



**City of St. Helena
Regular City Council
Regular Meeting
Tuesday, December 13, 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 "Oral Communication" portion of the agenda may do so, but please observe the time limit of three minutes.

Page

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
Mayor: Alan Galbraith
Vice Mayor: Peter White
City Council: Sharon Crull
Paul Dohring
Greg Pitts
4. PUBLIC FORUM:
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.
5. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:
Reports by staff and/or Councilmembers on items of general interest. Brief questions for clarification may be posed and answered, and Councilmembers may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the City Council.
6. PRESENTATIONS AND PUBLIC RECOGNITIONS
 - 6.1. Proclamation - Recognition of City Manager Jennifer Phillips for dedication and service to the City of St. Helena (Proclamation will be provided at the meeting)
7. STAFF BRIEFING
 - 7.1. Mayor Alan Galbraith will provide an update regarding the process for selecting an Interim City Manager and recruitment process for the selection of a new City Manager.
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. Receive and File FY 15-16 Annual AB 1600 Report on Development Impact Fees. This Report Provides: Descriptions of each Development Impact Fee, Amount of the Fee, Beginning and Ending Balances of each Impact Fee Account, Identification of Public Improvements in which Fees were Expended, Schedule for Commencement of Certain Public Improvements to be Funded with Impact Fees, Description of any Interfund Transfer or Loan, and the Amount of Refunds Paid, if any, from Development Impact Fees. 7 - 17

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Reviewed By: Jennifer Phillips, City Manager

Recommendation: Receive and file

[Item 8.1](#)

- 8.2. 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 19 - 104
- 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. Second reading and proposed adoption 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: Adopt, hold second reading and adopt by title only and waive further reading

[Item 8.2](#)

- 8.3. Consideration and Proposed Approval of a Resolution Adopting Administrative Policy P-FI-0006 Escheat Policy for Unclaimed Money and Rescinding any Previous Policies or Administrative Memorandum which are Inconsistent with Finance Policy P-FI-0006 Escheat Policy for Unclaimed Money 105 - 117

CEQA Determination: Not a CEQA Project

Prepared By: April Mitts, Finance Director

Reviewed By: Jennifer Phillips, City Manager

Recommendation: Adopt

[Item 8.3](#)

- 8.4. Consideration and proposed adoption of a resolution approving a Professional Services Agreement with Franks Janitorial Service in the amount of \$220,770 to provide janitorial services to City facilities for three years 119 - 135

CEQA Determination: Not a CEQA Project

Prepared By: Carlos Uribe, Public Works Maintenance Manager

Reviewed by: Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

[Item 8.4](#)

- 8.5. Consideration and proposed adoption of a resolution authorizing the City Manager to submit Grayson Avenue Improvements and Main Street Corridor Improvements for the One Bay Area Grant-2 137 - 148

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: Erica Ahmann Smithies, Asst PW Director

Reviewed By: Steve Palmer, Public Works Director and City Engineer

Recommendation: Adopt

[Item 8.5](#)

- 8.6. Consideration and proposed authorization for the Police Department to hire and train Per Diem Dispatchers beginning January, 2017, at a rate of not more than \$30.56 per hour; employ the Dispatchers through June 2017, for a total of not more than \$34,209.72; and use of General Fund reserves for an amount not to exceed \$34,210 149 - 152

CEQA Determination: Not a CEQA project

Prepared By: William Imboden, Chief of Police

Recommendation: Adopt

[Item 8.6](#)

- 8.7. Consideration and proposed adoption of a resolution to remove Appendix A; Section 9, Subsection B, (Page 42) of the City Employees' Handbook – Use of City Vehicles, and replace it with the updated Appendix A; Section 9, Subsection B – Use of City Vehicles, dated 16 September, 2016. 153 - 159

CEQA Determination: Not a CEQA project

Prepared By: William Imboden; Police Chief

Recommendation: Adopt

[Item 8.7](#)

- 8.8. Consideration and proposed approval of a Resolution Amending the Rate of Pay for Fire Department Battalion Coverage from the established rate of \$50 per 24-hour period to \$105 per 24-hour period 161 - 164

and establishing the 24-hour period to be from 08:00 am to 07:59 am for Resolution 2016-11

CEQA Determination: Not a CEQA project

Prepared By: Allison Mattioli, Management Analyst

Kathy Robinson, Human Resources & IT Director

John Sorensen, Fire Chief

Recommendation: Adopt

[Item 8.8](#)

- 8.9. Consideration and proposed approval of a Resolution accepting the certification of the vote for the November 8, 2016 General Municipal Election 165 - 170

CEQA Determination: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Recommendation: Adopt

[Item 8.9](#)

9. PUBLIC HEARINGS

- 9.1. **Item 9.1 will not be heard at the December 13, 2016 City Council meeting. It will be heard at the Special City Council Meeting on Monday, December 19, 2016 at 6:00 pm.**

Request by Our Town St. Helena (OTSH) for Tentative Subdivision Map approval and a waiver of the City's water neutrality requirement in the form of an in-lieu fee payment proposed to be paid from the City of St Helena Affordable Housing Trust Fund for an 8 unit affordable housing project on the property located at 684 McCorkle Avenue in the HR: High Density Residential district (File No. PL16-022)

CEQA Determination: Exempt pursuant to Section 15332

Prepared By: Aaron Hecock, Senior Planner

Reviewed By: Noah Housh, Planning and Community Improvement Director

Recommendation: Adopt

- 9.2. Consideration and proposed approval 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) 171 - 176

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 9.2](#)

10. NEW BUSINESS

- 10.1. Recognition of Outgoing Councilmembers Sharon Crull and Greg Pitts (A recess in recognition of outgoing Councilmembers Sharon Crull and Greg Pitts will be held.)
- 10.2. Oath of Office administered by City Clerk Cindy Black to Mayor-Elect Alan Galbraith, Councilmembers-Elect Mary Koberstein and Geoff Ellsworth
- 10.3. New Councilmembers are seated
- 10.4. Mayor nomination and Council approval of Vice Mayor

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CEQA Determination: Not a CEQA Project

Prepared By: Cindy Black

Recommendation: Mayor nomination and Council approval

[10.4](#)

11. ADJOURNMENT

The next Special City Council meeting is scheduled for December 19, 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 December 9, 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

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.

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.



Report to the City Council
Council Meeting of December 13, 2016

Agenda Section: Consent

Subject: Receive and File FY 15-16 Annual AB 1600 Report on Development Impact Fees. This Report Provides: Descriptions of each Development Impact Fee, Amount of the Fee, Beginning and Ending Balances of each Impact Fee Account, Identification of Public Improvements in which Fees were Expended, Schedule for Commencement of Certain Public Improvements to be Funded with Impact Fees, Description of any Interfund Transfer or Loan, and the Amount of Refunds Paid, if any, from Development Impact Fees.

CEQA Status: Not a CEQA project

Prepared By: April Mitts, Finance Director

Reviewed By: Jennifer Phillips, City Manager

Approved By: Jennifer Phillips, City Manager

A handwritten signature in blue ink, appearing to read "JP", is written over the name "Jennifer Phillips" in the "Approved By" line.

BACKGROUND

Cities and counties often charge fees on new development to fund public improvements to mitigate the impact of development activity. These fees are commonly known as development impact fees and are generally collected at the time building permits are issued for residential and commercial construction. Impact fees are established by ordinance and, as required by law, these fees are segregated from the General Fund and accounted for in special revenue funds. In 1989, the State Legislature passed Assembly Bill 1600 (AB 1600), which added Sections 66000 et seq. to the California Government Code, commonly known as the Mitigation Fee Act. Under AB 1600 the City is required to make available to the public a report on development impact fees. The report must be made available within 180 days of the close of the fiscal year.

DISCUSSION

The Annual AB 1600 Development Fee Report for Fiscal Year Ending June 30, 2016 was made available to the public on November 23, 2016 (Attachment 1). Per Section 66006(b)(1) of the California Government Code the annual report must include the following specific reporting requirements:

- (A) A brief description of the type of development impact fee in the account/fund; (B) The amount of the fee;
- (C) Beginning and ending balances of the account/fund, the amount of fees collected, and the interest earned;
- (D) An identification of each public improvement on which fees were expended together with the amount of such expenditures;
- (E) Information regarding the schedule for commencement of certain public improvements to be funded with development fees;
- (F) A description of any interfund transfer or loan; and
- (G) The amount of refunds paid, if any, from a particular fund. The City of St. Helena development fees covered by AB 1600, and documented in Attachment 1, include the following:
 - (A) Public Safety Impact Fees (pages 1, 2, and 3 of report)
 - (B) Civic Improvement Impact Fees (pages 1, 2, and 3 of report)
 - (C) Park Improvement Impact Fees (pages 1, 2, and 3 of report)
 - (D) Traffic Mitigation Impact Fees (pages 1, 2, and 3 of report)
 - (E) Storm Drain Improvement Impact Fees (pages 4, 5, and 6 of report)
 - (F) Housing Impact Fees (pages 4, 5, and 6 of report)
 - (G) Affordable Housing Impact Fees (pages 4, 5, and 6 of report)
 - (H) Water Impact Fees (pages 7, 8, and 9 of report)
 - (I) Sewer Impact Fees (pages 7, 8, and 9 of report)

FISCAL IMPACT

None.

RECOMMENDED ACTION

Receive and file Annual AB 1600 Development Fee Report for Fiscal Year Ending June 30, 2016.

ATTACHMENTS

[Attachment 1 AB1600 spreadsheet](#)

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Analysis of Change in Fund Balance

	Public Safety Impact 216	Civic Improvement Impact 713	Park Impact 734	Traffic Mitigation Impact 740
Beginning Balance, 7/1/15	\$ 324,992	\$ 500,266	\$ 282,569	\$ 1,955,922
REVENUE				
Interest Earnings				
Fees Collected	\$ 28,183	\$ 48,307	\$ 87,618	\$ 109,635
Miscellaneous Revenues				
Operating Transfers In				
TOTAL	\$ 28,183	\$ 48,307	\$ 87,618	\$ 109,635
EXPENSE/EXPENDITURES				
Non Departmental Expense	\$ 1,753	\$ 1,753		\$ 1,753
Transfer to Other Funds*				\$ 2,766
Refunds				
TOTAL	\$ 1,753	\$ 1,753	\$ -	\$ 4,519
Excess Revenue Over/(Under) Expenses/Expenditures	\$ 26,430	\$ 46,554	\$ 87,618	\$ 105,116
Ending Balance	\$ 351,422	\$ 546,820	\$ 370,187	\$ 2,061,038
Ending Bal. on Balance Sheet	\$ 352,083	\$ 547,782	\$ 373,162	\$ 2,061,996
Current Accounts Payable	\$ (661)	\$ (962)	\$ (2,975)	\$ (957)

Description of Fees

Public Safety Impact (216) - Section 22.5 of the City Code establishes this fund to accumulate revenues from fees on building permits to be used solely for equipment and facilities costs for the Police and Fire Departments. Vehicles, capital equipment, and building improvements are approved uses.

Civic Improvement (713) - This fund is used to accumulate restricted funds from new development's proportionate share of the depreciated replacement of cost of a range of facility types including City Hall, corporation yard facilities, as well as library and recreation facilities.

Park Impact (734) - This fund is used to accumulate funds from new or proposed residential development solely for park land acquisition and park improvements.

Traffic Mitigation (740) - This fund is used to accumulate funds from new or proposed development to finance circulation improvements to reduce the impacts of traffic generated by new development within the City.

*See 5-year CIP adopted by City Council on June 9, 2015.

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Scheduled Projects**Public Safety Impact (216)**

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Civic Improvement (713)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Park Impact (734)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Traffic Mitigation (740)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees
R-05 Main/Mills/Grayson Intersection	March 2016	\$ 302,766	\$ 302,766

Expenditure by Project

Public Safety Impact (216)	FY 2015-16	% Funded with Development Fee
Development Impact Fee Study	\$ 1,753	100%
Civic Improvement (713)	FY 2015-16	% Funded with Development Fee
Development Impact Fee Study	\$ 1,753	100%
Traffic Mitigation (740)	FY 2015-16	% Funded with Development Fee
Development Impact Fee Study	\$ 1,753	100%

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Fee Schedule

Public Safety Impact (216)	\$1.13 per square foot
Civic Improvement (713)	\$2.11 per square foot
Park Impact (734)	Amount per square foot Single family residential - \$7.76 Multi-family residential - \$13.19
Traffic Mitigation (740)	Amount per square foot Single family residential - \$2.10 Multi-family residential - \$2.56 Office - \$5.81 Industrial - \$3.68 Commercial/Retail - \$22.63 Lodging - \$8.64

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Analysis of Change in Fund Balance

	Storm Drain Improvement 742	Housing Impact 744	Affordable Housing 751
Beginning Balance, 7/1/15	\$ 560,485	\$ 25,802	\$ 930,254
REVENUE			
Interest Earnings			
Fees Collected	\$ 17,978	\$ -	\$ 427,649
Miscellaneous Revenues			\$ 91
Operating Transfers In			
TOTAL	\$ 17,978	\$ -	\$ 427,740
EXPENSE/EXPENDITURES			
Non Departmental Expense	\$ 1,753	\$ -	\$ 52,059
Transfer to Other Funds			
Refunds			
TOTAL	\$ 1,753	\$ -	\$ 52,059
Excess Revenue Over/(Under)	\$ 16,225	\$ -	\$ 375,681
Ending Balance	\$ 576,710	\$ 25,802	\$ 1,305,934
Ending Bal. on Balance Sheet	\$ 577,217	\$ 25,802	\$ 1,314,074
Current Accounts Payable	\$ (507)	\$ -	\$ (8,140)

Description of Fees

Storm Drain Improvements (742) - This fund is used to accumulate funds from new development's proportionate share of planned drainage system improvements.

