



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, March 21, 2017

7:00 P.M.

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

Mayor: Jim Diaz

Vice Mayor: Keith Haydon

Council Members

Julie K. Pierce

David T. Shuey

Tuija Catalano

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** CITY COUNCIL ***

March 21, 2017

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

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

3. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the City Council's special joint meeting of March 6, 2017 and its regular meeting of March 7, 2017. ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. ([View Here](#))
- (c) Rejection of liability claim filed against the City by Lamont R. Becton for alleged vehicle damages occurring in the county area of Contra Costa. ([View Here](#))
- (d) Accept with regret the voluntary resignation of Merle Hufford as the appointed City Treasurer of Clayton for nearly twenty (20) years, and authorize staff to advertise the Council-appointed position for interested citizen applicants. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificate of Commendation to the City for its proper U.S. Flag etiquette by the Thomas Jefferson Chapter, California Society, of the National Society of the Sons of the American Revolution. ([View Here](#))
- (b) 2016 Certificate of Achievement for Excellence in Financial Reporting (CAFR) to the City of Clayton. ([View Here](#))

5. **REPORTS**

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

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

7. PUBLIC HEARING

- (a) Consider the Introduction and First Reading of Ordinance No. 474 amending Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the *Clayton Municipal Code* to implement the 2016 California Building Standards Code with local changes, additions, and deletions, as allowed by state law. (ZOA-09-16) (Community Development Director) ([View Here](#))

Staff recommendations: **1).** Receive the staff presentation; **2).** Open the Public Hearing and receive public comments; **3).** Close the Public Hearing; **4).** Following City Council discussion and any modifications to the Ordinance, approve a motion to have the City Clerk read Ordinance No. 474 by title and number only and waive further reading; **5).** On completion of the City Clerk's reading, adopt a motion to approve Ordinance No. 474 for Introduction with a finding the action does not constitute a project under CEQA.

8. ACTION ITEM

- (a) Consider the adoption of a Resolution approving the City's 2016 Annual Report on its Housing Element progress and policies. ([View Here](#)) (Community Development Director)

Staff Recommendation: Following staff presentation and opportunity for public comments, adopt the Resolution with direction to staff to file the Annual Report with the State Department of Housing and Community Development, Division of Housing Policy Development.

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

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be April 4, 2017.

#

**MINUTES
OF THE
SPECIAL JOINT MEETING**

Agenda Date: 3-21-2017

Agenda Item: 3a

**CLAYTON CITY COUNCIL AND THE
BOARD OF TRUSTEES OF THE MT.
DIABLO UNIFIED SCHOOL DISTRICT**

Monday, March 6, 2017

1. CALLS TO ORDER AND ROLL CALLS

The Clayton City Council meeting was called to order at 6:33 p.m. by Vice Mayor Haydon in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Diaz (arrived at 6:48 p.m.), Vice Mayor Haydon, and Councilmembers Catalano and Pierce. Councilmembers absent: Councilmember Shuey. City Staff present: City Manager Gary Napper and City Clerk Janet Brown.

Mt. Diablo Unified School District Board Members present: President Debra Mason, Vice President Cheryl Hansen, and Trustees Joanne Durkee, Brian Lawrence and Linda Mayo. Board Members absent: None. School District Staff present: Superintendent Dr. Nellie Meyer and Secretary Debbie Maher.

2. PLEDGE OF ALLEGIANCE – led by Vice Mayor Haydon.

3. OPENING REMARKS – were made by Vice Mayor Keith Haydon.

4. OPENING REMARKS – were made by Mt. Diablo Unified School District Board President Debra Mason.

5. PUBLIC COMMENT PERIOD – No comments.

6. INFORMATIONAL EXCHANGE WITH MT. DIABLO UNIFIED SCHOOL DISTRICT

(a) Presentations by Principals of Mt. Diablo Elementary, Diablo View Middle School and Pine Hollow Middle School. (MDUSD)

MDUSD Superintendent Dr. Nellie Meyer advised three principals are going to provide a brief update on their school sites; she then introduced Principal Dawn Edwards of Mt. Diablo Elementary School.

Principal Dawn Edwards, Mt. Diablo Elementary School, introduced Vice Principal Joe Bruno, Mt. Diablo Elementary School. Ms. Edwards presented a short slideshow of various student and teacher activities on campus, projects and community fundraiser efforts.

Principal Patti Bannister, Diablo View Middle School, also presented a short slideshow of various students and teacher activities and projects on campus. Ms. Bannister indicated Diablo Middle School applied for designation as a "Gold Ribbon School" which is the new

version of the California Distinguished School. School officials were notified last week that they have proceeded to the next step of a site evaluation.

Dr. Meyer added the Gold Ribbon validation award is given to very few schools in the county; Diablo View Middle School is the only school within the Mount Diablo Unified School District to receive this honor.

(Mayor Diaz arrived at 6:48 p.m.)

Principal Shelley Bain, Pine Hollow Middle School, presented a short slideshow of various students and teacher activities and projects on campus.

- (b) Continued discussion of opportunities for improved protocols for neighborhood notification of outdoor school and/or Parent-Faculty Club events on school campuses during non-traditional school hours. (Clayton City Council)

Councilmember Pierce provided feedback as part of the neighborhood of Mt. Diablo Elementary School, advising it is much better this year. However, she does not think the notifications get out as far as it should to those neighbors that are truly impacted and it is difficult to fully read all of the messages on the school's electronic board as one drives by.

- (c) Continued discussion of issues with vehicle traffic during drop-off and pick-up hours near Mt. Diablo Elementary School and Diablo View Middle School. (Clayton City Council)

Councilmember Pierce advised the vehicle traffic at Mt. Diablo Elementary School is still a huge problem; at times it even backs up onto Clayton Road. Councilmember Pierce suggested the Parent Faculty Club continue its efforts in educating the parents about the hazardous conditions drivers cause when not obeying basic traffic laws, especially at the afternoon pick-up. She also thought the improved traffic lanes are better; however there just is not enough lane capacity to accommodate all of the vehicles.

Councilmember Catalano advised she has children at both schools noting the primary drop-off and pick-up locations are congested and suggested more parents use the Clayton downtown location to park and then walk up the hill's pathway as it is less congested and easier.

MDUSD Vice President Hansen advised she wanted to check on the status of the Clayton Police Chief's idea of "student valet" program at the elementary school to usher children in and out of parents' cars. She thought it was a great idea when she heard of it at last year's meeting and wondered what happened. Councilmember Pierce added she is not sure if the "student valet" program was implemented or not, or if they ran into insurance/liability issues. City Manager Napper advised he will see if we can obtain a copy of a Manual of Procedures on the "student valet" program used in the Livermore Unified School District; if so, he will provide the materials to Dr. Meyer for consideration of implementation.

PFC President Renee Culp (Mt. Diablo Elementary School) inquired if Councilmember Pierce noticed a positive difference to the flow of traffic when the route was changed about

last three years ago after the PFC was approached by Street Smarts? Having been associated with the school for many years now, it was her observation those traffic lane changes were not all that effective and perhaps should be reverted back to the former design. Councilmember Pierce responded "yes" the flow of traffic seems smoother, however it seems parents dropping off younger students are going around the vehicle queue line creating a hazardous condition when they have to stop to turn left at the intersection. It was noted the after-school daycare buses for the site also contribute to the afternoon vehicle backup.

MDUSD Trustee Lawrence suggested having parents serve as the valet to help get the children out of the car more efficiently. Parents might be more receptive and confident of an adult's assistance as opposed to another child student. Trustee Lawrence also inquired if Councilmember Pierce was looking for alternative forms of communication regarding outside of traditional school hours events or if more notice is needed on the electronic message board? Councilmember Pierce responded broader noticing of the neighborhood is preferred but certainly more notice on the electronic message board would be helpful.

(d) Report/Update from MDUSD regarding its after-school intermural sports programs at Diablo View Middle School. (MDUSD Board)

Superintendent Meyer introduced Mr. Jonathan Egan, Assistant District Superintendent of Middle Schools, to discuss the successes of Diablo View Middle School's intermural sports programs.

Mr. Egan presented a brief slideshow depicting the types of after-school intermural sports programs being offered at Diablo View Middle School and their successes in playing teams from the other MDUSD middle schools. Soccer occurred in the fall, kickball in November, and he advised this year they added volleyball and a track and field jamboree; participation has increased from the first year. He also remarked these programs are offered at no-cost to the students, free transportation is provided for the players to the other school sites, adults are background-cleared to assist, participants' grades are checked weekly, and referees used also work high school sports games and are concussion trained.

Councilmember Pierce asked how many students are participating. Mr. Egan responded about 50 kids for soccer; in volleyball they fielded 1 girls team and 1 boys team; basketball had 2 boys teams (6th grade, and 7th-8th grade) and 2 girls teams (6th grade, and 7th-8th grade). He noted in flag football, every participant must play. Vice Mayor Haydon asked what times the intermural programs play. Mr. Egan responded the sports' start times are usually 3:30 pm after school to allow sufficient time for visiting teams to travel to the home school's campus.

The Clayton City Council expressed its appreciation and pleasure with the information provided and with the great success of MDUSD's intermural sports program.

(e) Information/Status report on plan for renovation of play fields at Mt. Diablo Elementary School. (MDUSD)

Superintendent Meyer asked Principal Dawn Edwards and School District staff member Tim Cody to provide an update on the fundraising efforts for the renovation of the play fields at Mt. Diablo Elementary.

Ms. Edwards advised to date a total of \$250,000 has been raised towards the elementary school's field renovation goal of \$900,000.

Mr. Tim Cody, Measure C Director, added the project is in very preliminary stages and they have been working with the community group noting this project is very early in the fundraising process and it is something the community may not see until next year.

District Superintendent Meyer added the plan design is to install turf play fields as the current conditions are very hazardous to the students. The Community Group looked at turf to ensure the fields are very usable year-round despite the weather and ground squirrels. Superintendent Meyer advised the plan is also looking to add a track around the turf area for the students. She recognized and thanked the Community Member Team led by Pat Middendorf in collaboration with the PFC who came together for fundraising.

Councilmember Pierce requested clarification on plan details as the fundraising flyer did not indicate if the fields were real turf or synthetic turf. Also, what prevention of the ground squirrels returning to the area, and what material considerations for the surrounding track?

MDUSD Vice President Hansen added the proposed project includes renovation of the problematic back slope to the play fields.

Mr. Cody responded the renovation will be a synthetic track and synthetic infield component that ground squirrels typically are not attracted to. Mr. Cody advised the back slope renovation will create a little bit smaller playfield area by changing the grades and install erosion-controlled landscaping to the outside.

Councilmember Catalano inquired on the funding source: will the project be 100% funded by the community fundraising efforts? Superintendent Meyer advised they are looking at what funds MDUSD can contribute to the project as the final cost has not yet been determined; as part of the last sale of the Measure C Bonds, projects are now being prioritized by looking at different needs and possible joint-use projects, and the District will contribute where they can as MDUSD wants this to be a joint community project.

Vice Mayor Haydon inquired on the on-going maintenance costs of the field renovation and how that would be funded. Superintendent Meyer advised the on-going costs have been a consideration of this project along with the life cycle for the synthetic materials, which could be ten (10) years. There is a District commitment to improve, maintain and rehab the facilities to the same standard as with the high school fields.

MDUSD Trustee Mayo thanked everyone involved in the fundraising efforts and advised what is really needed is another school facilities bond to take care of other campuses without the need for community fundraising.

Pat Middendorf also thanked the School District and staff for its help. She also announced the upcoming "Clayton Round-Up"/Relay for Life community event taking place on June 17th will be donating half of its proceeds to this playfield renovation project.

City Manager Napper requested MDUSD keep the City informed of its construction plans as the underground wildlife will naturally migrate to the hill slope on Clayton Road, where the drainage problem partially caused by ground squirrel habitation was recently solved through a joint storm drainage improvement with the City and School District; since those modifications were made, dirt has not sluffed off the hillside onto Clayton Road at all in the last two rainy seasons.

MDUSD Vice President inquired about the status of the lot near the school where she has heard Clayton Community Church is intending to build on the adjacent property and was seeking additional information. City Manager Napper advised the Clayton Community Church does own that real property and they are in the process of submitting a land use application to the City. However, its earlier development submittals were deemed incomplete by City staff and he understood they are working with the School District regarding shared parking on the adjoining lots. The church plans to have a worship center on its property.

- (f) Discuss potential for a joint project to construct an all-weather mini-track and/or enclosed recreational building on Field No. 4 (City property) adjacent to the Clayton Community Gym on the Diablo View Middle School campus. (Clayton City Council) Patti Middendorf's

Vice Mayor Haydon noted he has been contacted by a number of people indicating this year's rainy weather curtailed a lot of outdoor activities where many had to go and rent time at indoor facilities outside of the Clayton area. He thought of this as a potential opportunity for both the school and City to build a structure much closer to home that could accommodate a variety of different sports. If done properly, the collection of rental fees could generate some income. City Manager Napper displayed an overhead of Field 4 at Clayton Community Park that depicted one possibility of a mini-track on the 0.75 acre of land.

MDUSD President Mason inquired if there are any nearby facilities that can be viewed to get an idea of the proposed concept? Councilmember Pierce advised several YMCAs in Colorado have these types of facilities due to their varying weather patterns. Developing this site with similar improvements at this particular location could be very helpful to the school and community members for outdoor and/or indoor recreation activities.

Pat Middendorf inquired if the City Council has considered installing an asphalt track in contrast to a synthetic surface; asphalt is really an all-weather surface that can be very affordable and can last a long time.

Principal Patti Bannister noted there is an existing safety concern when students run the mile on Wednesdays around the school's basketball courts after the installation of traffic calming bumps at Diablo View Middle School. She suggested adding onto that existing track to keep the kids from having to run in the road.

Ted Meriam, Vice Chairperson/Community-At-Large Board Member, Clayton Valley Charter High School, commented this conversational exchange was very good but he thought next time there should be an invitation extended to Clayton Valley Charter High School Board to formally sit in on this exchange as the high school serves many students that reside in Clayton.

Mayor Diaz and Board President Mason thanked everyone for attending and stated that general guidance to respective staff was provided and that no formal action was taken on any of these agenda items.

6. **ADJOURNMENT**– on call by Mayor Diaz the Clayton City Council special joint meeting adjourned at 7:56 p.m.

The next regularly scheduled City Council meeting is on March 7, 2017.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Jim Diaz, Mayor

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, March 7, 2017

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Diaz in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Diaz, Vice Mayor Haydon and Councilmembers Catalano and Pierce. Councilmembers absent: Councilmember Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Chief of Police Chris Wenzel, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the regular meeting of February 21, 2017.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved a new Exclusive Negotiation Agreement (ENA) with Pacific Union Land Investors, LLC, for the continued preparation of a Disposition and Development Agreement (DDA) leading to the sale/purchase, private development and management of certain City-owned vacant real property in the Clayton Town Center, generally located at 6005 Main Street (APN 118-560-010-1), with land use options for limited commercial retail and a senior care/memory care facility or multiple-family residential units.
- (d) Adopted Resolution No. 06-2017 approving the Notice of Completion for Uretex USA, Inc.'s use of a polymer fill injection to stabilize portions of the arterial roadways in the 2016-17 Arterial Street Rehabilitation Project (CIP No. 10437) and a segment on El Portal Drive (CIP No. 10439) in the final amount of \$350,849.82, and authorize the City Clerk to record the Project's Notice of Completion.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to public school students for exemplifying the "Do The Right Thing" character trait of "Self-Discipline" during the months of January and February 2017.

Mayor Diaz and Mt. Diablo Elementary School Principal Dawn Edwards and third grade teachers Ms. Van Outrive and Ms. Grispo presented Certificates to students Dominic Celentano and Evan Lynch.

Mayor Diaz and Diablo View Middle School Principal Patti Bannister presented Certificates to students Megan Gherlone and James Brinkley.

- (b) A Proclamation declaring March 2017 as “American Red Cross Month” in the City of Clayton.

Mayor Diaz read a Proclamation declaring March 2017 as “American Red Cross Month” in the City of Clayton and presented it to Nick LaSpada, Clayton External Relations Liaison for the American Red Cross.

Mr. LaSpada thanked the City Council for its support in making Clayton a better prepared City during emergencies and the Red Cross looks forward to the continued relationship.

