas of the building is involved in substantial structural alteration as determined by the Building Official.
 - 4. The cumulative area of additions, excluding basement additions, exceeds thirty percent (30%) of the existing total floor area of the building excluding basement.
- B. Addition, alteration or repair work shall mean the cumulative addition, alteration or repair work performed on the building within any four year period.
- C. When the owner believes the Building Official has made an error in his or her application of this section, the owner may appeal the determination to the building conservation appeals board in accordance with Section 15.40.110 of this chapter. (Prior code § 4B.9)

15.40.090 Penalties for noncompliance.

- A. It is unlawful for the owner of a potentially hazardous URM building subject to this chapter to fail to comply with the provisions of this chapter. After written notification thereof from the city to the owner, each owner who fails to complete the building upgrades required by this chapter r, for such building shall, in addition to any other penalty or remedy which may be assessed pursuant to this chapter or other applicable law, be guilty of an infraction. Each day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted shall be a separate offense. This penalty shall attach the day following the last day of the period during which the owner is to complete the upgrades. The maximum penalty under this subsection shall be ten thousand dollars (\$10,000.00) per building.
- B. In addition to the penalty authorized by subsection (A) of this section, the Building Official may take the following actions in the event of any failure to comply with the requirements of this chapter within the specified time period:
 - 1. Notify all parties with a financial interest in the property (such as mortgage lenders, lienholders, insurance bearers) and the tenants that the building is a hazardous URM building and is in violation of this chapter;
 - 2. File a statement with the county recorder's office describing the potential hazards of the building and the violations of this chapter. Upon correction of the violation of this chapter the Building Official will file a release of any order of unreinforced masonry building hazard mitigation that may have been recorded;
 - 3. Post a sign on the building to designate it as a hazardous URM building. The signs shall be located at well-lighted locations, readily visible by the occupants and public when entering the building and shall be protected from damage. Location, form and content of the sign is subject to the Building Official's approval. The building owner shall be responsible for installing and maintaining the signs and immediately replacing them, at the owner's expense, as necessary. When the owner corrects all violations of this chapter to the satisfaction of the Building Official, the posting of the building required by this section shall be removed. However, if the owner violates any aspect of this chapter after the posting has been removed, the Building Official will repost the building immediately;
 - 4. The city council may cause any building not abated within the time limits set forth herein, to be vacated, strengthened, repaired, rehabilitated, remodeled, demolished or upgraded in accordance with the provisions of this chapter and place a lien on the property for all costs incurred.

- C. The owner may appeal any action or penalty for noncompliance in accordance with Section 15.40.110 of this chapter. (Ord. 02-5 § 5 (part); prior code § 4B.10)

15.40.100 Appeals process.

- A. Exemption from URM Program. If the owner believes that his or her building is not a potentially hazardous URM building or is otherwise exempted from the provisions of this chapter, the owner shall submit evidence, such as original drawings or test results, to substantiate the claim. The Building Official will review the evidence submitted by the owner and will remove the building from the city's list of potentially hazardous URM buildings if the Building Official determines that the building is exempted or in compliance with this chapter. Any decision of the Building Official pursuant to this subsection may be appealed first to the building conservation appeals board and finally to the city council, in accordance with the procedures set forth in this section.
- B. Appeal of Addition, Alterations, or Repair. When the owner believes the Building Official made an error in his or her determination regarding additions, alterations or repairs, the owner may appeal the determination to the building conservation appeals board. Such appeal shall be made within thirty (30) days after the date of the Building Official's written decision.
 - 1. Such appeal shall be made in the form specified by this section and be filed with the Building Official. The appeal shall state specifically the alleged error or abuse of discretion by the Building Official. The appeal will be heard by the building conservation appeals board within thirty (30) days of the date of receipt of the appeal by the city. Not less than seven days prior to the hearing date, the Building Official shall give notice to the appellant of the date, time and place of the hearing. The board shall be authorized to continue the hearing from time to time. In considering the appeal, the board shall determine whether, based upon the record, the Building Official erred or abused his or her discretion. Error or abuse of discretion is shown if it is established that the Building Official failed to follow the provisions of this chapter.
 - 2. The decision of the board shall be in writing and a copy of the board's decision shall be mailed or otherwise delivered to the appellant by the Building Official within seven days of the date of the board's decision. The applicant may appeal the board's decision to the city council in the form specified by this section. The appeal shall be made to the city clerk within thirty (30) days of the date of receipt of the board's final action notice.
- C. Appeal of Noncompliance Penalties and Actions. Any decision by the Building Official to impose penalties or take actions in the event of any

failure to comply with the requirements of this chapter may be appealed by the owner or the owner's agent to the city council. Any such appeal shall be made within thirty (30) days of the date of the Building Official's mailing of notification. The appeal shall be made on a form approved by the Building Official and shall state specifically how the Building Official has either committed an error or has abused his or her discretion. In considering the appeal, the council shall determine whether, based upon the record, the Building Official erred or abused his or her discretion. The decision of the council shall be in writing and shall be final. Revocation of a certificate of occupancy, if appealed, will not become effective until the decision of the council is final and in writing.

- D. Written Appeal Required. The written appeal and filing fee shall be submitted to the city clerk. The written appeal shall contain the following:
1. The names of the appellants;
 2. A brief statement setting forth the legal interest of each of the appellants in the land and/or building involved;
 3. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellants;
 4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
 5. The submittal of any documents, sworn statements or other written material claimed to have value on the contentions made in support of the appeal;
 6. The signatures of all parties named as appellants and their mailing addresses;
 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal. (Prior code § 4B.11)

15.40.110 Recovery of penalties.

- A. The penalties imposed on the building owner shall be assessed against the real property subject to this chapter and shall, in addition, be an obligation of the owner of the subject property. If the owner of a building is a group of individuals, firms, or other entities or any combination thereof, the obligation imposed by this section shall be joint and several. The Building Official shall give the owner of the building a written notice showing the amount of the penalty and requesting payment thereof. If the amount of such penalty is not paid to city within thirty (30) days after the date of such notice, the Building Official shall forward a report of the penalties to the city council for confirmation.
- B. The property owner shall be given at least fifteen (15) days' written notice of the confirmation hearing before the city council. The amount of the penalties shall be confirmed by the city council, unless the city council finds, based upon evidence in the record, that the Building Official erred in

imposing or in computing the amount of the penalty. If such error is found, the city council may modify the amount of the penalty, as warranted.

- C. Upon confirmation of the penalty, the city council shall direct the Building Official to record in the office of the county recorder, a certificate substantially in the following form:

NOTICE OF SPECIAL ASSESSMENT LIEN

Pursuant to Section 15.40.100, of the St. Helena Municipal Code, the penalty of \$ _____ was assessed by the Building Official, and confirmed by the St. Helena City Council, against the described real property and such amount has not been paid, in full, and the City of St. Helena does hereby claim a special assessment lien upon the hereinafter described real property in said amount; the same shall be a lien upon the real property until such sum has been paid in full. The real property herein above mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of St. Helena, County of Napa, State of California and particularly described as follows, to wit:

(Insert description of property)

Dated _____

Building Official

Such lien attaches upon recordation of the notice of special assessment lien. The description of the parcel in the notice of lien shall be that used for the same parcel as the county assessor's map book for the current year. The county assessor shall enter each assessment on the county tax roll opposite the affected parcel of land. The amount of the assessment shall be collected and shall be subject to the same penalties and the same procedures for foreclosure and sale, in case of delinquencies, as provided for ordinary municipal taxes. (Prior code § 4B.12)

15.40.120 Remedies.

In addition to the penalties in Section 15.40.100 of this chapter, the following remedies are available to the city and may be imposed independently or in combination with each other at the sole discretion of the Building Official, unless otherwise noted herein:

- A. Maintenance of a URM building beyond the time specified in Section 15.40.060(E) of this chapter for completion of upgrades to such building is declared a public nuisance.
- B. The city may seek injunctive relief on behalf of the public to enjoin a building owner's violation of this chapter.

- C. The city may withhold the issuance of any building permit and/or may suspend the existing building permits on the subject building unless otherwise authorized by the Building Official for emergency repairs.
- D. The Building Official, after written notice to the owner, may revoke or suspend the occupancy permit for any structure for which the owner violates any of the provisions of this chapter. The notice of revocation or suspension shall provide the owner the right to provide the Building Official with evidence that the occupancy permit should not be revoked or suspended either because the structure is not subject to the provisions of this chapter or because the Building Official did not follow the provisions of this chapter.
- E. Any person violating any provision of this chapter shall be guilty of an infraction.
- F. These remedies are not exclusive and the city may utilize any other remedies available at law or equity. (Prior code § 4B.13)

Chapter 15.44

BUILDING NUMBERING SYSTEM

Sections:

- 15.44.010** Plan generally—Odd and even numbers.
- 15.44.020** Method of assignment of numbers.
- 15.44.030** Use of numbers consecutively.
- 15.44.040** Record of numbers assigned.
- 15.44.050** Duty of property owners to provide and affix numbers.
- 15.44.060** Size of number—Where numbers are to be placed.

15.44.010 Plan generally—Odd and even numbers.

All buildings fronting on streets in the city shall be numbered in accordance with the following system:

- A. The base or initial point on all streets running in a northwesterly and southeasterly course shall be the southeastern boundary line of the city running from Napa River to Crane Avenue, and the line projected northeasterly and southwesterly, and all such streets which run in a northwesterly direction from such base or initial point, shall be numbered from such base or initial point, and all streets which run in a northwesterly direction, but do not run from such base or initial point shall be theoretically projected southeasterly to such base or initial point and shall be numbered as if the same actually ran from such base, and in all such streets the odd numbers shall be placed on the southerly side of the street, and even numbers on the northerly side, opposite the next preceding odd numbers.
- B. The base or initial point on all streets running in a northeasterly and southwesterly course shall be a line drawn at right angles to the aforesaid southeasterly boundary line of the city and intersecting the last-mentioned line at a point where it intersects the southern bank of Napa River, and all streets running in a southwesterly direction shall be theoretically projected northeasterly to such base or initial point and shall be numbered as if the same actually ran from such base or initial point, and on all such streets, the odd numbers shall be placed on the westerly side of the street and the even numbers on the easterly side, opposite the next preceding odd number. (Prior code § 13.36)

15.44.020 Method of assignment of numbers.

The lots shall be numbered starting from the southeasterly or northeasterly end of the block and the numbers shall be computed in the following manner: The number of lineal feet of property line in each block shall be divided by six and one

number shall be appropriated to the space resulting from such division as the case may be. (Prior code § 13.37)

15.44.030 Use of numbers consecutively.

Numbering of buildings shall be consecutively in the following manner:

Beginning the numbering for each street with the first block, at such base or initial point, allotting one hundred (100) numbers, or as many to each block as shall be required and using the numbers from one to one hundred (100), inclusive, in the first block, the numbers one hundred (100) and one to two hundred (200), inclusive, in the next block, and so on consecutively from such base or initial point the whole length of the street. (Prior code § 13.38)

15.44.040 Record of numbers assigned.

The superintendent of streets shall number the streets and shall keep complete records, plots and diagrams thereof, in his or her office, and shall inform, on request, the owners or occupants of each house to be numbered, of the numbers to be placed on the house by the owner or occupant. (Prior code § 13.39)

15.44.050 Duty of property owners to provide and affix numbers.

It shall be the duty of every person owning, occupying or controlling any building or store fronting on a public street or avenue in the city to number the same, or cause the same to be numbered correctly and in accordance with this chapter, and it shall be the duty of any person owning, occupying or controlling any building hereafter erected within the city to do so number the same within one month after its completion or occupancy, and it is unlawful for such owner or occupant to fail, neglect or refuse to do so. (Prior code § 13.40)

15.44.060 Size of number—Where numbers are to be placed.

The regulation number to be used in numbering buildings in the city shall be consistent with section 15.12.020 A. Numbers shall be placed upon some conspicuous place on the front of such building. (Prior code § 13.41)

Chapter 15.48 TRAILERS AND TRAILER CAMPS

Sections:

- 15.48.010** Definitions.
- 15.48.020** State law as to trailer camps adopted.
- 15.48.030** Trailers to be kept in approved camps—Exceptions when temporary permits are issued.
- 15.48.040** Application for temporary permits.
- 15.48.050** Temporary permit fees.
- 15.48.060** When trailers to be parked in parking spaces.
- 15.48.070** Unlawful locations.

15.48.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Approved trailer camps or farm labor camps” means any places, areas or tracts offered to the public for accommodation of any trailer and approved by the city health inspector as conforming to state and county law.

“Trailer” means any unit designed to be used for living or sleeping purposes, or both, and which is or was at some time equipped with wheels or similar devices for the purpose of transporting such unit from place to place, whether by motive power or other means. (Prior code § 16.1)

15.48.020 State law as to trailer camps adopted.

All of the provisions of the state law applicable to health, sanitation and safety of trailer camps or farm labor camps are adopted and made a part of this chapter as though fully set forth herein. (Prior code § 16.2)

15.48.030 Trailers to be kept in approved camps—Exceptions when temporary permits are issued.

All trailers when occupied or used for living or sleeping purposes shall be kept within approved trailer camps or farm labor camps, except when a temporary permit is issued as provided for in Section [17.136.090](#)(C). (Prior code § 16.3)

15.48.040 Application for temporary permits.

Application for a temporary permit shall be made within forty-eight (48) hours from the time such trailer is located upon the property. (Prior code § 16.4)

15.48.050 Temporary permit fees.

Every person holding a temporary permit shall pay to the city building inspector the fee set forth by city council resolution. (Ord. 02-5 § 15 (part): prior code § 16.5)

15.48.060 When trailers to be parked in parking spaces.

All trailers when parked for more than twenty-four (24) continuous hours shall be parked in a parking space. (Prior code § 16.6)

15.48.070 Unlawful locations.

No person shall establish, maintain or locate any trailer in the city, except in conformance with the provisions of this chapter. (Ord. 02-5 § 15 (part): prior code § 16.7)

Chapter 15.52 FLOOD DAMAGE PREVENTION

Sections:

<u>15.52.010</u>	Statutory authorization.
<u>15.52.020</u>	Findings of fact.
<u>15.52.030</u>	Statement of purpose.
<u>15.52.040</u>	Methods of reducing flood losses.
<u>15.52.050</u>	Definitions.
<u>15.52.060</u>	Lands to which this chapter applies.
<u>15.52.070</u>	Basis for establishing the areas of special flood hazard.
<u>15.52.080</u>	Compliance.
<u>15.52.090</u>	Abrogation and greater restrictions.
<u>15.52.100</u>	Interpretation.
<u>15.52.110</u>	Warning and disclaimer of liability.
<u>15.52.120</u>	Development permit.
<u>15.52.130</u>	Designation of floodplain administrator.
<u>15.52.140</u>	Duties and responsibilities of the floodplain administrator.
<u>15.52.150</u>	Standards of construction.
<u>15.52.160</u>	Standards for utilities.
<u>15.52.170</u>	Standards for subdivisions.
<u>15.52.180</u>	Standards for manufactured homes.
<u>15.52.190</u>	Floodways.
<u>15.52.200</u>	Appeal board.
<u>15.52.210</u>	Variances.

* Editor's Note: The sections in this chapter have been renumbered from the designations given in Ord. 06-8 starting with Section 15.52.120.

15.52.010 Statutory authorization.

The Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city council does ordain as set forth in this chapter. (Ord. 06-8 § 3 (part); Ord. 02-5 § 8: prior code § 5B.1)

15.52.020 Findings of fact.

- A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights

and velocities also contributes to flood losses. (Ord. 06-8 § 3 (part): prior code § 5B.2)

15.52.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood-control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 06-8 § 3 (part): prior code § 5B.3)

15.52.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and
- F. These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes. (Ord. 06-8 § 3 (part): prior code § 5B.4)

15.52.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be so interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A Zone." See "Special flood hazard area."

- “Accessory structure, low-cost and small” means a structure that is solely for the parking of not more than two cars; or limited storage (small, low cost sheds).
- “Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located;
- “Alluvial fan” means a geomorphologic feature characterized by a cone or fan shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- “Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- “Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.
- “Area of shallow flooding” means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- “Area of special flood hazard.” See “Special flood hazard area.”
- “Area of special flood-related erosion hazard” is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).
- “Base flood” means the flood having a one-percent chance of being equaled or exceeded in any given year (also called the “100 year flood”). Base flood is the term used throughout this chapter.
- “Base flood elevation (BFE)” means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.
- “Basement” means any area of the building having its floor subgrade — i.e., below ground level— on all sides.
- “Building.” See “Structure.”
- “Crawl space” is an enclosed area below the BFE. Crawl space construction is subject to specific materials requirements and other constraints as described in Section 15.52.150(C)(2) of this chapter.
- “Development” means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- “Development permit” means the document issued by the city to confirm approval of the development proposed by the submittals required under Section 15.52.120 of this chapter.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 27, 1980.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"~~Floodproofing~~Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet ~~floodproofing~~flood proofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.

"Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."

"Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section [15.52.210](#) of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers,

and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Governing body" is the city, empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 15.52.210 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The city requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in Section 15.52.150(C)(4) of this chapter;
 - b. The anchoring standards in Section 15.52.150(A) of this chapter;
 - c. The construction materials and methods standards in Section 15.52.150(B) of this chapter; and
 - d. The standards for utilities in Section 15.52.160 of this chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes "recreational vehicles," park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.
3. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

"Mean sea level (MSL)" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after May 27, 1980, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including

at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 27, 1980.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One hundred year flood" or "100 year flood" - see "Base flood."

"Person" means an individual or his or her agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 15.52.210 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area." See "Area of shallow flooding."

“Special flood hazard area (SFHA)” means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally aboveground; this includes a gas or liquid storage tank, or a manufactured home.

“Substantial damage” means:

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. This is also known as “repetitive loss.”

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds thirty percent (30%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 06-8 § 3 (part): prior code § 5B.5)

15.52.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 06-8 § 3 (part): prior code § 5B.6)

15.52.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) City of St. Helena, California, Napa County" dated January 7, 1998, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated January 7, 1998, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. The study, FIRMs and FBFMs are on file at City Hall, 1480 Main Street, St. Helena. (Ord. 06-8 § 3 (part): prior code § 5B.7)

15.52.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall

prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 06-8 § 3 (part): prior code § 5B.8)

15.52.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 06-8 § 3 (part): prior code § 5B.9)

15.52.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the city; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 06-8 § 3 (part): prior code § 5B.10)

15.52.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 06-8 § 3 (part): prior code § 5B.11)

15.52.120 Development permit.

A development permit shall be obtained before construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.52.070 of this chapter. Applications for a development permit shall be made on forms furnished by the city. The applicant shall provide the following minimum information:

- A. Plans in duplicate, drawn to scale, showing:
 - 1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 - 2. Proposed locations of water supply, sanitary sewer, and other utilities;
 - 3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - 4. Location of the regulatory floodway when applicable;
 - 5. Base flood elevation information as specified in Section 15.52.070 or Section 15.52.150(C) of this chapter;
 - 6. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be ~~floodproofed~~flood proofed, as required in Section 15.52.150(C)(3) of this chapter and detailed in FEMA Technical Bulletin TB 3-93.
- B. Certification from a registered civil engineer or architect that the nonresidential ~~floodproofed~~flood proofed building meets the ~~floodproofing~~flood proofing criteria in Section 15.52.150(C)(3) of this chapter.
- C. For a crawl space foundation, location and total net area of foundation openings as required in Section 15.52.150(C)(2) of this chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and evidence that any required state or federal permits for such alteration or relocation have been obtained.
- E. All appropriate certifications listed in Section 15.52.150 of this chapter. (Ord. 06-8 § 3 (part); prior code § 5B.13)

15.52.130 Designation of floodplain administrator.

The city engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 06-8 § 3 (part); prior code § 5B.14)

15.52.140 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

- A. Permit Review.
 1. Review all development permit applications to determine that the permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
 2. All other required state and federal permits have been obtained;
 3. The site is reasonably safe from flooding;
 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city; and
 5. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "Start of Construction" definition.
- B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "market value."
 2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
- C. Review Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.52.070 of this chapter, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.52.150 through 15.52.190 of this chapter. Any such information shall be submitted to the city council for adoption. NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.
- D. Notification of Other Agencies.
1. Alteration or relocation of a watercourse.
 - a. Notify adjacent communities and the California Department of Water Resources prior to the alteration or relocation;
 - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
 - c. Assure that the flood-carrying capacity of the altered or relocated portion of such watercourse is maintained.
 2. Base flood elevation changes due to physical alterations:
 - a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
 - b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "Start of Construction" definition.
 - c. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
 3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
- E. Documentation of Floodplain Development.
Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section [15.52.150\(C\)\(1\)](#) of this chapter (lowest floor elevations);
 2. Certification required in Section [15.52.150\(C\)\(3\)](#) of this chapter (elevation or ~~floodproofing~~[flood proofing](#) of nonresidential structures);
 3. Certification required in Section [15.52.150\(C\)\(4\)](#) of this chapter (wet ~~floodproofing~~[flood proofing](#) standard);
 4. Certification required in Section [15.52.170](#) of this chapter (subdivisions and other proposed development standards);
 5. The certification required in Section [15.52.190\(A\)](#) of this chapter (floodway encroachments); and
 6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- F. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section [15.52.200](#) of this chapter.
- G. Remedial Action. Take action to remedy violations of this chapter as specified in Section [15.52.080](#) herein.
- H. Biennial Report. Complete and submit biennial report to FEMA.
- I. Planning. Assure community's general plan is consistent with floodplain management objectives herein. (Ord. 06-8 § 3 (part); prior code § 5B.15)

15.52.150 Standards of construction.

In all areas of special flood hazards the following standards are required:

- A. Anchoring.
1. All new construction and substantial improvements, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Construction Materials and Methods.
1. All new construction and substantial improvements to structures, including manufactured homes, shall be constructed:
 - a. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
 - b. Using methods and practices that minimize flood damage;
 - c. With electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
 - d. Within Zone AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- C. Elevation and ~~Floodproofing~~[Flood proofing](#).