Housing Impact (744) - This fund is used to accumulate funds from new or proposed development in order to defray the costs of providing affordable housing in the City.

Affordable Housing (751) - This fund is used to accumulate funds from new or proposed development in order to defray the costs of providing affordable housing in the City.

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Scheduled Projects**Storm Drain Improvements (742)**

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Housing Impact (744)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Affordable Housing (751)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Expenditure by Project

Storm Drain Improvements (742)		FY 2015-16	% Funded with Development Fee
Development Impact Fee Study		\$ 1,753	100%
Housing Impact (744)		FY 2015-16	% Funded with Development Fee
Affordable Housing (751)		FY 2015-16	% Funded with Development Fee
Maintenance of McCorkle Property		\$ 910	100%
Prop. Taxes associated with McCorkle		\$ 20	100%
Application Fees for OTSH Reso. 2016-79		\$ 24,300	100%
Escrow and Appraisal for McCorkle		\$ 4,982	100%
Legal Costs associated with McCorkle		\$ 21,848	100%
TOTAL		<u>\$ 52,059</u>	

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Fee Schedule

Storm Drain Improvements (742) Amount per square foot:

Single family residential - \$0.79
Multi-family residential - \$0.75
Office - \$1.79
Industrial - \$1.79
Commercial/Retail - \$1.79
Lodging - \$1.39

Housing Impact (744)

Amount per square foot:
Residential - 2.5% of the valuation of construction
Office - \$4.11
Commercial/Retail - \$5.21
Hotel/Motel - \$3.80
Winery/Industrial - \$1.26

Affordable Housing (751)

Amount per square foot:
Residential - 2.5% of the valuation of construction
Office - \$4.11
Commercial/Retail - \$5.21
Hotel/Motel - \$3.80
Winery/Industrial - \$1.26

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Analysis of Change in Fund Balance

	Water Impact 764	Sewer Impact 774
Beginning Balance, 7/1/15	\$ 1,177,819	\$ 727,736
REVENUE		
Interest Earnings		
Fees Collected	\$ 80,974	\$ 15,303
Miscellaneous Revenues		
Operating Transfers In		
TOTAL	\$ 80,974	\$ 15,303
EXPENSE/EXPENDITURES		
Non Departmental Expense	\$ 1,753	\$ 1,753
Transfer to Other Funds*	\$ 316,750	\$ 37,800
Refunds**	\$ 123,730	
TOTAL	\$ 442,233	\$ 39,553
Excess Revenue Over/(Under)	\$ (361,259)	\$ (24,250)
Ending Balance	\$ 816,560	\$ 703,486
Ending Bal. on Balance Sheet	\$ 817,370	\$ 703,821
Current Accounts Payable	\$ (810)	\$ (335)

Description of Fees

Water Impact (764) - This fund is used to accumulate funds from new or proposed development to pay for water system capital improvements needed to support new development

Sewer Impact (774) - This fund is used to account for the cost of constructing and improving the wastewater treatment plant and sewer collection system in order to support new development.

*See 5-year CIP adopted by City Council on June 9, 2015.

** Refunds of Water Impact fees due to error in Development Impact Fee calculations from November 2013 adoption of impact fees. Approved Ordinance 2015-7

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Scheduled Projects**Water Impact (764)**

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees
W-27 Meadowwood Tank Upgrades	September 2016	\$ 245,100	\$ 122,550
W-80 Dwyer Road Booster (pump station)	June 2016	\$ 338,097	\$ 169,049
W-84 Bell Canyon Intake Tower	September 2016	\$ 100,000	\$ 15,000
W-86 Holmes Tank Upgrade	November 2015	\$ 250,000	\$ 125,000
W-91 Bell Creek Inflow Weir	September 2016	\$ 750,000	\$ 112,500
W-101 Tank 2 Rehabilitations	September 2016	\$ 750,000	\$ 112,500

Sewer Impact (774)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees
S-16 Misc. Maintenance Projects	November 2015	\$ 175,000	\$ 26,250
S-47 Regulatory Compliance Permit Renewal	N/A	\$ 32,205	\$ 4,831
S-50 Algae Removal/Reduction	September 2016	\$ 100,000	\$ 15,000
S-53 Reclamation Field Improvements	September 2016	\$ 142,000	\$ 21,300

Expenditure by Project

Water Impact (764)		FY 2015-16	% Funded with Development Fee
	Development Impact Fee Study	\$ 1,753	100%
W-27	Meadowwood Tank Upgrads	\$ 1,000	50%
W-84	Bell Canyon Intake Tower	\$ 92,076	15%
W-86	Holmes Tank Upgrade	\$ 58,011	50%
W-91	Bell Canyon Intake Repair		15%
Sewer Impact (774)		FY 2015-16	% Funded with Development Fee
	Development Impact Fee Study	\$ 1,753	100%
S-16	Misc. Maintenance Projects	\$ 9,608	15%
S-47	Regulatory Compliance Permit Renewal	\$ 6,794	15%

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2015-16

Fee Schedule

Water Impact (764)	Amount per square foot:
	Single family residential - \$1.73
	Multi-family residential - \$1.39
	Office - \$1.77
	Industrial - \$2.35
	Commercial/Retail - \$3.42
Sewer Impact (774)	Lodging - \$3.45
	Amount per square foot:
	Single family residential - \$0.49
	Multi-family residential - \$0.71
	Office - \$0.48
	Industrial - \$0.64
	Commercial/Retail - \$0.95
	Lodging - \$0.94



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

Agenda Section: Consent

**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. Second reading and proposed adoption of the 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: 8.2

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, 1508.050, 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 changes 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.

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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.

This item was previously heard at the November 29, 2016 special City Council meeting. The City Council held the first reading, approved the reading by title only and waived further reading.

FISCAL IMPACT

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There are direct no direct fiscal impacts related to the City of St. Helena as a result of the proposed California Building Code Adoption.

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. Hold second reading and adopt by title only and waive further 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

Exhibit A

**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 2013⁶ California Building Code, known as the California Code of Regulations, Title 24, Part 2 Volumes 1 and 2, and Appendix J, Based on 2012⁵ 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 2013⁶ 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.~~

15.20.1010 California Plumbing Code – Adopted.

The 20136 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 5, incorporating the Uniform Plumbing Code, 20125 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~~¹⁴ 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~~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, 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:

- | | |
|-------------------------|--|
| <u>15.44.010</u> | Plan generally—Odd and even numbers. |
| <u>15.44.020</u> | Method of assignment of numbers. |
| <u>15.44.030</u> | Use of numbers consecutively. |
| <u>15.44.040</u> | Record of numbers assigned. |
| <u>15.44.050</u> | Duty of property owners to provide and affix numbers. |
| <u>15.44.060</u> | 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 2013³⁶ 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-1 in 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-built 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~~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:

- 15.36.010 General findings.
- 15.36.020 Codes adopted.
- 15.36.030 Specific findings for code amendments.
- 15.36.040 Administration.
- 15.36.050 Fire Service Features.
- 15.36.060 Fire Protection Systems.
- 15.36.070 Establishment of Limits
- 15.36.080 Requirements for Wildland-Urban Interface Areas
- 15.36.090 Fire Flow Requirements for Building
- 15.36.100 Fire Apparatus Access Roads
- 15.36.110 Modifications.
- 15.36.120 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

~~G.~~ 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~~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

OVER-THE-COUNTER PERMIT	RAPID PERMIT	STANDARD PERMIT
◆ 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 Regular Meeting of the St. Helena City Council on December 13, by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____
Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

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



Report to the City Council
Council Meeting of December 13, 2016

Agenda Section: Consent

Subject: Consideration and Proposed Approval Adopting Administrative Policy P-FI-0006 Escheat Policy for Unclaimed Money and Rescinding any Previous Policies or Administrative Memorandum which are Inconsistent with Finance Policy P-FI-0006 Escheat Policy for Unclaimed Money.

CEQA Status: Not a CEQA Project

Prepared By: April Mitts, Finance Director

Reviewed By: Jennifer Phillips, City Manager

Approved By: Jennifer Phillips, City Manager *JF for*

BACKGROUND

At the present time there are a number of un-cashed checks which are older than three (3) years. The City has made attempts to make contact with the payees and re-issue these checks without success. State law allows un-cashed checks which are either more than one (1) year old and less than fifteen dollars (\$15.00), or greater than fifteen dollars (\$15.00) and more than three (3) years old to become the property of the City following publication in a local newspaper.

DISCUSSION

The City of St. Helena needs to adopt a formal policy regarding the handling of unclaimed money. If approved this policy will set up a procedure to escheat these funds per Sections 50050-50056 of the Government Code of the State of California and City staff will initiate action to print the required notifications in the local newspaper. Attachment 2 is the proposed Escheat Policy with Exhibits, Attachment 3 is a sample staff report which would be brought to City Council prior to unclaimed checks becoming property of the City, and Attachment 4 is a sample resolution which would be brought to City Council prior to unclaimed checks becoming property of the City.

FISCAL IMPACT

There is no fiscal impact resulting from adoption of the Policy itself. Implementation of the Policy may result in an unknown amount of additional revenues from unclaimed checks. The increased revenues will be offset by publication expenses.

RECOMMENDED ACTION

Adopt a Resolution approving an Escheat Policy regarding the handling of unclaimed checks and rescinding any previous policies or administrative memorandum which are inconsistent with Finance Policy P-FI-0006 Escheat Policy for Unclaimed Money.

ATTACHMENTS

[Attachment 1 Resolution](#)

[Attachment 2 P-FI-0006 Escheat Policy](#)

[Attachment 3 Sample Staff Report](#)

[Attachment 4 Sample Resolution](#)

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**RESOLUTION APPROVING ADMINISTRATIVE POLICY
P-FI-0006 ESTABLISHING AN ESCHEAT POLICY FOR
UNCLAIMED MONEY AND REPEALING AND
RESCINDING ANY PREVIOUS POLICIES OR
ADMINISTRATIVE MEMORANDA WHICH ARE
INCONSISTENT WITH ADMINISTRATIVE POLICY
P-FI-0006 ESCHEAT POLICY FOR UNCLAIMED MONEY
POLICY**

RECITALS

- A. The City of St. Helena recognizes that from time to time checks issued by the City will remain un-cashed despite efforts made by City staff to make contact with the payees and re-issue checks; and
- B. Sections 50050-50056 of the Government Code of the State of California provide procedures for escheating un-cashed checks to the local agency if over one year old and less than \$15.00 or over three years old and more than \$15.00 following publication in the local newspaper; and
- C. The City Council desires to adopt a Policy for the handling of un-cashed checks in accordance with Sections 50050-50056 of the Government Code of the State of California; and
- D. To avoid any inconsistencies with policy application, it is necessary to repeal and rescind any previous policies and procedures which conflict with Finance Policy P-FI-0006 Escheat Policy for Unclaimed Money.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. Fiscal Policies – Escheat Policy for Unclaimed Money incorporated herein as Exhibit A is hereby approved by the City Council.
- 2. The City hereby repeals and rescinds any previous policies or administrative memoranda which are inconsistent with Finance Policy P-FI-0006 Escheat Policy for Unclaimed Money.

Approved at a Regular Meeting of the St. Helena City Council on December 13, 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

	City of St. Helena Administrative Policy Finance	Policy Escheat Policy for Unclaimed Money Page 1 of 3
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Title: Escheat Policy for Unclaimed Money	Policy #	P-FI-0006
	Revision #	Release
	Implementation Date	2016-12-14
	Last Update Date	2016-12-13
Approval by City Manager	<wet signature>	Date Approved

I. Purpose, Overview and Scope of this Policy

This policy is established to provide the proper mechanism to take possession of long standing unclaimed checks in accordance with government statutes and to ensure the propriety of the related accounting transactions.

II. Authority

The City Manager has authority to update this policy.

III. Policy

Money that is not the property of the City of St. Helena that remains unclaimed for a period of more than three (3) years is the property of the City of St. Helena forty-five (45) days after the initial public notice if not claimed or if no verified complaint is filed and served (California Government Code Sections 50050 and 50051). In the event of any conflict between the provisions of the Government Code and the provisions of this Policy, the provisions of the Government Code shall prevail.