5. REPORTS

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

Vice Mayor Haydon attended the Mt. Diablo Elementary School “Field of Dreams” committee meeting, he was an umpire in the Bocce Fall Finals, attended the Network of Care Crab Feed fundraiser, an East Contra Costa Habitat Conservancy meeting, and the joint special meeting of the Clayton City Council and Mt. Diablo School District Board.

Councilmember Catalano attended the joint special meeting of the Clayton City Council and Mt. Diablo School District Board, and a California League of Cities webinar regarding the state’s 2017 housing legislation and in particular, Senate Bill 35..

Councilmember Pierce attended the Metropolitan Transportation Commission Board meeting, a joint meeting of the Associated Bay Area Governments and Metropolitan Transportation Commission, the East Bay Leadership Council “State of the East Bay” event, a Community Choice Energy community outreach meeting, the Mayors’ Conference hosted in Hercules, a joint special meeting of the Clayton City Council and Mt. Diablo School District Board, and the Network of Care Crab Feed fundraiser.

Mayor Diaz attended the Clayton Business and Community Association’s General Membership meeting, the Clayton Business and Community Association 8th Annual BBQ committee meeting and he announced that event will take place on July 15th, the Contra Costa County Mayors’ Conference, the Network of Care Crab Feed Fundraiser, was a judge at the 7th Annual Chili Cook-off at the Clayton Club Saloon, and the joint special meeting of the Clayton City Council and Mt. Diablo School District Board.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Drina Rubiales addressed a recent letter that Mayor Diaz sent to U.S. Representative Mark DeSaulnier wherein he expressed his disagreement with the congressman not attending the most recent Presidential Inauguration. Referencing the aforementioned letter, she was disappointed in Mayor Diaz’s actions; as an elected non-partisan official it is her belief that he took advantage of his position as mayor by sending the letter on

official City letterhead. Furthermore, he indicated he was speaking "on behalf of a great many Clayton residents", perhaps that is true; however, he did not speak on her behalf or of many other Clayton residents that he represents. Although he is the only one that signed the letter, other Clayton Councilmembers' names are also on the letterhead and others could perceive they have the same opinion as Mayor Diaz expressed. While we each have our own personal opinions that we are entitled to, it was her strong suggestion that in the future should Mayor Diaz have such a political opinion and feel the need to express it, please send it as a private citizen and do not utilize the City of Clayton as a platform. It is inappropriate, unethical and does not fully represent all of his constituents.

Ernie DeTrinidad read a citizens letter signed by 50 residents in response to the letter Mayor Diaz wrote questioning the appropriateness of the letter sent to Congressional Representative Mark DeSaulnier. As reported on Claycord.com there is a disagreement in Representative DeSaulniers' decision to not attend President Trump's inauguration. If the City Council wishes to pass a resolution in support of a particular political position, as was recently done in Richmond, the matter must be placed on an agenda and discussed in a public forum, with residents having the opportunity to express its views on the subject. Many signers of this letter were present with Representative DeSaulnier at the Women's March in Walnut Creek the day following the inauguration. Mayor Diaz has the right to disagree with our U.S. Representative; however, he should not express his disagreement in his capacity as Mayor on official City letterhead. They ask Mayor Diaz to retract his letter with an apology to Representative DeSaulnier and an additional apology to his constituents as Mayor of this City.

Max Kohn referenced his visit to a Council meeting a few months ago as part of an assignment in his Civics class, whereat he was told that part of the primary responsibility as a member of the City Council is to serve as an ambassador to our community. That statement is why he is extremely disappointed to see the Mayor unilaterally wrote a letter on our City's letterhead to a distinguished member of the U.S. House of Representatives condemning his decision to not attend Presidential Inauguration activities. It is his clear opinion that attending the inauguration of Donald Trump would be normalizing Donald Trump, so he was disappointed in Mayor Diaz's letter because Congressman DeSaulnier by his action is as an ambassador for our community. He thought Mayor Diaz could learn a lot from Mark Desaulnier by taking a stand to adhere to one's convictions, which is far more important than normalizing a man pretending it is business as usual when it clearly is not. Mr. Kohn quoted Human Right Icon Desmond Tutu, "If you are neutral in situations of injustice, you have chosen to side with the oppressor."

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider the adoption of Resolution No. 07-2017 authorizing the City Manager to enter into multiple contracts for the purchase and installation of roadway cameras and automated license plate readers (ALPRs) at entrances/exits to the City of Clayton to enhance local law enforcement effectiveness and public safety.

Police Chief Wenzel presented his staff report noting since the Council's last meeting some changes were made to save project costs. It was found to be more efficient to have one person install the cameras and financially that worked to the City's benefit. Lastly, to obtain the information from both cameras, a SIM card is required which will enable the Police Department to obtain the information using Sprint Wireless technology.

Vice Mayor Haydon indicated the Council's interest in this project is to provide the Clayton community with additional protection by providing a strong deterrent as in other communities; Clayton, having the advantage of not many community entrance/exit points, is better situated to identify vehicles after an incident has been reported.

Chief Wenzel reiterated the proposed surveillance cameras will not be used to write traffic citations and are not under 24/7 monitoring by personnel; the system will be used after a criminal event is reported. This proposed project is a tool for law enforcement to safeguard the community.

City Manager Napper added this system is something that most cities are moving towards. One of the hottest topics in government right now is unfunded pension liabilities and public safety operations have the highest costs impacting retirement pensions. In that regard, if the City were to add one (1) police officer per shift as the way to try and combat some of the local crime or as a deterrent to crime, that approach would require the City to hire at least five (5) more police officers at a complete salary package, including benefits, of an estimated cost of over \$100,000 per year/per officer. By comparison, this capital project is a good investment to keep Clayton safe. As noted at the previous Council meeting on this matter, the criminal element has its own network and they know which cities have these types of cameras, which knowledge makes them move away from those communities and towards those which do not have such systems. This is a good cost-effective measure to enhancement local law enforcement efforts and to provide the protection services the community expects.

Councilmember Catalano inquired about the annual recurring costs; do we have contractually, through the companies, some guarantee that ongoing rates are not going to double or triple in the future? Chief Wenzel advised the amount of annual rates could increase and are not indicated within the contracts as to future costs beyond the 2-3 year time period. He did note the City was able to lock into a 2-year contract that is no longer offered by Vigilant Services regarding licensing fees.

Councilmember Pierce commented that based on where Clayton is located, there have been some recent incidents of mail-theft and vehicle break-ins, and our city is a backdoor to and from the East Contra Costa County areas. Councilmember Pierce suggested that by having this capability to catch some of the bad guys on their way through Clayton can be very helpful; she noted the incredible success with the proof of cameras that were installed on Highway 4 and the new ability to catch a large number of stolen vehicles.

Mayor Diaz opened the item to public comment.

Candace Bass, a Neighborhood Watch Coordinator, spoke on behalf of other neighborhood watch coordinators and groups, and indicated their voice of support on the City's effort to purchase and implement the installation of this camera system. They find it will be helpful in reducing crime and keeping Clayton a safe community.

Max Kohn suggested the City spend the taxpayers' dollars to invest in the underlining factors that contribute to crime and not expanding to a police state.

Dylan Kupsh thought the City would be using its resources more effectively researching the underlining causes of crime rather than going to try and enforce it; at this time the proposed system is not in a competitive market and it is likely the costs will increase due to required patents.

It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to adopt Resolution No. 07-2017 approving four contracts for the purchase and installation of law enforcement situational cameras and automated license plate readers at four designated areas in the City of Clayton. (Passed; 4-0 vote).

9. **COUNCIL ITEMS**

Councilmember Catalano clarified she had not seen the letter Mayor Diaz sent to Representative DeSaulnier prior to its mailing. As an official on the City Council it is a non-partisan position representing all of Clayton and its residents. If she were asked to write or sign such a letter, she would not as she would like to be able to represent all of the citizens of Clayton.

Vice Mayor Haydon, was contacted by some concerned citizens after the letter was mailed out. It is perhaps incumbent of the Council to review its policy of Councilmembers issuing position letters on City letterhead. The appearance indeed is that the City Council and the City of Clayton agrees to the content of that letter.

Councilmember Pierce noted it was the prerogative of the Mayor to send the letter as past councilmembers have used City letterhead for scholarship recommendations and any number of things including positions on legislation to Sacramento. That said, she would not have sent that letter and did not see the letter until after it was sent. Similarly, when invited she also did not attend the Women's March the following day. It really is a split community here of about 50-50 Democratic to Republican and there is a larger group of Independent members who do not declare one party over another. She also would like to review the Council policies on how this is done in the future. She concluded by adding the Mayor was legally allowed to write the letter yet it did not mean it was written on behalf of the remaining councilmembers.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Diaz, the City Council adjourned its meeting at 7:53 p.m.

The next regularly scheduled meeting of the City Council will be March 21, 2017.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Jim Diaz, Mayor

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Agenda Date 3/21/2017

Agenda Item: 3b

STAFF REPORT

Approved: 
Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, FINANCE MANAGER
DATE: 03/21/2017
SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

03/17/2017	Cash Requirements	\$ 139,182.79
03/14/2017	ADP Payroll week 11, PPE 03/12/17	\$ 80,678.72

Total \$ 219,861.51

Attachments:
Cash Requirements Report dated 3/17/2017 (3 pages)
ADP payroll report for week 11 (1 page)

City of Dayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Ace Sierra Tow								
Ace Sierra Tow	3/21/2017	3/21/2017	4230	Police Towing 2/6/17, 2 Trucks required	\$395.00	\$0.00		\$395.00
				<i>Totals for Ace Sierra Tow:</i>	<i>\$395.00</i>	<i>\$0.00</i>		<i>\$395.00</i>
ADP, LLC								
ADP, LLC	3/21/2017	3/21/2017	489591863	Payroll Fees PPE 2/26/17	\$155.56	\$0.00		\$155.56
				<i>Totals for ADP, LLC:</i>	<i>\$155.56</i>	<i>\$0.00</i>		<i>\$155.56</i>
All City Management Services, Inc.								
All City Management Services, Inc.	3/21/2017	3/21/2017	47582	School crossing guard services 2/12/17-2/25/17	\$407.28	\$0.00		\$407.28
				<i>Totals for All City Management Services, Inc.:</i>	<i>\$407.28</i>	<i>\$0.00</i>		<i>\$407.28</i>
Aqua Dream Pools								
Aqua Dream Pools	3/21/2017	3/21/2017	CAP0225	Deposit refund for 408 Grenache Cir	\$1,737.52	\$0.00		\$1,737.52
				<i>Totals for Aqua Dream Pools:</i>	<i>\$1,737.52</i>	<i>\$0.00</i>		<i>\$1,737.52</i>
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	3/21/2017	3/21/2017	791465	February Legal Services	\$8,500.00	\$0.00		\$8,500.00
				<i>Totals for Best Best & Kreiger LLP:</i>	<i>\$8,500.00</i>	<i>\$0.00</i>		<i>\$8,500.00</i>
CalPERS Health								
CalPERS Health	3/21/2017	3/21/2017	April 2017	April Medical	\$30,641.78	\$0.00		\$30,641.78
				<i>Totals for CalPERS Health:</i>	<i>\$30,641.78</i>	<i>\$0.00</i>		<i>\$30,641.78</i>
CalPERS Retirement								
CalPERS Retirement	3/21/2017	3/21/2017	031217	Retirement PPE 3/12/17	\$13,705.42	\$0.00		\$13,705.42
CalPERS Retirement	3/21/2017	3/21/2017	CC022417	City Council retirement ending 2/24/17	\$146.40	\$0.00		\$146.40
CalPERS Retirement	3/21/2017	3/21/2017	March UAL	March UAL	\$31,062.09	\$0.00		\$31,062.09
				<i>Totals for CalPERS Retirement:</i>	<i>\$44,913.91</i>	<i>\$0.00</i>		<i>\$44,913.91</i>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	3/21/2017	3/21/2017	2211979	Copier contract 1/30/17-2/27/17	\$244.10	\$0.00		\$244.10
				<i>Totals for Caltronics Business Systems, Inc.:</i>	<i>\$244.10</i>	<i>\$0.00</i>		<i>\$244.10</i>
City of Concord								
City of Concord	3/21/2017	3/21/2017	57496	February vehicle maintenance, cars 1720,32,3	\$1,766.96	\$0.00		\$1,766.96
City of Concord	3/21/2017	3/21/2017	57454	February Dispatch services	\$20,089.50	\$0.00		\$20,089.50
				<i>Totals for City of Concord:</i>	<i>\$21,856.46</i>	<i>\$0.00</i>		<i>\$21,856.46</i>
Comcast								
Comcast	3/21/2017	3/21/2017	030117	High Speed Internet 3/10/17-4/9/17	\$504.71	\$0.00		\$504.71
				<i>Totals for Comcast:</i>	<i>\$504.71</i>	<i>\$0.00</i>		<i>\$504.71</i>
Contra Costa County Library								
Contra Costa County Library	3/21/2017	3/21/2017	Q2FY17	Additional Library Hours for Q2 FY 17	\$2,845.54	\$0.00		\$2,845.54
				<i>Totals for Contra Costa County Library:</i>	<i>\$2,845.54</i>	<i>\$0.00</i>		<i>\$2,845.54</i>

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Contra Costa County Office of the Sheriff (Training)								
Contra Costa County Office of the Sheri	3/21/2017	3/21/2017	16-20031	Arrest & Control Class 10/17/16	\$396.00	\$0.00		\$396.00
Contra Costa County Office of the Sheri	3/21/2017	3/21/2017	17-19822	Records Course, 2/6/17-2/10/17	\$281.00	\$0.00		\$281.00
<i>Totals for Contra Costa County Office of the Sheriff (Training):</i>					<u>\$677.00</u>	<u>\$0.00</u>		<u>\$677.00</u>
Crop Production Svcs								
Crop Production Svcs	3/21/2017	3/21/2017	32075804	Roundup Pro concentrate	\$584.55	\$0.00		\$584.55
<i>Totals for Crop Production Svcs:</i>					<u>\$584.55</u>	<u>\$0.00</u>		<u>\$584.55</u>
Hammons Supply Company								
Hammons Supply Company	3/21/2017	3/21/2017	97178	Library Janitorial Supplies	\$180.99	\$0.00		\$180.99
Hammons Supply Company	3/21/2017	3/21/2017	97179	The Grove janitorial supplies	\$107.15	\$0.00		\$107.15
<i>Totals for Hammons Supply Company:</i>					<u>\$288.14</u>	<u>\$0.00</u>		<u>\$288.14</u>
iPayment								
iPayment	3/21/2017	3/21/2017	Feb	February Bankcard Fees	\$60.84	\$0.00		\$60.84
<i>Totals for iPayment:</i>					<u>\$60.84</u>	<u>\$0.00</u>		<u>\$60.84</u>
LarryLogic Productions								
LarryLogic Productions	3/21/2017	3/21/2017	1640	City Council Meeting production 3/7/17	\$275.00	\$0.00		\$275.00
<i>Totals for LarryLogic Productions:</i>					<u>\$275.00</u>	<u>\$0.00</u>		<u>\$275.00</u>
Neopost (add postage)								
Neopost (add postage)	3/21/2017	3/21/2017	031517	Postage added 3/15/17	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage):</i>					<u>\$300.00</u>	<u>\$0.00</u>		<u>\$300.00</u>
Neopost Northwest								
Neopost Northwest	3/21/2017	3/21/2017	N6429455	Postage Machine lease 4/7/17-5/6/17	\$157.93	\$0.00		\$157.93
<i>Totals for Neopost Northwest:</i>					<u>\$157.93</u>	<u>\$0.00</u>		<u>\$157.93</u>
NorCal Masonry								
NorCal Masonry	3/21/2017	3/21/2017	CAP0221	Deposit refund for 408 Grenache Circle	\$2,000.00	\$0.00		\$2,000.00
<i>Totals for NorCal Masonry:</i>					<u>\$2,000.00</u>	<u>\$0.00</u>		<u>\$2,000.00</u>
Painting by Ken								
Painting by Ken	3/21/2017	3/21/2017	030117	Fixed trap ceiling doors, painted - Library	\$895.00	\$0.00		\$895.00
<i>Totals for Painting by Ken:</i>					<u>\$895.00</u>	<u>\$0.00</u>		<u>\$895.00</u>
Peace Officers Research Assoc of CA								
Peace Officers Research Assoc of CA	3/21/2017	3/21/2017	173924	Dues 4/1/17	\$10.00	\$0.00		\$10.00
<i>Totals for Peace Officers Research Assoc of CA:</i>					<u>\$10.00</u>	<u>\$0.00</u>		<u>\$10.00</u>
PERMCO, Inc.								
PERMCO, Inc.	3/21/2017	3/21/2017	10718	City Engineering services 2/25/17-3/10/17	\$5,224.50	\$0.00		\$5,224.50
PERMCO, Inc.	3/21/2017	3/21/2017	10720	Revisions, record potholing, El Molino Sewer	\$2,392.50	\$0.00		\$2,392.50
PERMCO, Inc.	3/21/2017	3/21/2017	10721	Field Inspection for the Zayo Group	\$83.00	\$0.00		\$83.00
PERMCO, Inc.	3/21/2017	3/21/2017	10722	Review contract for billing, prep NOC - Arter	\$600.00	\$0.00		\$600.00