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement:
 - a. In AE, AH and A1-A30 Zones, elevated to eighteen (18) inches above the base flood elevation.
 - b. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
 - c. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or land surveyor to be properly elevated. Such certification shall be provided to the floodplain administrator.
2. Crawl Space Construction. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
 - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
 - b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
 - c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
 - d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
 - e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
 - f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 - i. The interior grade of a crawl space below the BFE must not be more than two feet below the Lowest Adjacent Exterior Grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;
 - ii. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point;

- iii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed seventy-two (72) hours; and
 - iv. The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.
- 3. For any new construction or substantial improvement of a nonresidential structure, the entire structure shall either be elevated in conformance with subsection (C)(1) of this section or together with attendant utility and sanitary facilities:
 - a. Be ~~floodproofed~~flood proofed so that below the level required under subsection (C)(1) of this section the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered civil engineer that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator.
- 4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered civil engineer or meet or exceed the following minimum criteria:
 - a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters; or
 - b. Be certified to comply with a local ~~floodproofing~~flood proofin standard approved by the Federal Insurance Administration.
- 5. Manufactured homes shall also meet the standards in Section 15.52.180.
- D. Non-conversion of Enclosed Areas Below the Lowest Floor. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the floodplain administrator shall:
 - 1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;

2. Require that such applicants enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the city. The agreement shall be recorded by the floodplain administrator with the Napa County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the floodplain administrator and city attorney; and
 3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least seventy-two (72) hours.
- E. The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas known to the community.
1. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion, and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
 2. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
 3. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only. (Ord. 06-8 § 3 (part); prior code § 5B.16)

15.52.160 Standards for utilities.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 06-8 § 3 (part); prior code § 5B.17)

15.52.170 Standards for subdivisions.

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered civil engineer or land surveyor and provided to the floodplain administrator.

- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 06-8 § 3 (part); prior code § 5B.18)

15.52.180 Standards for manufactured homes.

All new and replacement manufactured homes and additions to manufactured homes shall:

- A. Be elevated on a permanent foundation so that the lowest floor is at least eighteen (18) inches above the base flood elevation; and
- B. Be securely anchored to a permanent foundation system designed to resist flotation, collapse and lateral movement and approved by the Building Official.
- C. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
 - 1. Be on the site for fewer than one hundred eight (180) consecutive days; or
 - 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - 3. Meet the permit requirements of Section 15.52.120 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.52.180. (Ord. 06-8 § 3 (part); prior code § 5B.19)

15.52.190 Floodways.

Located within areas of special flood hazard established in Section 15.52.070 of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Sections 15.52.140 through 15.52.180. (Ord. 06-8 § 3 (part))

15.52.200 Appeal board.

- A. The planning commission, and on appeal, the city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

- B. The city council shall hear and decide requests for variance in the enforcement or administration of this chapter.
1. In passing upon requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 - a. Danger that materials may be swept onto other lands to the injury of others;
 - b. Danger of life and property due to flooding or erosion damage;
 - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - d. Importance of the services provided by the proposed facility to the community;
 - e. Necessity to the facility of a waterfront location, where applicable;
 - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. Compatibility of the proposed use with existing and anticipated development;
 - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
 2. Variances shall only be issued upon a:
 - a. Showing of good and sufficient cause;
 - b. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
 - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.
 3. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (B)(1) through (B)(2) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
 4. Upon consideration of the factors of subsection B of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to

further the purposes of this chapter. (Ord. 06-8 § 3 (part): prior code § 5B.21)

- * Editor's Note: See Section 15.52.050 for definition of this term.

15.52.210 Variances.

- A. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
- B. The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.
- C. It is the duty of the city to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this section are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.
- D. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing that the procedures of Sections 15.52.150 through 15.52.190 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. Variances may be issued for the repair or rehabilitation of "Historic Structures" (as defined in Section 15.52.050 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- F. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- G. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city believes will both provide relief and preserve the integrity of the local ordinance.
- H. Any applicant to whom a variance is granted shall be given written notice over the signature of a city official that:
 - 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - 2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the Napa County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- I. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency. (Ord. 06-8 § 3 (part); prior code § 5B.22)

Chapter 15.53

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

- 15.53.010** California Green Building Standards Code – Adopted.
- 15.53.020** California Green Building Standards Code – Amendments
- 15.53.030** California Green Building Standards Code – Voluntary Measures Made Mandatory.

15.53.010 California Green Building Standards Code – Adopted.

The 201~~36~~ Edition of the California Green Building Standards Code, known as the California Code of Regulations, Title 24, Part 11, with amendments set forth in section 15.53.020 is hereby adopted.

15.53.020 California Green Building Standards Code – Amendments.

- A. Section 101.3 Scope, The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, or an addition of 400 sq. ft. or more, or a remodel encompassing a bathroom or kitchen in an existing structure, unless otherwise indicated in this code, throughout the State of California.
- B. Section 4.303.1, Indoor Water Use, Twenty percent savings.
 - 2. In additions or remodels of existing structures, all new indoor plumbing fixtures shall meet the 20% reduction in use illustrated by Table 4.303.2.
- C. Section 4.503, Fireplaces, Pursuant to Bay Area Air Quality Management District, Regulation 8, Particulate Matter and Visible Emissions, Rule 3, Wood-Burning Devices, the City of St. Helena hereby enforces the following:
 - 1. Definitions:

“APCO” The Air Pollution Control Officer of the Bay Area Air Quality Management District or designee thereof.

“Fireplaces”: Any installed masonry or factory-built wood-burning device designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1m a burn rate over 11 pounds per hour, or a weight over 1760 pounds.

“Gas-fueled Heating Device”: Any device that utilizes natural gas as a fuel source supplied by a natural gas service utility, including, but not limited to, gas-fueled fireplaces, gas-fueled room heaters, gas-fueled inserts, or gas-fueled log sets.

"Masonry Heater": Any site-build or site-assembled, solid-fueled heating device constructed mainly of masonry materials in which the heat from intermittent fires burned rapidly in its firebox is stored in its structural mass for slow release to the site. Such solid-fueled heating devices must meet the design and construction specifications set forth in ASTM E 1602-03, "Guide for Construction of Solid Fuel Burning Masonry Heaters."

"Pellet-fueled Device": Any solid-fueled burning device which is operated on pellet-fuel and is either U.S. EPA Phase II certified or exempted under U.S. EPA requirements set forth in Title 40 Code of Federal Regulation (CFR), Part 60, Subpart AAA. Pellet fuel may be composed of compressed wood, corn or other biomass.

"Wood-burning Device": Any wood-burning stove or heater, pellet-fueled device, fireplace, or any indoor permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes. This definition does not include wood-burning devices intended exclusively for cooking food, such as wood-fired ovens or barbecues.

2. Criteria for Installation of Wood-burning Devices: No person shall install a new or used wood-burning device intended for use in the City of St. Helena unless it is one of the following:
 1. A U.S. EPA Phase II certified wood-burning device;
 2. A pellet-fueled device;
 3. A low mass fireplace, masonry heater or other wood-burning device of a make and model that meets EPA emission targets and has been approved in writing by the APCO.

This requirement does not apply if a wood-burning device is an installed fixture included in the sale or transfer of any real property. Any gas-fueled heating device or electric-powered heating device is allowed under this standard.
3. Criteria for Wood-burning Devices in New Building Construction: No person or builder shall commence construction of a new building or structure permitted to contain or containing a wood-burning device, or install a new wood-burning device resulting from a remodel, or construct a free-standing outdoor fireplace that is not intended exclusively for cooking food, unless the device meets the requirements above. Any gas-fueled heating device or electric-powered heating device is allowed under this standard.

15.53.030 California Green Building Standards Code – Voluntary Measures Made Mandatory.

- A. Section A4.403.2 Reduction in cement use. As allowed by the enforcing agency, cement used in foundation mix design shall be reduced to not less than a 20 percent reduction in cement use.
- B. Note: Products commonly used to replace cement in concrete mix designs include, but are not limited to:
1. Fly ash
 2. Slag
 3. Silica fume
 4. Rice hull ash
- C. Section A4.404.3 Building Systems. All wood roof, wall and subfloor sheet goods shall be engineered, oriented strand board. Alternate equivalent materials maybe allowed by authority having jurisdiction.

Chapter 15.54

CALIFORNIA ADMINISTRATIVE CODE ADOPTED

Sections:

15.54.010 California Administrative Code Adopted.

| The 2013⁶ Edition of the California Administrative Code, known as the California Code of Regulations, Title 24, Part 1, published by the California Building Standards Commission, is hereby adopted including all appendices, and without amendments.

Chapter 15.55
CALIFORNIA REFERENCED STANDARDS CODE
ADOPTED

Sections:

15.55.010 California Referenced Standards Code Adopted.

| The 2013~~6~~ Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 12, published by the California Building Standards Commission, is hereby adopted including all appendices, and without amendments.

Chapter 15.36 CALIFORNIA FIRE CODE ADOPTED

Sections:

<u>15.36.010</u>	General findings.
<u>15.36.020</u>	Codes adopted.
<u>15.36.030</u>	Specific findings for code amendments.
<u>15.36.040</u>	Administration.
<u>15.36.050</u>	Fire Service Features.
<u>15.36.060</u>	Fire Protection Systems.
<u>15.36.070</u>	Establishment of Limits
<u>15.36.080</u>	Requirements for Wildland-Urban Interface Areas
<u>15.36.090</u>	Fire Flow Requirements for Building
<u>15.36.100</u>	Fire Apparatus Access Roads
<u>15.36.110</u>	Modifications.
<u>15.36.120</u>	Appeals.

15.36.010 General findings.

- A. The fire and hazardous materials section of the public health and safety element of the city general plan recommends that on-site fire mitigation should include use of fire resistant materials, sprinklers, and early warning systems; and provides that factors which contribute to the potential for fire are vegetation and distance from fire stations;
- B. Because response time of fire suppression units has a critical impact on the ability to protect life and property in case of fire or other emergencies, buildings must be provided with built-in fire protection systems to offset the negative impact of excessive response time;
- C. The residential growth management system section of the land use element of the city general plan prescribes that density and population shall not exceed that which can be served by adequate public facilities and service;
- D. The fire department has increasing incidence of simultaneous demands for service that completely deplete our resources; and provides that fire protection requirements for new construction and remodeled buildings shall be strengthened to reduce planned growth on fire department capabilities and to provide a reasonable degree of fire and life safety at minimum fire suppression cost; and
- E. The City Council desires to enhance the adequate protection of buildings and structures by the adoption of this chapter.

15.36.020 Codes adopted.

The ~~2013-2016~~ California Fire Code, known as the California Code of Regulations, Title 24 part 9, ~~based on incorporating~~ the International Fire Code, ~~2013-2015~~ Edition, published by the International Code Council ~~in its entirety~~, including ~~including specifically~~

Appendices: [Appendix](#) Chapter 4, Appendix B and Appendix BB (Fire Flow Requirements for Buildings), Appendix C and Appendix CC (Fire Hydrant Locations and Distribution), Appendix D (Fire Apparatus Access Roads), Appendix E (Hazard Categories), Appendix F (Hazard Ranking), Appendix G (Cryogenic fluids-Weight and Volume Equivalents), Appendix H (Hazardous Materials Management Plans and Hazardous Inventory Statement), Appendix I (Fire Protection Systems Noncompliant Conditions), Appendix J (~~Emergency Responder Radio Coverage~~[Building Singage](#)), Appendix K (Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses) and referred to as the "International Fire Code" or "IFC" is adopted as amended and made a part of this code by reference per findings as set forth in Section 15.36.030.

15.36.030 Specific findings for code amendments.

Each amendment to the California Fire Code adopted by this chapter, is reasonably necessary because of the following determinations due to local climatic, geological, or topographic conditions pursuant to Health and Safety Code, Section 17958.5:

- A. The city is characterized by a narrow valley floor surrounded and intermingled with steep hill terrain, containing areas which are very susceptible to wildland fires. Wildland fires are considered a significant threat in St. Helena. Native vegetation of brush, woodland, grassland and forest become extremely flammable during summer and remain so if drought conditions prevail during the winter months. Drought cycles appear in this area every seven through eleven (11) years.
- B. Earthquake is considered to be one of the most potentially destructive threats to life and property in the city. A moderate to severe seismic incident on any of the several fault zones in relative close proximity to St. Helena is expected to cause extensive property damage, disruptions to communications systems, and damage to public utility systems.
- C. St. Helena is divided geographically into two parts by the north to south flow of the Napa River. Significant damaging flooding occurs in portions of the city approximately every five to ten (10) years. Warnings are usually given several hours to a few days before such floods. This natural barrier can serve as a severe impediment to public safety services because of the severity of slopes, and the existence of natural barriers such as the Napa River, Sulphur Creek, and York Creek. (Prior code § 5A.12)
- D. Some areas of the forested hillside terrain that border the city have been designated as a Woodlands and Watershed area. These are areas that are Local Responsibility areas (LRA) for fire response and as such fall under the Wildland Urban Interface (WUI) guidelines set forth in chapter [47-49](#) of the Fire Code and chapter 7A of the Building [Code](#).

15.36.040 Administration

A. Section 105.4.4.1 Phased Approval, is repealed in its entirety

AB. Section 109.3 Violation penalties, California Fire Code ~~2013~~2016, Chapter 1 is amended to read as follows:

Persons who shall violate a provision of this fire code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the ~~Fire Code Official~~, or of a permit or certificate used under provisions of this fire code, shall be subject to penalties as prescribed by law. In addition to potential civil and/or criminal penalties, any person, individual, group of individuals, firm, trust, corporation, partnership association, or business concern responsible for an unauthorized release of hazardous material, a malicious false alarm, excessive unintentional false alarms, or igniting and/or maintaining an illegal fire, shall be liable for reimbursing the City of St. Helena for all costs incurred resulting from the City's emergency response and mitigation activities involving these incidents. Incurred costs may include such activities as firefighting, rescue, evacuation, hazardous material containment, control and/or disposal, incident investigation, report writing, administrative costs, and additional mitigation activities that may be contracted by the City.

C. 110.5 is added to Section 110 to read in full as follows:

Unsafe building. It shall be unlawful to leave or maintain any building in an unsafe condition or maintain any building in a manner that is a public nuisance, a threat to life, safety, or property, or a fire hazard. The Fire Code Official may order or cause the abatement of such nuisance, threat, or hazard as specified in Section 109 of the fire code.

BD. Section 111.4, Failure to comply, California Fire Code ~~2013~~2016, Chapter 1 is amended to read as follows:

Any person who shall continue any work after having been served with a stop work, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

E. Section 307.1 is amended to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted for agricultural operations, approved in accordance with this section and a permit obtained from the Fire code official.

15.36.050 Fire Service Features
Chapter 5

Section ~~503-501 General Fire Apparatus Access Roads~~ is amended to ~~include to~~ read as follows:

A. Section 501.3 is amended to read as follows:

501.3 Construction documents. Construction documents for proposed fire apparatus access, security gates across fire apparatus access, location of fire lanes, construction documents, hydraulic calculations for fire hydrant systems and all fire protection system plans shall be submitted and approved prior to the issuance of a building permit.

Section 503 Fire Apparatus Access Roads is amended to read as follows:

A. Driveways and access roads shall be as defined in Municipal Code Sec. 17.124.070, Standards for driveways and access drives.

~~B. Section 503.2.6 Bridges and Elevated Surfaces, California Fire Code 2013, Chapter 5 is amended to read as follows:~~

~~Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the Caltrans Bridge Design Specifications design H 20 (40,000 pound) load specification. Bridges and elevated surfaces shall be designed to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Code Official.~~

~~Exception: Bridges that are constructed as part of the fire apparatus access road that require the response of the ladder truck due to occupancy classification, use or building construction shall be constructed in accordance with the Caltrans Bridge Design Specifications design HS 20 (72,000 pound) load specification.~~

~~C. Section 503.4.1 Speed control devices, California Fire Code 2013, Chapter 5 is amended to include to~~ read as follows:

Speed control methods or devices shall not be allowed on public or private roadways, driveways or fire apparatus access routes.

~~D. Section 506.1 Where required, California Fire Code 2013~~2016, Chapter 5 is amended to read as follows:

Key boxes are required on all commercial buildings and multi-family residential housing units within the city limits. The key box shall be on an approved type and shall contain keys to gain necessary access and a building site plan as required by the Fire Code Official.

Chapter 6 Building services and systems

A. Section 603.8 is amended to read as follows:

603.8 Incinerators. Commerical, industrial and residential type incinerators and chimneys are prohibited within the City of St. Helena.

B. 609.2 Is amended to read as follows:

609.2 Where required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors. Cooking facilities in assembly occupancies and congregate residences shall be considered commercial operations.

15.36.060 Fire Protection Systems

A. Chapter 9, subsection 901.1 is hereby amended to read. Approved automatic sprinkler systems in new buildings, structures and qualified additions and remodels shall be provided in the locations described as follows.

903.2.1 Construction Documents. The Fire Code Official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to the issuance of a building permit.

B. Chapter 9, subsection 903.2 is amended by repealing the entire subsection 903.2 (with the exception of subsections 903.2.12, 903.2.17 and tables 903.2.11.6 and 903.2.5.2, which shall remain in effect), and replacing it with the following:

903.2 Where Required. Approved automatic sprinkler systems in new and existing buildings shall be provided in the locations described in this section.

903.2.1 Required installations. An automatic fire sprinkler system shall be installed and maintained in all newly constructed buildings or structures. fire sprinkler systems shall be installed in new manufactured homes and multifamily manufactured homes with two dwelling units in accordance with title 25 of the California Code of Regulations.

Exception:

1. When approved by the Fire Code Official spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of no less than 1-

hour fire-resistance-rated wall and 2-hour fire-resistance-rate floor/ceiling assemblies.

2. Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17.
3. Detached Group U private garages and carports accessory to a Group R-3 occupancy and less than 1,000 square feet.
4. Detached pool houses, workshops, barns and similar structures, built in conjunction with existing non-sprinklered single-family residences and provided the new structure is less than 1,000 square feet, is not intended for use as a dwelling unit and complies with the separation distances and exterior fire protection ratings of the Building Code.
5. Detached non-combustible, limited combustible materials or fire retarded treated wood canopies less than 3,000 square feet in roof area used exclusively for vehicle washing facilities or vehicle fuel dispensing stations.
6. Group B or M occupancies less than 500 square feet.
7. Detached, unenclosed gazebos or shade structures less than 1,000 square feet.
8. Detached restroom facilities associated with golf courses, parks and similar uses.
9. Shipping containers used for storage purpose and located not closer than 5 feet to a building, property line or other container.

903.2.2 Additions. An automatic sprinkler system shall be installed throughout any existing commercial or residential building when the floor area of the addition (including mezzanines) within any three year period exceeds 50% of the existing floor area of the building (excluding attached garages or unconditioned spaces in the floor area calculation of the addition) or when an additional story is added.

903.2.3 Alterations or Repairs. For alterations or repairs to existing buildings involving demolition of more than 50% of the existing floor area or removal of 50% or more of the existing ceiling material covering (i.e. sheetrock, lath and plaster, suspended ceiling etc.), the building shall meet the sprinkler requirements for a newly constructed building.

Exception: One time alterations made solely for the purpose of complying with the Americans with Disabilities Act.

903.2.4 Change of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official and Building Code Official, including conversion of buildings to single-family residences, accessory dwelling units, bed and

breakfast, inns, lodging houses or congregate residences ~~for 10 or less persons~~ or other similar uses an automatic fire sprinkler system shall be installed throughout.

Section 907.1

Section 907.1.6 is added to read as follows:

907.1.6 False Alarms. A false alarm shall mean the receipt by the fire department an audio or visual alarm or signal from an automatic fire alarm device set off by causes other than the occurrence of a fire. Alarm users are allowed three (3) false alarms in a 365 day period. A service charge of \$100 shall be imposed for the fourth false alarm, a \$250 service charge shall be imposed for the fifth false alarm and a service charge of \$500 for each subsequent false alarm shall be assessed.

Appendix C

C. Amend Appendix C Fire Hydrant Locations and Distribution.

Section C102 Location by adding the following:

C-102.2 Fire Department Connections

A Fire Hydrant shall be located within 50 feet of all Fire Department connections (FDC), or approved by the Fire Code Official.

15.36.070 Establishment of Limits

- A. Establishments of Limits of Districts in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is Prohibited: The limits referred to in Chapter 57 of the California Fire Code, in which the storage of flammable or combustible liquids is restricted, are hereby established as follows: Storage of 16 gallons or more is prohibited in all areas unless a permit is issued by the Fire Code Official.
- B. Establishment of Districts of Limits in which Storage of Liquefied Petroleum Gasses is prohibited: The limits referred to in Chapter 57 of the California Fire Code, in which storage of liquefied petroleum gas is prohibited, are hereby established as follows: Storage is prohibited in all areas of the City unless a permit is issued by the Fire Code Official.
- C. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is Prohibited: The limits referred to in Chapter 56 of the California Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby

established as follows: Storage is prohibited in all areas of the City, unless a permit is issued by the Fire Code Official.

- D. Establishment of Limits of Districts in which the Storage of Compressed Gases is Prohibited: The limits referred to in Chapter 53 of the California Fire Code in which the storage of compressed gases is prohibited, are hereby established as follows: Storage of 16 gallons or more is prohibited in all areas of the City unless a permit is issued by the Fire Code Official.
- E. Establishment of Limits of Districts in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids is Prohibited: The limits referred to in Chapter 58 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as follows: Storage is prohibited in all areas of the City unless a permit is issued by the Fire Code Official.
- F. Establishment of Limits of Districts in which the Storage of Hazardous Materials is prohibited: The limits referred to in Chapter 50 of the California Fire Code in which the storage of hazardous materials is prohibited, are hereby established as follows: Storage is prohibited in all areas of the City unless a permit is issued by the Fire Code Official.