A. Summary of State Law

1. Money that is not the property of the City of St. Helena that remains unclaimed for a period of more than three (3) years is the property of the City of St. Helena forty-five (45) days after the initial public notice if not claimed or if no verified complaint is filed and served (California Government Code Sections 50050 and 50051).
2. At any time after the expiration of the three (3) year period, the Treasurer of the City of St. Helena may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the City of St. Helena (California Government Code Section 50050).
3. The notice shall include the following information:
 - a. The individual or business name as shown on the issued check.
 - b. The amount of the issued check.
 - c. The fund in which it is held.
 - d. A statement announcing that the money shall become the property of the City of St. Helena on a date that is not less than forty-five (45) days after the publication of the notice – A model template for the notice is attached as Exhibit 1.

P-FI-0006

	City of St. Helena Administrative Policy Finance	Policy Escheat Policy for Unclaimed Money
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4. A party of interest may file a claim at any time until the date on which the money becomes the property of the City as provided in paragraph one (1) above. The claim form must contain the following information:
 - a. The claimant's name, address, and telephone number.
 - b. Social Security Number or Federal Employer Identification Number.
 - c. Proof of identity such as a copy of a driver's license, social security card, or birth certificate.
 - d. Amount of the claim.
 - e. The grounds on which the claim is founded (California Government Code Section 50052).

A model template for the claim form is attached hereto as Exhibit 2.

5. The Treasurer may release to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, unclaimed money if claimed prior to the date the money becomes the property of the City of St. Helena upon submitting proof satisfactory to the Treasurer (California Government Code Section 50052.5).
6. When the unclaimed funds become the property of the City of St. Helena, the City Council may transfer them by resolution to the General Fund or to the fund(s) upon which the money was originally drawn (California Government Code Section 50053).
7. Any individual item of less than fifteen dollars (\$15.00) or any amount, if the depositor's name is unknown, which remains unclaimed for a period of one (1) year may be transferred to the General Fund by the City Council without the necessity of public notification in a newspaper (California Government Code Section 50055).
8. The responsibilities of the Treasurer may be delegated by the Treasurer to the department that maintains the supporting records of the uncleared checks based on the initial receipt of deposit of that money or both (California Government Code Section 50056).

B. Disbursement and Funds Transfer

The Treasurer of the City of St. Helena will review the Claim Forms and approve or reject the claim.

1. The Treasurer may release the unclaimed money to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, except as otherwise noted in this policy if:
 - a. Claim is filed prior to the date the money becomes the property of the City of St. Helena.
 - b. Proof substantiating the claim is conveyed in writing, along with all information detailed in item 4 of Section A of this policy.

P-FI-0006

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- c. After proper documentation is secured, the Treasurer will authorize the accounts payable staff to issue a new check based upon the approved Claims Form. (California Government Code section 50052.5)
2. Upon rejection of said depositor's claim by the Treasurer - Exhibit 3, the depositor may file a verified complaint seeking to recover all, or a designated part, of the money in Napa County Superior Court. The City Clerk shall be served a copy of the complaint and summons which must be served within thirty (30) days of receiving notice that the claim was rejected. The Treasurer shall withhold the release of the portion of unclaimed money for which a court action has been filed until a decision is rendered by the court. (California Government Code section 50052)
3. Upon the close of business on the forty-fifth (45) day after publication of the first notice, the unclaimed funds become the property of the City of St. Helena. The City Council may transfer, via resolution, the unclaimed funds to the General Fund or the Fund(s) upon which the original checks were drawn. (California Government Code section 50053)
4. Unclaimed checks of less than fifteen dollars (\$15.00) that are more than twelve (12) months old will be transferred to the General Fund by the City Council without the necessity of public notification in a newspaper. (California Government Code section 50055)

C. Accounting Transactions

1. For unclaimed checks, amounts will be transferred to the General Fund unless the Council approves transfer to the Fund upon which they were drawn. In such case the cost of publication will be paid by this Fund.
2. At the time the funds are claimed, once supporting documentation is verified and approved by the Treasurer, Finance will then issue a replacement check to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative.

IV. Definitions

Escheat – The reverting of property to the state or some agency of the state.

V. Attachments

Exhibit 1 – Public Notice
Exhibit 2 – Claim Form
Exhibit 3 – Claim Rejection



City of St. Helena

Public Notice

The following list of disbursements remain unclaimed by the listed payees and are held by the City of St. Helena. If you have a claim against these funds, please contact the City of St. Helena Finance Department, 1480 Main Street St. Helena, CA 94574, phone (707)967-2792. Funds older than three years not claimed after 45 days of publication will become property of the City of St. Helena. This notice and its content are in accordance with California Government Code Section 50050. Proper proof of claim and current identification must be provided before funds will be released. A claim form may be obtained at City Hall between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday or from the City's website: www.cityofstheleena.org

<u>Payee</u>	<u>Amount</u>	<u>Fund</u>
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Exhibit 2 – Unclaimed Money Claim Form



CITY OF ST. HELENA

UNCLAIMED MONEY – CLAIM FORM

Return completed form to: City of St. Helena, Finance Department 1480 Main Street, St. Helena, CA 94574. Pursuant to California Government Code Section 50052, I wish to file a claim for a previously unclaimed check in the amount of \$_____ that was published in the St. Helena Star on _____.

The grounds on which I file this claim are:

Vendor or Individual Name (Printed):	
Vendor or Individual Name (Signature):	
Taxpayer I.D. or Social Security Number:	
Telephone Number:	
Address:	
City/State/Zip Code:	

For Finance Department Only

Claim: _____ Approved _____ Rejected

Reviewed by: _____

If Rejected, reason for Rejection: _____

Proof of Identity Verified – Check One

☐ Drivers License	☐ Social Security Card	☐ Birth Certificate
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Verified by: _____ Date: _____

Exhibit 3 – Money Claim Rejection Form



CITY OF ST. HELENA

MONEY CLAIM REJECTION FORM

The City of St. Helena has rejected the unclaimed property of:

Vendor or Individual Name:	
Taxpayer I.D. or Social Security Number:	
Address:	
City/State/Zip Code:	

Original Check Date:	
Original Check Amount:	

The grounds on which this claim has been rejected are:

Under California Government Code Section 50052, you have the right to file a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within Napa County. A copy of the complaint and the summons issued thereon must be served within thirty (30) days of receiving this notice of rejection. Upon being served, the Treasurer will withhold the disputed amount from being released until a decision is rendered by the court.

April Mitts

Finance Director



Report to the City Council
Council Meeting of Date of Report

Agenda Section: Consent

Subject: Consideration and proposed approval authorizing the release of unclaimed checks

CEQA Status: Exempt. (CEQA Guidelines §§ 15061(b)(3), 15273.)

Prepared By: April Mitts, Finance Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Section 50053 of the Government Code of the State of California allows for unclaimed checks which have been held over three (3) years to become the property of the local agency after notice if not claimed and if no verified complaint is filed and served. Section 50050 of the California Government Code outlines the notification process for escheating unclaimed checks, and Section 50052 describes the claiming process. Attached is a listing of all outstanding checks that meet this criteria. Section 50055 authorizes the transfer without publication of checks under \$15.00 which are more than one year old.

DISCUSSION

The City of St. Helena needs to adopt a formal policy regarding the handling of unclaimed money. If approved this policy will set up a procedure to escheat these funds per Sections 50050-50056 of the Government Code of the State of California and City staff will initiate action to print the required notifications in the local newspaper.

FISCAL IMPACT

\$XX.XX amount will increase revenue in XXX-XXXX-XXXX Unclaimed Property in the Funds upon which the original check was drawn. This will be offset by publication costs

RECOMMENDED ACTION

Adopt a Resolution Authorizing the release of unclaimed checks pursuant to California Government Code Section 50050, 50053 and 50055 to the City of St. Helena.

ATTACHMENTS

Attachment A – Resolution No. 20XX-XXXX

Attachment B – Listing of Unclaimed Checks over 3 years old and checks under \$15.00 which are more than one year old.

CITY OF ST. HELENA

RESOLUTION NO. 20XX-XX

**RESOLUTION AUTHORIZING THE RELEASE OF
UNCLAIMED MONIES PURSUANT TO SECTION 50055
OF THE GOVERNMENT CODE OF THE STATE OF
CALIFORNIA**

RECITALS

- A. Sections 50050-50056 of the Government Code of the State of California outlines the process for the notification process of the unclaimed checks; and
- B. Section 50055 of the California Government Code allows for unclaimed checks of less than \$15.00 or any amount if the depositor's name is unknown, to become the property of the local agency after a period of one (1) year without the necessary publication of a notice in a newspaper; and
- C. Section 50050 of the California Government Code allows for unclaimed checks more than three (3) years old to become the property of the local agency following publication in the local newspaper; and
- D. Each of the checks listed on the attached summary meets this criteria.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. Transfer the unclaimed checks on the attached list in the total amount of \$X,XXX.XX to the General Fund of the City of St. Helena in accordance with the provisions of Sections 50050-50056 of the California Government Code.

Approved at a Regular Meeting of the St. Helena City Council on XXXXXX, by the following vote:

Mayor _____:	_____
Vice Mayor _____:	_____
Councilmember _____:	_____
Councilmember _____:	_____
Councilmember _____:	_____

APPROVED:

_____, Mayor

ATTEST:

_____, City Clerk



Item No: 8.4

Report to the City Council
Council Meeting of December 13, 2016

Agenda Section: Consent Calendar

Subject: Consideration and proposed adoption of a resolution approving a Professional Services Agreement with Franks Janitorial Service in the amount of \$220,770 to provide janitorial services to City facilities for three years

CEQA Status: Not a CEQA Project

Prepared By: Carlos Uribe, Public Works Maintenance Manager
Steven Palmer, PE, Director of Public Works/City Engineer

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Since October 2012, the City has contracted with Franks Janitorial Service to provide janitorial services. The City's original agreement with Franks Janitorial ended in July 2016.

City staff issued a Request for Proposals (RFP) for janitorial services on May 6, 2016. The RFP included the following service requirements:

	Building	Approx. Sq Ft	Day of Week/Month	# of Days
1	Library	14,445	M-W-F	3
2	Library Bathrooms		Su-M-T-W-Th-F-Sa	7
3	City Hall	11,411	T/F	3
			W-Trash & RR	
4	Police Department	6,327	M-W-F	3
5	Carnegie Building		M-W-F	3
6	Fire Hall	15,463	T/TH	2
7	Teen Center	3,180	T/TH	2
8	Corp yard	2,100	T/TH	2
9	Scout Hall	2,900	T/TH	2
10	Head Start	1,550	T/TH	2
11	Waste Water TP	750	Bi-Monthly, W	2

OPTIONAL SERVICES

Building	Carpet Cleaning	Deep Clean
Library	JAN & JUNE	JAN & JUNE
City Hall	JAN & JUNE	JAN & JUNE
Police Department	JAN & JUNE	JAN & JUNE
Carnegie Building	JAN & JUNE	JAN & JUNE
Fire Hall	OCT & MAR	OCT & MAR
Head Start	MAY & NOV	MAY & NOV

Typical cleaning includes trash removal, vacuuming, dusting, and stocking supplies as outlined in Exhibit A to the Professional Services Agreement. "Deep Clean" is an enhanced cleaning that involves moving furniture to vacuum, cleaning windows, scrubbing restrooms, and cleaning table and desktops.

The RFP was posted on the City website, posted as a public bid notification on the BluePrint Express website, and Staff invited four companies to bid. Staff held a mandatory bidder's meetings on May 19, 2016 and June 7, 2016. Three companies attended the meetings and two submitted proposals by the June 13, 2016 4:00 p.m. dead line.

The City received the following proposals, which include the Optional Services:

COMPANY	PROPOSAL AMOUNT
Five Star Cleaning Service	\$94,000 per year
*Franks Janitorial Service	\$73,590 per year
ProMaintenance Janitorial Services	\$71,688 per year
Jani Crew of Marin	Proposal was incomplete

*(Did not attend mandatory pre-proposal meeting)

Staff reached out to the lowest price proposal that was responsive, ProMaintenance Janitorial Services. After multiple attempts to have ProMaintenance provide the insurance required by the RFP, they acknowledged that they would not be able to meet the City's insurance requirements. Staff subsequently reached out to the second lowest priced responsive proposer, Five Star Cleaning Services, and requested a certificate of insurance complying with the City requirements and the RFP. During these negotiations, the contract with Frank's Janitorial was extended in order to avoid a lapse in service. On August 23, 2016, the City Council approved a resolution authorizing an amendment to their contract to increase the amount by \$37,000 in order to extend services to February 1, 2017.