City of Layton

Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.	3/21/2017	3/21/2017	10723	Review plans, issue CAP - PG&E Veteran Po	\$1,165.00	\$0.00		\$1,165.00
PERMCO, Inc.	3/21/2017	3/21/2017	10724	Prep bid plans, El Portal Dr Restoration	\$77.50	\$0.00		\$77.50
PERMCO, Inc.	3/21/2017	3/21/2017	10725	Plot subdrain loc. from orig. plans, discussion	\$1,848.63	\$0.00		\$1,848.63
<i>Totals for PERMCO, Inc.:</i>					<i>\$11,391.13</i>	<i>\$0.00</i>		<i>\$11,391.13</i>
Riso Products of Sacramento								
Riso Products of Sacramento	3/21/2017	3/21/2017	167372	Copier contract 3/18/17-4/17/17	\$94.79	\$0.00		\$94.79
<i>Totals for Riso Products of Sacramento:</i>					<i>\$94.79</i>	<i>\$0.00</i>		<i>\$94.79</i>
Sprint Comm (PD)								
Sprint Comm (PD)	3/21/2017	3/21/2017	703335311-183	Cell phones 1/26/17-2/25/17	\$270.86	\$0.00		\$270.86
<i>Totals for Sprint Comm (PD):</i>					<i>\$270.86</i>	<i>\$0.00</i>		<i>\$270.86</i>
Thor Doors and Construction, Inc								
Thor Doors and Construction, Inc	3/21/2017	3/21/2017	01-12643PR	Repair sliding door at library	\$438.78	\$0.00		\$438.78
<i>Totals for Thor Doors and Construction, Inc:</i>					<i>\$438.78</i>	<i>\$0.00</i>		<i>\$438.78</i>
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Neopost ink, name plates	\$231.28	\$0.00		\$231.28
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	USPS, municode mailing	\$13.60	\$0.00		\$13.60
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Central Storage, rent	\$116.00	\$0.00		\$116.00
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Ed's Mudville, City Council dinner	\$65.32	\$0.00		\$65.32
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Employee Recognition award for Rick Angri	\$386.88	\$0.00		\$386.88
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Staples, office supplies	\$54.11	\$0.00		\$54.11
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	OSH - tape, wire, screws	\$64.99	\$0.00		\$64.99
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Cold Patch	\$164.76	\$0.00		\$164.76
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Bait stations, cable ties, laminating pouches	\$322.69	\$0.00		\$322.69
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Grease & gun, WD 40	\$82.01	\$0.00		\$82.01
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Hawes Fountains	\$1,997.79	\$0.00		\$1,997.79
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Tires & brakes for F350	\$761.77	\$0.00		\$761.77
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Mount mower tires	\$41.58	\$0.00		\$41.58
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Light bulbs, caulking, bolts	\$179.62	\$0.00		\$179.62
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Flag pole parts	\$24.75	\$0.00		\$24.75
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Fuel	\$581.63	\$0.00		\$581.63
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Landscape fuel	\$1,003.76	\$0.00		\$1,003.76
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Office supplies	\$89.01	\$0.00		\$89.01
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Shred center	\$200.00	\$0.00		\$200.00
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Staples, office supplies	\$16.30	\$0.00		\$16.30
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Ed's Mudville, Interview panel lunch	\$48.99	\$0.00		\$48.99
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Training lunches, Less-lethal training	\$569.85	\$0.00		\$569.85
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Fuel	\$2,252.65	\$0.00		\$2,252.65
US Bank - Corp Pmt System CalCard	3/21/2017	3/21/2017	Stmt End 2/22/17	Battery, headlamp bulbs, car washes	\$267.57	\$0.00		\$267.57
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					<i>\$9,536.91</i>	<i>\$0.00</i>		<i>\$9,536.91</i>
GRAND TOTALS:					\$139,182.79	\$0.00		\$139,182.79

WEEK 11 BATCH 1608 33 PAYS
0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000033 Tot Docs in all:00000000036
First No. Last No. Total
Checks: ADPCHECK ADPCHECK 00000000004
/ouchers: 00000110001 00000110029 00000000029

Earnings Statement

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

COPY CHECK STUFFING, RECONCILIATION **COPY**

80678.72 GROSS
56550.12 NET PAY (INCLUDING ALL DEPOSITS)
9472.55 FEDERAL TAX
153.84 SOCIAL SECURITY
1109.47 MEDICARE
.00 MEDICARE SURTAX
.00 SUI TAX
2956.40 STATE TAX
.00 LOCAL TAX
65618.38 DEDUCTIONS
1368.08 NET CHECK

COMPANY CODE Z7L
CITY OF CLAYTON
TOTAL DOCUMENT
LOCATION 0001

COPY **COPY**

VERIFY DOCUMENT AUTHENTICITY - COLORED AREA MUST CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM

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

61008 2008 ANP 11 C All Rights Reserved
TEAR HERE



Agenda Date: 3-21-2017

Agenda Item: 3c

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Brown, City Clerk

DATE: March 21, 2017

SUBJECT: REJECTION OF LIABILITY CLAIM FILED BY LAMONT BECTON

RECOMMENDATION

Approve the denial of liability claim against the City filed by Lamont Becton for alleged damages reportedly occurring on February 10, 2017.

BACKGROUND

On March 13, 2017 the City received a liability claim filed by Lamont Becton for alleged vehicular damages incurred on the west end of 16711 Marsh Creek Road. The City investigated the location of said claim and found its location outside Clayton City Limits.

The City of Clayton will deny the claim and issue a notice of rejection to the claimant.

FISCAL IMPACT

None.

Attachment: Copy of Claim (3 pgs)
Exhibit "A" Google Earth Aerial of 16711 Marsh Creek Road (1 pg)

CLAIM PRESENTED TO THE CITY OF CLAYTON

*Please read the instructions on the back before completing.

Reserve for Filing Stamp

Claimant's Name: (PLEASE PRINT) LAMONT R. BELTON

Claimant's Address: 4868 Cushman way

City, State, Zip: Antioch CA 94531

Day Phone: () 510-455-6827 Eve Phone: () 525-578-0745

cc:

City Claim #

2. When did the damage or injury occur?

Month: Feb Day: 10th Year: 2017 Time: 6:00 a.m. p.m.

3. At which location did the damage or injury occur?

At the west end of 16711 marsh creek rd Clayton CA 94517

Police Report #

4. What happened and why is the City responsible?

Driving towards Brentwood and hit pot hole that was covered by a mud slide from the night before.

Name and position of responsible City Employee(s), if known:

N/A

5. What damage or injury occurred?

MY CAR IS A 2016 MERCEDES BENZ, THE CAR IS TOWED TO MERCEDES BENZ OF WALNUT CREEK. THE TOTAL PAID FOR REPAIRS WAS \$8775 BY MY INSURANCE MINUS MY \$1000 DEDUCTIBLE

6. Claim amount (only if less than \$10,000):

WOULD LIKE TO BE REFUNDED \$1000 DEDUCTIBLE

If the amount exceeds \$10,000, please check (X) the court of appropriate jurisdiction:

Municipal Court (claims up to \$25,000) Superior Court (claims over \$25,000)

7. How did you arrive at the amount claimed? Please attach documentation.

8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on MARCH 5 2017

at ANTIOCH, CA.

Lamont R. Belton
Signature of Claimant or Representative's Signature

9. Official Notices and Correspondence

If represented by an insurance company or an attorney, please provide the information requested below.

Name and Capacity: (PLEASE PRINT)

Address:

City, State, Zip:

Daytime Telephone: () Evening Phone: ()

39395

774613



INVOICE

Mercedes-Benz
MERCEDES BENZ OF WALNUT CREEK

ICE BECTON
CUSHENDALL WAY
LOCH, CA 94531-9407
ECTION@COMCAST.NET
HOME: 925-978-0745 CONT: 510-331-5752
BUS: 510-499-6827 CELL: 510-331-5752

DUPLICATE 1
PAGE 2

1201 PARKSIDE DRIVE
WALNUT CREEK, CA 94608
(925) 937-1655

SERVICE ADVISOR: 2199 DEE LOGAN

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
2792/Silver	16	MERCEDES-BENZ C300	55SWF4JB2GU145857	7ULN062	8193/8198	T1770	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
09JUL16 DE			17:00 24FEB17		0.00	CASH	24FEB17
R.O. OPENED	BOOKED	OPTIONS:	SOLD-STK: GU145857 DLR: 05158 ENG: 2.0 Liter DOHC Turbo				
08:15	13FEB17	17:53 24FEB17					

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
2	000000	008251	HEXAGON NUT		7.92	7.92	15.84
2	002-990-68-54		NUT W FLANGE, BINDING		7.70	7.70	15.40
2	000-990-14-11		SCREW		9.10	9.10	18.20
2	000-990-49-59		BLIND RIVET NUT		8.05	8.05	16.10
1	003-989-98-20-10		SEALANT MB		39.75	39.75	39.75
1	003-989-98-20-10		SEALANT MB		39.75	39.75	39.75
PARTS:	5322.54	LABOR:	1579.88	OTHER:	2.70	TOTAL LINE A:	7905.12

FRONT SUBFRAME, LOWER OIL PAN, NUTS AND BOLTS FOR LINKS AND BALL JOINTS, STEERING RACK 13.00 VEHICLE WAS TOWED IN OIL RUNNING OUT FROM FRONT LEFT ENGINE AREA. IMPACT DAMAGE SEEN UNDER NEATH ON CHECK IN. PERFORMED UNDER CARRIAGE INSPECTION FOUND SIGNS OF IMPACT, DAMAGE TO STEERING RACK, FRONT SUB FRAME AND CENTER LIFT PAD, ENGINE SUB OIL PAN. REMOVED AND REPLACED FRONT SUB FRAME AND BRACKETS, TRANSFER STEERING KNUCKLES TO NEW SUB FRAME. REMOVED AND REPLACED ELECTRONIC STEERING RACK. REMOVED AND REPLACED FRONT AND CENTER UNDER CARRIAGE PANELS. REMOVED AND REPLACED ENGINE LOWER OIL SUB PAN. CHECK AND ADJUST ENGINE OIL LEVEL. CONNECT DAS, PERFORMED SHORT TEST, CLEARED ALL STORED DTC'S. PERFORMED FINAL SHORT TEST, NO DTC'S PRESENT. PERFORMED ROAD TEST. ALIGNMENT BEING PERFORMED ON SEPARATE LINE.

B OIL LEAKING FROM UNDER VEHICLE AND STEERING IS NOISY. CUSTOMER REPORTS THEY HIT POTHOLE OR ROAD DEBRIS DURING RAIN. PLEASE ADVISE PLEASE PROVIDE ESTIMATE @ CK LABOR FOR INSURANCE SUBMISSION.
1B * INSPECT ENGINE LUBRICATION SYSTEM
 717 IPS (N/C)
 PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: 0.00
 0.00 SEE LINE A FOR DETAILS

C OPEN SERVICE CAMPAIGN PRE FUSE BOX 2016090004
CAUSE:
029572 RETROFIT COVER FOR PREFUSE BOX IN ENGINE COMPARTMENT
 717 W67 (N/C)

Original Estimate (Parts & Labor)	Total Additional Cost Authorized	Approved By:	Date & Time	Authorization Obtained By:	*HAZARDOUS WASTE DISPOSAL COSTS: We have added this charge to cover costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California and Federal Law.	DESCRIPTION	TOTALS
\$	\$			<input type="checkbox"/> Telephone <input type="checkbox"/> Fax (See Attached) <input type="checkbox"/> E-mail (See Attached)	ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED. <input type="checkbox"/> Some Parts Not Returnable	LABOR AMOUNT	
						PARTS AMOUNT	
Revised Estimate	\$			<input type="checkbox"/> Telephone <input type="checkbox"/> Fax (See Attached) <input type="checkbox"/> E-mail (See Attached)		GAS, OIL, LUBE	
<input type="checkbox"/> Tire pressure check/inflation service was performed. RF _____ psi LF _____ psi RR _____ psi LR _____ psi <input type="checkbox"/> Customer declined tire pressure check/inflation service. Initials _____						SUBLET AMOUNT	
By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received for had the opportunity to inspect any replaced parts as requested by you.						WASTE DISPOSAL COSTS *	
DATE						TOTAL CHARGES	
CUSTOMER SIGNATURE						LESS DISCOUNT	
AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE						SALES TAX	
						PLEASE PAY THIS AMOUNT	

NOTICE TO CONSUMER: PLEASE READ IMPORTANT INFORMATION ON BACK.

CUSTOMER #: 39395

774613



INVOICE

VERONICE BECTON
4868 CUSHENDALL WAY
ANTIOCH, CA 94531-9407
LBECTON@COMCAST.NET
HOME: 925-978-0745 CONT: 510-331-5752
BUS: 510-499-6827 CELL: 510-331-5752

DUPLICATE 1
PAGE 1

Mercedes-Benz
MERCEDES BENZ OF WALNUT CREEK
1301 PARKSIDE DRIVE
WALNUT CREEK, CA 94596
(925) 937-1655

SERVICE ADVISOR: 2199 DEE LOGAN

COLOR	YEAR	MAKE MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
2792/Silve	16	MERCEDES-BENZ C300	55SWF4JB2GU145857	7ULN062	8193/8198	T1770	
DEL DATE	PROD DATE	WARR EXP	PROMISED	PD NO	RATE	PAYMENT	INV DATE
09JUL16 DD			17:00 24FEB17		0.00	CASH	24FEB17

R.O. OPENED	BOOKED	OPTIONS
08:15 13FEB17	17:53 24FEB17	SOLD-STK-GU145857 DLR:05158 ENG:2.0 Liter DOHC Turbo

LINE	OPCODE	TECH	VT	TYPE	HOURS	LIST	NET	TOTAL
A. VEHICLE WAS TOWED IN. OIL RUNNING OUT FROM FRONT LEFT ENGINE AREA.								
IMPACT DAMAGE SEEN UNDERNEATH ON CHECK-N.								
18 INSPECT ENGINE LUBRICATION SYSTEM								
				717 CC			2579.88	2579.88
1	205-628-00-57	INTEGRAL CARRIER				1300.00	1300.00	1300.00
2	000-990-14-11	SCREW				9.10	9.10	18.20
3	000-990-15-11	SCREW				25.03	25.03	50.06
1	210-990-06-04-64	SCREW				7.48	7.48	7.48
2	005-990-47-50	COMBINATION NUT				10.15	10.15	20.30
1	140-990-09-58	NUT				7.04	7.04	7.04
1	274-010-49-05	OIL PUMP				98.05	98.05	98.05
1	002-997-34-30	SCREW PLUG				7.35	7.35	7.35
1	007601-012102	RING, GENERAL, METAL				6.16	6.16	6.16
1	205-524-02-30	COVER F ENGINE COMP. BM				129.85	129.85	129.85
1	205-520-00-00	COVER F ENGINE COMP. BM				149.45	149.45	149.45
4	004-994-31-45	CLIP-TYPE NUT				7.48	7.48	29.92
4	001-990-60-36	SHEET METAL SCREW				8.36	8.36	33.44
2	002-990-68-54	NUT W FLANGE, BINDING				7.70	7.70	15.40
2	000000-008269	NUT				5.72	5.72	11.44
2	000000-008271	NUT				2.32	2.32	4.64
1	006-990-10-00	HEXAGON HEAD BOLT				12.32	12.32	12.32
2	000000-008301	HEXAGON NUT				4.84	4.84	9.68
4	910105-014022	SCREW				13.80	13.80	55.20
4	019-990-79-01	BOLT W FLANGE				5.28	5.28	21.12
2	005-990-24-50-54	NUT-A WASHER ASSEMBLY				10.15	10.15	20.30
1	Q-1-03-0004	ANTICORROSION/ANTIFREEZE G48				42.40	42.40	42.40
90	009-999-43-01	USE9 ME GENUINE OIL SW40				0.61	0.61	54.90
90	HW	HAZARDOUS WASTE - OIL				0.03	0.03	2.70
6	10081	PARTS WASH				8.95	8.95	53.70
1	205-501-41-20	BRACKET				130.00	130.00	130.00
1	205-501-42-20	BRACKET				130.00	130.00	130.00
2	099-504-02-12	ELASTOMER BEARING				8.75	8.75	17.50
1	213-628-12-00	FIXTURE				21.60	21.60	21.60
1	205-460-45-01	STEERING GEAR				2720.00	2720.00	2720.00

Original Estimate (Parts & Labor)	Total Additional Cost Authorized	Approved By:	Date & Time	Authorization Obtained By:
\$	\$			<input type="checkbox"/> Vehicle <input type="checkbox"/> Per (See Attached) <input type="checkbox"/> Road (See Attached)
Estimate				<input type="checkbox"/> Response <input type="checkbox"/> Per (See Attached) <input type="checkbox"/> Road (See Attached)

Tire pressure check/inflation service was performed.
RF _____ psi LF _____ psi RR _____ psi LR _____ psi
 Customer declined tire pressure check/inflation service.