15.36.080 Requirements for Wildland-Urban Interface Areas

Chapter 49, California Fire Code 2013, Requirements for Wildland-Urban Interface Areas, is amended by adding Section 4908 to read as follows:

Defensible Space for Structures and Roads

- A. General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:
 - 1. Maintain an effective fuel break by removing and clearing away flammable vegetation and combustible material from areas within 100 feet of buildings and structures;

Exception: Single specimen trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.
 - 2. Remove portions of trees which extend within 10 feet of the outlet of a chimney;
 - 3. Maintain trees adjacent to or overhanging a building free of deadwood; and

4. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

- B. Roadways. The Fire Code Official is authorized to cause areas within 10 feet on each side of portions of all roads, driveways and fire department access roads which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover provided they do not form a means of readily transmitting fire.

- C. Corrective Actions. The Fire Code Official is authorized to give notice to the owner of the property upon which conditions regulated by this section exist to correct such conditions. If the owner fails to correct such conditions, the Fire Code Official is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

15.36.090 Fire Flow Requirements for Building

Section 507 Fire Protection Water Supplies

507.1 Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection of portions of buildings that are hereafter constructed or moved onto or within the jurisdiction. Such water supply shall be connected to the Municipal Water Supply if available within 1,000 ft. of the subject property.

~~A. Section B105.1 Fire-Flow Requirements for Buildings, California Fire Code 2013, Appendix B is amended to include to read as follows:~~

- ~~1. One and Two Family Dwellings Under 2500 Square Feet and Not Served By a Public Water System, The minimum water storage shall be 5,000 gallons of capacity dedicated for fire protection.~~

~~Exception: A reduction in fire flow of 50% is allowed when the building is protected with an approved automatic fire sprinkler system.~~

- ~~2. One and Two Family Dwellings Over 2500 Square Feet and Not Served by a Public Water System. The minimum water storage shall be in accordance with Table B105.1 of Appendix B.~~

15.36.100 Fire Apparatus Access Roads

A. Section D103.2 Grade, California Fire Code ~~2013~~2016, Appendix D is amended to read as follows:

Fire apparatus access roads shall not exceed 16% in grade.

Exception: Lots of record established prior to January 1, 2014 the grade shall not exceed 20%. All grades exceeding 10% shall be AC pavement; all grades exceeding 16% shall be Portland cement scored concrete.

B. Section D103, Figure D103.1, California Fire Code ~~2013~~2016, Appendix D is amended to include the following drawings in the City of St. Helena Street, Storm Drain & Sidewalk Standards:

Drawings: 1, 1.1R, 1.2R, 2, 2R, 3, 3.1, 3.2, 3.3, 3.4, 4, 5, 6, 7, 8, & 9.

C. Section D103.5 Fire Apparatus access road gates, California Fire Code ~~2013~~2016 Appendix B is amended to read as follows:

Gates securing the fire apparatus access roads or private driveways shall comply with the following:

1. The minimum gate width shall be ~~14-16~~ feet for residential or 20 feet for commercial occupancies.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire personnel for emergency access. An approved key system will be installed approved by the Fire Code Official.
6. Manual opening gates shall not be locked with a padlock or chain unless they are capable of being opened by means of forcible entry tools or when the key box containing the key(s) to the lock is installed at the gate location.
7. All locking devices shall be approved by the Fire Code Official.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.

9. Gates intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

9- 10. Gates shall comply with Section 17.124.070 c. of the St. Helena Municipal Code To avoid congestion at the entrance of a property from the street or access drive, no on-site parking space or gate shall be allowed within the initial thirty (30) feet of the edge of pavement of the access drive, drive aisle or property line, including residential driveways or location as determined by the Public Works Director in conjunction with the Fire Code Official.

D. Section D107.1 One or two-family dwelling residential developments, California Fire Code ~~2013~~2016, Appendix B is amended to read as follows:

Developments of one, ~~or~~ two-family or multi family dwellings where the number of dwelling units exceeds thirty (30) shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

15.36.110 Modifications.

The City Manager, the Fire Chief and the Fire Code Official shall act as a committee and shall have power to modify any of the provisions of the California Fire Code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the fire code, provided that the spirit of the fire code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the committee thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Prior code § 5A.20)

15.36.120 Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this fire code do not apply or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the board of appeals within thirty (30) days from the date of the decision appealed. (Prior code § 5A.21)



BUILDING PERMIT CATEGORIES

Building Department

1480 Main Street

St. Helena, CA 94574

(707) 968-2657

For additional information, forms & documents please visit us on the web at: <http://www.cityofstheleena.org/content/building>

The City of St. Helena, in an effort to streamline the building permit process, has added a third "rapid permit" category to the "standard" and "over-the-counter" permit categories. Below are the definitions of the three categories.

OVER-THE-COUNTER permits are permits that do not require the submittal of plans and require no plan check. In most cases, "over-the-counter" permit applications determined to be complete will receive a permit at the time of submission. **Note:** Electrical service changes, electric vehicle charging stations, and residential re-roof replacing $\geq 50\%$ of existing roofing material require a worksheet that can be found at: <http://www.cityofstheleena.org/content/building>, or you can request a worksheet at time of submittal.

RAPID permits are permits that require the submittal of plans and other documents but the complexity of the project is significantly less than that of the "standard" permit category. These plans and documents are reviewed for conformance with adopted codes and standards by Building, Planning, Public Works, and Fire Departments. Plan review for first comments or permit issuance is up to 14 working days. Subsequent plan review is also up to 14 working days.

STANDARD permits are permits that require the submittal of plans and other documents and are significant and/or complex in their nature. These plans and documents are reviewed for conformance with adopted codes and standards by Building, Planning, Public Works, Fire Departments, and outside agencies. Plan review for first comments is up to 28 working days. Subsequent plan review is also up to 28 working days.

<u>OVER-THE-COUNTER PERMIT</u>	<u>RAPID PERMIT</u>	<u>STANDARD PERMIT</u>
◆ Re-roof - Commercial - Specific Application ◆ Re-roof - Residential (if replacing $\geq 50\%$ of existing roof material requires a "residential cool roof requirements form") - Specific Application ◆ HVAC replacement ◆ Water heater replacement ◆ Electrical service change (with worksheet) ◆ Windows/Doors (like-for-like) ◆ Skylights ◆ Electric vehicle charging stations (with worksheet) ◆ Temporary power pole ◆ Minor electrical, plumbing, and mechanical repairs ◆ Sewerlines ◆ Waterlines	All new structures require Planning Commission approval ◆ Temporary tents and canopies (plans required) - Specific Application ◆ Commercial & Residential solar PV (checklist) ◆ Kitchen and/or bath remodels (w/worksheet) ◆ Carports (with prior Planning approval) ◆ Commercial and residential: garages, sheds (greater than 120 sf), sheds of any size housing equipment (i.e. pump or pool equipment), other accessory structures ◆ Signs (with prior Planning approval) ◆ Gates (may require Fire approval) ◆ Fences up to 6 feet solid with a maximum of 2 feet lattice within setbacks. (8 ft max) ◆ Retaining walls with or without engineering ◆ Decks (w/handout) ◆ Gazebos and trellises (with prior Planning approval) ◆ Patio covers (with prior Planning approval) ◆ Window/doors with structural modifications ◆ Reside/Exterior finish (like-for-like)	All new structures require Planning Commission approval ◆ New residential and commercial buildings and structures ◆ Residential and commercial additions ◆ Interior residential remodels ◆ Commercial tenant improvements ◆ All other projects that do not fall under other categories, or those designated by the Chief Building Official as standard.

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Authorizing an Increase to Double the
Standard Building Permit Fee for Applications
Submitted After Work Has Already Begun or Been
Completed When Generated by Code Enforcement
Efforts.**

RECITALS

- A. On November 29, 2016 the City Council introduced an Ordinance to amend Chapter 15 of the St. Helena Municipal Code to update the City's Building Code, as required by the State of California (Ordinance No. 2016-X) while also considering this resolution to increase the building permit fees for work begun without the benefit of a permit; and
- B. The current building permit application fees do not accurately reflect the staff time required when construction and demolition activities are undertaken without appropriate permits required by the Building Code; and
- C. City staff has calculated the overall staff time and effort resulting from construction and demolition activities undertaken without appropriate permits required by the Building Code. Based on that calculation, Staff has determined that a minimum of double the standard building permit fees are required to capture the cost of the additional staff time and efforts required to address construction and demolition activities undertaken without appropriate permits required by the Building Code; and
- D. Staff has recommended that the building permit application fee be doubled for any building permit which results from actions undertaken without the benefit of a permit, in order to more accurately capture the staff time required to address construction and demolition activities undertaken without appropriate permits required by the Building Code. This additional fee is based on the overall staff blended rate of \$150/hour identified in the fee schedule.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. The Building Permit fees shall be doubled when construction and demolition activities are undertaken without appropriate permits required by the Building Code. The City's fee schedule shall reflect this double fee.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

CITY OF ST. HELENA

ORDINANCE NO.

AMENDING TITLE 15 OF THE ST. HELENA MUNICIPAL CODE TO REVISE CHAPTERS 15.04 THROUGH 15.55, INCLUSIVE, TO ADOPT BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, AND 12, INCLUDING APPENDICES IDENTIFIED HEREIN), INCLUDING LOCAL AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE SPECIFIC TO THE CITY OF ST. HELENA

The City Council of the City of St. Helena does hereby ordain as follows:

SECTION 1: Findings. The City Council hereby determines that:

- A. The California Building Standards Commission ("Commission") adopts a comprehensive update to the California Building Standards Code (codified as Title 24 of the California Code of Regulations) every three years.
- B. The Council completed the adoption of the 2016 update to the California Building Standards Code ("2016 Code") and made those updates available to the public by July 1, 2017.
- C. The 2016 Code takes effect in all jurisdictions on January 1, 2017, pursuant to California Health and Safety Code Section 17958, and pursuant to the 2016 Code Part 2 (the "2016 California Building Code"), Appendix Chapter 1, Section 101.4.
- D. The City is authorized pursuant to Health and Safety Code Sections 17958.7 and 18941.5 and California Government Code Section 50022.2 to adopt amendments to the 2014 Code in order to incorporate appendices, address unique administrative requirements of the City, and in order to modify building standards to the extent that the modifications are reasonably necessary because of local climatic, geological, or topographical conditions.
- E. The City has previously adopted local amendments to previous versions of the California Building Standards Code, and codified those local amendments in Title 15 of the St. Helena Municipal Code.
- F. On November 29, 2016, the City Council held first reading of an ordinance to Amend Title 15 of the St. Helena Municipal Code to adopt and amend the 2016 California Building Standards Code (Title 24 of the California Code of Regulations), including the local amendments specific to the City of St. Helena (the "Ordinance").
- G. On November 29, 2016, the City Council held a duly noticed public hearing to consider the Ordinance and Resolution No.X making express findings and determinations that modifications to the California Building Standards Code and Fire Code are reasonably necessary to address unique administrative requirements of the City and because of local climatic, geological, or topographical conditions; and further establishing the creation of an

administrative review fee to off-set the increased costs associated with code enforcement actions.

- H. The City Council finds that it is to the benefit of the City of St. Helena to adopt the 2016 Code, as amended by this Ordinance, because it provides minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the City.

SECTION 2: Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Title 15 of the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because the action is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the "general rule" which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The Ordinance introduces standards to regulate certain behavior to protect the health, safety, and public welfare, and does not authorize activities or development that could potentially have a physical impact on the environment. Buildings and development projects that are subject to CEQA are reviewed individually prior to issuance of building permit. Accordingly, the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment.

SECTION 3: Amendment of Title 15. Title 15 of the St. Helena Municipal Code is hereby amended to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 4: Severability. The City Council hereby declares every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the text in Exhibit A of this ordinance be made a part of the St. Helena Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 6: Effective Date. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the City of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City

Council on the 29th day of November, 2016, and was supported by the following vote:

AYES:

NOES: None

ABSENT: None

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

Introduced: 11-29-16

Adopted: 11-?-16

Published: 12-?-16



Item No: 10.3

Report to the City Council
Council Meeting November 29, 2016

Agenda Section: Public Hearing

Subject: Consideration and proposed approval of a resolution approving the Annexation of Territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. No. 129 (1357 El Bonita Avenue, St Helena, CA. APN. 009-431-003)

CEQA Determination: Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061(b)(3), No Possibility of Significant Effect on the Environment

Prepared By: Christina Cook, Administrative Assistant
Steven Palmer, PE, Director of Public Works/City Engineer

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Laurie B. Daw, owner of 1357 El Bonita Avenue, St Helena, CA, Napa County Assessor Parcel Number (APN) 009-431-003, has applied to be annexed into the St. Helena Municipal Sewer District No. 1. A location map for the property is shown in Attachment 1. City Council approval of the connection is the formal administrative process to change the property's tax rate area code from septic to sanitary sewer for tax purposes.

DISCUSSION

The property is currently on a septic system and on October 25, 2016 the City Council ordered the annexation and set today's hearing to annex the territory into the St Helena Municipal Sewer District No. 1, MSD Annexation No. 129. The sewer impact fee has been paid and is calculated on the livable area currently on file with the Napa County Assessor's office. At the time of connection to the City sewer, the existing septic system will be destroyed in accordance with Napa County Department of Environmental Management guidelines.

On October 25, 2016, in accordance with Health & Safety Code §§ 4641 et seq., the City Council adopted Resolution No. 2016-148 to provide notice for this public hearing regarding the proposed annexation. The purpose of the public hearing is to hear from persons interested in the proposed annexation, and consider approval of this resolution to approve the annexation. This resolution for annexation requires at least four affirmative votes. (Health & Saf. Code §§ 4645-47.)

If the City Council approves this resolution, City staff will then process the annexation with Napa County and the State Board of Equalization to change the tax rate area code for the property and record the resolution. Staff will work with the Applicant to obtain required encroachment and sewer connection permits.

FISCAL IMPACT

The Applicant is responsible to construct the sewer lateral and connect to the house; and pay annexation, connection, and impact fees.

RECOMMENDED ACTION

Adopt Resolution Approving the Annexation of Territory to the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 129 (1357 El Bonita Avenue, St Helena, CA. APN. 009-431-003).

ATTACHMENTS

1. Description & Location Map
2. Resolution

CITY OF ST. HELENA RESOLUTION NO. 2016-

**APPROVE THE ANNEXATION OF TERRITORY INTO THE ST.
HELENA MUNICIPAL SEWER DISTRICT NO. 1**

MSD ANNEXATION NO. 129

1357 El Bonita Avenue, St Helena, CA, (APN) 009-431-003

RECITALS

- A. The property at 1357 El Bonita Avenue, St Helena, CA, Napa County Assessor Parcel Number (APN) 009-431-003 will benefit from annexation into the St. Helena Municipal Sewer District No. 1; and
- B. The owner of 1357 El Bonita Avenue have requested annexation into the St. Helena Municipal Sewer District No. 1; and
- C. The legal description and boundary for the territory to be annexed is described in the attached Exhibit A – Annexation Description; and
- D. A public hearing regarding this proposed annexation was ordered on October 25, 2016, and duly noticed and held on November 29, 2016 at a regular meeting of the City Council of the City of St. Helena; and
- E. All annexation fees have been paid.
- F. The City has complied with all laws applicable to these annexation proceedings, including without limitation Health & Safety Code sections 4641 et seq.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

- 1. The territory described in the attached Exhibit A – Annexation Description, commonly known as 1357 El Bonita Avenue, St Helena, CA, Napa County Assessor Parcel Number (APN) 009-431-003 is hereby ordered annexed; and
- 2. The City Clerk shall cause a certified copy of this Resolution to be recorded with the official records of the County of Napa, pursuant to section 4647 of the Health & Safety Code.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016 by the following.

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____
Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

Attachment 1

Written Description
for the
Annexation of the Lands of Laurie B. Daw
to the
St. Helena Municipal Sewer District

Napa County APN 009-431-003
1357 El Bonita Avenue, St. Helena CA 94574

The real property located in the City of St. Helena, Rancho Carne Humana, County of Napa, State of California, described as follows:

Beginning at the centerline of El Bonita Avenue at a point that bears South 47°44'00" West 275.00 feet from the centerline intersection of El Bonita Avenue with Rosebud Lane; thence South 42°16'00" East for 107.00 feet to the center of a cul-de-sac as shown on the Map entitled "El Bonita Park Unit No. 1" filed September 7, 1956 in Book 6 of Maps at pages 52 and 53 in the Office of the Napa County Recorder; thence continuing South 42°16'00" East for 57.00 feet to the northeasterly corner of Lot 1 in Block 1 as shown on said map, said corner being the TRUE POINT OF BEGINNING; thence along the perimeter of said Lot 1 the following courses:

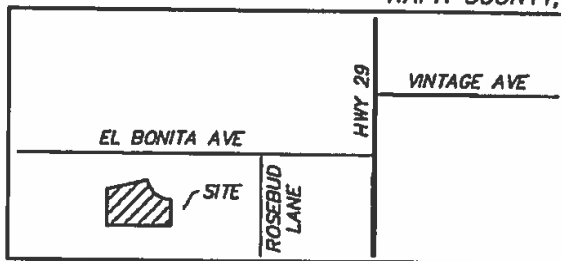
1. South 42°16'00" East for 59.00 feet;
2. thence South 47°44'00" West for 150.00 feet;
3. thence North 42°16'00" West for 82.75 feet;
4. thence North 35°14'00" East for 96.64 feet to a point of cusp with a curve concave to the north to which a radial line bears South 35° 14' 15" East;
5. thence easterly along said curve having a radius of 57.00 feet and a central angle of 77°30' 15" an arc length of 77.10 feet to the True Point of Beginning;

Containing 0.3 acres of land.

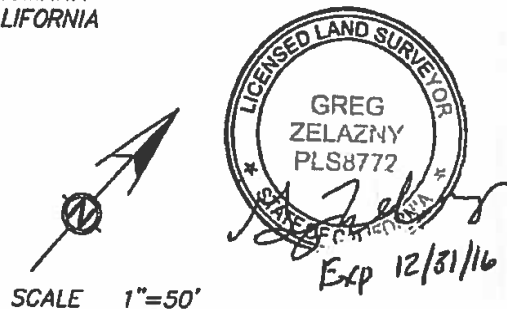


ANNEXATION
OF THE LANDS OF LAURIE B. DAW
TO THE ST. HELENA MUNICIPAL SEWER DISTRICT

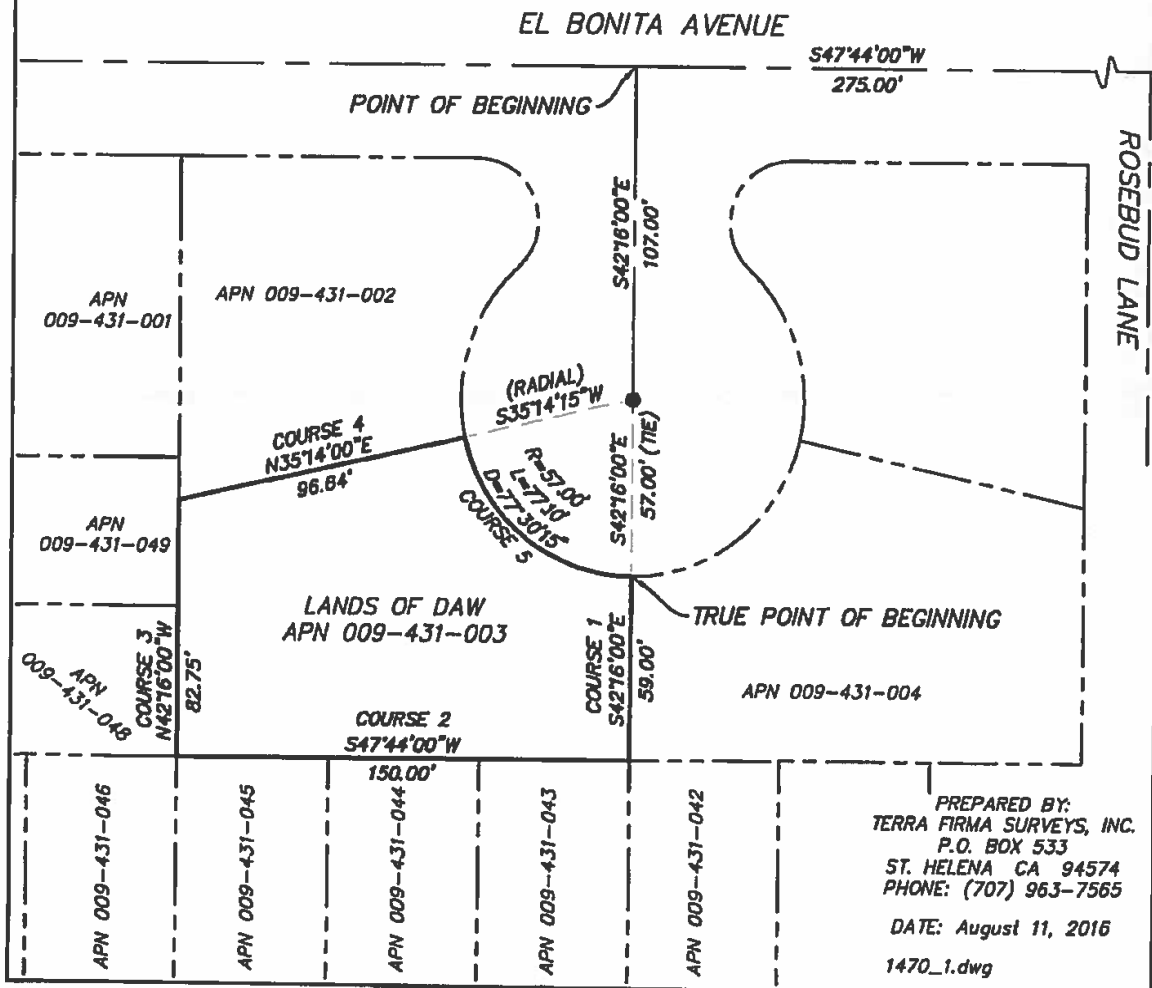
APN 009-431-003
 1357 EL BONITA AVE
 ST HELENA, CALIFORNIA
 RANCHO CARNE HUMANA
 NAPA COUNTY, CALIFORNIA



VICINITY MAP
 NO SCALE



SCALE 1"=50'





Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: Public Hearing

Subject: Appeal of the Planning Commission decision to approve five (5) new signs on the Davies Vineyards Winery property located at 1210 Grayson Avenue in the SC: Service Commercial district.