DISCUSSION

Since the two lowest priced proposers, ProMaintenance Janitorial Service and Five Star Cleaning Service, cannot meet the City's insurance requirements as specified in the RFP, Staff is recommending the contract be executed with Frank's Janitorial Service. Frank's Janitorial Service did not attend the mandatory pre-proposal meeting but Staff believes that because Frank's Janitorial Service has been providing janitorial services to the City since October 2012, they already have extensive knowledge of the City's Buildings and cleaning requirements. Therefore, Staff recommends waiving the mandatory pre-bid meeting requirement and executing the contract with Frank's Janitorial Service.

The term of the Professional Services Agreement will extend from February 1, 2017 to February 1, 2020, for an annual amount of \$73,590, and not to exceed a total of \$220,770 over the three years.

FISCAL IMPACT

The cost for this Professional Services Agreement for janitorial services of \$73,590 per year is within the Fiscal Year 2016/2017 budget of \$72,370 for janitorial services under the "other contract services." There will be the need to transfer monies within the fund to cover \$1,220. Adequate funding will need to be budgeted in future years to fund the \$73,590 per year cost.

RECOMMENDED ACTION

Adopt attached resolution authorizing the City Manager to execute a Professional Services Agreement with Frank's Janitorial Service in the amount of \$220,770 for providing janitorial services to City facilities for three years.

ATTACHMENTS

1. Resolution
2. Professional Services Agreement

CITY OF ST. HELENA

RESOLUTION NO. 2016-_____

**APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH FRANKS
JANITORIAL SERVICE IN THE AMOUNT OF \$220,770 TO PROVIDE JANITORIAL
SERVICES TO CITY FACILITIES FOR THREE YEARS**

RECITALS

- A. Since October 2012, the City has contracted with Franks Janitorial Service to provide janitorial services and that agreement will end in July 2016; and
- B. The City of St. Helena on May 6, 2016, released a Request for Proposal to receive proposals for janitorial services; and
- C. Two mandatory pre-proposal meetings were held on May 19, 2016 and June 7, 2016; and
- D. Four proposals were received from Jani Crew of Marin, ProMaintenance, Frank's Janitorial, and Five Star Cleaning Service; and
- E. The proposal from Jani Crew of Marin was incomplete; and
- F. ProMaintenance Janitorial and Five Star Cleaning Service were unable to meet the City's insurance requirements; and
- G. Frank's Janitorial did not attend the mandatory pre-proposal meetings, however they do have extensive knowledge of City facilities and requirements since they are the current janitorial services provided to the City; and
- H. Frank's Janitorial Service proposal was in the amount of \$73,590 per year; and
- I. The Contract period shall extend from February 1, 2017 to February 1, 2020.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

- 1. The City Manager is authorized to execute the Professional Services Agreement with Franks Janitorial Service in the amount of \$220,700 for janitorial services to City facilities from February 1, 2017 to February 1, 2020.

Approved at a Regular Meeting of the St. Helena City Council on December 13, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into on February 1, 2017 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Franks Janitorial Service (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as providing janitorial Services to City facilities.

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 and work (together, “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 B, “Compensation”**, attached hereto and made a part hereof. Total compensation shall not exceed \$220,770, unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all services 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 services 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

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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 Agreement 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. In no event shall City be obligated to pay late fees or interest, whether or not such requirements are contained in Consultant's invoice.

C. Payment to the Consultant for services performed pursuant to this Agreement shall not be deemed to waive any defects in services 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 services under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's services within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject services by a timely written explanation, otherwise Consultant's services shall be deemed to have been accepted. City's acceptance shall be conclusive as to such services except with respect to latent defects and fraud. Acceptance of any of Consultant's services 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 Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the services 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. 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.

E. 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 services 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 services 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.

F. 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 services performed by the named insured for the City.

G. 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.

H. 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

Page 3 of 9

certificates and endorsements are to be received and approved by the City before services commence. 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 a 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 services 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 services 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 SERVICES

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 Agreement, 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

Page 6 of 9

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 services 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 services as outlined in the Exhibit A, "Scope of Services", shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the services 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: Jason C. Fross (President)
Franks Janitorial Service
2400 Oak Street
Napa, CA 94559
(707) 226-1848

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 services 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 services 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 services 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

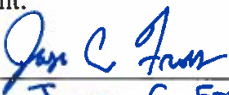
If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void 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: Jason C. Fross
Title: President

City:

By: _____
Name: Jennifer Phillips
Title: City Manager

Approved as to Form:

By: _____
Name: Thomas B. Brown
Title: City Attorney

**EXHIBIT A
SCOPE OF SERVICES**

	Building	Aprox. Sq Ft	Day of Week/Month	# of Days
1	Library	14,445	M-W-F	3
2	Library Bathrooms		Su-M-T-W-Th-F-Sa	7
3	City Hall	11,411	T/F W-Trash & RR	3
4	Police Department		M-W-F	3
5	Carnegie Building	6,327	M-W-F	3
6	Fire Hall	15,463	T/TH	2
7	Teen Center	3,180	T/TH	2
8	Corp yard	2,100	T/TH	2
9	Scout Hall	2,900	T/TH	2
10	Head Start	1,550	T/TH	2
11	Waste Water TP	750	Bi-Monthly, W	2

Building	Carpet Cleaning	Deep Clean
Library	JAN & JUNE	JAN & JUNE
City Hall	JAN & JUNE	JAN & JUNE
Police Department	JAN & JUNE	JAN & JUNE
Carnegie Building	JAN & JUNE	JAN & JUNE
Fire Hall	OCT & MAR	OCT & MAR
Head Start	MAY & NOV	MAY & NOV

Services to be Performed Inside Buildings:

1. All restrooms, offices, staff break rooms, dining areas, gyms and common areas must be cleaned each contracted day. Daily clean and mop all tile and vacuum carpeted floors.

2. Typical cleaning will include:

- Empty trash and replace liners.
- Empty recycling and place in proper containers.
- Clean and sanitize all restrooms and stock supplies.
- Dust all open areas and tops of furniture, chairs, and picture frames.
- Dust all baseboards.
- Remove all cobwebs.
- Clean kitchen counters and sinks tops of appliances, back splashes, fronts of cabinets, tables and chairs.
- Sweep and mop all floors.
- Vacuum carpets and all mats.
- Clean around window sills, outside entrances and glass doors.

3. Franks Janitorial Service will notify Public Works Manager of any issues that arise such as; safety and maintenance issues, burnt out lighting, electrical and plumbing issues, and problems with equipment .
4. Franks Janitorial Service will notify Public Works Manager when supplies (paper products and trash liners) are needed.
5. Franks Janitorial Services will maintain a Sign-in sign out log. To be submitted monthly with invoicing
6. This Scope of Services is on annual basis, and the term will run from February 1, 2017 to February 1, 2020.

**EXHIBIT B
COMPENSATION**

Typical Cleaning

Building	Cost (per month)
Library	\$ 1,137.50
Library Bathrooms	\$ 758.33
City Hall	\$ 1,570.83
Police Department	
Carnegie Building	\$ 325.00
Fire Hall	\$ 487.50
Teen Center	\$ 541.67
Corporation Yard	\$ 216.67
Scout Hall	\$ 325.00
Head Start	\$ 216.67
Waste Water Treatment Plant	\$ 112.50
Total Cost Per Month	\$ 5,691.67
Total Annual Cost	\$68,300.00

Optional Services

Building	Carpet Cleaning	Deep Clean	Cost
Library	JAN & JUNE	JAN & JUNE	\$2,080.00
City Hall	JAN & JUNE	JAN & JUNE	\$916.00
Police Department	JAN & JUNE	JAN & JUNE	\$390.00
Carnegie Building	JAN & JUNE	JAN & JUNE	\$650.00
Fire Hall	OCT & MAR	OCT & MAR	\$994.00
Head Start	MAY & NOV	MAY & NOV	\$260.00
Total Annual Cost of Optional Services			\$5,290.00

Total Annual Cost All Services - \$73,590.00
Total Three Year Cost All Services - \$220,770.00



Report to the City Council
Council Meeting of December 13, 2016

Agenda Section: Consent

Subject: Consideration and proposed adoption of a resolution authorizing the City Manager to submit Grayson Avenue Improvements and Main Street Corridor Improvements for the One Bay Area Grant-2

CEQA Determination: This item is exempt from CEQA pursuant to 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: Erica Ahmann Smithies, Asst PW Director

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

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On October 19, 2016, the Napa Valley Transportation Authority (NVTa) Board released the One Bay Area Grant-2 (OBAG) Call for Projects. The funds are authorized under the Federal Highway Administration (FHWA) federal transportation authorization legislation currently known as Fixing America's Surface Transportation Act (FAST). One of the purposes and advantages of the OBAG program is to create "complete streets" projects. A complete street is one that is designed and constructed to be safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. There is approximately \$6.4 million dollars available for projects in Napa County. OBAG Projects must have a transportation focus and may include planning activities. Eligible applicants are primarily cities/county though some non-profit, water/utility districts, tribes, resource conservation districts, and land trusts are eligible to receive funding when partnered with a local government agency that has a master agreement with Caltrans. There is a \$2 million set-aside for PCA projects. PCA projects must be located in a designated Priority Conservation Area in Napa County. All project submittals must show a minimum non-federal 11.47% funding match. Projects that leverage other funding will be given

higher priority in the grant award process. Grant applications are due on December 23, 2016.

DISCUSSION

After the October 19, 2016 Call for Projects by NVTa, city staff began looking at projects that would be most competitive in the different funding elements of the OBAG grant: Safe Routes to Schools, Local Streets and Roads, and Priority Conservation Areas. Staff first reviewed the St. Helena element of the adopted Napa Countywide Transportation Plan: Vision 2040. The first project identified on the Vision 2040 Plan list was Main Street Corridor Improvements which includes traffic calming, sidewalk upgrades, landscaping, pedestrian lighting, bike furniture and traffic signalization from Adams Street to Spring Street. Staff is proposing to submit the entire Main Street corridor from Mitchell Drive to Pine Street during the initial estimating process. The goal is to scope a project that will include at a minimum: sidewalk upgrades, curb ramp upgrades and landscaping along a portion of the Main Street corridor.

In addition to the Vision 2040 Plan, staff reviewed Pavement Conditions Index (PCI) in the Streetsaver Pavement Management System for City streets on the federal-aid system. Grayson Avenue has by far the worse pavement condition with an average PCI of 28 and Sylvaner Avenue was a close second at 33. City staff is proposing a complete streets project along Grayson Avenue from South Crane Avenue to Highway 29 that would include pavement reconstruction, sidewalk upgrades, curb ramp upgrades, street light upgrade, new striping and a Class I, Class II or Class III bicycle facility.

Preliminary project exhibits and cost estimates for both projects are included in Attachment 2. Staff discussed the two projects above at the City of St. Helena Active Transportation and Sustainability Committee on November 2, 2016. The Committee recommended that staff apply for both projects with the priority application on Grayson Avenue due to its proximity to the high school and elementary school.

Grant applications are due to NVTa on December 23, 2016 with project award notifications as early as February 2017. Staff will continue to refine elements of the applications until the December 23 deadline. Agencies that are awarded grant funding will then be asked to authorize a resolution of local support committing the agency to the project(s) and matching funds.

FISCAL IMPACT

The initial total project cost estimate for the Main Street Corridor Improvements is \$1,567,418 and of that amount the City would be required to fund approximately \$186,980 for local match. The estimate for the Grayson Avenue Complete Streets Project is \$1,016,561 million and of that amount the local match would be approximately \$121,987. In both cases, the local match funding will be provided by Gas Tax and Measure T funds.