***HAZARDOUS WASTE DISPOSAL COSTS:** We have added this charge to cover costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California and Federal Law.

ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.

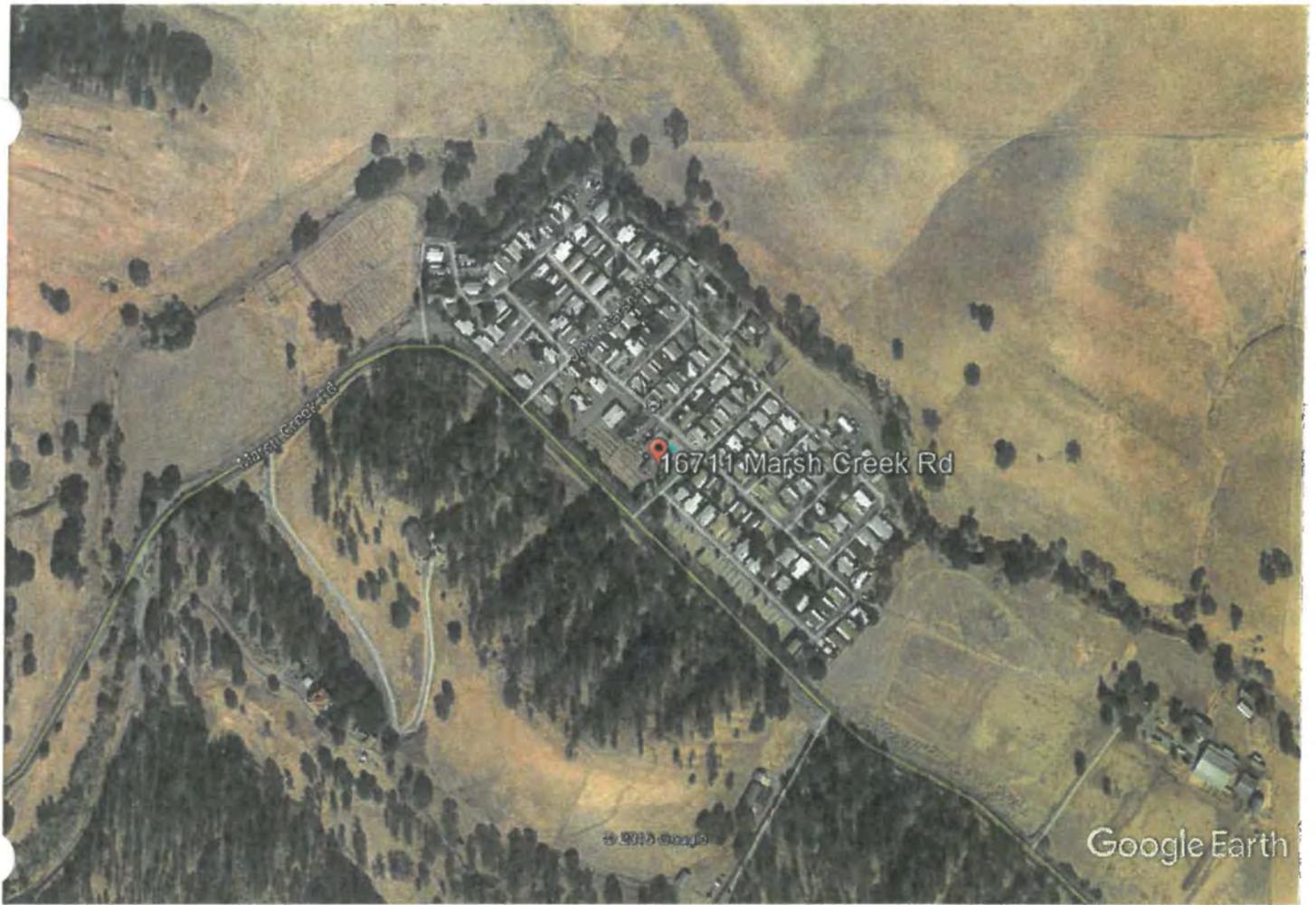
Some Parts Not Returnable

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
GAS, OIL, LUBE	
SUBLET AMOUNT	
WASTE DISPOSAL COSTS *	
TOTAL CHARGES	
LESS DISCOUNT	
SALES TAX	
PLEASE PAY THIS AMOUNT	

By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received or had the opportunity to inspect any replaced parts as requested by you.

DATE _____ CUSTOMER SIGNATURE _____ AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE _____

NOTICE TO CONSUMERS: PLEASE READ IMPORTANT INFORMATION ON BACK.



Google Earth





Agenda Date: 3-21-2017

Agenda Item: 3d

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JANET BROWN, CITY CLERK

DATE: March 21, 2017

SUBJECT: Accept with regret the resignation of Merle Hufford as the City Treasurer

RECOMMENDATION

By minute motion, accept with regret the resignation of Merle Hufford as the City Treasurer and direct staff to advertise the opening with a closing date of Thursday, April 13 at 5:00 p.m. in the Clayton Pioneer, the City's website and the three (3) posting boards located at City Hall, Clayton Library and Ohm's Bulletin Board.

The intent will be for the City Council to conduct interviews before its April 18th regular meeting and it is anticipated an appointment would be made during its meeting the same evening.

DISCUSSION

On March 14, 2017, Merle Hufford submitted his voluntary written resignation as the City Treasurer.

This resignation results in the vacancy of one (1) appointed office of the City Treasurer. Mr. Hufford has admirably served as the City Treasurer since October 1997.

The City Treasurer is a non-compensated position appointed by the Clayton City Council wholly on the basis of a person's ability and qualifications in financial management, accounting, auditing, or similar background. Upon assumption of office, the City Treasurer shall be a registered voter of this City. The City Treasurer or designee shall perform all of the duties imposed upon him or her as required by law. Such duties may include, but are not limited to:

- Audit the City's financial records and transactions.
- Review and evaluate finance documents for accuracy and compliance with principles of Governmental Accounting and Financial Reporting.

- Provide signature for payments to be made in the absence of the City Clerk. (dual signature checks)
- Provide signature on related Finance Department records that require approval by the City Treasurer.
- Works with the City Manager and Finance Manager to oversee and manage the City's investment practices; audits the City's cash position, and audits banks reconciliation.
- Attend City meetings when necessary to discuss and/or explain finance related issues.
- May be assigned to special projects or task forces outside the normal scope of duties.

Interested citizen applicants are invited to complete and file a City Treasurer application/questions form with the City Clerk by Friday, April 13th (5:00 p.m.) The tentative schedule is for candidates to interview before the entire City Council during assigned times before the City Council's regular public meeting on April 18th. If large pool of candidates occurs, it may be necessary to hold the Council interviews on a separate meeting night (e.g. Monday, April 17th).

By state law, the Council-appointed citizen must file a Form 700 – FPPC Conflicts of Interest Statement. Applications filed are also subject to public disclosure.

Attachments: Resignation letter from Mr. Hufford (1 page)
Clayton Municipal Code Chapter 2.30 (2 pages)

March 14, 2017

City Council of the City of Clayton
Cc: Gary Napper

Received

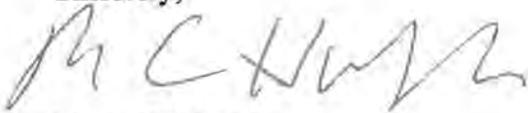
MAR 14 2017

City of Clayton

Please accept this letter as notification that I intend to resign as Clayton City Treasurer effective as soon as acceptable to Staff.

It has been an honor and a real privilege to serve in this capacity for nearly 20 years and to be part of the group of wonderful people who add so much to our truly great community.

Sincerely,

A handwritten signature in black ink, appearing to read "Merle Hufford". The signature is fluid and cursive, with the first name "Merle" and last name "Hufford" clearly distinguishable.

Merle Hufford

Chapter 2.30
CITY TREASURER

Sections:

2.30.010	Office Created
2.30.020	Eligibility
2.30.030	Bond
2.30.040	Compensation
2.30.050	Powers and Duties
2.30.060	Departmental Cooperation
2.30.070	Term of Office
2.30.080	Resignation - Removal from Office – Filling of Vacancy.

2.30.010 Office Created. The creation of the office of the City Treasurer of the City of Clayton is hereby ratified and confirmed. The City Council appoints the City Treasurer and shall make the appointment wholly on the basis of such person's ability and qualifications. The City Treasurer holds office and serves at the pleasure of the City Council.

2.30.020 Eligibility. The City Treasurer position requires training and experience in financial management, accounting, auditing, or similar background. At the time of filing nomination papers and upon assumption of office, the City Treasurer shall be a registered voter of the City.

2.30.030 Bond. Pursuant to Government Code Section 36518, the City Treasurer shall execute a bond in an amount to be fixed by the City Council. The bond shall be conditioned upon the faithful performance of the duties imposed upon the City Treasurer. The premium for the bond is a proper expense of the City.

2.30.040 Compensation. The appointed City Treasurer is a volunteer position and shall serve without compensation. It is anticipated the duties will require approximately 2 to 3 hours per month. In addition the position will be covered by the City's errors and omissions insurance policies.

2.30.050 Powers and Duties. The City Treasurer or designee shall perform all of the duties imposed upon him or her as required by law. Such duties may include, but are not limited to:

- A. Audit the City's financial records and transactions.
- B. Review and evaluate finance documents for accuracy and compliance with principles of Governmental Accounting and Financial Reporting.
- C. Provide signature for payments made in the absence of the City Clerk.
- D. Provide signature on related Finance Department records that require approval by the City Treasurer.

- E. Works with the City Manager and Finance Manager to oversee and manage the City's investment practices; audits the City's cash position, and audits bank reconciliation.
- F. Attend City meetings when necessary to discuss and/or explain finance related issues.
- G. May be assigned to special projects or task forces outside the normal scope of duties.

2.30.060 Departmental Cooperation. The City Treasurer shall assist assigned City staff members in administering the financial and investment affairs of the City efficiently, economically, and harmoniously.

2.30.070 Term of Office. The City Treasurer shall serve an indefinite term, at the pleasure of the City Council.

2.30.080 Resignation - Removal from Office – Filling of Vacancy.

- A. The City Treasurer may be removed by a majority vote of the City Council.
- B. A vacancy may occur by the resignation of the City Treasurer.
- C. In the event the City Treasurer ceases to be a registered voter of the City, his/her appointed office shall immediately become vacant.
- D. Any vacancy shall be advertised by the City Clerk.
- E. Interested candidates shall be interviewed by the City Council.
- F. Final candidate shall be confirmed by resolution and appointed by the City Council at a regularly scheduled public meeting.

Adopted 12-6-05, Ord 391

Agenda Date: 3-21-2017

Agenda Item: 4a

SAR California



About the Sons of the American Revolution

The Sons of the American Revolution was incorporated in Connecticut on January 17, 1890 and later chartered by the United States Congress on June 6, 1906. Prior to 1890 a number of state societies were formed. These were led by the Sons of Revolutionary Sires, which was organized July 4, 1876 in San Francisco, California. Acting on a resolution by the New Jersey Society, delegates from thirteen state societies met at Fraunces Tavern in New York City on April 30, 1889 in celebration of the one hundredth anniversary of the inauguration of George Washington. It was on this date that the National Society of the Sons of the American Revolution was organized.

Our Purpose

The National Society of the Sons of the American Revolution was organized on April 30, 1889, to "perpetuate the memory of those who, by their services or sacrifices during the war of the American Revolution, achieved the independence of the American People."

What We Do

We decorate the graves of Revolutionary War soldiers and patriots. We support excellence in teaching of American history. We participate in patriotic observances. We support research and preservation of historic material relating to the men and women who fought or gave service for Independence in the American Revolutionary War.

The CASSAR is a historical, educational, and patriotic non-profit, United States 501(c)3, corporation that seeks to maintain and extend:

- The institutions of American freedom
- An appreciation for true patriotism
- A respect for our national symbols
- The value of American citizenship

- The unifying force of *e pluribus unum* that has created, from the people of many nations, one nation and one people.

We do this by perpetuating patriotism, courage, sacrifice, tragedy, and triumph of the men who achieved the independence of the American people in the belief that these stories are universal ones of man's eternal struggle against tyranny, relevant to all time, and will inspire and strengthen each succeeding generation as it too is called upon to defend our freedoms on the battlefield and in our public institutions.

More about us:

- [Joining the Sons of the American Revolution](#)
- [National Sons of the American Revolution](#)
- [Officers of the California Society of the Sons of the American Revolution](#)
- [US Presidents Who Are SAR Members](#)
- [CASSAR Color Guard](#)

Agenda Date: 3-21-2017

Agenda Item: 4b



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**City of Clayton
California**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2016

A handwritten signature in black ink, appearing to read 'Jeffrey R. Egan', is written in a cursive style.

Executive Director/CEO



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

02/23/2017

NEWS RELEASE

For Information contact:
Todd Buikema (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Clayton** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

February 23, 2017

Received
FEB 27 2017
City of Clayton

Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton CA 94517

Dear Mr. Napper:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended 2016 qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An award for the Certificate of Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the CAFR. This award has been sent to the submitter as designated on the application.

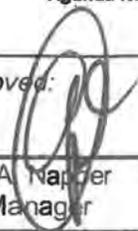
We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

Todd Buikema, Acting Director-Technical Services Center
Government Finance Officers Association



Approved: 
Gary A. Napier
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: MARCH 21, 2017

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTERS 15.02, 15.03, 15.04, 15.05, AND 15.80 OF THE CLAYTON MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL BUILDING CODE); THE 2016 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL RESIDENTIAL CODE); THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA EXISTING BUILDING CODE; THE 2016 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2014 NATIONAL ELECTRICAL CODE); THE 2016 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM PLUMBING CODE); AND THE 2016 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM MECHANICAL CODE), TOGETHER WITH CHANGES, ADDITIONS, AND DELETIONS THERETO (ZOA-09-16)

RECOMMENDATIONS

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

1. Motion to have the City Clerk read Ordinance No. 474 by title and number only and waive further reading; and

2. Following the City Clerk's reading; by motion approve Ordinance No. 474 for Introduction to amend the Clayton Municipal Code Chapter's 15.02, 15.03, 15.04, 15.05, and 15.80 in order to implement the 2016 Building Standards Code with local changes, additions, and deletions (ZOA-09-16) (**Attachment 1**).

BACKGROUND

On November 15, 2016, the County Board of Supervisors adopted Ordinance 2016-22, which adopted the 2016 California Building Standards Code (CBSC), which includes the 2016 California Building Code, 2016 California Residential Code, 2016 California Green Building Standards Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Mechanical Code, and 2016 California Existing Building Code, with amendments. The 2016 CBSC replaces the 2013 CBSC and imposes new minimum required standards for new building construction in California. State law allows a local jurisdiction to modify or change these codes and establish more restrictive building standards if the local jurisdiction finds that the modifications and changes are reasonably necessary because of local, climatic, geological, or topographical conditions. The attached Ordinance would adopt the statewide codes and amend them to address local conditions.