CEQA Status: Categorically Exempt pursuant to Section 15311 of the CEQA Guidelines

Prepared By: Aaron Hecock, Senior Planner

Reviewed By: Noah Housh, Planning and Community Improvement Director

Approved By: Jennifer Phillips, City Manager

DISCUSSION

On September 20, 2016, the Planning Commission approved new signage associated with the Davies Vineyards Winery at the corner of Main Street and Grayson Avenue (1210 Greyson Avenue/555 Main Street) by a vote of 3-1 (one Commissioner absent). The approved signage includes an identification sign on the primary frontage of the main building, three (3) monument signs, and one incidental directional sign.

Sign 1 (the identification sign) reads "Davies Vineyards" and would be located on the main building façade along Grayson Avenue. This sign would consist of 16" and 5" raised letters cut from steel and would be backlit with halo type illumination. Sign 2 is a monument sign near the site entrance that reads "Davies Vineyards" with an adjustable open/closed panel. This sign is 5' wide and approximately 3' tall and would consist of letters cut out of a steel plate mounted on a solid wood slab with natural edges set on a stone base. This sign would be backlit illuminated with LEDs behind the steel plate. Sign 3 is a small monument sign identifying the service entrance located on the east side of the building along Grayson Avenue. This sign would be just under 4' tall and approximately 1' wide and would consist of a wood slab with carved lettering mounted on a steel plate set in concrete. Sign 4 is a 2-sf single-sided painted wood sign identifying the service entrance accessed from Main Street. Sign 5 is an identification/directional monument sign in front of the building façade facing Main Street. Similar to Sign 2, this sign is 5' wide and approximately 3' tall and would consist of letters cut out of a steel plate mounted on a solid wood slab with natural edges set on a stone base.

APPLICANT APPEAL

On October 4, 2016, Susan Kenward representing Citizens Voice filed an appeal of the Planning Commission approval of the sign permit. The appellant has stated their appeal of the Planning Commission's decision to approve the sign permit is based on:

1. The approval of the sign permit failed to comply with CEQA;
2. The approval of the sign permit is inconsistent with the General Plan and Zoning Code;
3. The approval of the sign permit fails to comply with conditions of approval regarding parking requirements;
4. The approval of the sign permit fails to consider perceived safety impacts (see attached applicant statement) associated with the approved winery use on the property.

Staff Response: As discussed in the attached staff report that was presented to the Planning Commission, on-premise business signs are specifically exempted from the requirements of CEQA pursuant to Section 15311 of the CEQA Guidelines (14 Cal. Code Regs. Section 15311). The staff report also analyzed the proposed signs consistency with the General Plan and Zoning Code determining that the signs are consistent with the requirements of each to which the Planning Commission agreed in their approval of the sign permit application. Based on the staff analysis, the approval of new on-premise signs in no way prevents the applicant from complying with conditions of approval for past entitlements and no specific information identifying a lack of compliance was provided with the appeal. No safety issues were identified as an element of the review of the approved sign permit and the sign code specifically incorporates regulations to maintain the safety of pedestrians and vehicles (Zoning Code Sections 17.148.020, 17.148.030 and 17.148.110).

The appeal appears to conflate perceived impacts resulting from the establishment of a winery on the subject parcel (which were previously analyzed with the Davies Vineyards Winery project and were not re-analyzed as part of sign permit review) with the construction of on-site premises signs for the approved use. These are separate discretionary actions and as such, are subject to individual review and action.

FISCAL IMPACT

There will be no fiscal impact to the General Fund related to Council action on this item.

RECOMMENDED ACTION

The Planning Commission recommends the City Council consider the appeal, staff report, and all testimony, written and spoken and:

Item No: 10.4

1. Deny the applicant's appeal of the Planning Commission's decision to approve new signage at the Davies Vineyards winery.

ATTACHMENTS

1. Resolution Denying Appeal
2. Appellant Statement
3. Appeal Application
4. Property Owners Response
5. September 20, 2016 Planning Commission Report and Project Plans

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**DENIAL OF AN APPEAL OF A PLANNING COMMISSION DECISION TO
APPROVE FIVE (5) NEW SIGNS ON THE DAVIES VINEYARD WINERY
PROPERTY AT 1210 GRAYSON AVENUE IN THE SC: SERVICE
COMMERCIAL DISTRICT (PL16-063)**

PROPERTY OWNER: Hugh Davies

APN: 009-180-017

RECITALS

1. The applicant submitted for a sign permit in order to place five (5) new signs on the Davies Vineyards Winery property located at 1210 Grayson Avenue in the SC: Service Commercial district.
2. New signage proposed includes an identification sign on the primary frontage of the main building, three (3) monument signs, and one incidental directional sign.
3. At the conclusion of the public hearing on September 20, 2016, having considered the record of the proceedings before it, the written evidence submitted prior to the close of the public hearing, and the testimony and other evidence submitted at the aforementioned public hearing and having deliberated the matter, the Planning Commission approved the sign permit application.
4. The Applicant filed a timely appeal of the decision of the Planning Commission to the City Council.
5. The City Council considered the Applicant's Appeal at a duly noticed public hearing on November 29, 2016. The City Council, after reviewing materials provided from the Planning Commission Public Hearing, as well as considering the record of the proceedings before the City Council, the written evidence submitted for the Council Public Hearing, and the testimony and other evidence submitted at the Council Public Hearing, voted to uphold the decision of the Planning Commission thereby denying the appeal and approving the sign permit application.

RESOLUTION

The City Council of the City of St. Helena, State of California, hereby denies the appeal of the Planning Commission's decision to approve five (5) new signs on the Davies Vineyards Winery property located at 1210 Grayson Avenue on the following basis:

- A. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.
- B. Compliance with CEQA. The City Council further finds that the project is exempt from CEQA pursuant to Section 15311, Class 11 (a) [14 Cal. Code Regs. Section 15311(a)], which exempts installation of on-premise signs.

- C. Findings. The City Council hereby finds that the proposed signs are in compliance with the requirements of Municipal Code Section 17.148 relating to the placement of signs in the Service Commercial district.

The Sign Permit for the above described is granted subject to compliance with the following conditions. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

1. The permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit.
2. Pursuant to St. Helena Municipal Code Section 17.08.120, the permit shall be vested within one (1) year from the date of approval, and shall remain valid as long as the use authorized by the permit is lawfully established prior to the expiration of the permit, or the holder of the permit or other discretionary approval has timely established to the satisfaction of the planning director a good faith, diligent effort to lawfully establish the use pursuant to the procedures set forth in Section 17.08.120. In addition, the permit may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code Section 17.08.130, Extension of Permits and Approvals. Any request for an extension of the Sign Permit and Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
3. This permit is valid for this use only. New permits must be applied for upon any change in use. These permits will expire if the use is discontinued pursuant to existing ordinances and regulations.
4. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
5. This Sign Permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
6. The signs authorized by this Sign Permit shall conform to the details and dimensions shown on the Exhibits which were reviewed and approved by the Planning Commission at their September 20, 2016 meeting.
7. No internal illumination of signs is permitted.
8. An Encroachment Permit shall be obtained by the applicant prior to installation of the sign if work involves locating of any person or structure on public property, such as a sidewalk, driveway, or street, if necessary.
9. Provided they are in general compliance with the Sign Ordinance, minor modifications may be approved by the Planning Director.

D. Denial of Appeal. Based on the foregoing, the City Council does hereby deny the appeal of the Planning Commission's decision to approve five (5) new signs on the Davies Vineyards Winery property located at 1210 Grayson Avenue.

Approved at a Special Meeting of the St. Helena City Council on November 29, 2016, by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED: _____

ATTEST: _____

Alan Galbraith, Mayor

Cindy Black, City Clerk

Attachment No. 2,

Mayor Alan Galbraith and Members of the St. Helena City Council
City of St. Helena
1480 Main Street
St. Helena, California 94574

Re: Davies Vineyard Winery and Event Center

Dear Mayor Galbraith and Members of the City Council:

Please take notice that Citizens' Voice St. Helena wishes to appeal the Planning Commission's decision of September 20, 2016 approving the signage for Davies Vineyard Winery and Event Center at 555 Main Street/ now 1210 Grayson Avenue; item 7. PL16-063.

We appeal this decision for failure to comply with CEQA, inconsistency with the general plan and zoning, failure to comply with the conditions of approval regarding parking requirements, and failure to consider safety impacts.

This appeal is based on our objection to signage that directs traffic to a business that would be inherently unsafe by allowing over 60,000 wine drinking visitors a year directly into a school zone. This is the only winery in all of California that enters and exits in a school and community recreational zone.

The Department of Motor Vehicles handbook (link below) says:

" REMEMBER: Even one drink is likely to affect your ability to drive safely!"
and

"Alcohol and/or drugs impair your judgment. Impaired judgment or good sense affects how you react to sounds and what you see. It is also dangerous to walk in traffic or ride a bicycle while under the influence of alcohol or drugs."

The approved signage is inadequate in alerting drivers of heavy winery trucks, tour buses, employees, staff, pedestrians/cyclists who may have been drinking that they are entering and driving or proceeding through a school zone.

No proper safety analysis was done on this project; the only nod to safety was the say-so of a former police chief who said it would be safe. That is beyond inadequate for the safety of our young people in town. We believe the city is more concerned with commerce than the safety of its children.

The Davies Family Winery is planning 8 wine tasting/drinking rooms in a 3 story building in an already congested area just across the street from a public high school, a primary school, a community pool, sports fields and public park where many students and families congregate, play, walk, skateboard and bicycle. The

Analysis MUST be done on how signage will affect flow, traffic and parking through the sensitive school zone area for the protection of our young people in town whose safety has been disregarded throughout this entire process.

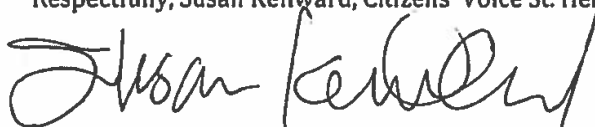
Parking and signage are not an insignificant "aside" to this discussion but rather a major factor of the traffic dynamics of this situation, particularly when large-scale alcohol consumption is a factor, particularly when the safety of our school children is a factor.

Therefore, no further progress should be made on the Davies Winery project until the city or some other entity provides a real and true safety and traffic study for ALL ASPECTS of this project as it truly relates to our community and the school zone.

The issue really is black and white. One either determines this project makes the school zone more safe or less safe and how the signage contributes to that.

If one determines it makes the school zone less safe, which one must based on common sense and the bald fact that thousands of alcohol consuming drivers are entering a school zone, then one must come to the conclusion that this project cannot continue as such, in any aspect including signage, certainly must be properly analyzed regarding safety impacts on the schools and community.

Respectfully, Susan Kenward, Citizens' Voice St. Helena

 Oct-4. 2016

entrance and exit of the Davies wine hospitality facility is directly through the school zone.

The first traffic study from Omni-Means, LTD determined it would be unsafe for the traffic to enter and exit on Main St/Hwy 29 and thus required in the second traffic study, that the bulk of the entering and exiting of traffic be moved to Grayson in the sensitive school zone area.

If it's not safe on Main St., how then is it safe in a school zone?

This is an egregious oversight. The proposed signage only further facilitates a dangerous and ill-conceived project that should not have been approved as such in the first place.

As we have pointed out many times, for over 200 years in the United States we have endeavored to make school zones MORE safe, this project, by introducing a large scale alcohol consumption element makes this school zone EXPONENTIALLY LESS SAFE.

The site shown to the city for approval of the project DOES NOT show either the high school OR the primary school on the map. This is beyond negligent. Why are they not on the map?

When trucks and cars exit onto Grayson, they can they turn either right or left out of the winery. Right takes them deeper into the school zone or left with a very short area to the new stoplight. At the very least, no traffic exiting the winery should be allowed to turn right into the school zone and there should be signage directing this. There is no signage directing traffic either way or any study to show that all this new traffic exiting onto Grayson and proceeding down in front of the public schools, sports fields and pool will be safe, particularly when leaving a large-scale wine/alcohol drinking facility.

What happened to the lighted crosswalk agreed upon in the permit? We believe this comes under signage as well. Where is the safety or traffic study on this?

PARKING/SIGNS

The signage package also neglects the parking aspect.

The approval of the signage also did not include a "parking management plan for events that would exceed the parking supply of 24 spaces..", which is required in the traffic study done by Omni-Means. Nor does it address the fact that there should be no parking within 30-50 feet of the front of the building as suggested in the traffic study because of visibility.

When the parking was changed "on the fly" to a business lot across Hwy 29, AGAIN no analysis was done.

Attachment 3
RECEIVED
PLANNING DEPARTMENT
OCT 04 2016

City of St. Helena

APPEAL

Planning Department
1480 Main Street
St. Helena, CA 94574

Office Use Only - Do Not Write in this Area

File Number PL16-075
General Plan _____ Zoning _____

Background Files PL16-063
Related Applications _____

Initial Deposit Received _____ Received By Xinia Gamero

Please Type or Print

Project Name DAVIES WINERY Project Applicant Hugh Davies
Site Address 555 MAIN ST. 1210 Grayson APN _____
ST. HELENA CA 94574

Person Submitting Appeal KENWARD, SUSAN CITIZENS' VOICE
(Last Name, First Name) ST. HELENA
Mailing Address P.O. BOX 854
City ST. HELENA State CA ZIP Code 94574
Phone Number 707 246 6389

If you would like project correspondence and notice of meetings to be sent to parties other than the appellant, please list their names, address and telephone numbers on a separate sheet.

Action being appealed (include the name of the decision-making board and date the action was taken):

ST. HELENA PLANNING COMMISSION DECISION OF
SEPT. 20 2016 APPROVING SIGNAGE FOR DAVIES
Action requested by appellant: WINERY
REVERSE DECISION AND REQUIRE FULL SAFETY
ANALYSIS OF LARGE SCALE ALCOHOL SERVING VENUE ENTERING
Reason for appeal: SEE ATTACHED 1 EXISTING THROUGH A
SCHOOL ZONE

You may attach additional paper if you need more room to describe the facts and grounds on which your appeal is being filed. Indicate what error in any order, requirement, permit, decision, determination, approval, or denial you believe should be corrected. Following receipt of your appeal, the Planning Department will place the appeal on the next agenda for which a notification can be published in the St. Helena Star. Such notice must be published at least ten (10) days in advance of the hearing date.

Processing fee: \$1,000 Minor ✓
Processing Fee: \$2,600 Major

Public Hearing Notice: \$ 400 ✓

Request Preparation of Mailing Labels: \$ 200 *(Additional Fee) ✓

Applications with a negative balance at the time of the public hearing will be continued until the balance is paid in full.

I, Susan Kenward, Citizens' Voice St. Helena, hereby file this application for an appeal and agree to pay any and all processing fees imposed by the St. Helena Municipal Code and City Council Resolutions (as they may be amended from time to time).

Failure to pay all accumulated fees by the time of public hearing will result in a continuance or denial of the project.

A finance charge of 12% per annum shall accrue on any balance unpaid after 30 days.

In the event the City is required to take legal action to enforce any of the terms and conditions of this application, Applicant and Property Owner agree to pay to City reasonable attorney fees and costs incurred in such action.

I, the applicant, will defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense. We have also reviewed the requirement to disclose the complete list of partners and/or shareholders.

Date: 10.4.16 Applicant's Signature: Susan Kenward



November 4, 2016

Mr. Noah Housh
Director of Planning
City of St. Helena
1480 Main Street
St. Helena, CA 94574

RE: APPEAL OF WINERY SIGNAGE FOR DAVIES VINEYARD WINERY

Dear Noah:

This letter is in response to the appeal filed by Susan Kenward of the Planning Commission's approval of winery signage on September 20, 2016. Davies Vineyards Winery objects to Ms. Kenward's improper attempt, under the guise of the sign permit appeal, to re-litigate issues the City Council already decided in approving the Davies Vineyards Winery use permit, as follows: (1) failure to comply with CEQA; (2) inconsistency with the General Plan and zoning; (3) failure to comply with the conditions of approval related to parking; and (4) failure to consider safety impacts. We respectfully disagree with these assertions, as follows.

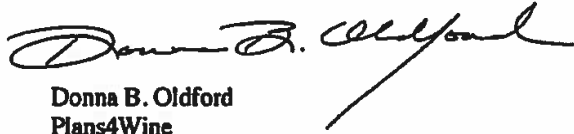
- (1) The Planning Commission found the Mitigated Negative Declaration prepared for the project to be adequate and due process was followed. When the winery use permit was appealed, the City Council also found the CEQA document to be adequate and approved the use permit. The City's final action affirming the approval of the Planning Commission was upheld by the Napa Superior Court, and is pending an appeal by Ms. Kenward's group, Citizen's Voice. The City's final decision may not be re-litigated in this sign permit appeal.
- (2) Likewise, the City Planning Commission and City Council (on appeal) found the proposed project to be consistent with General Plan goals and City zoning. Subsequent to the City's final action on the project, the Napa Superior Court found in favor of the City and the applicant on all points. The City's Zoning and General Plan determinations similarly may not be re-litigated.
- (3) Parking conditions were included as mitigation measures for the projects and the requirement for a signed agreement for off-site parking was met and submitted to the City. This was approved by both the Planning Commission and City Council, and the City's determinations regarding parking were upheld as proper by the Napa Superior Court. Again, there can be no re-litigation of the City's final decision.

- (4) Safety was evaluated for the project as part of the City's inter-departmental 30-day review process and the City and the (then) Police Chief fully addressed the safety issue at the City Council hearing. The Napa Superior Court rejected any assertion that the City did not adequately consider public safety impacts as part of its CEQA analysis. The adequacy of the City's public safety determinations are part of the pending appeal, and may not be re-litigated in the sign permit appeal.

The City has the obligation to continue to process applications for building permits and permits such as signage as is the applicant's right, in the absence of an injunction to stop construction or the approval of any non-discretionary permits associated with the project. Appellant's pending appeal is pending in the Court of Appeals (yet to be heard), provides no basis for the City not fulfilling its obligation to process permits related to the approved project.

The appellant's attempt to re-litigate the merits of the winery use permit modification through appealing every action taken on this project subsequent to the City Council's action to deny the appeal is improper, and the City Council is bound to consider the Project as having been approved and to proceed accordingly.

Respectfully,



Donna B. Oldford
Plans4Wine

cc: Hugh Davies, Davies Vineyards Winery
Brien McMahon, Perkins Coie Law Firm

Attachment No. 5

**CITY OF ST. HELENA
PLANNING DEPARTMENT 1480 MAIN STREET-ST. HELENA, CA 94574
PLANNING COMMISSION
SEPTEMBER 20, 2016**

AGENDA ITEM: 7

FILE NUMBER: PL16-063

SUBJECT: Request by Hugh Davies for sign permit approval in order to place five (5) new signs on the Davies Vineyards Winery property located at 1210 Grayson Avenue in the SC: Service Commercial district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning Director

APPLICATION FILED: 08/11/2016

ACCEPTED AS COMPLETE: 08/26/2016

LOCATION OF PROPERTY: 1210 Grayson Avenue

APN: 009-180-017

GENERAL PLAN/ZONING: SC: Service Commercial

APPLICANT: Hugh Davies

PHONE: (707) 942-6668

PROJECT DESCRIPTION

The applicant is requesting sign permit approval for new signage associated with the Davies Vineyards winery. New signage proposed includes an identification sign on the primary frontage of the main building, three (3) monument signs, and one incidental directional sign. Sign 1 (the identification sign) would read "Davies Vineyards" and would be located on the main building façade along Grayson Avenue. The sign would consist of 16" and 5" raised letters cut from steel and would be backlit with halo type illumination. Sign 2 is a monument sign near the site entrance that reads "Davies Vineyards" with an adjustable open/closed panel. This sign is 5' wide and approximately 3' tall and would consist of letters cut out of a steel plate mounted on a solid wood slab with natural edges set on a stone base. This sign would be back lit illuminated with LEDs behind the steel plate. Sign 3 is a small monument sign identifying the service entrance located on the east side of the building along Grayson Avenue. This sign would be just under 4' tall and approximately 1' wide and would consist of a wood slab with carved lettering mounted on a steel plate set in concrete. Sign 4 is a 2-sf single-sided painted wood sign identifying the service entrance accessed from Main Street. Sign 5 is an identification/directional monument sign in front of the building façade

1210 Grayson Avenue
Sign Permit
September 20, 2016
Page 1 of 3

facing Main Street. This sign is a single sided painted wood sign with black and red lettering that stands 5' wide and 3 ½' tall.

ANALYSIS

CEQA

This project is exempt from the requirements of CEQA pursuant to Section 15311 of the CEQA Guidelines, which exempts on-premise business signs.

GENERAL PLAN / ZONING

The project site is located in the SC: Service Commercial district. The Service Commercial (SC) district provides for service and retail uses, restaurants, service stations, motels, public and quasi-public uses and similar and compatible uses. In the SC district, signs are regulated by Municipal Code Section 17.148.040(C)(2).

SIGN REGULATIONS

The planning commission shall consider the compatibility of the sign to the site, the appropriateness of the materials and colors in relation to the project, the compatibility of the sign to the small town character of St. Helena, and the impact the sign may have on surrounding properties. The commission shall not approve signs which obscure or detract from the architecture of a historic building or structure.