RECOMMENDED ACTION

Adopt the attached Resolution authorizing the City Manager to submit Grayson Avenue Improvements and Main Street Corridor Improvements for the One Bay Area Grant-2

ATTACHMENTS

Attachment 1 – Resolution

Attachment 2 – Exhibits and Cost Estimates

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Authorizing the City Manager to Submit
Grayson Avenue Improvements and Main Street
Corridor Improvements for the One Bay Area Grant-2**

RECITALS

- A. The Napa Valley Transportation Authority (NVTa) has released the One Bay Area Grant-2 Call for Projects; and
- B. The funds are authorized under the Federal Highway Administration (FHWA) federal transportation authorization legislation currently known as Fixing America's Surface Transportation Act (FAST); and
- C. One of the purposes, and advantages, of the OBAG program is to create "complete streets" projects; and
- D. Staff has identified the Main Street Corridor Improvements Project and Grayson Avenue Complete Streets Project as eligible for OBAG-2 grant funding; and
- E. Grant applications are due to NVTa by December 23, 2016 with grant award notifications anticipated in early 2017; and
- F. Staff will continue to refine grant applications until the December 23, 2016 due date; and
- G. If awarded OBAG-2 grant funding, project(s) will be brought back to City Council for a resolution of local support committing the City to the project(s) including matching funds; and

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. Authorizes the City Manager to apply for the One Bay Area Grant-2 for the following identified projects:
 - a. Main Street Corridor Improvements Project
 - b. Grayson Avenue Complete Streets Project

Approved at a Regular Meeting of the St. Helena City Council on December 13, 2016, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____
Councilmember Dohring: _____
Councilmember Ellsworth: _____
Councilmember Koberstein: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

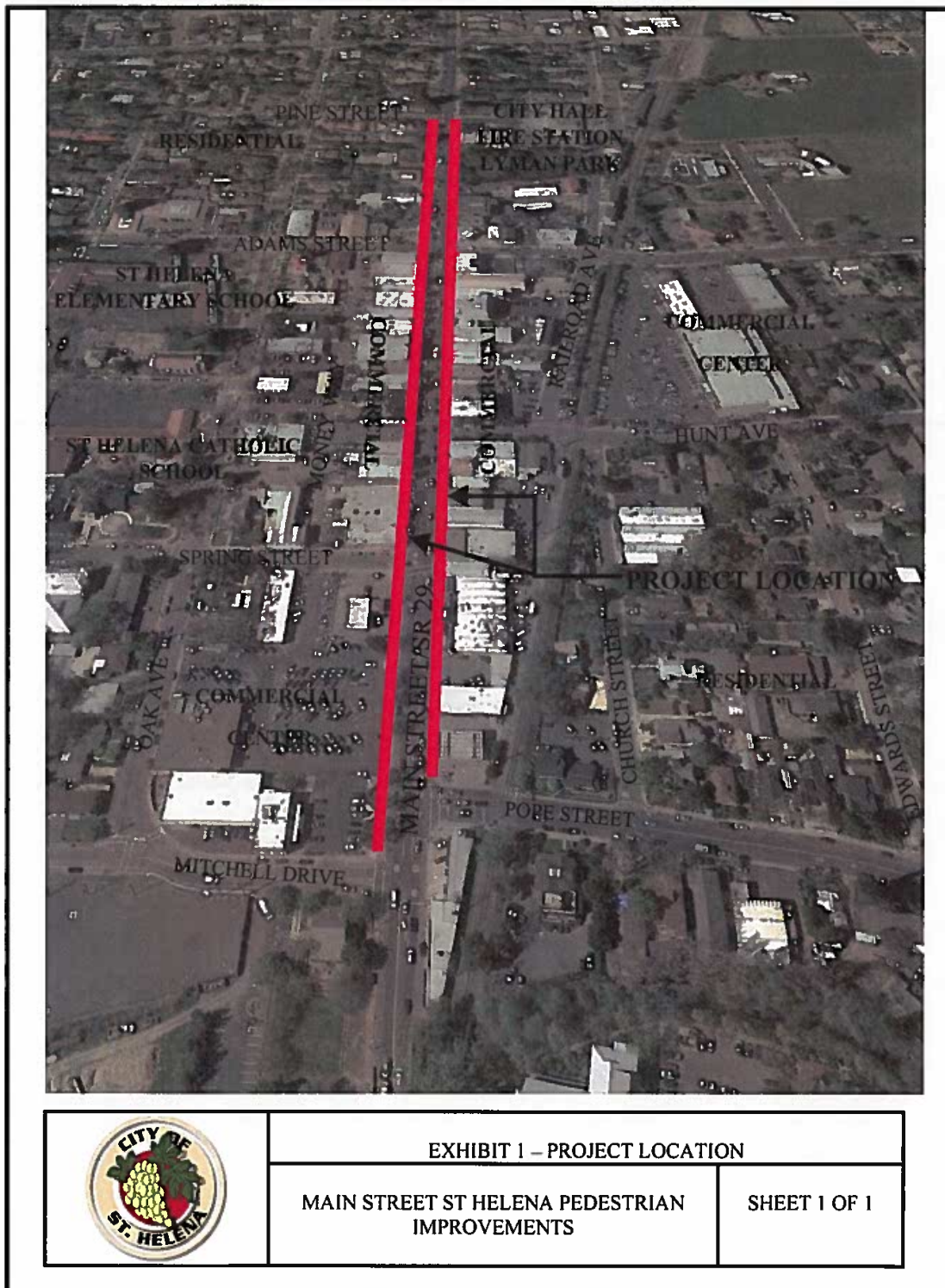
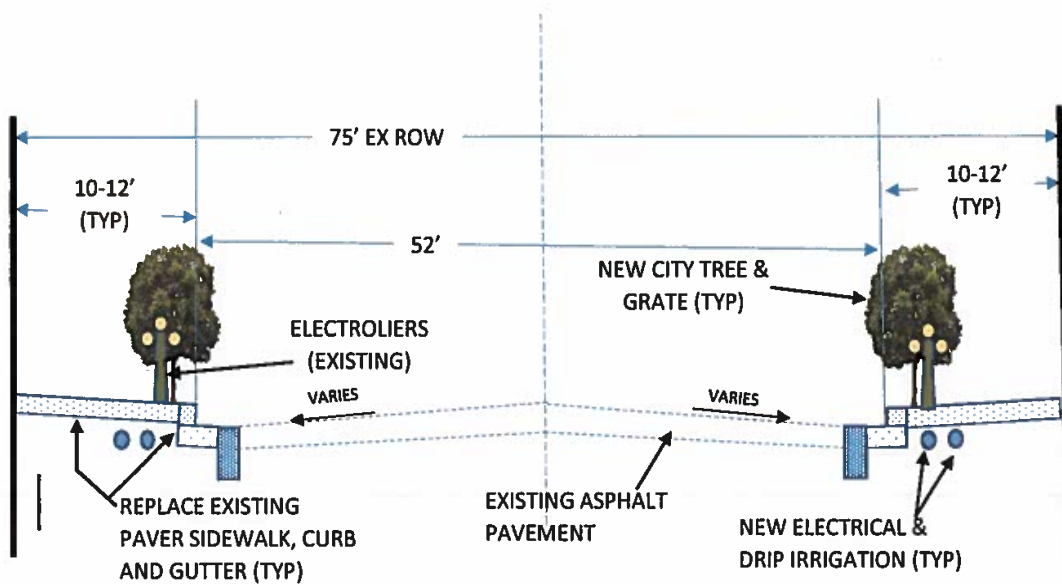


EXHIBIT 1 – PROJECT LOCATION

MAIN STREET ST HELENA PEDESTRIAN
IMPROVEMENTS

SHEET 1 OF 1



TYPICAL
Main Street St. Helena
Mitchell Drive to Pine Street



EXHIBIT 2 – CROSS SECTION

MAIN STREET ST HELENA PEDESTRIAN
IMPROVEMENTS

SHEET 1
OF 1

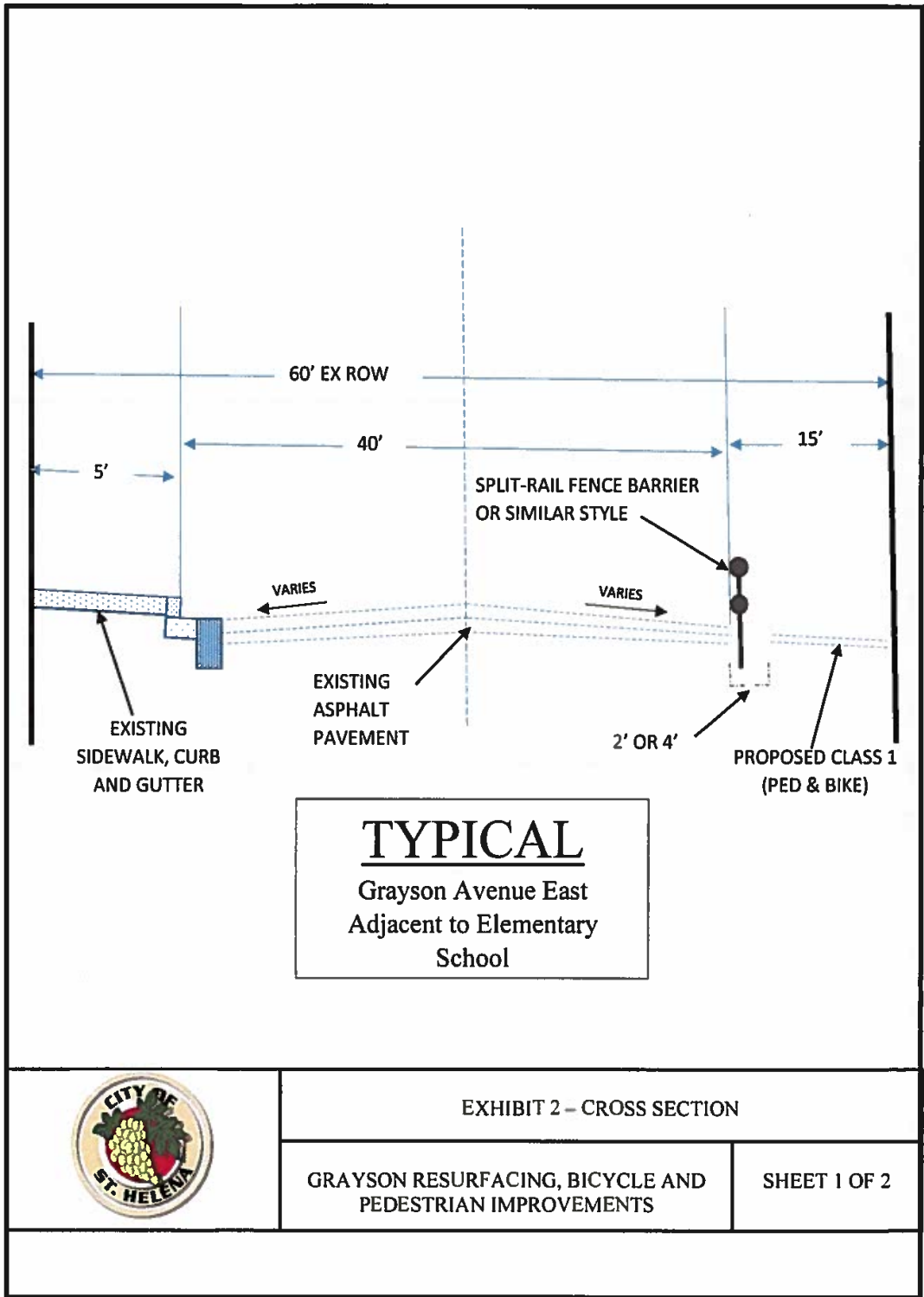
Detailed Engineer's Estimate For Construction Items Only						
Agency	City of St. Helena				Date:	12/1/2016
Project Description	Sidewalk rehabilitation and ADA upgrades, ADA curb ramp upgrades, curb and gutter rehabilitation.					
Project Location	Main Street (SR29) from Pope Street to Pine Street.					
Prepared by	Erica Ahmann Smithies, P.E.					
Item No.	Item Description	Quantity	Units	Unit Cost	Total	
1	Mobilization	1	LS	\$25,000.00	\$25,000	
2	Traffic Control System	1	LS	\$20,000.00	\$20,000	
3	Storm Water Management & Sedimentation/Erosion Control	1	LS	\$5,000.00	\$5,000	
4	Remove and Replace City Tree	54	EA	\$1,250.00	\$67,500	
5	Replace City Tree	7	EA	\$250.00	\$1,750	
6	Replace City Tree Grates	100	EA	\$500.00	\$50,000	
7	Replace Stormdrain Inlet with Trash Capture	8	EA	\$1,200.00	\$9,600	
8	Drip Irrigation for City Trees	3500	LF	\$6.00	\$21,000	
9	20A Electrical Service for Tree Lighting and Aux Power	12	EA	\$5,000.00	\$60,000	
10	Minor Concrete - Demolition of Existing Curb and AC Saw cut	3610	LF	\$12.00	\$43,320	
11	Minor Concrete - ADA Ramps	17	EA	\$6,500.00	\$110,500	
12	Minor Concrete - Curb and Gutter	3610	LF	\$38.00	\$137,180	
13	Minor Concrete - Sidewalk	30943	SF	\$12.00	\$371,316	
14	Minor Concrete - Driveway	5029	SF	\$14.00	\$70,406	
15	New Bike Racks	10	EA	\$300.00	\$3,000	
16	New Benches	15	EA	\$400.00	\$6,000	
17	Bulb outs	2	EA	\$12,000.00	\$24,000	
18	crosswalk lines, words, arrows, symbol markings, etc.)	2500	SF	\$3.50	\$8,750	
19	Portable Changeable Message Signs	1	LS	6,444	\$6,444	
20	Relocate Misc. Fixtures for ADA Compliance	1	LS	8,000	\$8,000	
21						
22						
23						
24	Construction Item Contingencies (% of Con Items) :			10%	\$104,877	
25						
26				CONSTRUCTION:	\$1,153,643	
27				PS&E:	\$288,411	
28				CONSTRUCTION MANAGEMENT:	\$115,364	
29				TOTAL PROJECT:	\$1,557,418	
30				MATCH (12%):	\$186,890	
31				TOTAL OBAG II:	\$1,370,527	