By contract, the County's Building Inspection Division provides the City with building permit and inspection services. Since the County's Building Inspection Division provides these services to the City of Clayton, County staff requires the jurisdictions served by this Division to adopt the same modified code for consistency in application.

City staff was provided with County Ordinance 2016-22, which adopted the 2016 CBSC with amendments and the required findings. Staff has incorporated many of the proposed changes made by the County; however staff did not incorporate the changes pertaining to electrical vehicle charging stations and construction and demolition debris recovery. The County has adopted an ordinance pertaining to electrical vehicle charging stations as required by AB 1236. The legislation outlined two timelines for implementation based on population and while the County was already required to take action, the City has until September of 2017 to enact an ordinance addressing electrical vehicle charging stations. In the absence of a City ordinance, the City has to comply with the requirements of the 2016 California Green Building Standards Code as it pertains to electrical vehicle charging stations.

Lastly, the County made modifications to the California Green Building Standards Code as it pertains to construction and demolition debris management and deleted the separate County Ordinance addressing construction waste. The City enforces its own Construction Demolition and Debris Recycling program and staff is recommending this Ordinance remain in place with the appropriate changes to be compliant with State law. By the City retaining its own program, it provides for greater control over the process as well as autonomy on implementation of the State regulations as long as it is equal to or more stringent than State law.

DISCUSSION

The proposed Ordinance to amend portions of the Clayton Municipal Code would specifically amend the text and sections of existing Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 to update the City's Building Code, Electrical Code, Plumbing Code and Mechanical Code and to make changes, additions, and deletions as allowed by State Law. The following is a summary of proposed amendments, while the specific amendments are fully contained in Exhibit A of the attached draft Ordinance (**Attachment 1**). A red-lined version of the proposed Ordinance text changes is provided as **Attachment 2**, to assist the City Council and public in clearly seeing the proposed changes made to the existing CBSC provisions.

The proposed Ordinance amends the statewide codes due to local, climatic, geographical, and topographic conditions. These conditions are described in the attached findings. The following are the substantive changes to the 2016 California Building Standards Code:

2016 California Building Standards Code

- More restrictive standards for some building foundations to better withstand seismic forces found in this region of California. This amendment is the same as the local amendment made to the 2013 statewide code.
- Requires the installation of hard-wired smoke detectors in existing flat roof buildings when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed. This amendment is the same as the local amendment made to the 2013 statewide code.

2016 California Residential Code

- Prohibits in single family dwellings and accessory structures braced wall panels that use gypsum wallboard and limits in single family dwellings and accessory structures the use of braced wall panels that use Portland Cement Plaster to dwellings and accessory structures of only one story, as these materials have performed poorly during recent California seismic events. This is the only new amendment not made during the 2013 statewide code.

2016 California Existing Building Code

- The amendments to the 2016 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of the other statewide codes as amended.

2016 California Green Building Standards Code

- Proposed amendments in order to be compliant with the 2016 California Green Building Standards Code for construction waste are reflected in Chapter 15.80, Project Construction and Demolition Debris Recycling. A sixty-five percent (65%) diversion rate for construction waste is now required, which is an increase from the previous fifty percent (50%) diversion rate. Additionally, covered projects have been identified as all non-residential projects and

residential projects that consist of additional habitable space and any interior modifications measuring five hundred (500) square feet or more.

ENVIRONMENTAL

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

FISCAL IMPACT

There is no direct fiscal impact as the County's Building Division will coordinate the implementation of the CBSC; however there could be additional staff time associated with the implementation of the amended Project Construction and Demolition Debris Recycling program.

ATTACHMENTS

1. Ordinance No. 474 with the following Exhibits: [27 pp.]
Exhibit A – Clayton Municipal Code Sections 15.02, 15.03, 15.04, 15.05, and 15.80 with the 2016 Building Standards Code amendments
Exhibit B – Findings of Fact
2. Redline Changes to the Clayton Municipal Code [12 pp.]

ATTACHMENT 1

ORDINANCE NO. 474

AN ORDINANCE AMENDING CHAPTERS 15.02, 15.03, 15.04, 15.05, AND 15.80 OF THE CLAYTON MUNICIPAL CODE (ZOA-09-16) AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL BUILDING CODE); THE 2016 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL RESIDENTIAL CODE); THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA EXISTING BUILDING CODE; THE 2016 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2014 NATIONAL ELECTRICAL CODE); THE 2016 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM PLUMBING CODE); AND THE 2016 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM MECHANICAL CODE), TOGETHER WITH CHANGES, ADDITIONS, AND DELETIONS THERETO (ZOA-09-16)

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

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

WHEREAS, the California Building Standards Commission has adopted the 2016 California Building Standards Code, which became effective on January 1, 2017; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 allow for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, to make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, Government Code Section 50022.2 permits enactment of city ordinances that adopt codes or statues, including codes of the State of California by reference; and

WHEREAS, notice of a public hearing on this ordinance was published in the East Bay Times on March 10, 2017; and

WHEREAS, the City Council conducted first reading of this ordinance on March 21, 2017; and

WHEREAS, the City Council held a public hearing on April 4, 2017, as required by law, at which time the Council determined that the adoption of the Codes and amendments thereto are in the best interest of the City and are based on the findings required by law; and

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

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

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

Section 2. Purpose, Intent, and Findings

This ordinance is adopted by the City Council of the City of Clayton to adopt by reference the California Building Standards Commission's adopted and published 2016 Building Standards Code, which includes the 2016 California Building, 2016 California Residential Code, the 2016 California Green Building Standards Code, the 2016 California Electrical Code, the 2016 California Plumbing Code, the 2016 California Mechanical Code, and the 2016 California Existing Building Code, with changes, additions, and deletions that are necessary because of local climatic, geological, or topographical conditions, which are set forth in Exhibit A to this Ordinance. It is adopted to mirror the Codes of the County of Contra Costa as required by the contract entered into between the City of Clayton and the County of Contra Costa wherein the County Building Inspection Division provides permitting and enforcement of these Codes for the City of Clayton. As of the effective date of this Ordinance, the provisions of this Building Code are controlling and enforceable within the limits of this jurisdiction. Further, this Ordinance is adopted pursuant to Health and Safety Code sections 17922, 17958, 17958.5, and 17958.7, and Government Code sections 50020 through 50022.10, based upon the findings set forth in attached Exhibit B, which are incorporated herein by reference.

Section 3. Amendments to Clayton Municipal Code

Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the Clayton Municipal Code are hereby amended and restated in their entirety as provided in Exhibit "A" attached hereto and incorporated herein by reference.

Section 4. Action to Challenge This Ordinance

Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after its effective date.

Section 5. Conflicting Ordinances Repealed

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

Section 6. Severability

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

Section 7. CEQA

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

Section 8. Effective Date and Publication

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

Section 9. Penalty for Violations

Any violation of this ordinance shall be subject to applicable provisions of Clayton Municipal Code Section 1.20.010. Penalty for Violations - Infractions and Misdemeanors.

The foregoing Ordinance was introduced at a regular noticed public meeting of the City Council of the City of Clayton held on March 21, 2017.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on April 4, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST

Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a noticed regular meeting of the City Council of the City of Clayton held on March 21, 2017 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on April 4, 2017.

Janet Brown, City Clerk

Attachments:

Exhibit A: Amended Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the Clayton Municipal Code

Exhibit B: Findings for Adoption of Ordinance No. 474

EXHIBIT A

CHAPTER 15.02

2016 CALIFORNIA BUILDING CODE WITH AMENDMENTS

Sections:

- 15.02.001 Adoption.
- 15.02.002 Amendments (California Building Code).
- 15.02.003 Amendments (California Residential Code).
- 15.02.004 Amendments (California Existing Building Code).

15.02.001 Adoption.

- (a) The building code of this City is the 2016 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2016 California Residential Code (California Code of Regulations, Title 24, Part 2.5), and the 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10), as amended by the changes, additions, and deletions set forth in this ordinance and Division 72 of the Contra Costa County Code.
- (b) The 2016 California Building Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code is adopted by this reference as though fully set forth in this ordinance.
- (c) The 2016 California Residential Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- (e) The 2016 California Existing Building Code, with the changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as through fully in this ordinance.
- (f) At least one copy of this building code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (g) As of the effective date of this ordinance, the provisions of the building code are controlling and enforceable within the City.

15.02.002 Amendments. The 2016 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Building Code.

- (a) CBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of the Contra Costa County Code as follows:

- (1) Sections 103, 109, 112, 113, 114, and 116 of CBC Chapter 1 are deleted.
- (2) Section 105.2 (Work Exempt from Permit) of CBC Chapter 1, subsection 4 is amended to read:

4. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1 (vertical):10 (horizontal), unless supporting a surcharge or ground slope exceeding 1 (vertical):2(horizontal) or impounding Class I, II, or III-a liquids.

- (3) Section 107.1 (Submittal Documents – General) of CBC Chapter 1 is amended by deleting the exception.

- (4) Section 107.2.1 (Information on Construction Documents) of CBC Chapter 1 is amended to read:

107.2.1 Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (5) Section 110.1 (Inspections – General) of CBC Chapter 1 is amended by adding the following to the end of that section:

At the time of first inspection by the City building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

- (b) Section 907.2.11.9 (Existing Group R Occupancies) of CBC Chapter 9 (Fire Protection Systems), to read:

907.2.11.9 Existing Group R Occupancies. In existing flat roof buildings, the installation of a smoke detector that complies with California Residential Code Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

- (c) Section 1406.5 is added to Section 1406 (Combustible Materials on the Exterior Side of Exterior Walls) of CBC Chapter 14 (Exterior Walls), to read:

1406.5 Wood shakes or shingles. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line of all sides, except for any sides of exterior walls facing the street.

- (d) Section 1705.3 (Concrete Construction) of CBC Chapter 17 (Special Inspections and Tests), Exception 1 is amended to read:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

- (e) Section 1809.8 (Plain Concrete Footings) of CBC Chapter 18 (Soils and Foundations) is deleted.

- (f) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception No. 3.

- (g) Section 1906 (Structural Plain Concrete) of CBC Chapter 19 (Concrete) is deleted.

- (h) Section 1907.1 (Minimum Slab Provisions – General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:

Slabs shall have six inch by six inch by ten gauge wire mesh or equal at mid-height.

- (i) Appendix C and Appendix I of the CBC are incorporated into the City building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix J, Appendix K, Appendix L, and Appendix M of the CBC are excluded from the City building Code.

15.02.003 Amendments to CRC. The 2016 California Residential Code (“CRC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Residential Code.

(a) Sections R103, R108, R111, R112, R113, and R114 of the CRC Chapter 1 (Scope and Application) are deleted.

(b) In Section R105.2 (Work exempt from permit) of CRC Chapter 1 (Scope and Application), subsection 3 is amended to read:

3. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.

(c) Table R602.10.3(3) (Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:

(1) The title of Table R602.10.3(3) is amended to read:

TABLE R602.10.3(3)^f

(2) Footnote “f” is added to Table R602.10.3(3) to read

f. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structure.

(d) Section R602.10.4.4 is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall construction), to read:

R602.10.4.4 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

(e) Appendix H of the CRC is incorporated into the City building code. Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q, Appendix R, Appendix S, Appendix T, Appendix U, Appendix V, and Appendix W of the CRC are excluded from the City building code.

15.02.004 Amendments to CEBC. The 2016 California Existing Building Code (“CEBC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Existing Building Code.

(a) CBEC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of the Contra Costa County Code and as follows:

- (1) Sections 103, 108, 111, 112, 113, and 115 of CEBC Chapter 1 are deleted.
- (2) Section 106.1 (Construction Documents – General) of CEBC Chapter 1 is amended by deleting the exception.
- (3) Section 106.2.1 (Construction Documents) of CEBC Chapter 1 is amended to read:

106.2.1 Construction documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (4) Section 109.1 (Inspections – General) is amended by adding the following to the end of that section:

At the time of first inspection by the City building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

CHAPTER 15.03

2016 CALIFORNIA ELECTRICAL CODE WITH AMENDMENTS

Sections:

- 15.03.002 Adoption.
- 15.03.606 Unlawful wiring, electric fences, warning.
- 15.03.608 Power from generators.
- 15.03.612 Public nuisance lighting.

15.03.002 Adoption.

- (a) The electrical code of this City is the 2016 California Electrical Code (California Code of Regulations, Title 24, Part 3, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2016 California Electrical Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code are adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this electrical code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the electrical code are controlling and enforceable within the City.

15.03.606 Unlawful wiring, electric fences, warning.

- (a) Prohibition. Except as hereinafter provided, no person shall construct or maintain any spring gun, or any electric wiring device, designated or intended to injure and/or shock animals or persons, or any contrivance or apparatus for such purpose.
- (b) Livestock Exception. Persons principally engaged in the business of handling livestock as a primary means of production or income may electrify fences to control or confine livestock upon complying with all the following requirements:
 - (1) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.
 - (2) Any electrical fence to which the public may have access, except cross fences to confine and control livestock, shall be posted with a warning notice containing the following or similar wording: "DANGER. ELECTRIC FENCE," or "DANGER. HIGH VOLTAGE." This notice

shall be posted along any such main fence at intervals of not more than 200 feet and in letters at least two inches high.

15.03.608 Power from generators.

- (a) All occupancies that have commercially supplied electricity shall connect to the commercial supplier.
- (b) Any occupancy that has commercially supplied electricity shall not use a permanent or temporary generator(s), provided that a generator(s) may be used for commercial purposes when authorized by the City building official.

15.03.612 Public nuisance lighting. Lighting fixtures shall be so installed, controlled or directed that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property.

CHAPTER 15.04

2016 CALIFORNIA PLUMBING CODE WITH AMENDMENTS

Sections:

15.04.002 Adoption.

15.04.002 Adoption.

- (a) The plumbing code of this City is the 2016 California Plumbing Code (California Code of Regulations, Title 24, Part 5, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2016 California Plumbing Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this plumbing code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the plumbing code are controlling and enforceable within the City.

CHAPTER 15.05

2016 CALIFORNIA MECHANICAL CODE WITH AMENDMENTS

Sections:

15.05.002 Adoption.

15.05.002 Adoption.

- (a) The mechanical code of this City is the 2016 California Mechanical Code (California Code of Regulations, Title 24, Part 4), as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2016 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this mechanical code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the mechanical code are controlling and enforceable within the City.

Chapter 15.80

GREEN BUILDING STANDARDS CODE; PROJECT CONSTRUCTION AND
DEMOLITION DEBRIS RECYCLING

Sections:

15.80.000	Adoption
15.80.001	Amendments to CGBSC
15.80.010	Definitions
15.80.020	Threshold for covered projects
15.80.030	Submission and contents of waste management plan
15.80.040	Review of waste management plan
15.80.050	Modified diversion rate
15.80.060	Submission of completed waste management plan
15.80.070	Appeal
15.80.080	Enforcement

15.08.000 Adoption.

- (a) The green building code of this City is the 2016 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) At least one copy of this green building code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.

15.08.001 Amendments to CGBSC. The 2016 California Green Building Standards Code ("CGBSC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Green Building Standards Code.

- (a) Section 301.1.1 (Additions and alterations) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall apply to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of Section 4.408 shall apply to the following types of construction or demolition projects for existing residential buildings:

1. Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.

2. Alterations to existing structures impacting 5,000 square feet or more of total combined conditioned and unconditioned building area.
3. Demolition projects when a demolition permit is required.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

For the purposes of determining whether a project meets the 5,000 square-foot threshold, the enforcing agency may deem all phases of a project and all related projects taking place on a single or adjoining parcel(s) as a single project.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected or other important enactment dates.

15.80.010 Definitions.

For the purposes of this ordinance, the following definitions shall apply:

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake construction, demolition, or renovation projects within the city.

B. "Construction" means the building of any facility, structure, or paved area or any portion thereof including tenant improvements to an existing facility, structure, or paved area.

C. "Construction and demolition debris" ("C&D debris") means used or discarded materials removed from a project site during construction, demolition, or renovation activities.