According to Municipal Code Section 17.148.040(C)(2)(b), two identification signs with a maximum cumulative sign area of not more than sixty (60) square feet, including both sides of a two-sided sign, are permitted on the primary frontage of a business in the SC district. Only one identification sign (Sign 1) is being proposed on the primary frontage of the building and it is less than 60-sf. Each business is permitted two non-illuminated incidental signs not more than two square feet in size, therefore Sign 4 is also permitted. Signs 2, 3, and 5 are considered monument signs. Municipal Code Section 17.148.070 regulates Monument Signs within City. Monument Signs are defined as "a sign supported by structures or supports that are placed on or anchored in the ground that are independent from any building or other structure." Section 17.148.070 requires the following:

- A. All monument signs shall be located on the property served by the sign; off-premises signs are not permitted.
- B. The maximum height of a monument sign shall be eight feet, as measured from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be considered to be the grade after construction exclusive of any filling, berming, mounding, or excavating for landscaping or for the purpose of locating the sign.
- C. Monument signs shall be located no closer to the right-of-way than one-half the distance of a required front or side setback. Use permit approval shall be required for any request to locate a monument sign closer to the right-of-way than is permitted above.

The setback from Grayson is twenty-five (25) feet. Along Main Street, fifteen percent (15%) of lot depth must be the average front building setback in the Service Commercial district, but in no case shall the setback be less than thirty-five (35) feet. Therefore, the monument signs must be setback at least 12 ½' from Grayson (one-half the distance of 25') and 48' from Main Street (15% of the 321' lot depth is 48'). Each of the monument signs facing Grayson (Sign 2 and 3) are located over 12' from the right-of-way and the monument sign (Sign 5) facing Main Street is approximately 54' from the right-of-way. Therefore, each of these monument signs meets the required code standards described above.

While not required in this case, it should be noted that the Planning Commission may approve signs that exceed the height, size and number of signs specified in this district for properties located along Main Street where sign visibility is impaired due to consideration of the following circumstances:

- (A) The building is set back from the street for a distance of fifty (50) feet or more;
- (B) The visibility of the building is obscured;
- (C) The speed limit on Main Street is greater than thirty-five (35) miles per hour; and
- (D) A sign meeting the standards of this title would create a safety hazard by obscuring the vision of autos exiting the property.

CORRESPONDENCE

As of the completion of this report, no comments on the proposed signs have been received by staff.

STAFF RECOMMENDATION

Each of the proposed signs meets code required development standards. Furthermore, the addition of the proposed signs will not create any new visibility issues. Staff feels the signs are well designed and well placed and is in support of the application and recommends that the Planning Commission:

1. Determine that the signs are exempt from the requirements of CEQA pursuant to Section 15311, Class 11(a) of the CEQA Guidelines which exempts on-premise business signs; and
2. Approve the request for a Sign Permit in order to place five (5) new signs on the property located at 1210 Grayson Avenue.

ATTACHMENTS

1. Resolution / Conditions of Approval
2. APN Map
3. Sign Exhibits

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION PC2016-037

**SIGN PERMIT AND USE PERMIT NO. PL16-063
GRANTED TO 1210 GRAYSON AVENUE**

PROPERTY OWNER: Hugh Davies

APN: 009-180-017

RECITALS

1. The applicant submitted for a sign permit in order to place five (5) new signs on the Davies Vineyards Winery property located at 1210 Grayson Avenue in the SC: Service Commercial district.
2. New signage proposed includes an identification sign on the primary frontage of the main building, three (3) monument signs, and one incidental directional sign.
3. A staff report dated September 20, 2016 and incorporated herein by reference analyzed the projects consistency with the Sign Regulations enumerated in Section 17.148 of the Municipal Code.

RESOLUTION

The Planning Commission of the City of St. Helena, State of California, approves the Sign Permit and Use Permit on the following basis:

- A. The Planning Commission hereby finds that this project is exempt from the California Environmental Quality Act pursuant to Section 15311, Class 11 (a), which exempts installation of on premise signs.
- B. The Planning Commission hereby finds that the proposed signs are in compliance with the requirements of Municipal Code Section 17.148 relating to the placement of signs in the Service Commercial district.
- C. The Sign Permit for the above described is granted subject to compliance with the following conditions. The permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
 1. The Permits shall be vested within one (1) year from the date of approval. The Permits may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals. Any request for an extension of the Sign Permit and Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
 2. This permits are valid for this use only. New permits must be applied for upon any change in use. These permits will expire if the use is discontinued pursuant to existing ordinances and regulations.

*1210 Grayson Avenue
Sign Permit - Conditions
September 20, 2016*

3. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
4. This Sign Permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
5. The signs authorized by this Sign Permit shall conform to the details and dimensions shown on the Exhibits which were reviewed and approved by the Planning Commission at their September 20, 2016 meeting.
6. No internal illumination of signs is permitted.
7. An Encroachment Permit shall be obtained by the applicant prior to installation of the sign if work involves locating of any person or structure on public property, such as a sidewalk, driveway, or street, if necessary.
8. Provided they are in general compliance with the Sign Ordinance, minor modifications may be approved by the Planning Director.

I HEREBY CERTIFY that the foregoing sign permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on September 20, 2016 by the following roll call vote:

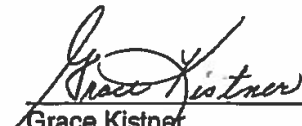
AYES: Commissioners Sweeney, Koberstein and Kistner

NOES: Commissioner Monnette

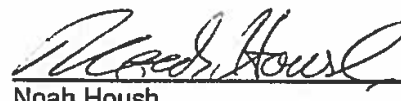
ABSENT: Commissioner Parker

RECUSED: None

APPROVED:

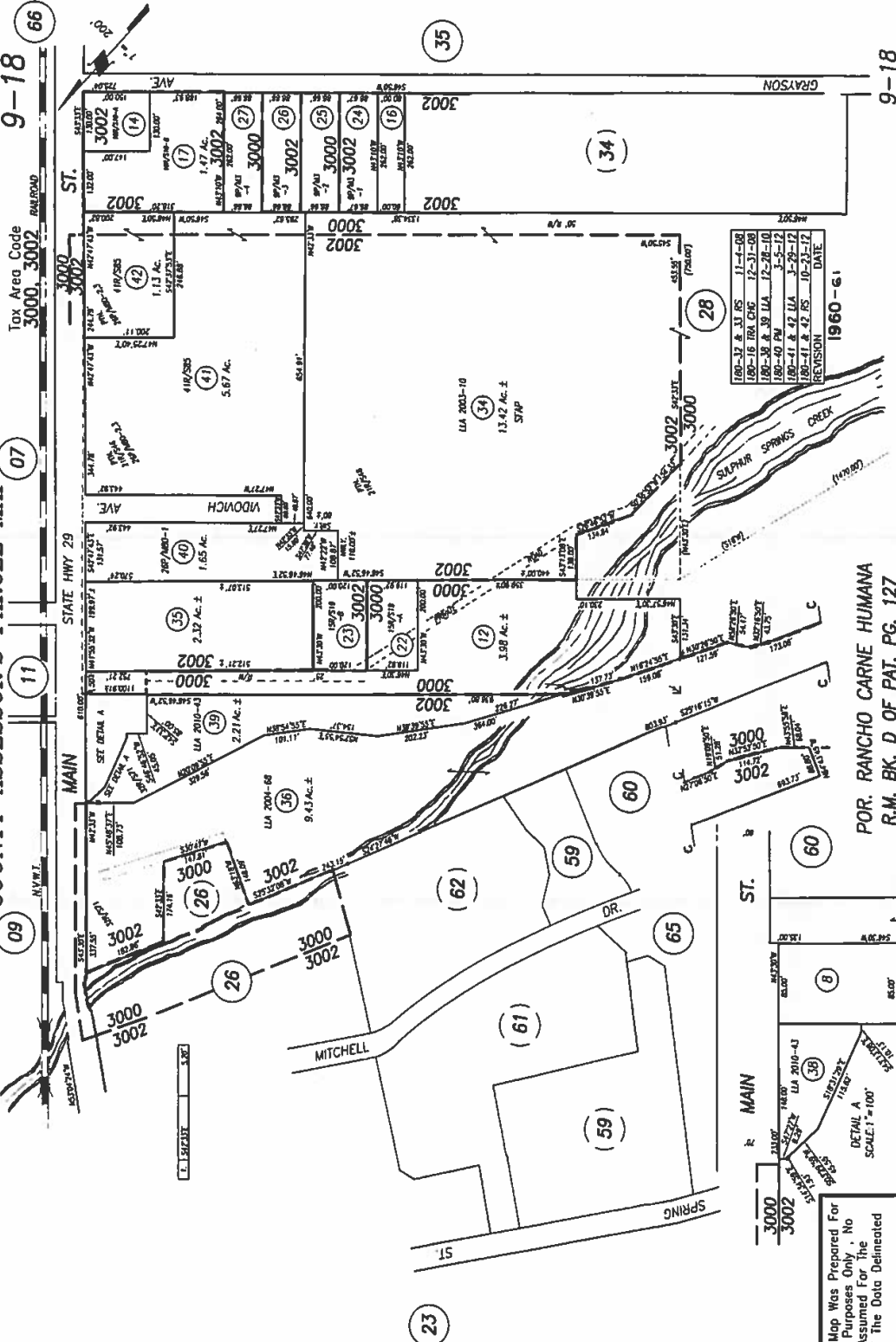

Grace Kistner
Chair, Planning Commission

ATTEST:


Noah Housh
Planning Director

1210 Grayson Avenue
Sign Permit - Conditions
September 20, 2016

COUNTY ASSESSOR'S PARCEL MAP



POR. RANCHO CARNE HUMANA
R.M. BK. D OF PAT. PG. 127

DAVIES VINEYARDS WINERY

1210 GRAYSON AVENUE, ST. HELENA, CALIFORNIA

EXTERIOR SIGNAGE



SHEET INDEX

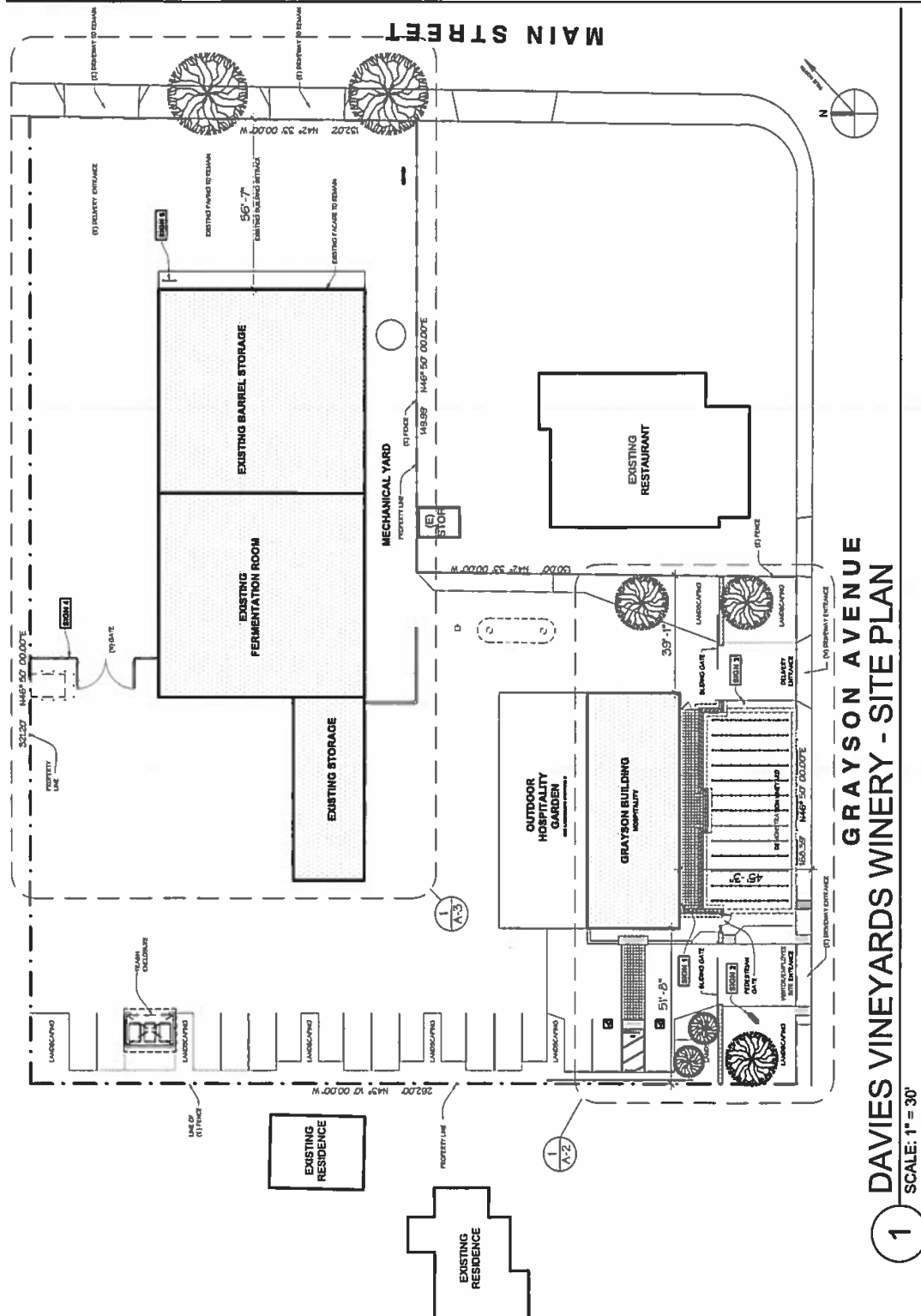
- A-0 TITLE SHEET / VICINITY MAP
- A-1 SITE PLAN
- A-2 GRAYSON AVENUE SIGN LOCATIONS
- A-3 MAIN STREET SIGN LOCATIONS
- A-4 STREET SIDE BUILDING ELEVATIONS
- A-5 GRAYSON AVENUE SIGNAGE
- A-6 MAIN STREET SIGNAGE
- A-7 SITE PHOTOS

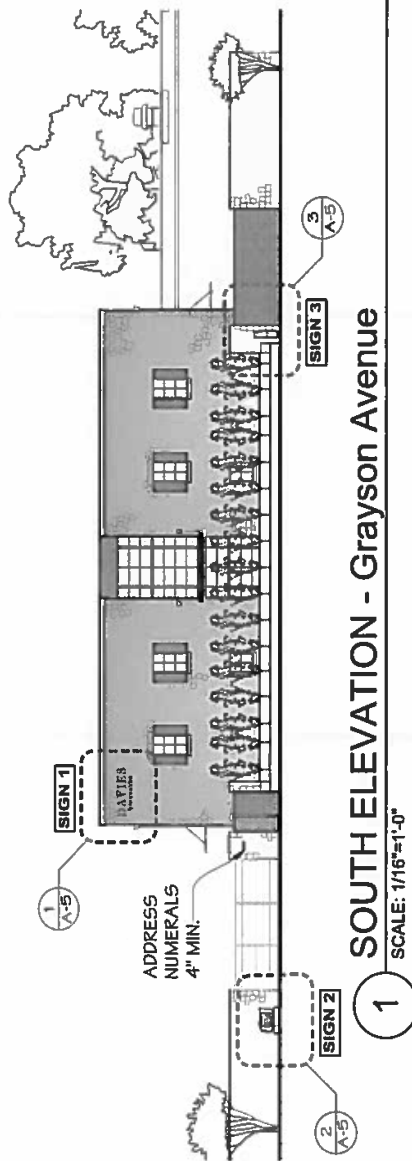


DAVIES
VINEYARDS
WINERY
EXTERIOR
SIGNAGE

1210 GRAYSON AVENUE
ST. HELENA, CA
APN: 009-180-017

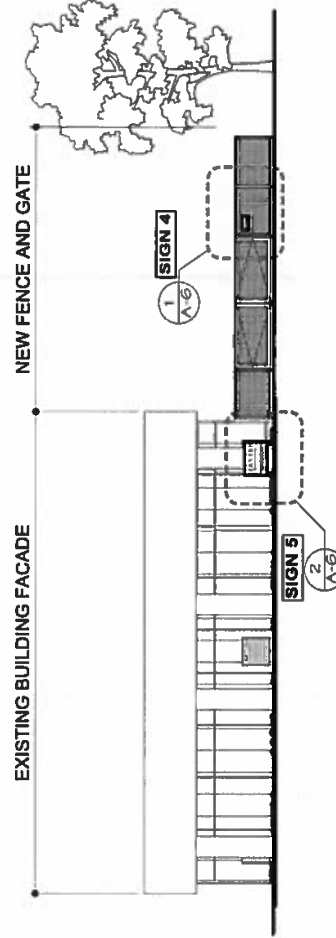
TITLE SHEET
A-0
JULY 28, 2016
REV. 8 / 24 / 16





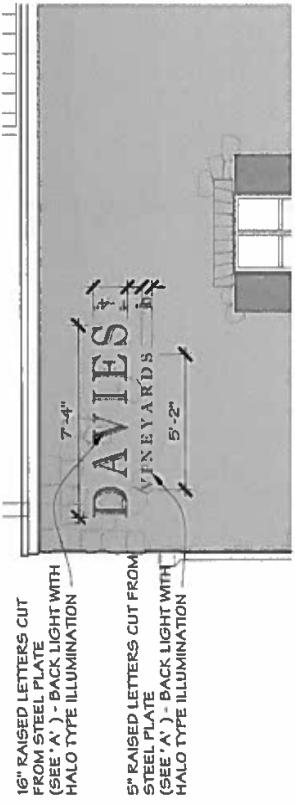
1 SOUTH ELEVATION - Grayson Avenue

SCALE: 1/16"=1'-0"

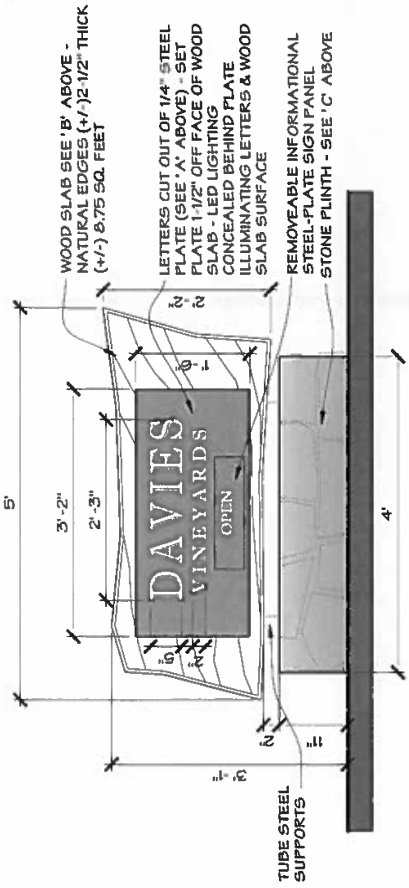


2 EAST ELEVATION - Main Street

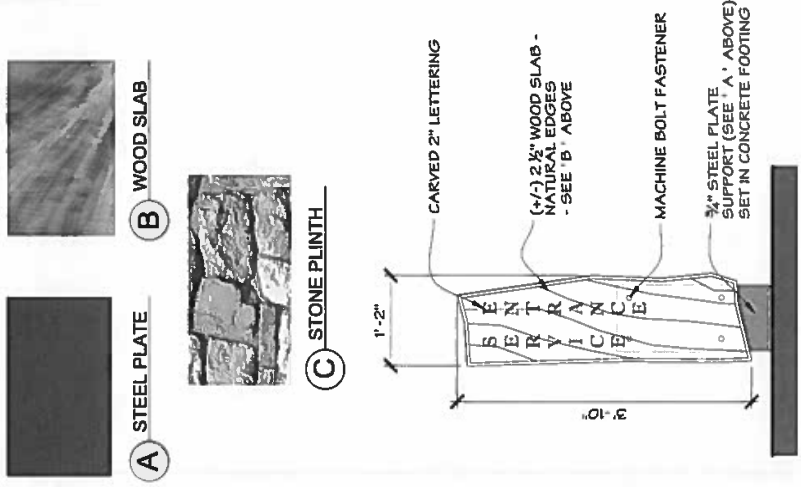
SCALE: 1/16"=1'-0"



1 SIGN 1 - ENLARGED BUILDING CORNER
SCALE: 1/4"=1'-0"
OVERALL SIGN AREA: (+/-) 12 S.F.

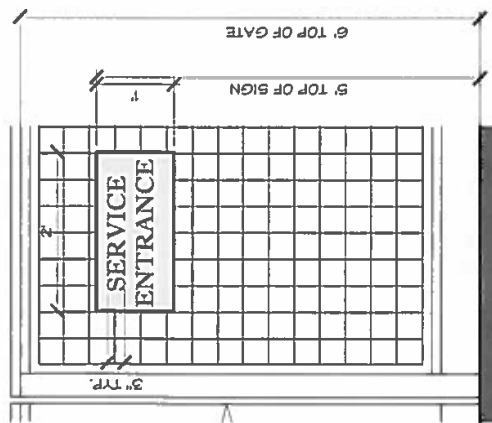


2 SIGN 2 - ENLARGED ELEVATION
SCALE: 3/4"=1'-0"
OVERALL SIGN AREA: (+/-) 4.75 S.F.



3 SIGN 3
OVERALL SIGN AREA: (+/-) 4.5 S.F.
ENLARGED ELEVATION
SCALE: 3/4"=1'-0"
GRAYSON AVENUE SERVICE ENTRY SIGN

SINGLE-SIDED PAINTED WOOD SIGN.
OFF-WHITE BACKGROUND TO MATCH
COLOR OF DAVIES LABEL, BLACK
LETTERING.