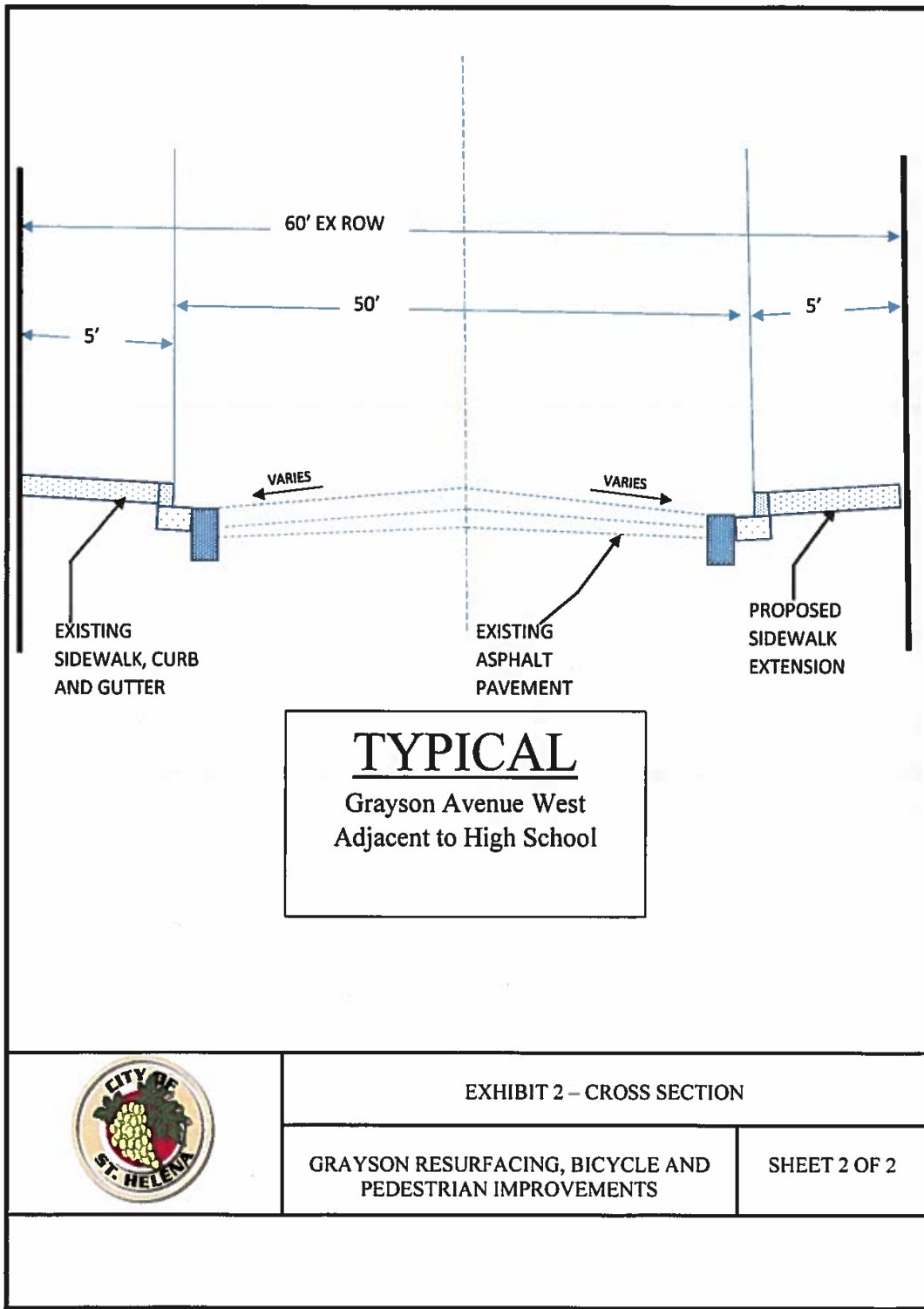


EXHIBIT 1 – PROJECT LOCATION

GRAYSON RESURFACING, BICYCLE AND
PEDESTRIAN IMPROVEMENTS

SHEET 1 OF 1





Detailed Engineer's Estimate For Construction Items Only						
Agency	City of St Helena				Date:	12/1/2016
Project Description	Grayson Ave Overlay, Pedestrian and Bicycle Improvements					
Project Location	Grayson Avenue from Main Street (SR29) to South Crain Avenue					
Prepared by	Erica Ahmann Smithies, P.E.					
Item No.	Item Description	Quantity	Units	Unit Cost	Total	
1	Mobilization	1	LS	\$25,000.00	\$25,000	
2	Traffic Control System	1	LS	\$20,000.00	\$20,000	
3	Storm Water Management & Sedimentation/Erosion Control	1	LS	\$5,000.00	\$5,000	
4	Adjust Sewer Manhole Cover to Finish Grade	8	EA	\$800.00	\$6,400	
5	Adjust Water Valve box to Finish Grade	12	EA	\$470.00	\$5,640	
6	PG&E Facility to Grade	3	EA	\$470.00	\$1,410	
7	Adjust AT&T Vault to Grade	2	EA	\$470.00	\$940	
8	Traffic Detection Cover to Grade	2	EA	\$470.00	\$940	
9	Grind and Replace Asphalt Concrete Surfacing (4")	2650	TON	\$150.00	\$397,500	
10	Minor Concrete - ADA Curb Ramps w/detectible surface	8	EA	\$6,500.00	\$52,000	
11	Minor Concrete - New Curb and Gutter	113	LF	\$38.00	\$4,294	
12	Minor Concrete - New Sidewalk	352	SF	\$12.00	\$4,224	
13	Existing Sidewalk Repair	120	SF	\$12.00	\$1,440	
14	Tree Removal for Sidewalk Expansion	1	EA	\$1,200.00	\$1,200	
15	Upgrade Existing Street lighting to LED	4	EA	\$800.00	\$3,200	
16	6" Thermoplastic Stripes - Class II Bike Lane	2650	LF	\$3.00	\$7,950	
17	4-Inch Double Thermoplastic Strip	2650	LF	\$1.50	\$3,975	
18	Class II Bike Lane Symbol w/Person & Arrow	12	EA	\$5.00	\$60	
19	Grind Existing Markings from Parking Lot Crossings	1	LS	\$1,500.00	\$1,500	
20	Thermoplastic Type IV Shared Roadway Bicycle Pavement Marking	20	EA	\$100.00	\$2,000	
21	Thermoplastic Pedestrian Crossings	1000	SF	\$4.50	\$4,500	
22	Traffic Signs	30	EA	\$40.00	\$1,200	
23	Install Traffic Post	30	EA	\$200.00	\$6,000	
24	Class I Bike Path	0.35	Mile	\$350,000.00	\$122,500	
25	Class I Bike Path Road Crossing	1	LS	\$20,000.00	\$20,000	
26	Class I Bike Path Lighting	1	LS	\$30,000.00	\$30,000	
27	Portable Changeable Message Sign	1	LS	6,444	\$6,444	
28	Permanent Radar Speed Signs	2	LS	2,000	\$4,000	
29						
30						
31						
32	Construction Item Contingencies (% of Con Items) :			10%	73,932	
33						
34		0		TOTAL:	\$813,249	
35				PS&E	\$141,987	
36				CONSTRUCTION MANAGEMENT	\$81,325	
37				TOTAL PROJECT	\$1,036,561	
38				MATCH (12%)	\$124,387	
39				TOTAL OBAG II REQUEST	\$912,174	



Item No: 8.6

Report to the City Council
Council Meeting of Dec. 13th, 2016

Agenda Section: Consent

Subject: Consideration and proposed authorization for the Police Department to hire and train Per Diem Dispatchers beginning January, 2017, at a rate of not more than \$30.56 per hour; employ the Dispatchers through June 2017, for a total of not more than \$34,209.72; and use of General Fund reserves for an amount not to exceed \$34,210.

CEQA Status: Not a CEQA project

Prepared By: William Imboden, Chief of Police 

Approved By: Jennifer Phillips, City Manager 

BACKGROUND

The Saint Helena Police Department is currently staffed with four full-time Police Dispatchers. These Dispatchers also double as call takers, front counter reception, records entry and management, and jail matrons when needed. Because the Dispatch Center must be staffed 24 hours a day 7 days a week, the Dispatchers work solo shifts so that the four of them can provide continuous coverage. When any of the Dispatchers cannot cover their assigned shift for whatever reason, one of the other three must cover on an overtime basis. The Department also has one Community Service Officer who has been cross trained to dispatch and can fill in on an emergency basis.

The Department has an anticipated short term vacancy in two of the dispatcher positions beginning sometime in early April, 2017, extending through June, and possibly into July. One of the positions can be covered with the CSO; however the other position currently cannot be covered with the existing staff.

DISCUSSION

One major constraint the Department is required to work with is to keep the per diem employee within the legal definition of a "part time employee", in order to avoid triggering retirement and other benefits. To do this, the vacant full time position will need to be shared by at least two per diem employees.

The Department is in the process of hiring one per diem Dispatcher who is a former employee and requires little to no training to get back up to speed. However that person can only work a limited number of hours per month, due to inflexible outside constraints.

Item No: 8.6

Therefore the Department is asking for authorization to hire one more per diem Dispatcher who can work the bulk of the hours needed to cover the remaining vacant position, and keep either part time employee from triggering full time benefits.

In order to get any Dispatcher (new to the Department) trained and capable of working a solo shift, the Trainee Dispatcher must go through an organized and structured program which takes three months working fulltime to accomplish. This can be accomplished while still avoiding "full time employee" status because of the short duration of the training.

In an effort to get the new per diem Dispatcher up to speed in time to fill one of the impending vacancies in April, 2017, they will need to train full time beginning in early January, 2017. Any lag time in getting the per diem Dispatcher hired will push their training back, causing a ripple that will require existing Dispatchers to work overtime, at an overtime pay rate.

During previous periods of Dispatcher absences the Department was able to overcome the vacancy by using a combination of the CSO and overtime. That combination does not work when there are two vacancies, as is the case this time.

FISCAL IMPACT

Per diem Dispatchers are compensated hourly, with no benefits accrued. The pay scale for Dispatch starts at \$25.14 per hour and tops out at \$30.56 per hour. The City is required to pay the employers share of FICA and Medicare, which is 7.65% (combined). At these rates, with FICA and Medicare included, the cost of one per diem Dispatcher ranges from \$2,345.37 to \$2,850.81 per pay period. For the extended period of January through June, 2017 this would total from \$28,144.44 to \$34,209.72. This is an unexpected and unbudgeted expense, not covered in the FY 2016 / 2017 annual budget and would require use of General Fund Reserves leaving reserves at approximately 24%

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution authorizing the Police Department to hire and train Per Diem Dispatchers beginning January, 2017, at a rate of not more than \$30.56 per hour; employ the Dispatchers through June 2017, for a total of not more than \$34,209.72 from the General Fund Reserves; and approve a budget adjustment to accounts 101-4900-2020 and 101-4900-2040 for a combined total not to exceed \$34,210.

ATTACHMENTS

1. Resolution

CITY OF ST. HELENA

RESOLUTION No. 2016-

Authorization for the Police Department to hire and train Per Diem Dispatchers beginning January, 2017, at a rate of not more than \$30.56 per hour; employ the Dispatchers through June 2017, for a total of not more than \$34,209.72; and use of General Fund reserves for an amount not to exceed \$34,210.

RECITALS

- A. The City of St. Helena Police Department employs a full time, around the clock Emergency Dispatch Center; and
- B. The Dispatch Center is staffed by one full time Dispatcher at all times; and
- C. The Department only has a staff of four Dispatchers; and
- D. Dispatchers require three months of training to be capable of working a solo shift; and
- E. The Department is anticipating two simultaneous vacancies from April through June, 2017; and
- F. This is an unexpected and unbudgeted expense.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. Approves and authorizes the Police Department to hire per diem Dispatchers beginning January 2017, at a rate of not more than \$30.56 per hour; and employ the Dispatchers through June 2017, for a total of not more than \$34,209.72; and
- 2. Approves the use of General Fund reserves for an amount not to exceed \$34,210 with budget adjustments to accounts 101-4900-2020 and 101-4900-040 for a combined total not to exceed \$34,210.
- 3.

Approved at a Regular Meeting of the St. Helena City Council on December 13th, 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



Item No: 8.7

Report to the City Council
Council Meeting of December 13th,
2016

Agenda Section: Consent

Subject: Consideration and proposed adoption of a resolution to remove Appendix A; Section 9, Subsection B, (Page 42) of the City Employees' Handbook – Use of City Vehicles, and replace it with the updated Appendix A; Section 9, Subsection B – Use of City Vehicles, dated 16 September, 2016

CEQA Status: Not a CEQA project

Prepared By: William Imboden; Police Chief

Approved By: Jennifer Phillips, City Manager

Handwritten signatures in blue ink. The first signature is above the "Prepared By" line, and the second signature is above the "Approved By" line.