D. "Conversion rate" means the rate set forth in the standardized conversion rate table approved by the state, as amended or revised, for estimating the volume or weight of materials identified in a waste management plan.

E. "Covered project" shall have the meaning set forth in Section 15.80.020.A.

F. "Deconstruction" means the process of dismantling a building, structure, or paved area in order to salvage components for reuse or recycling.

G. "Demolition" means the decimating, razing, ruining, tearing down, or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

H. "Divert" means to use material for any purpose other than disposal in a landfill or transfer facility.

I. "Diversion requirement" means the redirection from the waste stream of construction and demolition debris generated by a project via salvage, reuse, and/or recycling.

J. "Modified diversion rate" means a diversion rate less than a standard diversion requirement.

K. "Non-covered project" shall have the meaning set forth in Section 15.80.020.B.

L. "Official" shall have the meaning set forth in Section 15.80.010.W.

M. "Project" means any activity, which requires an application for a building, grading, or demolition permit, or any similar permit from the city.

N. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

O. "Renovation" means any change, addition, or modification (including tenant improvements) in an existing structure or building.

P. "Reuse" means further or repeated use of materials in their original form.

Q. "Salvage" means the controlled removal of construction or demolition debris from a project site for diversion requirement purposes.

R. "Site" means any location which requires a waste management plan under this chapter.

S. "Standard diversion requirement" means at least sixty-five (65) percent, or a numeric threshold established by subsequent state regulation, of the waste stream of construction and demolition debris generated by a project is diverted from the landfill via salvage, reuse, and/or recycling.

T. "Tenant improvements" means a "project" involving structural or other modifications of an existing building, structure, or project site resulting in the generation of C&D debris.

U. "Vendor" means a hauler of commercial recycling material licensed to conduct business in the city.

V. "Waste management plan" ("WMP") means a completed WMP form submitted by the applicant for any covered project for the purpose of compliance with this chapter.

W. "WMP compliance official" ("official") means the city community development director or his or her designee.

15.80.020 Threshold for covered projects.

A. Covered projects.

1. Residential: All construction, demolition, renovation, or re-roofing projects within the city, which involve the construction, demolition, or renovation of 500 square feet or more of existing area, and/or any additional increase in square footage of conditioned or habitable area by additions to or modification of the existing structure; and which require a building, grading, or demolition permit shall be considered covered projects and shall comply with this chapter. For the purposes of determining whether a project meets the foregoing thresholds, all phases of a project and all related projects taking place on single or adjoining parcels, as determined by the official, shall be deemed a single project.

2. Non-Residential: All non-residential additions or alterations requiring a permit.
- B. Non-covered projects.
 1. Construction, demolition and renovation projects within the city that have not met the threshold for covered projects shall be considered non-covered projects.
 2. Installation of solar panels on an existing roof or existing structure; or demolitions which materials have been determined by the city official cannot be accepted by facilities as recyclable.
 3. Applicants for non-covered projects shall be encouraged and endeavor to divert as much project-related C&D debris as possible.
 - C. Projects Sponsored by the City. All construction, demolition and renovation projects sponsored by the City shall be considered covered projects for the purposes of this chapter. The project sponsor or its contractor shall submit a WMP to the official prior to beginning any activities and shall be subject to all applicable provisions of this chapter.
 - D. Building, grading and demolition permits. No building, grading or demolition permit shall be issued for a covered project unless and until the official has approved a WMP for the project.

15.80.030 Submission and contents of waste management plan.

An applicant for any covered project shall complete and submit a WMP on a form approved by the city as part of the application submittal requirements for a building, grading, or demolition permit. A complete WMP shall include all of the following:

- A. Identification of the types of C&D debris expected to be generated from the project and the types of C&D debris to be made available for salvage, reuse, and/or recycling, and diverted from the landfill;
- B. Acknowledgement that the standard diversion requirement requires at least sixty-five (65) percent, or a numerical threshold established by subsequent state regulation, of the C&D debris materials to be diverted from the landfill and made available for salvage, reuse, and/or recycling;
- C. Acknowledgement that the applicant is responsible for the actions of his or her contractors, sub-contractors or other agents with regard to the diversion requirement;
- D. Signature of the property owner (or authorized agent); and
- E. A cash deposit (or other financial security instrument acceptable to the city) to ensure the performance of the diversion requirements of this chapter, and to cover staff review and processing charges. The amount of the cash deposit (based upon the square footage of the construction, demolition, or renovation), plus a minimum deposit, shall be established by City Council resolution, and as may be amended from time to time.

15.80.040 Review of waste management plan.

A. Approval. Notwithstanding any other provision of this code, no building, grading, or demolition permits shall be issued for any covered project, nor shall any construction, demolition, or renovation take place on any covered project, unless and until the official has approved the WMP. Approval shall not be necessary, however, when the city determines an emergency demolition is required to protect public health or

safety. The official shall approve the WMP if the official determines that the WMP complies with the requirements of Section 15.80.030.

B. Non-approval. If the official determines the submitted WMP does not comply with the requirements of Section 15.80.030, the official shall notify the applicant the WMP is not approved and provide a written statement of the reason(s) the WMP is out of compliance. The official shall withhold or order the withholding of issuance of all associated city development permits, including building, grading, and demolition permits for the covered project until compliance has been met.

15.80.050 Modified diversion rate.

A. Application. If an applicant experiences unique circumstances that the applicant believes make it infeasible to comply with the standard sixty-five (65) percent diversion requirement, or a numerical threshold established by subsequent state regulation, the applicant may request approval of a modified diversion rate at the time the applicant submits the WMP in accordance with Section 15.80.030. Economic or increased financial costs to the applicant generally will not be a sufficient basis for approval of a modified diversion rate unless such costs are proportionately extraordinary. The applicant shall indicate on the WMP the maximum amount of diversion the applicant believes can be achieved for each material and the specific unique circumstance(s) the applicant believes makes compliance with the standard diversion requirement infeasible.

B. Granting of modified diversion rate. If the official determines that the applicant is unable to meet the standard diversion requirement due to unique circumstances, the official may approve and issue a modified diversion rate and shall indicate this rate on the WMP submitted by the applicant.

C. Denial of modified diversion rate. If the official determines that unique circumstances are not present and the applicant is able to comply with the standard diversion requirement, the official shall so inform the applicant in writing. The applicant shall have thirty (30) calendar days to resubmit a WMP in full compliance with Section 15.80.030.

15.80.060 Submission of completed waste management plan.

A. Documentation. Prior to the final building inspection or the filing of a notice of completion for a public works project for any covered project, the applicant shall submit documentation that it has met the diversion requirement for the project to the official. This documentation shall include the following:

1. A copy of the approved WMP for the project with notations of the actual material volume or weight generated by the completed project;
2. Receipts from disposal and recycling facilities and/or vendors that received each material showing the type and quantity (weight or volume) of material, and whether the material was disposed in a landfill or recycled; and
3. Any additional information the applicant believes is relevant to determining compliance with this chapter.

B. Weighing of materials. The applicant shall make reasonable efforts to ensure that all C&D debris recycled or disposed in a landfill are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. A volumetric measurement shall be used on C&D debris for which weighing is not practical due to

small size or due to other considerations as determined by the official or the state. For conversion of volumetric measurements to weight, the applicant shall use the conversion rates approved by the state for this purpose.

C. Determination of compliance. The official shall review the submitted information and determine whether the applicant has complied with the diversion requirement. The official shall authorize the final building inspection or the filing of the notice of completion for a public works project upon making a determination of compliance, as listed below:

1. Full compliance. If the official determines the applicant has fully complied with the diversion requirement applicable to the project, the full performance security, less staff review and processing charges, shall be returned to the applicant within thirty (30) days after full compliance is determined.

2. Partial compliance. If the official determines the applicant has not fully complied with the diversion requirement applicable to the project, the official shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with the approved WMP. In making this determination, the official shall consider the availability of markets for the C&D debris disposed in a landfill, the size of the project and the documented efforts of the applicant to divert the C&D debris. If the official determines the applicant has made a good faith effort to comply with the approved WMP, such determination shall be provided in writing, and the portion of the deposit equivalent to the portion of C&D debris actually diverted compared to the portion that should have been diverted according to the approved WMP will be returned to the applicant, less staff review and processing charges. The partial deposit shall be returned to the applicant within thirty (30) days after partial compliance is determined.

3. Noncompliance. If the official determines the applicant has not complied with the approved WMP, the official shall notify the applicant in writing. The full amount of the performance security shall be forfeited to the city as a penalty and to cover staff review and processing charges.

15.80.070 Appeal.

Appeal of a determination made under this chapter may be made to the city council following the procedures set forth in Section 5.04.100 of this code, with payment of an appeal fee as established by City Council resolution. Any appeals shall be limited to: 1) the granting or denial of modified diversion rate; or 2) whether the applicant has complied with an approved WMP.

15.80.080 Enforcement.

Violation of any provision of this chapter may be enforced through remedies listed in this code, including but not limited to Chapters 1.14, 1.18 and 1.20.

EXHIBIT B

City of Clayton

FINDINGS IN SUPPORT OF CHANGES, ADDITIONS, AND DELETIONS TO THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE

The California Building Standards Commission has adopted and published the 2016 Building Standards Code, which includes the 2016 California Building, Residential, Green Building Standards, Electrical, Plumbing, Mechanical, and Existing Building Codes. These codes are enforced in the City of Clayton by the City and Contra Costa County's Building Inspection Division of the Department of Conservation and Development.

Although these codes apply statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological or topographical conditions.

City of Clayton Ordinance No. 474 adopts the statewide codes and amends them to address local conditions, consistent with Contra Costa County.

Pursuant to Health and Safety Code section 17958.7, the Clayton City Council finds that the more restrictive standards contained in Ordinance No. 474 are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below.

I. Local Conditions

A. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Design Category D and E, which designates the highest risk for earthquakes in the United States. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is in close proximity to numerous earthquake faults including the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from

seismic activity are not uncommon in the area. A study released in 2015 by the Working Group of California Earthquake Probabilities predicts that for the San Francisco region, the 30 year likelihood of one or more earthquake of 6.7 or larger magnitude is 72%. The purpose of this Working Group is to develop statewide, time-dependent Earthquake Rupture Forecasts for California that use best available science, and are endorsed by the United States Geological Survey, the Southern California Earthquake Center, and the California Geological Survey. Scientists, therefore, believe that an earthquake of a magnitude 6.7 or larger is now slightly more than twice as likely to occur as to not occur in, approximately, the next 30 years.

Interstates 680, 80, 580 and State Route 4 run the length throughout Contra Costa County. These interstates and state routes divide the County into a west, south, north and east. An overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment. This is due to limited crossings of the interstate and that in some areas there is only one surface street, which runs parallel to the interstate, which would be congested during a significant emergency.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, which in turn start fires throughout the County. The occurrence of multiple fires will quickly deplete existing fire department resources; thereby reducing and/or delaying their response to any given fire.

(b) Impact

A major earthquake could severely restrict the response of all Contra Costa County Fire Districts and their capability to control fires involving buildings of wood frame construction, with ordinary roofing materials and flammable exteriors, or with large interior areas not provided with automatic smoke and fire control systems. Also, when buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the County to fault traces, necessitates adopting stricter structural construction standards.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be unpassable so as to prevent fire protection resources from reaching fires cause by gas line ruptures or other sources.

3. Topographic

(a) Conditions

i. Vegetation

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the County. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

ii. Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets and roads, combine to limit feasible response routes for Fire District resources in and to District areas.

iii. Buildings, Landscaping and Terrain

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit any approach or operational access to them by Fire District vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for Fire District vehicles adversely affect fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires that fire personnel both in numbers and in stamina. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitch roofs have been built over an existing roof, smoke detectors should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the County fire resources. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Most earthquake fires are created by natural gas developed from gas line ruptures. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwellings that were caused by broken gas lines.

Other variables may tend to intensify the situation:

1. The extent of damage to the water system.
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic condition (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingle

coverings (both on the roof diaphragm and sides of the dwellings) could result in conflagrations.

8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

B. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from fifteen (15) to twenty-four (24) inches per year with an average of approximately twenty (20) inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

3. Temperature

(a) Conditions

Temperatures have been recorded as high as 114°F. Average summer highs are in the 75° to 90° range, with average maximums of 105°F in some areas of unincorporated Contra Costa County.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire Districts in Contra Costa County. The change of temperatures throughout the County between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

4. Winds

(a) Conditions

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non-irrigated weeds, grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured, or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

II. Necessity of More Restrictive Standards

Because of the conditions described above, the Clayton City Council finds that there are building and fire hazards unique to the City that require the increased fire protection and structural and design load requirements set forth in Ordinance No. 474.

- The Ordinance amends the 2016 California Building Code by:
 - Requiring the installation of a smoke detector in existing flat roof buildings when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed. (§907.2.11.9.)
 - Requiring most wood shakes or shingles used for exterior wall covering to be fire treated. (§1406.5.)
 - Requiring special inspections for concrete at certain foundations to be consistent with code requirements for concrete at other locations. (§1705.3.)
 - Addressing the poor performance of plain concrete structural elements during seismic events. (§1809.8, §1906, and §1907.1.)
 - Prohibiting the placement of reinforcement while the concrete is in a semifluid condition thus increasing quality control during construction. Enhanced quality control is necessary because of seismic considerations. (§1810.3.9.3.)
- The Ordinance amends the 2016 California Residential Code by:
 - Prohibiting in single family dwellings and accessory structures braced wall panels that use gypsum wallboard and by limiting in single family dwellings and accessory structures the use of braced wall panels that use Portland Cement Plaster to dwellings of only one story building, as

these materials have performed poorly during recent California seismic events. (Table R602.10.3(3) and §R602.10.4.4.)

- The amendments to the 2016 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of this Code, and to be consistent with the administrative provisions of the statewide codes as amended.

ATTACHMENT 2
EXHIBIT A
(REDLINED VERSION)

CHAPTER 15.02

2016~~3~~ CALIFORNIA BUILDING CODE WITH AMENDMENTS

Sections:

- 15.02.001 Adoption.
- 15.02.002 Amendments (California Building Code).
- 15.02.003 Amendments (California Residential Code).
- 15.02.004 Amendments (California Existing Building Code).

15.02.001 Adoption.

- (a) The building code of this City is the 2013~~6~~ California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2016 California Residential Code (California Code of Regulations, Title 24, Part 2.5), and the 2013~~6~~ California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), and the 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10), as amended by the changes, additions, and deletions set forth in this ordinance and Division 72 of the Contra Costa County Code.
- (b) The 2013~~6~~ California Building Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code is adopted by this reference as though fully set forth in this ordinance.
- (c) The 2013~~6~~ California Residential Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- ~~(d) The 2013~~6~~ California Green Building Standards Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.~~
- (e) The 2016 California Existing Building Code, with the changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as through fully in this ordinance.
- (fe) At least one copy of this building code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (fg) As of the effective date of this ordinance, the provisions of the building code are controlling and enforceable within the City.

15.02.002 Amendments. The 2013~~6~~ California Building Code (“CBC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2013~~6~~ California Building Code.

(a) CBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 ~~Section of the Contra Costa County is eCode and~~ as follows:

(1) Sections 103, 109, 112, 113, 114, and 116 of CBC Chapter 1 are deleted.

(2) Section 105.2 (Work Exempt from Permit) of CBC Chapter 1, subsection 4 is amended to ~~provide that a building permit is not required for the following workread:~~

4. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1 (vertical):10 (horizontal), unless supporting a surcharge or ground slope exceeding 1 (vertical):2(horizontal) or impounding ~~e~~Class I, II, or III-a liquids.

~~All other work listed in Section 105.2 of CBC Chapter 1 is also exempt from a permit.~~

(3) Section 107.1 (Submittal Documents – General) of CBC Chapter 1 is amended by deleting the exception.