1 SIGN 4 - GATE SIGN
SCALE: 3/4"=1'-0" OVERALL SIGN AREA:
(+/-) 2.0 S.F.

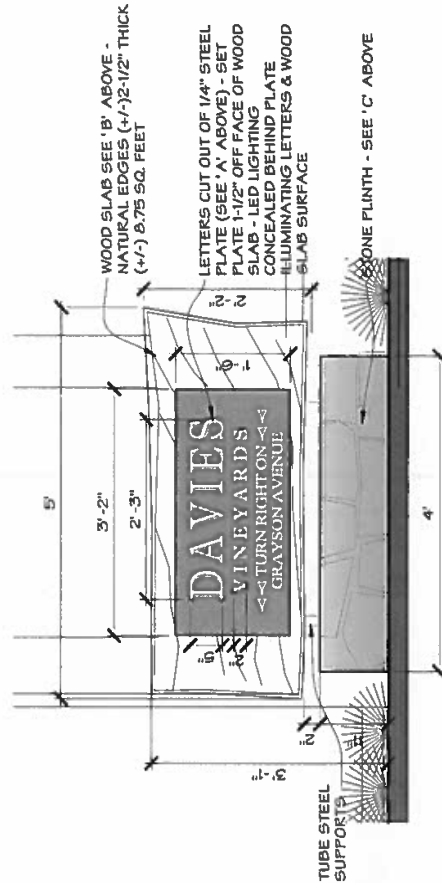


A STEEL PLATE



B WOOD SLAB

C STONE PLINTH



2 SIGN 5 - DIRECTIONAL SIGN
SCALE: 3/4"=1'-0" OVERALL SIGN AREA:
(+/-) 4.75 S.F.



DAVIES
VINEYARDS
WINERY
EXTERIOR
SIGNAGE

1210 GRAYSON AVENUE
ST. HELENA, CA
APN: 008-180-017

MAIN STREET
SIGNAGE

A-6

JULY 28, 2016
REV. 8 / 24 / 16



SITE OF FUTURE DAVIES VINEYARDS TASTING ROOM ON GRAYSON AVENUE



EXISTING DAVIES VINEYARDS BARREL ROOM ON MAIN STREET



CORNER OF MAIN STREET & GRAYSON AVENUE

SITE PHOTOS

1



Item No: 11.1

Report to the City Council
Council Meeting of November 29, 2016

Agenda Section: New Business

Subject: Consideration and proposed approval of a resolution approving Davies Winery Noise Attenuation Plan

CEQA Status: Previously Adopted Mitigated Negative Declaration

Prepared By: Noah Housh, Planning and Community Improvement Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On November 25, 2014, the City Council adopted Resolution No. 2014-96, denying an appeal and upholding a Planning Commission approval of a Use Permit Amendment and Design Review for the Davies Vineyards Winery at 555 Main Street. As a condition of adopting that resolution, the Council required that the Davies Vineyards Winery submit and receive approval of a 'Noise Attenuation Plan', including to identify how the approved use will comply with the requirements and limitations of the St Helena Noise Ordinance (Chapter 8.24 of the Municipal Code).

DISCUSSION

Davies Vineyards Winery submitted a 'Noise Attenuation Plan' committing to limit the type of amplified music played during any event occurring on the rooftop patio as well as limiting the hours during which any amplified music would be played. This attenuation plan further commits Davies Vineyards Winery to providing contact information for an individual who will be responsible for responding to neighborhood complaints and/or concerns regarding noise resulting from any events utilizing the rooftop patio. This contact information will be posted onto the winery's website and available 24-hours per day, seven days per week.

This Noise Attenuation Plan is a Condition of Approval (COA) required by the City Council (see Public Works COA no. 17) in addition to the Noise Impact Mitigations required pursuant to the Mitigated Negative Declaration (all of which are required by general COA no. 20) and the existing City of St Helena Noise Ordinance. This plan was required to ensure that the project will fully comply with the "City's established noise requirements." In addition, the Plan is required to identify specific noise restrictions on the rooftop patio of the tasting building, including the type and duration of any amplified music. The COA also requires City staff to return to the Council with an evaluation of

Item No: 11.1

the effectiveness of the Noise Attenuation Plan within six-months of the occupancy of the winery. (See Public Works COA no. 17.)

The Noise Attenuation Plan identifies that the winery operator will conclude any activities on the rooftop terrace by 10:00 pm. Further, while amplified music (recorded or live) may be an occasional part of operations at the facility, "loud noise generating types of music" will not be. Finally, the Plan identifies that a winery staff member will be designated as a designated contact for any complaint of disturbance related to the music played during any of these events.

As mentioned, these elements of noise attenuation are in addition to the City's Noise Ordinance limitations and the mitigation measures required construction of a sound wall along portions of the property line. Staff will report back within six-months of the opening of the winery to present the Council with an evaluation of the effectiveness of the Noise Attenuation Plan in complying with City Noise requirements.

FISCAL IMPACT

Beyond the staff time required to schedule this item for review by the City Council, there are no fiscal impacts to the City as a result of approving the 'Noise Attenuation Plan'.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution approving the Noise Attenuation Plan presented by Davies Vineyards Winery.

ATTACHMENTS

1. Resolution to approve the Noise Attenuation Plan
2. Davies Vineyards Noise Attenuation Plan
3. Previously Adopted City Council Resolution No. 2014-96
4. Davies Winery Mitigated Negative Declaration Noise Section

CITY OF ST. HELENA

RESOLUTION No. 2016-

**APPROVING THE DAVIES VINEYARDS WINERY NOISE
ATTENUATION PLAN**

RECITALS

- A. The Council of the City of St. Helena required the approval of a Noise Attenuation Plan as a Condition of their approval of Resolution 2014-96; and
- B. Davies Family Winery submitted a Noise Attenuation Plan (Exhibit A) for review and approval by the City Council on October 5, 2016.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. The October 5, 2016, Davies Vineyards Winery Noise Attenuation Plan is found to meet the intent and requirements of the Council's Condition of Approval.
- 2. A contact name, phone number and email address is required to be made easily available on the Davies Winery website as a mechanism to allow members of the public to voice any complaint of disturbance related to noise.
- 3. The Noise Attenuation Plan (Exhibit A) is hereby approved by the City Council.

Approved at a Specialr Meeting of the St. Helena City Council on November 29, 2016,
by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Exhibit A

NOISE ATTENUATION PLAN

DAVIES VINEYARDS WINERY

Public Works Condition of Approval No. 17 adopted pursuant to City Council Resolution No. 2014-96, dated November 25, 2014, denying the appeal and thereby upholding the Planning Commission approval of the use permit modification and design review to expand and increase production capacity of the Davies Vineyards Winery, 555 Main Street, St. Helena, CA (the "Project") provides that prior to the issuance of a final occupancy permit for the initial phase of the winery expansion, encompassing the Grayson Hospitality Building ("Grayson Building"), applicant Davies Vineyards Winery ("Applicant") shall submit to the City and receive approval of a "Noise Attenuation Plan" ("Plan") that ensures to the satisfaction of the City Council that the Project will fully comply with all of the City's noise requirements.

Condition of Approval No. 17 further provides that Plan shall contain, without limitation, specific restrictions applicable to the rooftop patio of the Grayson Building, including among others, restrictions on the type of music/sound amplification used and the patio's hours of operation.

In compliance with Public Works Condition of Approval No. 17, Applicant submits the following Plan:

- (1) St. Helena Municipal Code Noise Requirement Compliance: Applicant agrees to operate within the requirements of Chapter 8.24 of the City's Municipal Code (Noise).
- (2) Rooftop Patio Hours of Operation: Public tours and tastings and marketing events are permitted, as set forth in the Winery Visitation Scenarios and Numbers contained on Exhibit 1 to Resolution 2014-96. Although Applicant anticipates that most tastings and events shall be held inside the Grayson Building, for any tasting or event held on the rooftop patio, all noise generating rooftop activities shall be completed by 10:00 P.M.
- (3) Music/Sound Amplification:
 - (a) Although rooftop patio music is not part of the Project, music on the rooftop patio is not prohibited under the St. Helena Municipal Code. If music is played at any activity occurring on the rooftop patio, it shall be played only during the hours set forth in Section 2 above.

Attachment 2

- (b) Music, if any, played on the rooftop patio shall consist of occasional live vocal or instrumental performances or recorded music played through stereo speakers.
- (c) Rock concerts or other similarly loud noise generating types of music, shall not be played.
- (4) Contact Person for Residential Neighbors: Applicant agrees to provide a name and cell phone number of winery personnel most likely to be on-site during the rooftop patio operations and/or at marketing events, so that this person may be contacted, should there be a public complaint of disturbance related to noise.

**CITY OF ST. HELENA
RESOLUTION NO. 2014-96**

**CITY OF ST. HELENA, STATE OF CALIFORNIA
RESOLUTION OF THE CITY COUNCIL DENYING THE APPEAL AND
THEREBY UPHOLDING THE PLANNING COMMISSION APPROVAL OF THE USE
PERMIT AMENDMENT AND DESIGN REVIEW TO EXPAND THE WINERY AND
INCREASE PRODUCTION CAPACITY OF THE WINERY TO 75,000 GALLONS PER
YEAR, AND ADDITIONALLY ALLOWING TOURS, TASTING AND RELATED
HOSPITALITY FUNCTIONS, FILE NO. 2013-66
GRANTED TO DAVIES FAMILY WINERY LOCATED 555 MAIN STREET**

PROPERTY OWNER: Davies Vineyards Winery

APN: 009-180-017

RECITALS

HUGH DAVIES, representing DAVIES VINEYARDS WINERY ("Applicant"), has applied for a USE PERMIT AMENDMENT to expand the existing production capacity/facilities, allow hospitality functions including tours, tastings and events at the existing facility located at 555 Main Street, and allow the main winery building to exceed 10,000 square feet in area consistent with the provisions of the site's zoning. Applicant has also applied for DESIGN REVIEW to remodel and expand the existing production facilities to include crush pad areas, an outdoor tasting area, and a hospitality building with a roof top terrace.

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and was duly distributed for public review as required by State law, along with a Mitigation Monitoring and Reporting Program, and

WHEREAS, The Planning Commission of the City of St. Helena, State of California, held noticed public hearings on July 15, 2014 and on September 16, 2014, and considered the documentation and reports prepared concerning the Project, along with extensive public testimony, and

WHEREAS, on September 16, 2014, after appropriately considering the documentation provided, along with the public comments received at the public hearing, the Planning Commission voted to 1) approve and find the Mitigated Negative Declaration adequate to address the environmental impacts of the project, voted to approve the amended Use Permit and Design Review application subject to conditions, along with the Mitigation Monitoring and Reporting Program, and

WHEREAS, On September 29, 2014 the City received an appeal of the September 16, 2014 Planning Commission decision to approve the Davies Use Permit and Design Review applications by Gary Wagner, and Bob and Stacy Bressler, submitted by Geoff Ellsworth ("Appeal"), and

WHEREAS, the Appeal of the Davies Use Permit and Design Review applications was heard at the October 28, 2014 City Council meeting, and public notice of that meeting was provided as required by law.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the City Council of the City of St. Helena, after considering the contents of the appeal and the documentation provided by staff and the public, and after hearing the testimony of the public, hereby acts, determines and finds as follows:

A. Denial of Appeal And Grant Of Use Permit And Design Review. The City Council hereby (i) denies the Appeal from the decision of Planning Commission, (ii) grants the Use Permit to expand the existing production capacity/facilities and to allow hospitality functions including tours, tastings and events at the existing facility, and allow the main winery building to exceed 10,000 square feet in area consistent with the provisions of the site's zoning, and (iii) grants the Design Review approval to remodel and expand the existing production facilities to include crush pad areas, an outdoor tasting area, a rooftop terrace, and a hospitality building.

B. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.

C. Compliance with CEQA/Mitigated Negative Declaration. The Appellant did not include in the Appeal any challenge or argument with respect to the Planning Commission's decision to approve the Mitigated Negative Declaration or the decision to adopt the Mitigation Monitoring and Reporting Program. Under the City's appeal ordinance (St. Helena Municipal Code section 17.08.180 C), Appellant was required to state all grounds for the Appeal in the written Appeal. Having failed to do so, the Council deems Appellant to have waived any such challenge or argument.

Without waiving that requirement and determination, the City Council reaffirms the Planning Commission's approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and in so doing agrees with the Planning Commission that the Mitigated Negative Declaration was and is adequate under the California Environmental Quality Act ("CEQA"). In so determining, the Council finds that while the initial study for the Project identifies potentially significant effects] including Aesthetics, Air Quality, Cultural Resources, Geology, Hydrology, Noise, Transportation, and Utilities/Service Systems but:

- Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

This finding is supported by the record before the Planning Commission and the City Council,

including without limitation the staff reports, the application materials, and materials and testimony submitted at the public hearings before the Planning Commission and City Council.

D. Use Permit Findings. In accordance with Zoning Code Section 17.168.050, the City Council makes the following findings to support the granting of the Applicant's request for a Use Permit to allow the proposed improvements on the subject parcels:

1. **That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.**

The project site is located in the City's SC district. Wineries and wine tasting room uses are conditionally permitted in this district. The site is currently permitted, pursuant to a 2012 Use Permit, for a winery. The proposed project, which expands that use, is compatible with adjacent uses and facilities in the SC district and nearby vicinity. The facility will not generate significant quantities of odor, fumes, light, glare or radiation over and above what could be anticipated for normal facilities and uses in this district and location.

2. **That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.**

As noted above, the proposed use on the site is compatible with adjacent land uses. This type of use, with some reasonable commercial noise, is expressly contemplated in the SC district with a use permit. The project is proposed and designed to manage and mitigate potential noise concerns, and mitigation measures and conditions of approval have been imposed to further mitigate noise, including limitations on the hours of construction, acoustical shielding is required to be constructed on site as necessary in the form of sound attenuating fences/walls, and limitations on the use of live music on the roof terrace of the Grayson wine tasting/hospitality building. The Council finds that the proposed use will generate noise levels consistent with other similar uses in the SC zone and will not adversely affect the health, safety, or welfare of neighboring properties or uses.

3. **That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.**

The anticipated traffic generation for the proposed project will be generally consistent with trip generation associated with a winery and tasting room of this size. The traffic associated with the project is also consistent with traffic generated by surrounding uses and will not generate excessive traffic-related noise. In addition, the amount of traffic generated by the expansion of the winery, which is calculated to be 33 peak hour trips over and above the current winery trip generation, is negligible when compared to the much higher traffic volumes on Hwy 29 and surrounding streets.

4. **That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.**

The applicant provided a water use analysis report, along with a wastewater report, which were attached to the Planning Commission and City Council staff reports. Staff and the Planning Commission determined that these reports were adequate and credible, and the City Council agrees. This analysis demonstrates that the project as proposed will not create any substantial additional potable water demand or excessive wastewater generation over and above that anticipated from the historic use of the site, and as compared to a typical land use allowed within the Service Commercial Zone. The analysis concluded that the additional water and sewer demands due to the proposed Winery expansion are well within the capacities of the municipal water and sewer systems. The St. Helena Public Works Department reviewed the proposed project and found that it would not result in excessive demands on any of the City's municipal service departments. Nor will the proposed project place excessive demands on the City's public safety departments. The project site is located in the City's SC district. Service calls to the City's Police Department are expected to be consistent with a commercial use of this size and location. The St. Helena Fire Department has also found that the project complies with current fire suppression requirements. Normal usage of communication and energy resources are also anticipated.

5. That the proposed use would provide adequate ingress and egress to and from the proposed location.

The applicant provided a traffic analysis which was attached to the Planning Commission and City Council staff reports. Staff and the Planning Commission determined that this report was adequate and credible, and the City Council agrees. Adequate ingress and egress to this area is provided for both patrons and emergency vehicles. The Police and Fire Departments both found that the proposed access provides adequate ingress and egress to the project site under both normal and emergency conditions. The planned Grayson/Hwy 29 traffic signal, which is funded, will mitigate current and projected traffic volumes at the key Grayson Avenue/Hwy 29 intersection adjacent to the project site. It is anticipated this traffic signal will be constructed by May 2015.

6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.

The General Plan Service Commercial (SC) district designation provides for service and retail uses, restaurants, service stations, motels, public and quasi-public uses and similar and compatible uses. The intent is for the SC district to remain primarily local resident-serving in character. Uses which are primarily tourist-serving are not permitted. The zoning designation is SC Service Commercial, which provides primarily for service and retail uses that are automobile oriented, and are not considered appropriate for the Central Business District. The SC zoning designation contains a list of uses permitted and conditionally permitted that are consistent with the description of the SC zone. Wineries are listed in the SC Zoning Designation as conditional uses requiring the approval of a conditional use permit by the Planning Commission.

At its September 16, 2014 meeting, the Planning Commission found that the proposed project would not conflict with this the purpose of the service commercial district. The City Council

agrees.

While the City Council agrees the SC district is meant primarily to serve the needs of residents, the Council expressly finds that wineries and wine tasting rooms are not primarily tourist-serving uses. The wine industry is a critical part of the economy and quality of life in St. Helena. Both local residents and tourists patronize the wineries and tasting facilities throughout the Napa Valley and derive substantial benefits from the continued existence of these uses. Thus, the Council finds that these uses serve and benefit both local residents and tourists and, therefore, are compatible with the articulated purpose of the SC district. This interpretation of the requirements of the SC district is further bolstered by the fact that Municipal Code Section 17.52.030 expressly makes the uses proposed here conditionally permitted use in the SC district. The Council rejects the argument that a proposed use such as that proposed here can be simultaneously prohibited and conditionally permissible.

The Council further refers to the findings set forth in Finding No. 7 below, and incorporates them here to the extent relevant to the issue of whether the Project and its proposed uses advance a "local-serving economy."

7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.

For the reasons discussed more fully under Findings Nos. 1 through 6, above, the City Council finds that the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the SC District or the City's General Plan. In addition, the Council expands upon those findings as set forth below.

The 1993 General Plan states that: "SC designation provides for service and retail uses, restaurants, service stations, motels, public and quasi-public uses, and similar and compatible uses. The designation is intended primarily for service and retail uses that are automobile-oriented or whose operational characteristics and space needs are not considered appropriate for the Central Business District. The intent is for the SC district to be primarily local resident serving in character. Strictly tourist-serving retail uses are prohibited within this designation. Maximum FAR in the SC district is 0.50. The SC designation includes areas fronting on Highway 29 south of Sulphur Springs Creek"

The Appellant has asserted that this language, read in isolation, prohibits the City Council from approving this or any winery/tasting facility. The City Council disagrees. The General Plan contains many different, sometimes competing policies that must be read together and harmonized. Other policies contained in the General Plan support the City Council's determination and findings here.

For example, Policy 2.6.29 states the policy to "Minimize the strip commercial appearance of the area south of the bridge by encouraging the redevelopment of underutilized parcels and poorly designed developments, and by maintaining open space corridors extending from the highway to the east and west as shown on the Land Use Map." The Project here, which proposes to utilize

and improve a long-vacant former automobile dealership, furthers this policy.

In addition, while Policy 2.6.42, relied upon by Appellant, lists examples of uses deemed inconsistent with the “local-serving” policy, that list of excluded uses does not include wineries or wine tasting facilities, and instead only includes only “all fast food restaurants, outlet and discount type stores as well as large retail businesses whose consumer base requires a population larger than St. Helena and its vicinity.” Wineries and wine tasting facilities are not included in the list for good reason: they are not intended to be categorically prohibited by this policy.

Further, Policy 2.6.63 explicitly anticipates and allows the winery and related uses proposed here: “Permit wineries and other agriculture related industry to locate in the City if their location does not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community.”

In addition to considering the policies of the 1993 General Plan, it is appropriate to also consider the City’s draft General Plan Update. The Council and the community have spent substantial time reviewing, considering and revising that Update, which also has been recently reviewed by the Planning Commission. The Council anticipates the Update, which was recently considered anew by the Planning Commission, will be approved within the coming months. That Update does not include the language contained in the 1993 General Plan relied upon by Appellant here for the argument that wineries and tasting facilities are prohibited in the SC district, and in fact contains language] clarifying and confirming that such uses that are supportive of the wine industry are in fact encouraged under appropriate circumstances, such as through a conditional use permit in the Service Commercial zone.

While Appellant also argues that the zoning for the SC district, as set forth in St. Helena Municipal Code chapter 17.52, similarly prohibits the Project and its proposed uses, the City Council finds otherwise, for reasons similar to those set forth above. As with the General Plan, the SC zoning (Section 17.52.030) explicitly allows for wineries and winery tasting rooms with a conditional use permit. As with the General Plan, the SC zoning ordinance (Section 17.52.060) contains a list of those uses deemed to be prohibited in the district. That list does not include wineries or winery tasting rooms/facilities. Those zoning provisions reflect the City Council’s determination, made long ago, that wineries and winery tasting rooms/facilities may, on case-by-case determinations of the appropriateness of specific project applications, be approved by conditional use permit in the SC district, and may be found to be consistent with the General Plan.

The City previously resolved the question of whether a winery at this specific location is consistent with the General Plan and allowed by the SC zoning, in granting a Use Permit and Design Review for a winery at the site in 2012. While the City Council properly may consider whether to allow the current proposal to expand upon the uses authorized by that 2012 Use Permit, the underlying question of whether any winery may be allowed at the site was already resolved. The Council reaffirms that determination here.

8. That the proposed use would not be in conflict with the City’s General Plan.

For the reasons discussed more fully under Findings Nos. 1 through 7, above, the City Council finds that the proposed use will not be in conflict with the City's General Plan.

- 9. That the proposed use would not be injurious to public health, safety, or welfare.**

The Council refers to the findings set forth above, and further finds that the overall Project is consistent with the use envisioned for the property under the General Plan. It is compatible with surrounding land uses and is designed in a manner to minimize any potential impact on adjacent uses or the community. With adherence to the recommended conditions of approval, the proposed project will not be injurious to public health, safety or welfare. To the contrary, the Council finds that the Project, as proposed and conditioned, will be a benefit to the public health, safety and welfare in updating and restoring vitality to a long-underutilized property and in generating substantial property sales tax revenues to serve the entire St. Helena community. It is currently estimated that the planned expansion to the existing facility, including the sale of wines on site, will generate roughly \$110,000/year in new annual revenue to the City. In addition, conditions of approval have been added by Council to address potential noise impacts and concerns over pedestrian safety.