BACKGROUND

On June 17th, 1993 the Saint Helena City Manager authored a Memorandum to the Public Works Department outlining the approved use of City Vehicles being used to commute to and from work, and defining their authorized use after hours (Attachment 1). The memorandum was added to the City Employees' handbook as an appendix sometime after June, 1993. However, there does not appear to be any independent Council Resolution authorizing this insertion to the handbook. The City Employee handbook was adopted in whole by City Council Resolution 2000-90 (Attachment 2).

DISCUSSION

The June 1993 Memorandum labeled "Appendix A" was in response to some uncertainties that arose regarding the use of the City vehicles after work hours, and while commuting to and from work. It does not address specific types of vehicles, nor does it single out labeled or "marked" city vehicles. Specifically omitted are unmarked "take home" vehicles as provided to the Chief of Police and the Public Works Director. Because of this oversight, *all* city vehicles were folded into the perimeters of the appendix.

The current Appendix A severely restricts the ability of the employee to use the City vehicle for anything other than straight line commuting to and from work. There is an exception for a maximum of a three block deviation to stop at a store, but for "no longer than 15 minutes cumulative total time".

Because the memorandum was addressed to the then Public Works Director and his staff, the intent of the appendix appears to have been to define the use of marked

Item No: 8.7

Public Works vehicles being used to commute to and from work during periods of "on call", by Public Works employees (this opinion is supported by the requirement within Appendix A that employees notify the Police Dispatch when they will be leaving a City vehicle parked unattended). The types of vehicles used for on-call or "call out" are marked with the City emblem, have "Public Works Department" stenciled on the body, and have a vehicle identification number on the front and rear. Additionally, the Stand-By and On-Call positions are rotational, and therefore the vehicle is not assigned to any one employee, or as a take home car. The employee on-call that weekend or evening takes the vehicle home and brings it back on the following workday.

While the intended purpose of taking home a City vehicle is to facilitate the needs and interests of the City, the affected employee should also be allowed minor detours to and from home to attend to personal business which may be considered essential to the employee's personal life, and which would create a hardship if disallowed while using a City vehicle (i.e. personal errands in the general direction of the employee's home). Driving a City vehicle is not intended to create a hardship for the affected employee.

The present-day Public Works Director and Police Chief are assigned unmarked, unidentifiable City vehicles as part of their positions, to allow them to effectively respond to various needs on behalf of the City, during all hours of the day and night. As such, these vehicles are used to commute to and from work on an on-going daily basis. Much as anyone who commutes to work in a vehicle needs to make occasional detours on the way to and from home, the Public Works Director and Police Chief are no exception. It is not reasonable to expect employees driving these types of City vehicles (unmarked, unidentifiable) on a daily basis to refrain from making reasonable, normal, De Minimis stops and detours along the way. Parameters need to be in place, and the City Manager issued a memorandum dated September 16, 2016 in order to provide guidance on the use of City Vehicles (Attachment 2). The September 2016 memo provides the following guidance:

1. Employees may not deviate from a direct path between home and work, or stop en route for personal business, except where such personal business would be considered de minimis in nature and an essential action in the employees' personal life. Driving a City vehicle is not intended to create a hardship for the affected employee.
2. After 5 PM Monday through Friday, and at any time on weekends and holidays, when any city vehicle is parked other than for City work, or at the employee's home, the employee must notify the Police dispatcher, the location of the vehicle and how long it will be left unattended.
3. Other than for City business, only City employees are allowed to ride in a City vehicle, except carrying a passenger to meet an unusual situation, as permitted by the City Manager. More intensive use, or use outside of permitted exceptions, is prohibited.
4. Use of City vehicles during off-duty time is limited to responding to call outs, commuting to and from work and transportation to other official City business. City vehicles may not be used for personal trips and errands (except as described in (1) above). During those times that an employee is designated as "on-call" and being

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compensated with stand-by pay, the employee is expected to be able to get to the vehicle and respond to an emergency within a reasonable time.

In order to formalize the guidance regarding use of City vehicles, Staff is recommending that this September 2016 memorandum replace the June 1993 memorandum in the City Employee Handbook.

FISCAL IMPACT

There are no fiscal impacts to the City at this time.

RECOMMENDED ACTION

Staff recommends the City Council adopt the attached Resolution to remove Appendix A; Section 9, Subsection B, (Page 42) of the City Employees' Handbook – Use of City Vehicles, and replace it with the updated Appendix A; Section 9, Subsection B – Use of City Vehicles, dated 16 September, 2016.

ATTACHMENTS

1. Current Appendix A – June 17, 1993 Memorandum
2. Proposed Appendix A – September 16, 2016 Memorandum
3. Resolution

APPENDIX A
CITY OF ST. HELENA
MEMORANDUM

June 17, 1993

TO: Public Works Director Marty Oldford, Public Works Employees and Other Interested Employees
FROM: Gene Armstead, City Manager
RE: Use of City Vehicles

There have been recurring discussions of what parameters govern what the employee can do with a City vehicle when used for commuting to or from work. The following is my determination of appropriate uses of City vehicles during non-working hours under Section IX of the Employees' Handbook and is intended to resolve uncertainties that have been identified.

1. Employees may not deviate from a direct path between home and work or stop en route for personal business, except that employees may stop at a grocery store or similar brief stop so long as (a) there is no significant deviation (i.e., no more than three blocks) from the most direct reasonable route and (b) the vehicle is not left parked for a significant amount of time (i.e., no longer than fifteen minutes cumulative total time). Stops at a bar are specifically prohibited.
2. After 5:00 p.m. Monday through Friday and at any time on Saturday or Sunday, when any City vehicle is parked other than for City work or at the employee's home, the employee must notify the Police dispatcher by radio of the location of the vehicle and how long it will be left unattended.
3. Other than for City business, only City employees are allowed to ride in a City vehicle, except carrying an occasional (no more than once a week) passenger to meet an unusual situation will be permitted. More intensive use than that is prohibited, and the guidelines described in (1) still apply.
4. Use of City vehicles during off-duty time is limited to responding to emergency call-outs, scheduled rounds, and commuting between work and home. City vehicles may not be used for personal trips and errands, except as described in (1) above. During those times that an employee is designated as "on-call" and being compensated with stand-by pay, the employee is expected to be able to get to the vehicle and respond to the emergency within a reasonable time.
5. The vehicle used for commuting must be the most economical vehicle available appropriate to the anticipated work.
6. Whenever the employee is on vacation or other leave, or is on a trip away from home, the City vehicle must be left at its customary place on City property.

CITY OF ST. HELENA

MEMORANDUM

16 September, 2016

TO: Public Works Director, Chief of Police, Human Resources Director, any other interested City personnel

FROM: Jennifer Phillips; City Manager

RE: EMPLOYEE HANDBOOK SECTION IX, USE OF CITY VEHICLES, SUBSECTION B; APPENDIX A

1. Employees may not deviate from a direct path between home and work, or stop en route for personal business, except where such personal business would be considered De Minimis in nature and an essential action in the employees' personal life. Driving a City vehicle is not intended to create a hardship for the affected employee.
2. After 5 PM Monday through Friday, and at any time on weekends and holidays, when any city vehicle is parked other than for City work, or at the employee's home, the employee must notify the Police dispatcher, the location of the vehicle and how long it will be left unattended.
3. Other than for City business, only City employees are allowed to ride in a City vehicle, except carrying a passenger to meet an unusual situation, as permitted by the City Manager. More intensive use, or use outside of permitted exceptions, is prohibited.
4. Use of City vehicles during off-duty time is limited to responding to call outs, commuting to and from work and transportation to other official City business. City vehicles may not be used for personal trips and errands (except as described in (1) above). During those times that an employee is designated as "on-call" and being compensated with stand-by pay, the employee is expected to be able to get to the vehicle and respond to an emergency within a reasonable time.

CITY OF ST. HELENA

RESOLUTION No. 2016-

Resolution to remove Appendix A; Section 9, Subsection B, (Page 42) of the City Employees' Handbook – Use of City Vehicles, and replace it with the updated Appendix A; Section 9, Subsection B – Use of City Vehicles, dated 16 September, 2016.

RECITALS

- A. The City of St. Helena provides take home vehicles to certain employees as a mutual benefit; and
- B. Employees subject to call out are expected to respond to City needs at all hours of the day and night, weekend and holidays included; and
- C. The City recognizes employees' needs to address personal matters while commuting to and from the City; and
- D. Driving a City vehicle is not intended to create further hardship for the affected employee beyond being subject to call out; and
- E. De Minimis personal use of a City vehicle while commuting to and from work is a reasonable accommodation.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

- 1. Appendix A; Section 9, Subsection B, (Page 42) of the City Employees' Handbook – Use of City Vehicles, is removed and replaced with updated Appendix A; Section 9, Subsection B – Use of City Vehicles, dated 16 September, 2016 and attached as an exhibit to this resolution.

Approved at a Regular Meeting of the St. Helena City Council on December 13th, 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



Item No: 8.8

Report to the City Council
Council Meeting of December 13, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a Resolution Amending the Rate of Pay for Fire Department Battalion Coverage from the established rate of \$50 per 24-hour period to \$105 per 24-hour period and establishing the 24-hour period to be from 08:00 am to 07:59 am for Resolution 2016-11

CEQA Status: Not a CEQA project

Prepared By: Allison Mattioli, Management Analyst *AMM*
Kathy Robinson, Human Resources & IT Director
John Sorensen, Fire Chief

Approved By: Jennifer Phillips, City Manager *JFP*

BACKGROUND

On January 12, 2016, City Council approved Resolution 2016-11 establishing firefighters' active pay as part of the process to transition the St. Helena Fire Department from a service model consisting of independent contractors, to one comprised of part-time hourly City of St. Helena employees. Under the former service model, and by formal Resolution 2012-60, the City of St. Helena was invoiced \$105 per 24-hour period for battalion coverage, aka standby or on call time. Resolution 2016-11 rescinded this battalion rate and established "standby," or battalion coverage pay at the hourly rate of \$50 per 24-hour period. Under the former service model, per call rates were \$16.00 per call for day calls and \$20.00 per call for night calls. The established rate for the new service model is \$25.00 per call which is a 39 percent increase from the average per call rate of day/night calls.

DISCUSSION

The California Department of Labor Standards (DLSE) considers the following standards to determine if on call time (standby pay) is compensable: (1) geographical restrictions on the employees' movements; (2) required response time; (3) the nature of the employment; and (4) the extent the employer's policy impacts personal activities during on call time.

In the event the Fire Chief is unavailable for a specified 24 hour period or longer, an acting chief is required to be on standby to ensure the safety of both the community and fire

Item No: 8.8

personnel by providing continuous coverage to respond to the needs of the public and to ensure there is adequate chief-level staffing at all times. As such, standby duty requires the acting chief to be restricted to the vicinity of St. Helena for 24-hour and by law, restricting the activities of an employee should be duly compensated.

HR staff during the firefighter transition informed the City Manager, Fire Chief and Firefighter's Association that the Public Works standby rate was \$50 per weekend, so they agreed to a battalion coverage rate of \$50 per 24-hour period. It was discovered sometime later that that was in fact not the rate, but was \$75 per weekend. Given the nature of the position, the certifications required, and the level of responsibility assigned to the role of acting chief, a more accurate comparable for compensation would be to compare rates of similar agencies. The only nearest agency with a similar service model would be the City of Sebastopol. As of September 20, 2016, the current rate for Sebastopol's "Captain Weekend Standby rate" is \$375, prior to that the rate had been \$150. In working with the St. Helena firefighters assigned to battalion coverage, they support staff's recommendation in increasing the daily battalion coverage rate from \$50 back to the 2012 established rate of \$105 per 24-hour shift. Restoring the 2012 rate of \$105 per 24-hour (\$210 per weekend) is still a significant 44% savings over the comparable Sebastopol weekend rate of \$375. St. Helena firefighters recognize that Sebastopol model is not the rate they are seeking but are in agreeance that restoring the rate back to \$105 is fair and prudent.

FISCAL IMPACT

The fiscal impact to the City of St. Helena is minimal and restores the battalion coverage to \$105 per 24-hour period.

In the six-month period, from January 1, 2016 to June 30, 2016, battalion coverage shifts totaled 31. Battalion coverage shifts are expected to remain consistent throughout the year with a projected annual expense to increase from \$3,100 to \$6,510, for an additional amount of \$3,410. The increase amount can be covered by the current Fire Department budget; therefore, no budget adjustments are necessary.

RECOMMENDED ACTION

Adopt.