(4) Section 107.2.1 (Information on Construction Documents) of CBC Chapter 1 is amended to read:

107.2.1 Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for ~~give the house and street address of the work and the name and address of~~ the owner and ~~of~~ the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

~~Sections 107.2.2, 107.2.5, and 107.3 are not amended and remain in effect.~~

- (5) Section 110.1 (Inspections – General) of CBC Chapter 1 is amended by adding the following to the end of ~~that~~ section:

At the time of first inspection by the City building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

~~(A) — Redwood hub not less than two inches square and twelve inches long;~~

~~(B) — Galvanized iron pipe not less than one inch in diameter and thirty inches long filled with concrete; or;~~

~~(C) — Other material of sufficient durability, placed as not to be readily disturbed, acceptable to the City building official.~~

~~Monuments shall be driven flush with the ground and tagged as required by the Land Surveyor Act (Business and Professions Code section 8772).~~

- (b) Section 907.2.11.5.69 (Existing Group R-3 Occupancies) of CBC Chapter 9 (Fire Protection Systems), to read:

907.2.11.95.6 Existing Group R Occupancies. In existing flat roof buildings, the installation of a smoke detector that complies with California Residential Code Section R314.64 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

- (c) Section 1406.5 is added to Section 1406 (Combustible Materials on the Exterior Side of Exterior Walls) of CBC Chapter 14 (Exterior Walls), to read:

1406.5 Wood shakes or shingles. Wood shakes or shingles ~~uses~~ used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line of all sides, except for any sides of exterior walls facing the street.

- (d) Section 1705.3 (Concrete Construction) of CBC Chapter 17 (~~Structural Tests and Special Inspections and Tests~~), Exception 1 is amended to read:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

(e) Section 1809.8 (Plain Concrete Footings) of CBC Chapter 18 (Soils and Foundations) is deleted.

(f) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception No. 3.

~~(g) Section 1905.1 (Modification of ACI 318 – General) of CBC Chapter 19 (Concrete) is amended to read:~~

~~**1905.1 General.** The text of ACI 318 shall be modified as indicated in Sections 1905.1.1 through 1905.1.9.~~

~~(gh) Section 1906 (Structural Plain Concrete) of CBC Chapter 19 (Concrete) is deleted.~~

~~(ih) Section 1907.1 (Minimum Slab Provisions – General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:~~

~~Slabs shall have six inches by six inches by ten gauge wire mesh or equal at mid-height.~~

~~(j) Appendix C and Appendix I of the CBC are incorporated into the City building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix J, Appendix K, Appendix L, and Appendix M of the CBC are excluded from the City building Code.~~

15.02.0023 Amendments to CRC. The 2013~~6~~ California Residential Code (“CRC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2013~~6~~ California Residential Code.

(a) Sections R103, R108, R111, R112, R113, and R114 of the CRC Chapter 1 (Scope and Application) are deleted.

(b) In Section R105.2 (Work exempt from permit) of CRC Chapter 1 (Scope and Application), subsection 3 ~~of the paragraph exempting certain building work from the requirement to obtain a permit~~ is amended to ~~exempt the following retaining wall from the requirement to obtain a permit~~read:

3. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope

exceeding 1(vertical):2(horizontal) or impounding eClass I, II, or III-a liquids.

- (c) Table R602.10.3(3) (Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:

(1) The title of Table R602.10.3(3) is amended to read:

TABLE R602.10.3(3)^f

(2) Footnote "f" is added to Table R602.10.3(3) to read

f. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structure.

~~Section R403.1.3 (Seismic reinforcing) of CRC Chapter 4 (Foundations) is amended to delete the exception.~~

- (d) Section R602.10.4.4 is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall construction), to read:

R602.10.4.4 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.~~404.1.4.1(Masonry foundation walls) of CRC Chapter 4 (Foundations) is amended to read:~~

~~**R404.1.4.1 Masonry foundation walls.** In addition to the requirements of Table R404.1.1(1), plain masonry walls in buildings assigned to Seismic Design Category D0, D1, or D2 shall comply with the seismic requirements of Section 1.18.4.4 of TMS 402, ACI 530, or ASCE 5.~~

- (e) Appendix H of the CRC is incorporated into the City building code. Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q, Appendix R, Appendix S, Appendix T, Appendix U, Appendix V, and Appendix W of the CRC are excluded from the City building code.~~Section R404.1.4.2 (Concrete foundation walls) of CRC Chapter 4 (Foundations) is amended to read:~~

~~**Section R404.1.4.2 Concrete foundation walls.** Concrete foundation walls in buildings assigned Seismic Design Category D0, D1, or D2 shall comply with ACI 318, ACI 332, or PCA 100. (Ord. 452, 2014).~~

15.02.004 Amendments to CEBC. The 2016 California Existing Building Code (“CEBC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Existing Building Code.

(a) CBEC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of the Contra Costa County Code and as follows:

(1) Sections 103, 108, 111, 112, 113, and 115 of CEBC Chapter 1 are deleted.

(2) Section 106.1 (Construction Documents – General) of CEBC Chapter 1 is amended by deleting the exception.

(3) Section 106.2.1 (Construction Documents) of CEBC Chapter 1 is amended to read:

106.2.1 Construction documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

(4) Section 109.1 (Inspections – General) is amended by adding the following to the end of that section:

At the time of first inspection by the City building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

CHAPTER 15.03

20136 CALIFORNIA ELECTRICAL CODE WITH AMENDMENTS

Sections:

- 15.03.002 Adoption.
- 15.03.606 Unlawful wiring, electric fences, warning.
- 15.03.608 Power from generators.
- 15.03.612 Public nuisance lighting.

15.03.002 Adoption.

- (a) The electrical code of this City is the 20136 California Electrical Code (California Code of Regulations, Title 24, Part 3, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 20136 California Electrical Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code are adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this electrical code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the electrical code are controlling and enforceable within the City.

15.03.606 Unlawful wiring, electric fences, warning.

- (a) Prohibition. Except as hereinafter provided, no person shall construct or maintain any spring gun, or any electric wiring device, designated or intended to injure and/or shock animals or persons, or any contrivance or apparatus for such purpose.
- (b) Livestock Exception. Persons principally engaged in the business of handling livestock as a primary means of production or income may electrify fences to control or confine livestock upon complying with all the following requirements:
 - (1) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.
 - (2) Any electrical fence to which the public may have access, except cross fences to confine and control livestock, shall be posted with a warning notice containing the following or similar wording: "DANGER. ELECTRIC FENCE," or "DANGER. HIGH VOLTAGE." This notice

shall be posted along any such main fence at intervals of not more than 200 feet and in letters at least two inches high.

15.03.608 Power from generators.

- (a) All occupancies that have commercially supplied electricity shall connect to the commercial supplier.
- (b) Any occupancy that has commercially supplied electricity shall not use a permanent or temporary generator(s), provided that a generator(s) may be used for commercial purposes when authorized by the City building official.

15.03.612 Public nuisance lighting. Lighting fixtures shall be so installed, controlled or directed that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property.

CHAPTER 15.04

20136 CALIFORNIA PLUMBING CODE WITH AMENDMENTS

Sections:

15.04.002 Adoption.

15.04.002 Adoption.

- | (a) The plumbing code of this City is the 20136 California Plumbing Code (California Code of Regulations, Title 24, Part 5, as amended by the changes, additions, and deletions set forth in this ordinance.
- | (b) The 20136 California Plumbing Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this plumbing code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the plumbing code are controlling and enforceable within the City.

CHAPTER 15.05

20136 CALIFORNIA MECHANICAL CODE WITH AMENDMENTS

Sections:

15.05.002 Adoption.

15.05.002 Adoption.

- (a) The mechanical code of this City is the 20136 California Mechanical Code (California Code of Regulations, Title 24, Part 4 ~~[based on the 2006 Uniform Mechanical Code]~~), as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 20136 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this mechanical code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the mechanical code are controlling and enforceable within the City.

Chapter 15.80

GREEN BUILDING STANDARDS CODE; PROJECT CONSTRUCTION AND
DEMOLITION DEBRIS RECYCLING

Sections:

- 15.80.000 Adoption
- 15.80.001 Amendments to CGBSC
- 15.80.010 Definitions
- 15.80.020 Threshold for covered projects
- 15.80.030 Submission and contents of waste management plan
- 15.80.040 Review of waste management plan
- 15.80.050 Modified diversion rate
- 15.80.060 Submission of completed waste management plan
- 15.80.070 Appeal
- 15.80.080 Enforcement

15.08.000 Adoption.

- (a) The green building code of this City is the 2016 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) At least one copy of this green building code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.

15.08.001 Amendments to CGBSC. The 2016 California Green Building Standards Code ("CGBSC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Green Building Standards Code.

- (a) Section 301.1.1 (Additions and alterations) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall apply to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of Section 4.408 shall apply to the following types of construction or demolition projects for existing residential buildings:

1. Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.

2. Alterations to existing structures impacting 5,000 square feet or more of total combined conditioned and unconditioned building area.

3. Demolition projects when a demolition permit is required.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

For the purposes of determining whether a project meets the 5,000 square-foot threshold, the enforcing agency may deem all phases of a project and all related projects taking place on a single or adjoining parcel(s) as a single project.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected or other important enactment dates.

15.80.010 Definitions.

For the purposes of this ordinance, the following definitions shall apply:

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake construction, demolition, or renovation projects within the city.

B. "Construction" means the building of any facility, structure, or paved area or any portion thereof including tenant improvements to an existing facility, structure, or paved area.

C. "Construction and demolition debris" ("C&D debris") means used or discarded materials removed from a project site during construction, demolition, or renovation activities.

D. "Conversion rate" means the rate set forth in the standardized conversion rate table approved by the state, as amended or revised, for estimating the volume or weight of materials identified in a waste management plan.

E. "Covered project" shall have the meaning set forth in Section 15.80.020.A.

F. "Deconstruction" means the process of dismantling a building, structure, or paved area in order to salvage components for reuse or recycling.

G. "Demolition" means the decimating, razing, ruining, tearing down, or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

H. "Divert" means to use material for any purpose other than disposal in a landfill or transfer facility.

I. "Diversion requirement" means the redirection from the waste stream of construction and demolition debris generated by a project via salvage, reuse, and/or recycling.

J. "Modified diversion rate" means a diversion rate less than a standard diversion requirement.

K. "Non-covered project" shall have the meaning set forth in Section 15.80.020.B.

L. "Official" shall have the meaning set forth in Section 15.80.010.W.

M. "Project" means any activity, which requires an application for a building, grading, or demolition permit, or any similar permit from the city.

N. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

O. "Renovation" means any change, addition, or modification (including tenant improvements) in an existing structure or building.

P. "Reuse" means further or repeated use of materials in their original form.

Q. "Salvage" means the controlled removal of construction or demolition debris from a project site for diversion requirement purposes.

R. "Site" means any location which requires a waste management plan under this chapter.

S. "Standard diversion requirement" means at least ~~sixty-five~~ sixty-five (65) percent, or a numeric threshold established by subsequent state regulation, of the waste stream of construction and demolition debris generated by a project is diverted from the landfill via salvage, reuse, and/or recycling.

T. "Tenant improvements" means a "project" involving structural or other modifications of an existing building, structure, or project site resulting in the generation of C&D debris.

U. "Vendor" means a hauler of commercial recycling material licensed to conduct business in the city.

V. "Waste management plan" ("WMP") means a completed WMP form submitted by the applicant for any covered project for the purpose of compliance with this chapter.

W. "WMP compliance official" ("official") means the city community development director or his or her designee.

15.80.020 Threshold for covered projects.

A. Covered projects.

1. Residential: All construction, demolition, ~~and renovation, or re-roofing~~ projects within the city, which involve the construction, demolition, or renovation of 500 square feet or more of existing area, and /or any additional increase in square footage of conditioned or habitable area by additions to or modification of the existing structure; and which require a building, grading, or demolition permit shall be considered covered projects and shall comply with this chapter. For the purposes of determining whether a project meets the foregoing thresholds, all phases of a project and all related projects taking place on single or adjoining parcels, as determined by the official, shall be deemed a single project.

1.2. Non-Residential: All non-residential additions or alterations requiring a permit.

- B. Non-covered projects.
 - 1. Construction, demolition and renovation projects within the city that have not met the threshold for covered projects shall be considered non-covered projects.
 - 2. Installation of solar panels on an existing roof or existing structure; or demolitions which materials have been determined by the city official cannot be accepted by facilities as recyclable.
 - 3. Applicants for non-covered projects shall be encouraged and endeavor to divert as much project-related C&D debris as possible.
- C. Projects Sponsored by the City ~~or its Redevelopment Agency~~. All construction, demolition and renovation projects sponsored by the ~~eCity or its redevelopment agency~~ shall be considered covered projects for the purposes of this chapter. The project sponsor or its contractor shall submit a WMP to the official prior to beginning any activities and shall be subject to all applicable provisions of this chapter.
- D. Building, grading and demolition permits. No building, grading or demolition permit shall be issued for a covered project unless and until the official has approved a WMP for the project.

15.80.030 Submission and contents of waste management plan.

An applicant for any covered project shall complete and submit a WMP on a form approved by the city as part of the application submittal requirements for a building, grading, or demolition permit. A complete WMP shall include all of the following:

- A. Identification of the types of C&D debris expected to be generated from the project and the types of C&D debris to be made available for salvage, reuse, and/or recycling, and diverted from the landfill;
- B. Acknowledgement that the standard diversion requirement requires at least ~~sixty-five~~ sixty-five (65) percent, or a numerical threshold established by subsequent state regulation, of the C&D debris materials to be diverted from the landfill and made available for salvage, reuse, and/or recycling;
- C. Acknowledgement that the applicant is responsible for the actions of his or her contractors, sub-contractors or other agents with regard to the diversion requirement;
- D. Signature of the property owner (or authorized agent); and
- E. A cash deposit (or other financial security instrument acceptable to the city) to ensure the performance of the diversion requirements of this chapter, and to cover staff review and processing charges. The amount of the cash deposit (based upon the square footage of the construction, demolition, or renovation), plus a minimum deposit, shall be established by City Council resolution, and as may be amended from time to time.

15.80.040 Review of waste management plan.

A. Approval. Notwithstanding any other provision of this code, no building, grading, or demolition permits shall be issued for any covered project, nor shall any construction, demolition, or renovation take place on any covered project, unless and until the official has approved the WMP. Approval shall not be necessary, however, when the city determines an emergency demolition is required to protect public health or

safety. The official shall approve the WMP if the official determines that the WMP complies with the requirements of Section 15.80.030.

B. Non-approval. If the official determines the submitted WMP does not comply with the requirements of Section 15.80.030, the official shall notify the applicant the WMP is not approved and provide a written statement of the reason(s) the WMP is out of compliance. The official shall withhold or order the withholding of issuance of all associated city development permits, including building, grading, and demolition permits for the covered project until compliance has been met.

15.80.050 Modified diversion rate.

A. Application. If an applicant experiences unique circumstances that the applicant believes make it infeasible to comply with the standard ~~sixty-five~~ (65) percent diversion requirement, or a numerical threshold established by subsequent state regulation, the applicant may request approval of a modified diversion rate at the time the applicant submits the WMP in accordance with Section 15.80.030. Economic or increased financial costs to the applicant generally will not be a sufficient basis for approval of a modified diversion rate unless such costs are proportionately extraordinary. The applicant shall indicate on the WMP the maximum amount of diversion the applicant believes can be achieved for each material and the specific unique circumstance(s) the applicant believes makes compliance with the standard diversion requirement infeasible.

B. Granting of modified diversion rate. If the official determines that the applicant is unable to meet the standard diversion requirement due to unique circumstances, the official may approve and issue a modified diversion rate and shall indicate this rate on the WMP submitted by the applicant.

C. Denial of modified diversion rate. If the official determines that unique circumstances are not present and the applicant is able to comply with the standard diversion requirement, the official shall so inform the applicant in writing. The applicant shall have thirty (30) calendar days to resubmit a WMP in full compliance with Section 15.80.030.

15.80.060 Submission of completed waste management plan.

A. Documentation. Prior to the final building inspection or the filing of a notice of completion for a public works project for any covered project, the applicant shall submit documentation that it has met the diversion requirement for the project to the official. This documentation shall include the following:

1. A copy of the approved WMP for the project with notations of the actual material volume or weight generated by the completed project;
2. Receipts from disposal and recycling facilities and/or vendors that received each material showing the type and quantity (weight or volume) of material, and whether the material was disposed in a landfill or recycled; and
3. Any additional information the applicant believes is relevant to determining compliance with this chapter.

B. Weighing of materials. The applicant shall make reasonable efforts to ensure that all C&D debris recycled or disposed in a landfill are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. A volumetric measurement shall be used on C&D debris for which weighing is not practical due to

small size or due to other considerations as determined by the official or the state. For conversion of volumetric measurements to weight, the applicant shall use the conversion rates approved by the state for this purpose.