- 10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.**

Approval of the requested use permit will not set a precedent for approval of similar uses in the general area or elsewhere. Each conditionally permitted use is unique and the individual impacts and compatibility of such uses are assessed accordingly. This approval does not set a precedent for approval of similar uses. The Council has reviewed the Project and its proposed uses with specificity to its location, and will look at future projects on the basis of their individual locations and characteristics. Moreover, as discussed above, the Council finds that this Project is in no manner detrimental or in conflict with the General Plan, but rather is entirely consistent with the General Plan and zoning, and extremely favorable and beneficial to the specific district and the community as a whole

- 11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available.**

The Applicant has submitted a plan addressing the parking to be provided and addressed to meet the needs of the Project and satisfy the City's requirements. Planning staff and the Planning Commission have found this plan to be adequate and credible, and the City Council agrees. The Project will provide adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available. Special events which generate parking demand over and above that provided on site will require the adequate off-site parking be available. If such off-site parking is not secured, then the special events will not be permitted to occur.

12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

As noted above, the applicant provided a traffic analysis which was attached to the Planning Commission and City Council staff reports. Staff and the Planning Commission determined that this report was adequate and credible, and the City Council agrees. The proposed project will generate daily and peak hour traffic generally consistent with a typical commercial use of this size and nature. The capacity of surrounding streets, with the Grayson/Hwy 29 traffic signal is adequate to serve the automobile and delivery truck traffic the proposed use is expected to generate. The planned Grayson/Hwy 29 traffic signal, which is funded, will mitigate current and projected traffic volumes at the key Grayson Avenue/Hwy 29 intersection adjacent to the project site. It is anticipated this traffic signal will be constructed by May 2015. The Project is required to pay for its fair share of this signal.

BE IT FURTHER RESOLVED, the City Council makes the following additional findings in response to comments and correspondence submitted after the close of the public hearing:

1. *The City Council Is Not Required To Renew The Public Review Of The Project Based On Late, Legally-Inadequate And Vague Assertions Of Council Member Advocacy.*

The Appellants asserted for the first time at the City Council meeting after the Council closed the public hearing on the project that certain unnamed City Council members lobbied members of the public to attend the public hearing to support the project, and that doing so deprived them of a fair hearing and/or due process. They asked that the Council vacate its decision, remand the matter for a new public hearing with those Council members who supposedly advocated for the project recusing themselves. This argument does not require such (or any) remedial action.

First, appellants did not state when and how they became aware of the alleged advocacy. To the extent they knew or could have known at the time of the City Council hearing, their claim is precluded because they did not raise it at the public hearing.

Second, the vague claims about unnamed Council members are insufficient. A party seeking to show bias or prejudice on the part of an administrative decision maker must prove the same with concrete facts. Bias and prejudice are never implied and must be established by clear averments. While the "probability or likelihood of actual bias" was the standard to be employed when personal or financial interest was involved, where the plaintiff fails to establish a pecuniary or personal interest on the part of the officer plaintiff sought to disqualify, a showing of actual bias is required. In the administrative setting, therefore, in the absence evidence of financial or personal interest, "in order to prevail on a claim of bias violating fair hearing requirements, a plaintiff must establish an unacceptable probability of actual bias on the part of those who have actual decision making power over their claims with specific facts. The plaintiff must overcome a presumption of honesty and integrity in those serving as adjudicators. (*Withrow v. Larkin* (1975) 421 U.S. 35, 47.)

Appellants here assert no such specific facts, only vague assertions. Moreover, no case has ever

suggested or held that merely encouraging stakeholders to attend a public hearing violates impartiality or overcomes the presumption of fairness the law requires.

Appellants cite one case, *Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470 ("*Nasha*") to support their claim. Such specific facts were shown in *Nasha* when a member of the planning commission reviewing an appeal of a decision on a development project wrote a newsletter article attacking the project during the pendency of the appeal. The Court of Appeal held that the article "g[ave] rise to an unacceptable probability of actual bias," and the plaintiff was entitled to a new hearing before an impartial panel. (Id. at pp. 483, 486, 22 Cal.Rptr.3d 772.) The vague assertions here are markedly different from the facts and strong advocacy at issue in *Nasha*.

2. *The Findings Concerning Whether The Project Is "Primarily Tourist" Are Adequate.*

Appellants asserted for the first time after the close of the public hearing that the draft findings staff prepared for the City Council's consideration raised "significant new information" with respect to General Plan and zoning consistency not previously considered by the Planning Commission or presented in the staff report to the City Council on the issue of whether the project is prohibited because it is, according to appellants, "primarily tourist." The record reveals otherwise. Moreover, to the extent the findings address the issue more thoroughly than it had previously been addressed, that is due to the fact that the Appellants themselves raised the issue in correspondence submitted on the day of the City Council meeting to adopt the findings, after the close of the public hearing.

3. *Not Only Did Appellants Fail To Timely Raise An Issue Of The Project's Compliance With SHMC Section 17.52.070, The Project Complies With That Section.*

Appellants additionally asserted after the close of the public hearing that the City is required to adopt additional findings to allow buildings to exceed 10,000 square feet. This issue, and the rationale for the Use Permit allowing the exception, were discussed in the staff reports for the project hearings before both the Planning Commission and City Council. The law with respect to the form and sufficiency of findings does not require more.

In addition, because appellants did not raise this issue in their appeal, as required by the Municipal Code (Section 17.08.180 C), they are barred from raising it now, or for asserting it in court as a basis for invalidating the City's decision.

Notwithstanding these points, the City Council hereby makes the following relevant findings:

- Section 17.52.070 (C) (1)(a) and (2)(a) of the Municipal Code allow the expansion of existing and development of new facilities for winery use with Planning Commission approval. The City of St. Helena has imposed a maximum 10,000-sf. building footprint on any new or expansion of any existing commercial structures in the City's commercial districts. The purpose, which the project advances, is primarily to discourage the "big box" commercial uses found in more urban areas, but is also for the purpose of scale and

for minimizing visual impact from the roadway. The applicant here seeks an exception to this regulation, as authorized by Section 17.52.070, so as to avoid building two separate structures smaller than 10,000-sf. and incurring the operational inefficiencies associated with such separation. The exception would further, and be specific to the structure's use as a functioning winery. The City Council agrees with the Planning Commission that a Use Permit is appropriate to allow the structures proposed by the applicant. In so doing, the City Council finds that the exception proposed here is for a building that existed prior to 1993, and that in regard to the requested exception it has considered the criteria set forth in Section 17.52.070, namely:

- That expanded floor area shall only be allowed for office, winery, storage, or other nonretail uses determined by the planning commission;
- That the proposed increase in floor area shall not result in an expansion of the footprint or building coverage of the existing building; and
- That the floor area ratio shall not be exceeded.

The City Council finds that these criteria are intended to be considered as a whole and harmonized, with all parts applied in a manner that does not negate or render impossible any other section. To this end, the Council finds that the second of the three criteria (the "footprint" criterion) cannot be applied literally here without negating the first criterion which allows the exception for expansion of an existing building for a winery use. To that end, the Council finds that the applicant cannot operate its winery effectively without expanding the footprint.

4. The Additional Noise And Crosswalk Conditions Imposed After The Close Of The Public Hearing Do Not Require The City To Reopen The CEQA Process Or The Public Hearing.

Appellants also asserted after the close of the public hearing that the City is required to reopen the public review/CEQA/public hearing process by virtue of the Council's direction to include two additional conditions, relating to noise and a crosswalk.

- As a preliminary matter, the Appellants did not object to the adequacy of the Mitigated Negative Declaration (MND) or include any alleged grounds of CEQA noncompliance either in the written appeal or in testimony during the appeal hearing and did not present any evidence, let alone substantial evidence, demonstrating that the project will result in any significant adverse environmental impacts that were not identified or mitigated to levels of insignificance by the approved mitigation measures. Accordingly, based on the City's appeal ordinance (SHMC 17.08.180 C) and Public Resources Code section 21177, by not objecting to or challenging the MND, the appellant has waived any such objection or challenge and cannot raise such objections or challenges now, after the City Council has already deliberated on and voted to deny the appeal.
- The item on the November 25, 2014 City Council agenda was limited solely to the Council's review of the final resolution memorializing that denial to confirm that the

Resolution accurately and correctly sets forth the Council's reasons for and findings concerning that denial, as well as includes the two new conditions of approval the Council voted to impose on the project in response to general public concerns raised during the October 28, 2014 appeal hearing. Accordingly, there was no need to continue this item to a future meeting to reopen or convene an additional public hearing as the Council could appropriately determine whether the Resolution memorializing its decision to deny the appeal is accurate and correct.

- Appellants incorrectly implied that before or in conjunction with the City Council's vote to deny the appeal, the Council added the two new/additional conditions of approval specifically to address inadequacies in the MND's noise and public safety impact analysis and mitigation measures. As noted previously, the Appellant failed to raise and thus waived any such challenge to the adequacy of the MND. Thus, the Council did not propose the new conditions of approval as mitigation measures to bolster those already included in the IS/MND.
- The City Council at their October 28, 2014 hearing simply and reasonably responded to general public concerns about potential for amplified music and sound to emanate from the roof-top patio proposed for the project's Grayson building and desire to add additional safety features relating to the project's proximity to the nearby high school and students traveling to/from the school on foot or bicycle.

BE IT FURTHER RESOLVED, the City Council further determines that the Davies project is in compliance with the following Design Review criteria of Municipal Code Section 17.164.030.

1. To promote those qualities in the environment which bring value to the community.
2. To foster the attractiveness & functional utility of the community as a place to live & work.
3. To preserve the character & quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance.
4. To protect certain public investments in the area.
5. To encourage where appropriate, a mix of uses within permissible use zones.
6. To raise the level of community expectations for the quality of its environment.

The Project will result in a comprehensive upgrade of the existing building, which is currently light industrial in character. In addition, the existing site landscaping, which is currently minimal, will be significantly upgraded. The net result of the architectural and landscape upgrades will be to transform the site from one that currently does very little if anything, to reflect St. Helena's architectural style and heritage, to a Project will much better reflect the character and architectural quality of the City, Such an improvement in this important southern

gateway to the City, to better match the expectations the City has for its gateways, and to reinforce and encourage similar architectural upgrades on other properties in the area. The additional jobs created by the winery expansion also will further the community's goal as an attractive place to live and work.

BE IT FURTHER RESOLVED, the following design criteria were considered by the City Council in review of this application:

1. Consistency and compatibility with applicable elements of the general plan;
2. Compatibility of design with the immediate environment of the site;
3. Relationship of the design to the site;
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
5. Whether the design promotes harmonious transition in scale and character in areas between different designated land use;
6. Compatibility with future construction both on and off the site;
7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;
10. Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project's design concept;
11. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;
12. Whether natural features are appropriately preserved and integrated with the project;
13. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions;
14. In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character;

15. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
16. Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;
17. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

The proposed significant architectural and landscape upgrades to the site will result in a Project that much better fits the aesthetic expectations and architectural style of the community. The materials and colors proposed for the Project, along with the extensive use of stone, will result in a unified design that reflects the architectural heritage of St Helena. As documented previously, the layout of the site plan will result in safe and convenient access to the Project, and will separate the production related traffic to the Winery from customers/visitor attending hospitality functions, such as wine tasting. The end result will be a significant architectural and landscape upgrade to the site, with architecture that reflects the Projects St Helena context, and landscape elements that complement the Project's architectural design, and that are consistent with the Napa Valley setting and appropriate to St Helena's climate. Adherence to the most current Code requirements will ensure the Project reflects "green" building practices, along with energy efficiency and water conservation requirements.

E. Conditions of Approval. The Appeal is denied, and the Use Permit and Design Review for the above described Project and use are granted, subject to compliance with the following conditions. The Project shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

1. The permits shall be vested within one (1) year from the date of final action. A building permit for any building allowed under this approval shall have been obtained within one (1) year from the effective date of this action or the approval shall expire, provided however that the approval may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals. Any request for an extension of this approval shall be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration. Issuance of a building permit for any building/use approved under this use permit shall vest all phases of the project, therefore in this circumstance eliminating the need for use permit extensions for future phases.

2. These approvals are valid for this use only. New permits must be applied for upon any change in use. These permits will expire if the use is discontinued pursuant to St. Helena Municipal Code Section 17.08.120, Term of Permits and Approvals.
3. All required fees, including planning fees, development impact fees, residential in-lieu housing fees, building fees, toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of a building permit. Fees shall be those in effect at the time of the issuance of the building permit.
4. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
5. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
6. Pursuant to St. Helena Municipal Code Section 17.08.110, this permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
7. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The property owners or their designee shall be responsible for meeting with the Building Official, Fire Inspector and or Public Works Department to review compliance with Building Codes, Fire Codes and specific Public Works Standards including fire protection systems and any applicable accessibility standards of Title 24.
8. Construction shall be in compliance with plans submitted and reviewed by the Planning Commission on September 16, 2014 except as modified herein.
9. The permit shall be limited to:
 - Allow wine production of up to a maximum of 75,000 gallons per year;
 - Construction of: new winery production building including a covered crush pad, barrel storage, hospitality and tasting room, and office space;, and construction of Grayson wine tasting building
 - Conversion of existing facilities for administrative, storage and hospitality use;
 - On-site consumption of wine purchased from the winery;

- All Winery tours tasting, special events, and other activities shall conform with the "Winery Visitation Scenarios and Numbers" as described in the Attachment to the City Council staff report, and Exhibit 1 to this Resolution. Weddings are prohibited from being held at this location, with this prohibition extending to both the wedding ceremony and the wedding reception.
 - Standard Hours of operation: 10AM to 6PM, excepting Special Events
 - The winery shall comply with the requirement that a minimum of 75% of the grapes used in wine production shall be from the Napa Valley.
10. All wine storage tanks and surface winery waste treatment facilities shall be subject to the regulations set forth in Section 17.24.060.
 11. No use authorized under the provisions of this chapter shall be permitted where use, occupancy or patronage will exceed the capability of the site to provide off-street parking, waste disposal system and reasonable provisions for public safety.
 12. Retail sales and food/drink facilities must be integrated with a visitor center, no advertising or other exterior evidence of such use shall be visible from any public right-of-way.
 13. Winery operations shall generate sound levels no greater than fifty-five (55) decibels at any property line more than ten (10) percent of the time (L 10). "L 10" is the noise level at the property line that is exceeded ten (10) percent of the operating time.
 14. Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines.
 15. Bottling, warehousing and retail sales activities shall be conducted within structures specifically designated for such uses.
 16. Off-street parking and loading shall be provided in compliance with Chapter 17.124.
 17. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.
 18. Property owners within the district shall recognize that there exists a right to farm properties within the district and in the vicinity of the district. There is a good faith expectation that no complaints will occur regarding legal, normal agricultural activities on properties in the district or in the vicinity of the district. Such activities may include day or night disbursement of chemicals, and creation of dust, noise, or fumes.
 19. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall

be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The City Engineer must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

20. All mitigation measure contained in the adopted Mitigated Negative Declaration shall be conditions of this project, and shall be implemented as specified in the Mitigation Monitoring and Reporting program.
21. That prior to the issuance of building permit the applicant shall provide documentation acceptable to the City securing adequate off-site parking to accommodate the parking demand generated by special events. If such use of off-site land for parking is lost for whatever reason the applicant shall suspend any special events until adequate offsite parking can be provided to the satisfaction of the City.
22. That additional on-site parking be added as determined by the City to the parking spaces depicted on site if it is determined by the City that the current on and on-site parking is not adequate to handle the routine activities of the tasting room and related facilities.
23. That prior to the occupancy of the Grayson Tasting Building a gate be installed along with any new fencing as necessary to ensure that pedestrians and customer vehicles will not be able to "short cut" through the project site. The design and location of this gate and fencing shall be subject to the approval of the City and shall meet all City and Fire Department requirements.

Public Works Conditions

1. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with the most current version at the time of improvement plan submittal, Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, St. Helena Stormwater Manual, and all current federal, state and county codes governing such improvements.
2. The applicant shall be required to obtain an encroachment permit for improvements on public right-of-ways prior to receiving a grading or building permit authorizing site work or construction activities on the site.
3. Improvement plans shall incorporate all grading, drainage, and utilities shown on the approved Use Permit package, those improvements agreed to in public hearings, the requirements of these conditions of approval, and those improvements required by any codes in effect at the time of plan submittal.

4. Where increased impervious surfaces are proposed, the applicant shall submit a drainage and hydrology analysis for the project impact, including downstream erosion potential, to the City of St. Helena Public Works Department with the Improvement Plan submittal in accordance with City of St. Helena, Napa County and State of California codes in effect at the time of improvement plan submittal. On-site stormwater detention/retention/infiltration facilities are encouraged and may be required in accordance with current City, County, State and Federal law.
5. As applicable, stormwater treatment shall be designed and constructed in accordance with the most current State of California standards and most current City of St. Helena and Napa County Stormwater Standards, whichever is the most stringent.
6. The applicant shall be required to submit to the requirements for annual inspections of food/beverage service establishments and businesses that handle hazardous wastes for illicit stormwater discharges as required by the State National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The annual stormwater illicit discharge inspections are performed and invoiced to the applicant by Napa County Department of Environmental Management.
7. Any new and modified existing water laterals, meters and backflow prevention devices shall be required and constructed in accordance with the requirements of the City of St. Helena's Water Standards and the State of California. Applicant shall use City domestic water for the tasting room and offices.
8. The applicant shall incorporate water conservation practices into the proposed project per the Theoretical Water Use Report. All winery operations and irrigation shall be per well water.
9. No construction may commence until adequate access to fire water supply is available to building sites as approved by the Fire Chief.
10. As applicable, any existing on-site septic systems must be permitted in accordance with the County Department of Environmental Management (DEM).
11. Trash areas, dumpsters and recycling containers shall be enclosed and roofed per State and County standards to prevent water run-on to the trash area and water runoff from the area, to contain litter and trash so that it is not dispersed by the wind or run-off during waste removal. In the event that wine or food is disposed in these areas, the enclosed trash area shall drain to the sanitary sewer system. An area drain connected to the sanitary sewer shall be installed in the enclosure area and a structural control such as an oil/water separator or sand filter shall be included. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.

12. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the City Water/Sewer/Street/Storm Drain/Sidewalk Standards prior to Certificate of Occupancy.
13. Existing streets being cut by new utility services will require edge grinding and an A.C. overlay per City standards, extent to be determined by the Public Works Department and as shown on the plans as of September 2014.
14. An encroachment permit shall be required for any work performed in the public right of way.
15. That prior to the issuance of any building permits the applicant shall pay to the City their "fair share" of the cost of the Grayson/Hwy 29 traffic signal. The amount of the fair share will be determined by the City Engineer, taking into account the projects projected traffic generation as quantified in the traffic study prepared by Omni Means dated August 19, 2014. Special events accommodating more than 50 people may not take place until the Grayson/Hwy 29 traffic signal is in operation,.
16. Prior to occupancy, the applicant shall meet with the appropriate School District staff to coordinate the timing of Special Events taking place at the winery with events occurring at the High School site in order avoid the conflicts being created by the Winery and High School holding special events at similar time. In no event shall the timing of Winery Special Events conflict with the timing of school graduation held at the High School.
17. Prior to the occupancy of the initial phase of the winery expansion, the applicant shall submit to the City and receive approval from the City Council of a "Noise Attenuation Plan" (Plan) that ensures to the satisfaction of the City Council that the Project will fully comply with all of the City's established noise requirements. Such a Plan shall contain, without limitation, specific restrictions applicable to the rooftop patio of the Grayson building, including among others, restrictions on the type of music/sound amplification used and the patio's hours of operation. Staff shall prepare and present to the City Council within six months of the occupancy of the expanded winery and the Grayson Tasting/Hospitality Building a six month evaluation of the effectiveness of the Noise Attenuation Plan in complying with City Noise requirements. Failure by the applicant to comply with the Noise Attenuation Plan, as approved by the City Council, will be subject to the full range of code enforcement remedies by the City, including without limitation, citations, monetary penalties and/or revocation of the Use Permit.
18. That prior to the occupancy of the initial phase of the winery expansion, the applicant shall install a new crosswalk across Grayson Avenue in the vicinity of the Project in order to ensure the safe crossing of students and other pedestrians. The City Engineer will determine the precise location of the crosswalk, along with the design of the crosswalk including the type of signaling and other necessary improvements, including without limitation, connecting sidewalks, which would be needed by a pedestrian utilizing the crosswalk. The full cost of such a crosswalk, and any other related improvements as determined by the City Engineer, shall be the responsibility of the Project applicant. If

the City Engineer, upon further review, has concerns over the appropriateness of installing such a crosswalk, the City Engineer shall bring the crosswalk issue back to City Council for a final decision by Council, upon consideration of the recommendation of the City Engineer.

I HEREBY CERTIFY that the appeal of the Davies Winery was denied thereby upholding the September 16, 2014 Planning Commission approval of the foregoing Use Permit, Design Review applications, at a regular meeting of the City Council said Council held on November 25, 2014, 2014 by the following roll call vote:

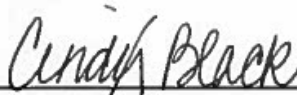
AYES: Councilmembers White, Sculatti, Pitts and Mayor Nevero
NOES: Councilmember Crull
ABSENT: None
ABSTAIN: None

APPROVED:



Ann Nevero
Mayor

ATTEST:



Cindy Black
Clerk



Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓
Discussion: a. The project would not physically divide an established community since the project site has been developed for commercial uses and approval of the proposed project would represent a continuation of this use. b. The project site is designated as Service Commercial in the General Plan and is also zoned as Service Commercial. No changes are proposed for these designations and no impact would occur with respect to this topic. c. No habitat conservation plan or natural community conservation plan applies to the project site and no impact would result. Conclusion: The proposed project would have <i>no impact</i> on land use and planning related issues, and therefore no mitigations are required.				
10. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓
Discussion: a. The St. Helena General Plan does not identify the presence of mineral resources on the project site. b. No locally important mineral resources are located on the site as identified in the General Plan. Conclusion: The proposed project will result in <i>no impact</i> on mineral resources and no mitigations are required.				
11. NOISE. Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓		
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				✓
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project		✓		
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓		
e. For a project located within an airport land use plan, would the project expose people residing or working in the project area to excessive noise levels?				✓
Discussion: a. Under CEQA Guidelines and City standard, a project would normally have a significant environmental effect if it substantially increases the ambient noise levels in the project area area. The City of St. Helena General Plan defines significance criteria as an increase in the noise environment of 5 dBA, constituting a noise impact. Land uses north, south and east of the site are commercial uses or Main Street and do not constitute a sensitive noise receptor. Sensitive noise receptors consist of single-family residences, schools, parks, hospitals, convalescent care facilities and similar uses. A single-family residential neighborhood is located west of the project site and could be subjected to potentially significant noise generated by operation of the proposed expanded winery. The crush pad would be located in relatively close proximity to the west. Single-family residences to the west could also be subject to significant noise levels from increased truck activity on the site and expanded operations of the winery in general, including but not limited to mechanical equipment and roof top vents. A proposed mitigation will require the project developer to construct a noise barrier along the western property line and provide other noise shielding				

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
to ensure that future noise from expanded operations on the site would be reduced to a less-than-significant level and will be consistent with City exterior noise exposure levels. b. According to the applicant (Donna Oldford, 4/9/14), the project would be built using normal and customary construction techniques that would not involve significant boring, pile driving or similar activities that would generate substantial groundborne vibration or noise levels. c. See item "a," above. d. With respect to temporary noise impacts associated with construction, substantial increases in ambient noise levels are deemed significant with reference to the duration of the construction phase, the maximum noise levels to which sensitive receptors would be exposed, and the time of day during which construction would occur. Noise associated with construction activities represent a potentially significant short-term impact, particularly during construction of the Grayson building on the site. Heavy machinery are equipped with back-up warning devices that warn people of their use when backing up, which can create noise. These short-term impacts will be reduced to a less-than-significant level as follows through mitigation measures, such as maintaining certain construction hours, keeping equipment turned off when not in use, having proper muffler devices installed on heavy equipment and applying dust control measures during construction. Mitigation Measures: - To reduce disturbance of residents in the project vicinity, construction activities shall be limited to between the hours of 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of equipment and removal of debris associated with the project shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The City Engineer must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or Federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits. These restrictions shall be included on construction plans and specifications. - Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained. - Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding. - Grading and construction equipment shall be shut down when not in use. - A solid noise barrier shall be constructed prior to commencement of construction along the project's western property line. The precise location, height and type of construction of the noise barrier shall be approved by a qualified acoustic consultant as approved by the City of St. Helena to ensure that the City's exterior noise exposure standards are met for adjacent residences west of the site. - Potential noise emissions from other sources on the site shall also be assessed by a qualified acoustic consultant and appropriate shielding provided or other methods completed to ensure City noise standards are met. Conclusion: With these mitigations in place, the effect on noise is reduced to a <i>less-than-significant</i> level.				
12. POPULATION AND HOUSING. Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				✓
b. Displacing substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
Discussion: a. The project does not include a housing component that would include a population increase in the community. No impacts would result with respect to this impact. b. The project site is occupied by a commercial building. No housing would be displaced by the project.				



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ELLISON FOLK
Attorney
folk@smwlaw.com

November 29, 2016

Via E-Mail Only

Mayor Alan Galbraith and Members
City of St. Helena
1480 Main Street
St. Helena, California 94574

Re: Davies Winery Noise Attenuation Plan

Dear Mayor Galbraith and Members of the City Council:

On behalf of Citizens Voice St. Helena (“Citizens Voice”) this firm has reviewed the staff report regarding the Davies Winery Noise Attenuation Plan, Item 11.1 of this evening’s agenda. The purpose of this letter is to inform the City that the proposed use of the winery’s rooftop patio for outdoor entertaining and music would violate the City’s Municipal Code, which expressly prohibits outdoor music and entertainment that is audible outside the confines of the building. St. Helena Municipal Code Section 17.52.090 (B). Even if use of the outdoor patio was allowed, the Noise Attenuation Plan (“Plan”) is inadequate under the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. and does not comply with the City’s General Plan and noise ordinance requirements.

As you know, based on previously submitted comments from Citizens Voice, the group is very concerned about Projects that could result in changes to community character, including increased noise, to the surrounding communities. Like all concerned members of the public, Citizens Voice relies heavily on the environmental document required by CEQA for an honest evaluation of the environmental impacts that would result from implementation of the proposed Project. In the current case, the City approved the Mitigated Negative Declaration for the Davies Winery Project with conditions that the applicant implement identified mitigation measures and prepare a Noise Attenuation Plan that ensures the Project will fully comply with all of the City’s

noise requirements. The purpose of the mitigation measures and the requirement for preparation of the Plan was to ensure that Project-related noise impacts would be adequately addressed and to minimize impacts on surrounding residents.

As detailed below, and in the attached comments prepared by noise consultant Christopher Papadimos (Exhibit A), the Noise Attenuation Plan submitted for the project is inadequate and insufficient to ensure that neighboring residents will not be impacted. The Plan is inadequate because it fails to: (a) implement the identified mitigation measures for the Project; (b) ensure the Project's consistency with the City of St. Helena's General Plan and Noise Ordinance; and (c) provide the necessary restrictions to outdoor sound amplification to ensure that noise impacts to neighboring residents are not significant.

First, the Initial Study/Mitigated Negative Declaration ("IS/MND") prepared for the Project concluded that the Project would result in potentially significant noise impacts from noise generated by expanded winery operations. IS/MND at 16. The IS/MND noted that the crush pad, increased truck activity, mechanical equipment and roof top vents would all contribute to significant increases in noise emissions. For this reason, the IS/MND included a mitigation measure that specified the following:

"Potential for noise emission from other sources on the site (i.e. other than construction noise) *shall also be assessed by a qualified acoustic consultant* and appropriate shielding provided or other methods completed *to ensure City noise standards are met.*"

IS/MND at 17, Noise Mitigation Measure 6; emphasis added. This mitigation measure was adopted as a condition of Project approval. See Attachment 3 to Council Staff Report dated November 29, 2016 at page 16, Project COA 20. Rather than complying with the mitigation approved for the Project, the applicant has submitted an anemic Plan that fails to accomplish its intended purpose to ensure that project-related noise impacts are minimized. The Plan does not identify the acoustic consultant who prepared it nor does not include any details about the noise assessment called for by the measure. Thus, the Plan provides no explanation, let alone evidence, as to how the Plan would be sufficient to resolve the Project's acknowledged significant noise impact on area residents. *Id.*

Second, the purpose of Public Works Condition of Approval ("COA") number 17 requiring preparation of the Noise Attenuation Plan was to ensure that the

Project will fully comply with the City's established noise requirements. These noise requirements include General Plan policies to "protect residences from intrusive or annoying noise due to the operation of machinery, motors, fans or other equipment." General Plan Section 8.3 at page 8-3. The City's General Plan also includes a significance standard, which specifies that an increase in the noise environment of 5 dBA or greater is considered to be subjectively significant and to constitute noise impact..." General Plan at 8-6 and 8-13. The Noise Attenuation Plan fails to reference the City's noise standard and fails to provide the necessary evaluation to support a finding that the proposed Plan will result in compliance with the City's standard.

Moreover, the Project is located within the Service/Commercial and the Municipal Code prohibits outdoor music within that zone. Specifically, the zoning code states that "[M]usic/entertainment shall be allowed when accessory to an approved use and *noise is not audible beyond the confines of the building.*" St. Helena Municipal Code Section 17.52.090 (B). Because outdoor music would necessarily result in noise that would be audible outside the confines of the building, the proposed Project would be inconsistent with the zoning ordinance. Therefore, the Plan may not be approved because it will allow for a use that is specifically prohibited in the Service/Commercial zone.

Third, even if outdoor music was allowed, the Plan fails to provide the necessary restrictions to outdoor sound amplification to ensure that noise impacts to neighboring residents are not significant. As explained in the Papadimos letter, noise from outdoor amplified music in excess of 5dBA above existing conditions would stand out compared to existing ambient noise. The Plan provides no support to show that allowing outdoor gatherings and music would not result in significant impacts. Consequently, the Plan is insufficient to fulfill the City's Condition of Approval.

Because the Noise Attenuation Plan presented by the applicant fails to adequately address the Project's noise impacts, and because it fails to demonstrate that the Project will comply with the City's noise standard, the Plan is insufficient. Moreover, under CEQA, the City is obligated to demonstrate that the Project will not result in any significant impacts after implementation of the identified mitigation measures. As discussed above, the proposed Plan does not ensure that impacts will be minimized. In order for the City to rely on this Plan as mitigation for the Project's significant impacts, a revised Plan that includes a thorough assessment of the Project's operational noise in accordance with adopted mitigation for the Project is required prior to further consideration of this Plan.

Mayor Alan Galbraith and Members
November 29, 2016
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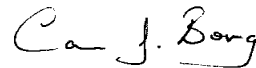
Thank you for consideration of our views. If you have any questions or comments, please do not hesitate to contact us or Citizens Voice.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk



Carmen J. Borg, AICP
Urban Planner

Attachment:

Exhibit A Letter from Papadimos Group - Acoustic & Vibration
Consultants .

cc: Susan Kenward
 Noah Housh, Planning & Community Improvement Director

846416.3

SHUTE, MIHALY
& WEINBERGER LLP



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29 November 2016

Carmen Borg, AICP
Urban Planner
Shute, Mihaly & Weinberger
396 Hayes Street
San Francisco, CA 94102

SUBJECT: Davies Vineyards Winery – St. Helena, CA
Acoustic Review of the Proposed Noise Attenuation Plan

Dear Carmen:

As requested, I have reviewed the document titled “Report to the City Council” for the upcoming meeting on 29 November 2016 regarding the Noise Attenuation Plan (Exhibit A) of the Davies Vineyards Winery in St. Helena, CA.

In summary, based on the review of the project information included in the “Report to the City Council”, it is my professional opinion that the project has the potential to not be in compliance with relevant city noise provisions as noted later in this review. In addition, the applicant does not provide supporting technical documentation in the form of an acoustical study that includes background noise measurements and analysis of all project noise sources. For these reasons, I recommend against approving the submitted Noise Attenuation Plan.

As an introduction, I am the principal of Papadimos Group, an acoustical consulting firm based in San Francisco CA. With a background in mechanical engineering, I have been practicing acoustical consulting primarily in the San Francisco Bay Area since 1989 (over to 27 years) and I have prepared numerous acoustic studies for a wide range of projects, including wineries. My resume is attached that includes professional qualifications and experience.

I understand the proposed expansion for the Davies Vineyards Winery includes Condition of Approval No. 17 that requires the applicant to submit for approval a Noise Attenuation Plan to ensure the project fully complies with City noise requirements. I would assume compliance should include relevant sections of both the General Plan and the Municipal Code.

While the Noise Attenuation Plan references to the noise code (Chapter 8.24), it omits any mention of the City’s General Plan noise policies and noise standard. Table 9.4 in the St. Helena General Plan (page 9-17) establishes quantitative noise performance standards that should be used to evaluate noise impacts associated with this project. Furthermore, this table is specifically geared towards addressing noise intrusion in residential areas and towards

ACOUSTIC AND VIBRATION CONSULTANTS

preserving the low background levels that exist in such areas. This approach of evaluating project noise increases against existing conditions is the industry standard and is consistent with the CEQA Guidelines. The City refers to the 5 dBA increase as the significance threshold criterion in the Initial Study for the Project but neither the Initial Study nor the Noise Attenuation Plan utilize the threshold in a noise assessment.

The submitted Noise Attenuation Plan by the Davies Vineyards Winery (Exhibit A) includes the following components and I comment on each component as noted below:

(1) St. Helena Noise Code Compliance (Chapter 8.24 of the Municipal Code)

While the applicant agrees to operate within the requirements of the noise code, they do not address the City's General Plan noise provisions (in particular Table 9.4 and associated text). The submitted Noise Attenuation Plan includes no supporting documentation or details to demonstrate compliance. This typically requires undertaking an acoustical study that includes baseline noise measurements around the project vicinity to benchmark existing conditions used to evaluate project noise and develop and implement mitigation strategies. At a minimum, such study should establish project noise limits while considering all city requirements and developing validation methodologies at the completion of the project to ensure favorable outcomes.

(2) Rooftop Patio Hours of Operation

The proposed plan places no restrictions in this area other than completing all noise generating activities by 10 pm. Activities that have the potential to generate high noise levels should be identified and noise limits placed at nearby noise sensitive uses regardless of time of day. Also, the anticipated noise levels for such activities should be estimated and if the allowable noise limits are exceeded mitigation measures should be developed and included in the design. Similar evaluation should include activities inside the winery depending on proximity to residences. This evaluation should consider open and closed conditions for windows and doors and any use of mechanical equipment.

(3) Music/Sound Amplification

Music is not explicitly permitted by the noise code; however, the provisions of Table 9.4 of the General Plan should be used in undertaking a proper noise assessment. Music and possibly other activities would tend to stand out above the existing ambient noise environment and are often sources of complaints in the community. For this reason, the effects of outdoor music (whether live or recorded) warrant careful acoustic evaluation.

Other project-related sources of noise, such as truck traffic, operation of mechanical equipment and various types of machinery, etc. have also been identified in the city report (Initial Study, Attachment 4) and require further consideration. While use of sound barriers could be considered as mitigation, the extent and height of the barrier and surrounding topography need to be taken into consideration to ensure that a noise barrier is feasible and that it will be effective at minimizing noise.

Davies Vineyards Winery
Acoustic Review
29 November 2016
Page 3 of 3

For the reasons outlined in this letter, a proper acoustic study by a qualified acoustical consultant should be commissioned by the City to properly establish project noise emissions and further develop mitigation measures to ensure noise impacts to the surrounding residential areas are minimized and to ensure compliance with relevant City policies and codes.

I trust you will find this information useful but please let me know if you have any questions or require further assistance.

Sincerely,
THE PAPADIMOS GROUP, INC.



Chris Papadimos, INCE
Principal

Encl. Chris Papadimos Resume

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CHRISTOPHER PAPADIMOS, INCE
PRINCIPAL

CHRISTOPHER PAPADIMOS is an acoustical consultant with over 25 years of professional experience in measuring, assessing and developing mitigation strategies for projects with noise and vibration requirements.

Since 1989, he has worked continuously on a large number of projects for various types of facilities involving environmental acoustics, noise and vibration control for mechanical systems, structural noise and vibration, and architectural acoustics. Projects include residential and commercial buildings, institutional and government buildings, worship and performing spaces, and transportation and industrial facilities.

Mr. Papadimos has authored numerous acoustical studies for various project types. Transportation noise and vibration studies include freeways and rail systems, road widening and improvement projects, and airport facilities. Other studies include residential, commercial and mixed use developments, and various types of industrial facilities.

Mr. Papadimos favors a practical approach of early integration of acoustical requirements into each project. He is experienced in establishing acoustical criteria, undertaking site and building surveys, developing and implementing mitigation strategies, reviewing construction methods and providing options for remedial solutions. He has participated on research projects, provided expert testimony and remains actively involved in the development of technical standards and guidelines.

PROFESSIONAL ENGAGEMENTS

- Papadimos Group – Founding Principal (January 2005 to present)
- Cerami & Associates – Associate Principal (April 2004 to December 2004)
- Shen Milsom & Wilke – Associate (May 2001 to March 2003)
- Illingworth & Rodkin – Senior Consultant (January 1999 to May 2001)
- Frank Hubach Associates – Consultant (May 1995 to December 1998)
- Illingworth & Rodkin – Consultant (July 1989 to May 1995)

EDUCATIONAL BACKGROUND

- University of California at Los Angeles , B. Sc. Mechanical Engineering, (1989)
Magna Cum Laude, Departmental Scholar, Dean's and Honor Lists
- Airport Noise Planning using INM Computer Modeling, Engineering Program,
University of Texas at Austin, 1993

PROFESSIONAL SOCIETIES

- ASHRAE – Past Chair for Technical Committee and Member
- Institute of Noise Control Engineering – Full Member



PROJECT EXPERIENCE (Partial List)

- 201 Folsom (LUMINA) Multi-Family Residential Development – San Francisco, CA
- 270 Valencia Apartments Acoustic Review – San Francisco, CA
- 702 Stannage Condominium Conversion – Albany, CA
- 1400 Mission Multi-Family Residential Development – San Francisco, CA
- 2876 Carmel Street Condominium Conversion – Oakland, CA
- BART Subway Extension to SFO, Colma, CA - Noise and vibration consultant and expert witness to the Coalition of Colma Cemeteries.
- Bay Bridge Pile Demonstration Project, San Francisco, California – Participated on environmental studies for the eastern span replacement of the Bay Bridge
- Black Dog Amphitheater, Burnsville, MN – Acoustic studies for new amphitheater to the surrounding communities
- Caltrans Soundwall Studies – Participated on numerous noise studies including effectiveness of sound barriers under various weather conditions.
- The Ellington Multi-Family Residential Development – Oakland, CA
- Grand Hyatt at Union Square Acoustic Study – San Francisco, CA
- Macae Energy Center – Environmental noise studies for power generation complex in the rain forest to comply with World Bank regulations - Macae, Brazil
- McCarran International Airport - Las Vegas, NV - Sound insulation studies for new private mixed-use developments near the airport to meet county standards.
- Oakland International Airport - Participated in sound insulation review studies for existing residential developments in the vicinity of the airport
- Pixley Avenue Condominium Acoustic Study – Larkspur, CA
- UGGPP Energy Center- San Francisco International Airport – Noise studies and attendance to energy commission hearings for new 1200 MW power plant.
- Wallingford Energy Center - Wallingford, Connecticut - 250 MW Simple Cycle Power Facility - comprehensive acoustical services
- Warren Hall Seismic Retrofit, California State University at Hayward – Conducted noise and vibration feasibility studies for the seismic retrofit of this building.
- Transit Village, Walnut Creek, CA – Acoustical studies for new mixed use development next to BART train station.
- UCSF Parnassus and Mission Bay Campuses, San Francisco, CA – Acoustic and vibration consulting for multiple new and existing facilities
- Valle Del Sol Master Planning – Feasibility studies for proposed large-scale mixed use development in the vicinity of the Albuquerque International Airport



Cindy Black

From: Noah Housh
Sent: Tuesday, November 29, 2016 4:35 PM
To: CityCouncil
Cc: Cindy Black
Subject: Responses to Davies Noise Attenuation Plan Questions

Information Only; Please Do Not Reply All

Council Members,

As a component of the Council approval of the Davies Vineyards Winery at 555 Main St, a condition was added which required City Council approval of a "Noise Attenuation Plan" intended to identify how the approved winery and tasting room use would comply with the requirements of the Noise Ordinance.

Since this item was scheduled, several questions have arisen regarding the Noise Ordinance requirements, and limitations on the use of amplified music.

- 1. Is outdoor music allowed on properties within the service commercial zoning district under Municipal Code section 17.50.090? The short answer is yes, with Use Permit approval, which the project received. See the analysis below for more information.**

Specifically, a question was brought up regarding the applicability of Zoning Code Section 17.52.090 Other uses, standards and requirements. B. which states:

B. Music/Entertainment. Music/entertainment shall be allowed when accessory to an approved use and noise is not audible beyond the confines of the building.

It is the position of staff that this specifically allows, as a permitted element of land use, music and entertainment in the Service Commercial Zoning District that is not audible beyond the confines of the building.

However, this section does not apply to the Davies Winery project. Rather, the Davies project received a Use Permit and therefor Zoning Code Section 15.52.030 (Service Commercial) Conditional Uses states: "Music/Entertainment which is not accessory to the approved use, and/or audible beyond the confines of the building in which such entertainment is being performed." This section states that music that is audible beyond the confines of the building is a conditional use, and Davies Winery received Use Permit approval for a winery with a marketing events, and clearly intended to have amplified music as a component of those events. Given that the Davies Winery received a Use Permit to operate their tasting room, which specifically includes marketing events, the approval of the Use Permit supersedes the limitation placed on (music not audible beyond the confines of the building) the by-right element of a land use.

- 2. Separately, questions regarding general compliance with the noise ordinance were raised, specifically citing the General Plan provision identifying that a 5-decible increase over ambient noise is a significant impact. In addition, there were questions regarding why specific decibel levels were not identified in the Noise Attenuation Plan.**

Given that ambient noise fluctuates depending on the time of day, it is impossible to state that the use of amplified music will automatically result in a 5-decible increase over the ambient noise levels. This is further supported by the limitation of general operations to the hours of 10am to 6pm as ambient noise is based on ongoing activities. Special Events are allowed outside of these hours. Any specific concern regarding one of these events exceeding the allowable noise levels must be addressed on a case-by-case basis.

Condition 12 specifically states: Winery operations will not generate sound levels greater than 55-decibels at the property line greater than 10-percent of the time. So, specific decibel restrictions were included in the original resolution and so there was no need to re-state in the Noise Attenuation plan.

It is important to note that the intent of this condition is purely to require the applicant to demonstrate that they will comply with the noise ordinance. They have stated that they will, and provided general information regarding how it will be achieved, as well as how issues will be resolved.

The City cannot assume individuals will violate regulations with their operations of an approved land use.

3. Can you tell me how many "Special events" the Davies are permitted for? See below for specific allowances.

Winery Marketing Plan

The applicant requests approval of a Winery Marketing Plan that will provide for effective direct sales to winery customers. This plan is proposed as follows:

Food and Wine Pairing Events: A maximum of 24 events per year with up to 50 persons per event.

Larger Marketing Events: A maximum of six (6) events per year with up to 100 persons attending at each; plus a maximum of six (6) events per year with up to 200 persons attending at each.

On days when larger events are held, the number of persons at tours/tastings will be reduced from the 160 per day number.

Noah Housh
Planning and Community Improvement Director
City of Saint Helena
(707) 968-2659