ATTACHMENTS

1. Resolution

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Consideration and proposed approval of a Resolution
Amending the Rate of Pay for Fire Department Battalion
Coverage from the established rate of \$50 per 24-hour
period to \$105 per 24-hour period and establishing the
24-hour period to be from 8:00 am to 7:59 am for
Resolution 2016-11**

RECITALS

- A. On January 12, 2016 City Council approved Resolution 2016-11 establishing fire fighters' active pay as part of the process to transition the St. Helena Fire Department from a service model consisting of independent contractors, to one comprised of part-time hourly City of St. Helena employees; and
- B. Under the former service model, and by formal Resolution 2012-60, the City of St. Helena was invoiced \$105 per 24-hour period for battalion coverage, aka stand-by or on-call time; and
- C. Resolution 2016-11 rescinded this battalion rate and established "stand-by," or battalion coverage pay at the hourly rate of \$50 per 24-hour period; and
- D. When the Fire Chief is unavailable for a specified 24 hour period or longer, an acting chief is required to be on standby to ensure the safety of both the community and fire personnel by providing continuous coverage to respond to the needs of the public and to ensure there is adequate chief-level staffing at all times; and
- E. Stand-by duty requires the acting chief to be restricted to the vicinity of St. Helena for 24-hour and by law, restricting the activities of an employee should be duly compensated; and
- F. Restoring the 2012 rate of \$105 per 24-hour (\$210 per weekend) is still a significant 44% savings over the comparable Sebastopol weekend rate of \$375; and
- G. St. Helena firefighters are in agreeance that restoring the rate back to \$105 is fair and prudent.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City of St. Helena as follows:

1. Stand-by pay will be paid at the hourly rate of \$105.00 per 24 hour period.

2. Establishing the 24-hour period to be from 8:00 am to 7:59 am.
3. Resolution No. 2016-11 is hereby amended.

PASSED AND ADOPTED at a regular meeting of the City of St. Helena Council on the 13th day of December, 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: 8.9

Report to the City Council
Council December 9, 2014

Agenda Section: Consent

Subject: Consideration and proposed approval of a Resolution accepting the certification of the vote for the November 8, 2016 General Municipal Election

CEQA Status: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The City Council adopted Resolution 2016-73 on June 4, 2016 calling and giving notice of a General Municipal Election on November 8, 2016.

On November 8, 2016, the Mayor and City Council election was held which included five candidates. One candidate, incumbent Alan Galbraith, running for the Mayor's seat; four candidates, incumbent Greg Pitts, incumbent Sharon Crull, Mary Koberstein and Geoff Ellsworth for the two City Council positions.

On December 5, 2016, the Napa County Registrar of Voters canvassed the vote and certified the final count. Mary Koberstein and Geoff Ellsworth were successful in their bids for Council seats for four-year terms. Mayor Alan Galbraith was unopposed and was reelected for a two year term.

FISCAL IMPACT

The costs for the consolidation of the election are not known at this time.

RECOMMENDED ACTION

Adopt the resolution accepting the certification of the vote for Mayor and Council members.

ATTACHMENTS

1. Resolution with Statement of Votes Cast (signed/certified)

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA
ACCEPTING THE CANVASS AND STATEMENT OF VOTES CAST FOR THE
GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016**

RECITALS

- A. Regular General Municipal Election was held and conducted in the City of St. Helena, County of Napa, State of California, on Tuesday, November 8, 2016 as required by law; and
- B. At said election, in accordance with applicable law, votes were received and canvassed and the results determined; and
- C. Notice of said election was given in time, form, and manner as provided by law; candidates were nominated to fill the vacancies as provided by law; voting precincts were properly established; election officers were appointed and in all respects the election was held and conducted and the votes cast, received and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the Election Code of the State of California; and

RESOLUTION

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of St. Helena as follows:

- 1. The results of the General Municipal Election held on November 8, 2016 shall be entered into the record through the adoption of this resolution.
- 2. That a complete and correct copy of the results of said election as canvassed and certified by the office of John Tuteur, County Registrar of Voters, is attached "Exhibit A" and shows:
 - a. One candidate, Alan Galbraith, was elected to serve a two-year term as Mayor.
 - b. Two candidates, Mary Koberstein and Geoff Ellsworth, were elected to serve four-year terms as Council Members.
- 3. That the City Clerk is hereby directed to provide a certified copy of this resolution to the Office of the County Registrar of Voters.

Approved and adopted at a Regular Meeting of the St. Helena City Council on December 13, 2016, by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____

Attachment 1

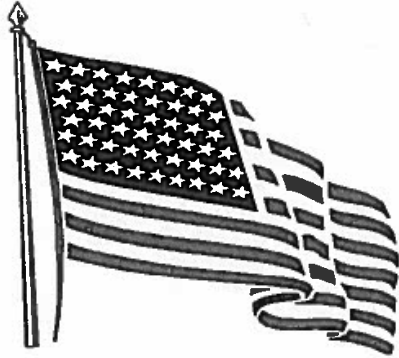
Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk



STATEMENT OF VOTES CAST

NOVEMBER 8, 2016 PRESIDENTIAL GENERAL ELECTION

CANVASS AND STATEMENT OF VOTE

**CITY OF SAINT HELENA – MAYOR AND COUNCIL
MEASURE D**

I HEREBY CERTIFY THAT ON DECEMBER 5, 2016 THE OFFICIAL CANVASS WAS COMPLETED FOR THE PRESIDENTIAL GENERAL ELECTION HELD ON NOVEMBER 8, 2016 IN NAPA COUNTY. THE TOTAL NUMBER OF VOTES CAST IN THE RESPECTIVE PRECINCTS IS ATTACHED AND THE TOTALS AS SHOWN ARE TRUE AND CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THIS 5TH DAY OF DECEMBER, 2016.

JOHN TUTEUR
REGISTRAR OF VOTERS

SEAL AFFIXED

CITY OF ST HELENA MAYOR (Vote for 1)

Precinct	Registration	Ballots Cast	Turnout	ALAN GALBRAITH	H
332601 MB	804	656	81.59%	454	
332602 MB	526	462	87.83%	317	
332603 MB	666	605	90.84%	408	
332604 MB	683	594	86.97%	443	
332605 MB	450	372	82.67%	258	
332606 MB	265	238	89.81%	195	
Countywide - Total	3,394	2,927	86.24%	2,075	

CITY OF SAINT HELENA COUNCIL (Vote for 2)

Precinct	Registration	Ballots Cast	Turnout	MARY KOBERSTEIN	GEOFF ELLSWORTH	GREGORY JUDE PTT	SHARON SHAW CRULL
332601 MB	804	656	81.59%	304	325	197	217
332602 MB	526	462	87.83%	255	201	139	151
332603 MB	666	605	90.84%	309	255	236	225
332604 MB	683	594	86.97%	250	261	190	215
332605 MB	450	372	82.67%	163	142	129	131
332606 MB	265	238	89.81%	140	124	61	62
Countywide - Total	3,394	2,927	86.24%	1,421	1,308	952	1,001



Report to the City Council
Council Meeting December 13, 2016

Agenda Section: Public Hearing

Subject: Consideration and proposed approval 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(b)(3), No Possibility of Significant Effect on the Environment

Prepared By: Christina Cook, Administrative Assistant *cc*
Steven Palmer, PE, Director of Public Works/City Engineer *[Signature]*

Approved By: Jennifer Phillips, City Manager *[Signature] FAR*

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. 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 November 29, 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. 130. 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 November 29, 2016, in accordance with Health & Safety Code §§ 4641 et seq., the City Council approved via consent 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. 130 (1400 El Bonita Avenue, St Helena, CA. APN. 009-432-026).

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. 130

1400 El Bonita Avenue, St Helena, CA, (APN) 009-432-026

RECITALS

- A. The property at 1400 El Bonita Avenue, St Helena, CA, Napa County Assessor Parcel Number (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 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 November 29, 2016, and duly noticed and held on December 13, 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 1400 El Bonita Avenue, St Helena, CA, Napa County Assessor Parcel Number (APN) 009-432-026 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 Regular Meeting of the St. Helena City Council on December 13, 2016 by the following.

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____
Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

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:

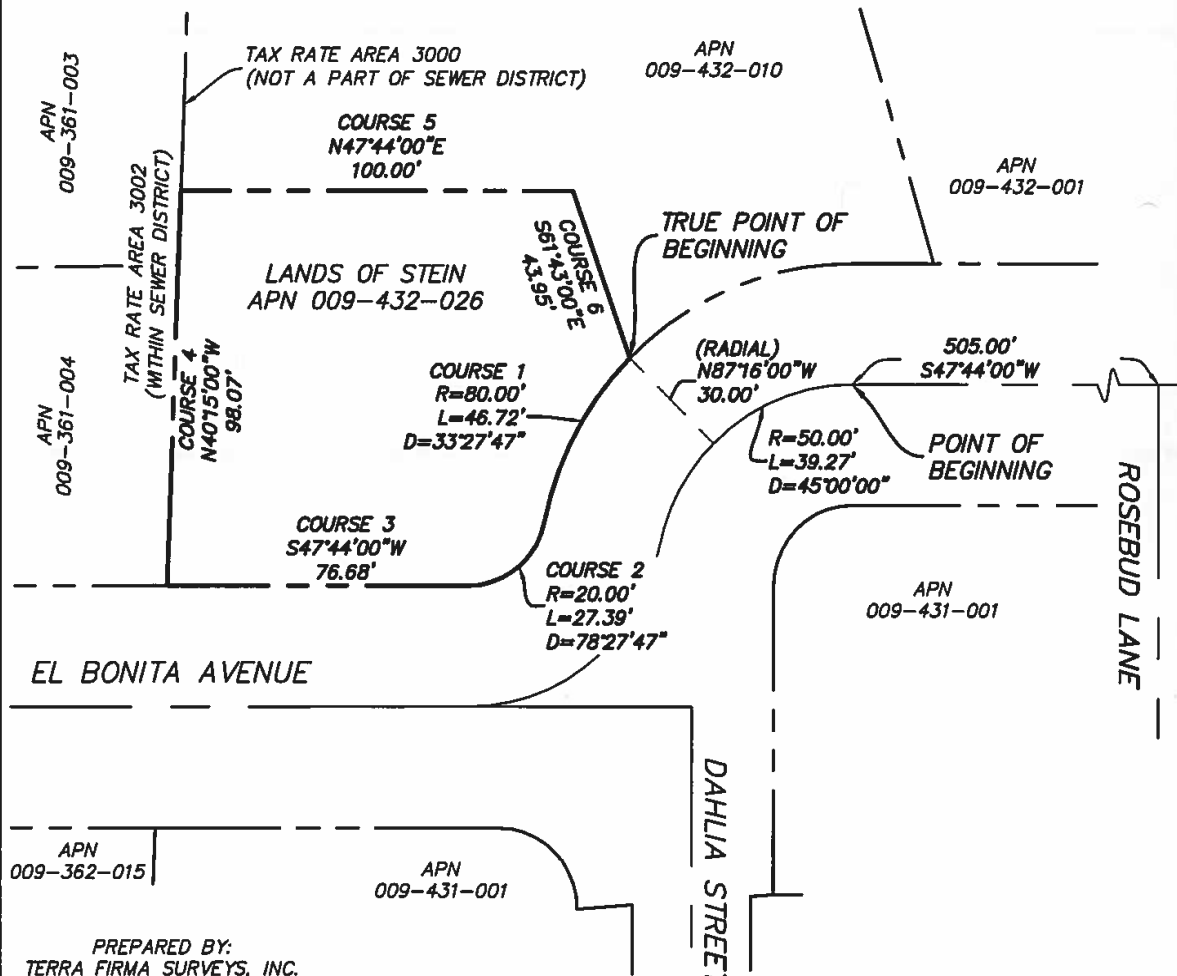
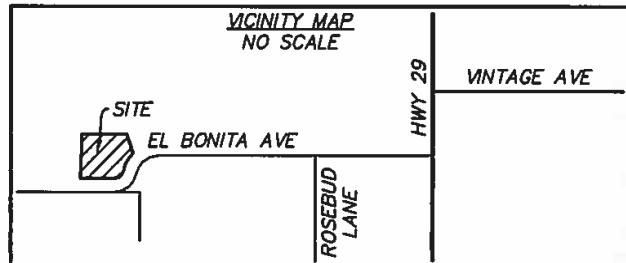
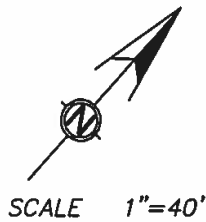
Beginning at the centerline of El Bonita Avenue at a point that bears South 47°44'00" West 505.00 feet from the centerline intersection of El Bonita Avenue with Rosebud Lane; thence southerly along said centerline being a tangent curve, concave easterly, having a radius of 50.00 feet and a central angle 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



Item No: 10.4

Report to the City Council
Council December 13, 2016

Agenda Section: New Business

Subject: Mayor Nomination and Council Approval of Vice Mayor

CEQA Status: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

At the first meeting of the new Council, the Mayor nominates one of the Councilmembers as Vice Mayor. The Council elects the Vice Mayor by a majority vote. The Vice Mayor assumes duties immediately upon his/her appointment.

DISCUSSION

The Vice Mayor presides at Council meetings in the Mayor's absence.

FISCAL IMPACT

None

RECOMMENDED ACTION

Mayor nominates Vice Mayor for Council approval.

ATTACHMENTS

None