C. **Determination of compliance.** The official shall review the submitted information and determine whether the applicant has complied with the diversion requirement. The official shall authorize the final building inspection or the filing of the notice of completion for a public works project upon making a determination of compliance, as listed below:

1. **Full compliance.** If the official determines the applicant has fully complied with the diversion requirement applicable to the project, the full performance security, less staff review and processing charges, shall be returned to the applicant within thirty (30) days after full compliance is determined.

2. **Partial compliance.** If the official determines the applicant has not fully complied with the diversion requirement applicable to the project, the official shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with the approved WMP. In making this determination, the official shall consider the availability of markets for the C&D debris disposed in a landfill, the size of the project and the documented efforts of the applicant to divert the C&D debris. If the official determines the applicant has made a good faith effort to comply with the approved WMP, such determination shall be provided in writing, and the portion of the deposit equivalent to the portion of C&D debris actually diverted compared to the portion that should have been diverted according to the approved WMP will be returned to the applicant, less staff review and processing charges. The partial deposit shall be returned to the applicant within thirty (30) days after partial compliance is determined.

3. **Noncompliance.** If the official determines the applicant has not complied with the approved WMP, the official shall notify the applicant in writing. The full amount of the performance security shall be forfeited to the city as a penalty and to cover staff review and processing charges.

15.80.070 Appeal.

Appeal of a determination made under this chapter may be made to the city council following the procedures set forth in Section 5.04.100 of this code, with payment of an appeal fee as established by City Council resolution. Any appeals shall be limited to: 1) the granting or denial of modified diversion rate; or 2) whether the applicant has complied with an approved WMP.

15.80.080 Enforcement.

Violation of any provision of this chapter may be enforced through remedies listed in this code, including but not limited to Chapters 1.14, 1.18 and 1.20.



Agenda Date: 3-21-2017

Agenda Item: 8a

Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*
DATE: MARCH 21, 2016
SUBJECT: 2016 HOUSING ELEMENT ANNUAL PROGRESS REPORT (CDD-03-17).

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution approving the 2016 Housing Element Annual Progress Report (APR) and direct staff to file the report with the State Department of Housing and Community Development (HCD).

BACKGROUND

Government Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's Housing Element using forms and definitions adopted by the HCD.

HCD uses the APR as a tool to facilitate implementation of a community's Housing Element as well as for the tracking and monitoring of progress in addressing housing needs and goals. The APR includes information on the jurisdiction's progress to address the Regional Housing Needs Allocation (RHNA), including the number of housing units permitted by income level, the status of programs in the Housing Element, and efforts to remove government constraints. HCD may also use submittal of the report as one of its threshold requirements to qualify for certain State grants or program funds.

DISCUSSION

The APR for the City of Clayton covers the reporting period of January 1, 2016 to December 31, 2016. The 2016 APR reflects one second unit, which is classified as a low-income unit, was issued a building permit for construction during this reporting period. This unit is classified as low-income because the occupant of the second unit was the previous owner of the property, but sold the property to a family member in order for her to live in the second unit. The occupant of the second unit is also on a fixed income.

The City did experience a substantial number of residential home improvement and energy efficiency projects, consisting of solar power systems, swimming pools, accessory buildings,

window replacements, heating and air-conditioning units, bathroom and kitchen remodels and home additions.

2016 was the City's second full year of the current Housing Element cycle and the City has taken additional steps to implement the approved programs of the adopted and certified 2015-2023 Housing Element. The City's 2015-2023 Housing Element contains 25 Implementation Measures or programs with an associated timeframe for the City to put these Implementation Measures into effect during the eight year Housing Element cycle. Many of the 25 Implementation Measures are ongoing or annual efforts undertaken by staff; however some of the implementation measures require action from the City Council. On July 19, 2016, the Clayton City Council adopted a General Plan amendment, along with a companion ordinance on August 16, 2016, increasing the minimum density within the Multifamily High Density land use designation from 15.1 to 20 units per acre to 20 units per acre (Implementation Measure I.1.2). The companion ordinance added language within the Clayton Municipal Code requiring minimum densities within the multifamily housing designations to be met for new development. Further, on August 16, 2016, the City Council also adopted changes to the Clayton Municipal Code in order fulfill Implementation Measures I.2.1, II.1.2, and II.1.3. These Implementation Measures respectively pertained to the City's inclusionary housing program, allowing employee housing for six or fewer residences in residential zoning districts, and allowing transitional and supportive housing with the City's Limited Commercial zoning district subject only to the requirements of other residential uses in the district.

Given the City's Council's actions during the 2015 and 2016 reporting periods and City staff's continuing fulfillment of the annual and ongoing tasks set forth as required in the Implementation Measures, the City has nearly completed its requirements for this 2015-2023 Housing Element cycle. The last remaining task requiring feedback from the City Council will be the consideration of the establishment of a green building program beyond the requirements of the CalGreen Tier 1 standards (Implementation Measure V.1.2). City staff will be bringing this item back to the City Council for direction during the 2017 reporting period.

FISCAL IMPACT

Nominal costs associated with staff time and printing costs will be associated with filing this report.

ATTACHMENTS

1. Resolution Approving the 2016 Housing Element Annual Progress Report with APR Attached [14 pp.]

RESOLUTION NO. ____-2017

**A RESOLUTION APPROVING THE CITY OF CLAYTON 2016 HOUSING
ELEMENT ANNUAL PROGRESS REPORT**

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

WHEREAS, Government Code Section 65400 requires the City Council of Clayton, California to prepare an annual report on its status and progress in implementing the City's Housing Element using forms and definitions adopted by the California Department of Housing and Community Development; and

WHEREAS, the proposed 2016 Housing Element Annual Progress Report includes information on the City of Clayton's progress in addressing its assigned Regional Housing Needs Allocations (RHNA), including the number of housing units permitted by income level, the status of programs in the Housing Element, and efforts to remove government constraints for the reporting period; and

WHEREAS, at a public meeting held on March 21, 2017, the Clayton City Council did consider the City's proposed Annual Progress Report for 2016 and all other public comments and discussion, and did determine the Annual Progress Report was correct and factual and therefore satisfactory for approval by Resolution, said Resolution to become effective immediately upon its passage and adoption.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby approve its 2016 Housing Element Annual Progress Report, a copy of which is attached hereto labeled as Attachment A and incorporated herein as if fully set forth, and does herewith authorize it to be filed with the State of California Department of Housing and Community Development.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 21st day of March 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

JIM DIAZ, Mayor

ATTEST:

JANET BROWN, City Clerk

Attachment:

A. 2016 Housing Element Annual Progress Report

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction CLAYTON
Reporting Period 01/01/2016 - 12/31/2016

Pursuant to GC 65400 local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). By checking the "Final" button and clicking the "Submit" button, you have submitted the housing portion of your annual report to HCD only. Once finalized, the report will no longer be available for editing.

The report must be printed and submitted along with your general plan report directly to OPR at the address listed below:

**Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044**

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction CLAYTON
 Reporting Period 01/01/2016 - 12/31/2016

Table A

Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information							Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions		
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Income				Total Units per Project	List # with Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income			See Instructions	See Instructions	
1133 Easley Drive	SU	Renter	0	1	0	0	1	1			The second unit will be occupied by the a family member of the property owner. The family member is retired and on a fixed income. The property owner purchased the single family home from the renter of the second unit in order to provide financial stability. The second unit was added to accommodate this family member.
(9) Total of Moderate and Above Moderate from Table A3					0	0					
(10) Total by Income Table A/A3			0	1	0	0					
(11) Total Extremely Low-Income			0								

Units*	
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* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction CLAYTON
 Reporting Period 01/01/2016 - 12/31/2016

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Very Low Income	Low Income	Low-Moderate Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction CLAYTON
Reporting Period 01/01/2016 - 12/31/2016

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	0	0	0	0	0	0	0
No. of Units Permitted for Above Moderate	0	0	0	0	0	0	0

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction CLAYTON
Reporting Period 01/01/2016 - 12/31/2016

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.												Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	51	0	0	0	0	0	0	0	0	0	0	51
	Non-Restricted		0	0	0	0	0	0	0	0	0		
Low	Deed Restricted	25	0	0	0	0	0	0	0	0	0	1	24
	Non-Restricted		0	1	0	0	0	0	0	0	0		
Moderate		31	0	0	0	0	0	0	0	0	0	0	31
Above Moderate		34	0	0	0	0	0	0	0	0	-	0	34
Total RHNA by COG. Enter allocation number:		141											
Total Units ▶▶▶			0	1	0	0	0	0	0	0	0	1	
Remaining Need for RHNA Period ▶▶▶▶▶													140

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction CLAYTON
Reporting Period 01/01/2016 - 12/31/2016

Table C
Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Implementation Measure IV.3.2	The City will continue to implement its universal design ordinance and continue to distribute its brochure on universal design standards, resources for design, and compliance with City requirements.	December 31, 2023	The City continues to implement its universal design ordinance as projects come forward as well as continues to distribute brochures on universal design.
Implementation Measure V.1.1	The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library.	December 31, 2023	The City provides and will continue to provide energy conservation brochures at City Hall and at the Clayton Community Library.
Implementation Measure I.1.1.	To ensure adequate available sites to meet the City's RHNA, the City will maintain an inventory of sites available and appropriate for residential development for households at all income levels.	December 31, 2023	The City continues to maintain adequate sites available and appropriate for residential development for households at all income levels.
Implementation Measure I.1.2	The City will amend the Multi-Family High Density (MHD) General Plan land use designation or otherwise amend the	January 31, 2016	The City Council approved a General Plan amendment on July 19, 2016 changing the allowable density in Multi-Family High Density (MHD) from 15.1 to 20 units per acre to 20 units per acre. On August 16, 2016, the City Council

	General Plan and/or Zoning Ordinance as needed to meet state requirements specific to sites rezoned to accommodate the City's lower-income RHNA from 2007-2014 planning period, specifically to allow multi-family housing by-right on these sites at a minimum density of 20 units per acre.		passed and adopted an Ordinance requiring multifamily housing types to meet the minimum density limits as set forth in the General Plan. The above was the last action required by the City to meet State law (GC Section 65583.2(h) and (i)).
Implementation Measure I.2.1	For residential projects of 10 or more units, developers will be required to develop an Affordable Housing Plan that requires a minimum of 10% of the units to be built or created as affordable housing units.	December 31, 2023	On August 16, 2016, the City Council passed and adopted an inclusionary housing ordinance, which provided the details of the Affordable Housing Plan as identified in Implementation Measure I.2.1. This ordinance requires that 10% of the units for ownership residential projects containing 10 or more units to be created as affordable housing units.
Implementation Measure I.4.1	Encourage development of mixed-use projects in the Town Center, the City has adopted the Specific Plan which details policy direction, standards, and guidelines that encourage mixed-use and second-story residential. The City will promote development opportunities in the Town Center. The City will facilitate the development of at least one mixed-use project within the planning period.	December 31, 2023	The City continues to promote and encourage mixed-use development in the Town Center through the availability of the Specific Plan and discussions with potential developers. The Town Center Specific Plan is available at City offices as well as on the City's website.
Implementation Measure II.1.1	Work with housing providers to address special housing needs for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and developmental disabilities, farmworkers, and homeless individuals and families. The City will aim to work with housing providers on at least one project serving a special needs group during the planning period.	December 31, 2023	The City continues to discuss special needs populations with housing providers.
Implementation Measure II.1.2	The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts.	December 31, 2015	On August 16, 2016, the City Council adopted and passed an ordinance specifically allowing employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5.

Implementation Measure I.3.1	The City shall continue to promote the development of second units and will aim to approve two second dwelling units a year.	December 31, 2023	The City continues to promote second dwelling units and provides informational handouts. Two second dwelling units were approved during the 2016 reporting period.
Implementation Measure II.1.3	The City shall amend the Zoning Ordinance to allow transitional and supportive housing in Limited Commercial (LC) zoning district as a residential use subject only to the requirements of other residential uses in this district in compliance with Senate Bill 2 (2007)	One to two years after HE adoption	On August 16, 2016, the City Council passed and adopted an ordinance allowing transitional and supportive housing in the Limited Commercial (LC) zoning district subject only to the requirements of other residential uses in this district.
Implementation Measure II.2.1	City shall authorize regulatory incentives and concessions for development projects that include extremely low-, very low-, and low-income households and special needs groups including disabled and developmental disabled persons. These incentives and concessions include flexibility in development standards, reduction or deferral of certain development fees, priority application processing, and density bonus. The City will aim to facilitate the development of at least one affordable or special needs project during the planning period.	December 31, 2023	The City's Zoning Ordinance allows for flexibility in standards as well as a density bonus for affordable housing developments. The City will also continue to consider regulatory incentives and concessions such as a reduction or deferral in certain development fees and priority application processing. An affordable or special needs project was not built during this reporting year.
Implementation Measure II.2.2	City shall monitor the impact of development fees and consider waiving or deferring fees for affordable housing projects, if and when funding is available.	December 31, 2023	The City continues to monitor the impact of development fees and will consider waiving or deferring fees if there is funding available.
Implementation Measure III.1.1	City shall continue to refer interested persons to the Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City will continue to disseminate information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available.	December 31, 2023	The City continues to promote assistance for first-time home buyers and lower-income renters by referring inquires to County programs and by disseminating information as it becomes available.

Implementation Measure III.1.2	City shall seek funding to develop and implement a down payment assistance program for first-time home buyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate Program, new inclusionary units or alone.	December 31, 2023	The City explored funding sources such as CalHome and HOME and did not find any funding sources available. The City will continue to seek funding in order to implement a down payment assistance program for first time home buyers.
Implementation Measure III.1.3	The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.	December 31, 2023	The City did not have any eligible projects.
Implementation Measure III.2.1	The City will continue to maintain and annually update the inventory of affordable housing projects and identify those that may be at-risk of converting to market rate in the future.	December 31, 2023	The City continues to maintain and annually update the inventory of affordable housing, which includes the date the affordability expires. Annual reports from the privately owned affordable housing units are required to be submitted to the City.
Implementation Measure IV.1.1	The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.	December 31, 2023	The City continually reviews its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws. The City makes updates and changes when necessary to ensure compliance.
Implementation Measure IV.2.1	The City will provide information on proposed affordable housing projects to the public through the City's public hearing process in the form of study sessions, public hearings, and public meetings.	December 31, 2023	The City ensures the public is notified for any City hearings on development projects, including affordable housing projects. For any hearings, a notice would be placed in a local newspaper of general circulation and the property owners within a 300' radius would be notified.
Implementation Measure IV.3.1	The City shall continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the California Fair Employment and Housing Council.	December 31, 2023	The City currently distributes and will continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs.
Implementation Measure V.1.2	The City will review and consider possible amendments to the General Plan, Zoning Ordinance, and related policy and regulatory documents to improve energy conservation beyond CalGreen Tier 1 standards.	December 31, 2017	The City supports and will continue to support energy conservation by encouraging Green Building in both new development and remodels. City staff is aware of this implementation measure and will be bringing this issue for consideration before the City Council in the next reporting period.
Implementation Measure V.1.3	The City will explore home energy and	December 31,	The City has opted into three different PACE programs HERO, Figtree, and

	water efficiency improvement financing opportunities available through PACE programs, such as HERO or Figtree PACE.	2023	CaliforniaFirst.
Implementation Measure VI.1.1	The City shall continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for transferred units.	December 31, 2023	The City supports and will continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for transferred units.
Implementation Measure VI.1.2	The City shall continue to participate in regional efforts addressing housing, employment, and transportation.	December 31, 2023	The City participates in regional efforts addressing housing, employment, and transportation issues by being involved in ABAG's Plan Bay Area process and TRANSPAC (regional transportation planning committee for central Contra Costa).
Implementation Measure VI.1.3	The City shall continue cooperation with the regional/countywide housing task force.	December 31, 2023	The City cooperates and will continue to cooperate with the regional/countywide housing task force.
Implementation Measure VI.1.4	The City shall continue to work with the Association of Bay Area Governments on FOCUS program implementation.	December 31, 2023	The City shall continue to work with ABAG on program implementation for FOCUS. The City supports and encourages infill development, housing near transit centers, and a jobs and housing balance.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction CLAYTON

Reporting Period 01/01/2016 - 12/31/2016

General Comments: